

1 from the house Democratic Caucus, who
2 informed us that our reports were due the
3 next day, Friday the 19th, at noon. And
4 stating that we could file them online, send
5 them to Matt himself, send them to then
6 political director of the House Caucus Grand
7 Official or send them to Abbey Taylor.

8 On the next day, Friday, October 19th,
9 at 9:49 as my emails also show, I sent an
10 email with my campaign finance report
11 attached directly to Abbey Taylor.

12 At roughly 10:30 that morning, Friday,
13 October 19th, got a call from grand official
14 about an unrelated campaign matter.

15 He said, "Oh, by the way, I got a list
16 of candidates from Abbey Taylor of candidates
17 who have not filed their campaign finance
18 reports yet."

19 I said, "No problem. I filed them
20 about 30 to 40 minutes ago."

21 He said, "Okay. I'll check with Abbey
22 and let you know."

23 Important to note, I'm not blaming
24 anybody in this situation. As you'll see, I
25 was failed by technology, not by any person.

1 So, again, at this point, I never
2 got -- I never received any response to the
3 email with the campaign finance report. No
4 bounce-back that it didn't go through. No
5 response. No confirmation from Abbey Taylor,
6 which was fine because I imagined that
7 everyone was trying to get their things in at
8 that point, and she was just bogged down.

9 So, again, I thought I was good until
10 October 24th -- Wednesday, October 24th, when
11 I got a letter in the mail stating that my
12 campaign finance report was delinquent.

13 As a first-time candidate, I went into
14 full-on panic mode. And I'm not sure what
15 she could have done, but I decided to call
16 Abbey Taylor's office at that point after
17 hours. Again, not sure why. But I panicked,
18 and I left her a voicemail because obviously
19 she wasn't in.

20 She got back with me the very next
21 morning. Very first thing. I can't remember
22 whether it was a phone call or an email. But
23 at 8:06 as my email shows, I resent -- after
24 talking with Abbey -- I resent my campaign
25 finance report. And she acknowledged, again,

1 that she did not get it, that the issue was
2 that the file was too large. That fact came
3 to light after trying faxing, emailing again.

4 What finally worked was we had to
5 break it into three separate emails in order
6 to get it to go through. So, again, given
7 all this information, I just -- I ask for
8 your mercy. It wasn't like -- it was not
9 laziness on my part. It wasn't -- my
10 campaign finance report -- I don't know
11 technically or legally -- I sent it in two
12 hours before the report was due in a fashion
13 that I was told I could.

14 Going forward obviously as now
15 required by law, I'll be putting them in
16 online. And after this incident with
17 supplemental reports and my annual report, I
18 felt like I became a little bothersome to
19 Abbey because I would send it, I would wait
20 about an hour, and I would send a
21 confirmation email, "Hey. Did you get
22 this?"

23 So, again, as with most people, no
24 malicious intent on my part.

25 MS. TAYLOR: Hey. We're good friends

1 now.

2 MR. MILLER: Yes, we are.

3 MR. OKESON: Just to clarify, your
4 contention is that you attempted to send it
5 in email.

6 MR. MILLER: Correct.

7 MR. OKESON: Your assumption was that
8 it successfully went through.

9 You did not receive it?

10 MS. TAYLOR: Correct.

11 MR. MILLER: Typically, you'll get --
12 if a file's too large or something, you'll
13 get a bounce-back email saying never
14 received.

15 MS. NUSSMEYER: Mr. Chairman, if I
16 may, I looked at the emails and that is
17 Abbey's email address, abtaylor@iec.in.gov.
18 And I don't know if it got caught up in a
19 spam filter or what have you --

20 MR. OKESON: Well, I was going to
21 ask --

22 MS. TAYLOR: I think the file size was
23 too big. It never did come through. I don't
24 remember having to --

25 MR. OKESON: You reviewed your spam

1 folder?

2 MS. TAYLOR: Yeah.

3 MS. NUSSMEYER: Generally speaking,
4 25,000 is where it starts to come back. So
5 it's possible.

6 MR. OKESON: Is there precedence
7 for -- Mr. King -- the Chair recognizes
8 Mr. King to make a statement on that, please.

9 MR. KING: Mr. Chairman and members
10 of the commission, just to mention that as
11 the committee did just now allude to there
12 has been a change in law effective July 1st
13 so that from this point going forward, all
14 candidates for legislative office will be
15 required to file online. And so we will not
16 have problems in the future regarding faxes,
17 attachment sizes not making it through.

18 And there is precedence in the
19 commission's prior proceedings where a
20 technical glitch on commission's end has been
21 grounds for the commission to adopt a motion
22 to dismiss.

23 MR. OKESON: Would anyone care to make
24 a motion to that effect?

25 MS. CELESTINO-HORSEMAN: I would move

1 to dismiss this proceeding on the basis of
2 the technical failures that seemed to have
3 occurred at this time.

4 MR. OKESON: Do I have a second?

5 MS. WILSON OVERHOLT: Second.

6 MR. OKESON: All those in favor
7 signify by saying, "Aye."

8 ALL TOGETHER: Aye.

9 MR. OKESON: Any opposed, "Nay."
10 The ayes have it. Dismissed.

11 MR. MILLER: Thank you.

12 MR. OKESON: Next.

13 Go ahead and state your name, please,
14 and spell it into the microphone.

15 MR. KHARBANDA: Mr. Chairman and
16 members of the commission, and I'm Indiana
17 Election Committee. My name is Jesse
18 Kharbanda, J-e-s-s-e, K-h-a-r-b-a-n-d-a. And
19 I was a first-time candidate for public
20 office in 2016. And this is my first
21 appearance before the commission. The
22 cause --

23 MR. OKESON: What was the committee
24 name?

25 MR. KHARBANDA: JK All the Way. And

1 the cause number is 2018-6793-85.

2 MS. THOMPSON: Mr. Chairman, this is
3 on page 9. It's JK All the Way. Cause
4 number 2018-6793-85. This is a motion to
5 reconsider. This committee was before the
6 board last August. And he's bringing it as a
7 motion to reconsider.

8 MR. OKESON: Is there anything that
9 would be left from that particular meeting
10 that would provide any information on this?

11 MS. TAYLOR: He was not present at
12 that meeting. So he was just assessed the
13 fine at the time.

14 MR. OKESON: Got you.

15 MS. CELESTINO-HORSEMAN: Did you
16 receive notice of the last meeting?

17 MR. KHARBANDA: I did. But let me
18 explain the context as to timing of receiving
19 that notice.

20 MS. CELESTINO-HORSEMAN: Let's
21 shorthand it here.

22 MR. KHARBANDA: Sure.

23 MS. CELESTINO-HORSEMAN: You
24 weren't -- you weren't here at the last
25 meeting. Why was it? Was it because the

1 notice came too late?

2 MR. KHARBANDA: No. I didn't realize
3 that I had received a notice. The notice
4 doesn't come to my home address. It goes to
5 a PO Box. And I had a series of health
6 issues that I wanted to spell out to kind of
7 explain why that's the case.

8 MS. CELESTINO-HORSEMAN: Before you do
9 that, do we have a time limit after judgment
10 is entered, or an order entered for someone
11 to speak to appeal those?

12 MR. OKESON: Mr. Simmons, do you care
13 to address that?

14 MR. SIMMONS: Mr. Chairman, members of
15 the commission, we actually addressed the
16 question to attorney general on that whether
17 there would be any limit to that that makes
18 it whatever commission policy is on that is
19 fine with us. So --

20 MR. OKESON: Right back at you. So
21 we're reconsidering -- is there a file in
22 this matter?

23 MS. TAYLOR: Yes. This is the 2017
24 annual which was due January 2018. Right
25 now, I don't remember the exact date.

1 SPEAKER: January 17 of '18.

2 MS. CELESTINO-HORSEMAN: So
3 Mr. Kharbanda, if we were to reopen this,
4 would you be willing to pay the 25 percent
5 since you didn't have any prior violations?

6 MR. KHARBANDA: I would just like to
7 explain my -- my hope is that this can be
8 dismissed. That is my hope. And I want to
9 sort of lay it out. I've got
10 documentation --

11 MS. CELESTINO-HORSEMAN: Oh, as to why
12 you were late to filing?

13 MR. KHARBANDA: Yes. Exactly.

14 MR. OKESON: I'm having trouble
15 finding the order from the last meeting.

16 MS. TAYLOR: I looked and couldn't
17 find it.

18 MR. OKESON: So there's no copy of the
19 order?

20 MR. SIMMONS: Not that I can find.

21 MR. OKESON: Okay. Yeah. Go ahead.
22 While we're reviewing this, why don't you
23 present any information you'd like us to
24 considered in your matter.

25 MR. KHARBANDA: Thank you,

1 Mr. Chairman. I had filed my 2016 annual
2 report from my candidate committee on time in
3 January 2017. Furthermore, I filed my 2018
4 annual report on time in January of this
5 year.

6 However, I did not file a 2017 annual
7 report on time in January 2018. I did file
8 it in January this year. I had intended to
9 file my 2017 annual report on Saturday,
10 January 13, 2018, but ended up being in the
11 Methodist Hospital emergency room on
12 Thursday, January 11th and Friday, January
13 12th with an upper respiratory bacterial
14 infection and a situation of severe
15 dehydration.

16 I was still quite ill even after I was
17 discharged from Methodist Compounding that
18 infection was my contending with an original
19 emergency room bill of \$10,433, and an
20 original ambulance bill of \$1,939.
21 Documentation for both bills are attached,
22 which I would be happy to give to the
23 commissioners and the counsel.

24 MR. OKESON: Please present that to
25 Co-counsel Simmons.

1 MR. KHARBANDA: As you can imagine,
2 commissioners, the repercussions of my
3 emergency room visit threw off everything in
4 my life for a while, including my plan to
5 draft the 2017 annual report on January 13,
6 2018. My health challenges, furthermore,
7 were not restricted to my emergency room
8 visit.

9 In January 2018, I ended up being in
10 urgent care in South Bend on March 21, 2018.
11 And over the course of 2018, I ended up
12 having an additional ten different medical
13 appointments, largely, to deal with very
14 severe sinus, ear, and nose
15 inflammation-related issues.

16 I regret that all of these unexpected
17 issues led me to overlook filing the 2017
18 annual report in 2018. I did file the 2017
19 report in January 2019. Please do note that
20 I received no campaign contributions in 2017,
21 2018, or this present year.

22 I would be very grateful if you could
23 please dismiss this case and waive the
24 thousand-dollar penalty in light of the
25 considerable extenuating circumstances with

1 regard to my health in 2018. As well as
2 considerable unexpected medical expenses in
3 2018.

4 I assure you that I will diligently
5 file my campaign finance reports going
6 forward just as I have done this year. Thank
7 you very much.

8 MS. CELESTINO-HORSEMAN: Can I ask
9 when was this report due?

10 MS. TAYLOR: January 17, 2018.

11 MS. CELESTINO-HORSEMAN: Why did it
12 take you a year to file the report? I mean,
13 I understand if you were in the hospital at
14 the time. But why a year?

15 MR. KHARBANDA: Honestly, I was just
16 so consumed with health issues throughout
17 that year that it just left my radar. You
18 know, I've never had a year of this much
19 physical challenge, ten medical appointments,
20 one visit to the urgent care, two-day visit
21 to the emergency room. It just was a year of
22 real trial for my health. This year's much
23 better. I don't foresee anything serious
24 happening that would prevent me being very
25 diligent, very timely in the future. And I

1 just would appreciate your clemency given the
2 health and financial challenges I faced in
3 2018.

4 MS. CELESTINO-HORSEMAN: Did you have
5 a treasurer?

6 MR. KHARBANDA: I was the treasurer.
7 This reflects, again, as far as it's been
8 my -- you know, noviceness in running for
9 office.

10 MS. CELESTINO-HORSEMAN: But you're
11 keeping your committee open?

12 MR. KHARBANDA: I'm willing to close
13 my committee if that would move the
14 commission to dismiss this case.

15 SPEAKER 1: Do you have any balance in
16 your account?

17 MR. KHARBANDA: I do. I don't know
18 how much precisely, but it's fairly modest.

19 MS. TAYLOR: The last report showed a
20 balance of \$4,884.15.

21 MR. KHARBANDA: But I want to mention
22 that there are debts that I -- there are
23 expenses that I incurred that are debts to my
24 committee. So once those are reimbursed by
25 the committee, it will be a very small --

1 very modest amount of money. I would
2 think -- I don't know if you --

3 MS. TAYLOR: \$1400 in debts?
4 \$1,419.92.

5 MS. CELESTINO-HORSEMAN: That's a
6 balance of a \$2600 or so.

7 MS. TAYLOR: Yeah.

8 MR. OKESON: Counsel Simmons, I assume
9 there's precedence for financial and health
10 hardships in the past matters similar to
11 this?

12 MR. SIMMONS: Sure. That's within the
13 discretion of the commission.

14 MR. OKESON: Co-counsel Kochevar, do
15 you have anything you'd like to add?

16 MR. KOICHEVAR: No, I concur that it's
17 at the discretion of the commission. The
18 commission has considered health and official
19 hardships in the past.

20 MR. OKESON: Is there a motion of any
21 sort for anything?

22 MS. CELESTINO-HORSEMAN: You know, my
23 hesitation here is just that -- it kind of
24 puts us in a trick box. Because at what
25 point -- I mean, you were in the hospital on

1 the 11th and 12th. This report was due on
2 the 17th. It took the year to get it in.
3 And I understand we've all been there having
4 bad years. But what point do we say, "Okay.
5 This person's illness implicated that."

6 I mean, two days out, three days out,
7 five days out? I mean, that's the problem I
8 have here. So I'm going to go back to my
9 first question. Would you be willing to pay
10 25 percent of the penalty?

11 MR. KHARBANDA: Well, my hesitation is
12 simply that I have a sterling record in my
13 professional life, and I'd like that
14 reflected in my brief tenure in my political
15 life. I simply would like to not have the
16 black mark. It's not so much money. It's
17 just the desire to have a sterling record,
18 not to have a black mark.

19 MS. CELESTINO-HORSEMAN: You realize
20 that after you would pay it, which you could
21 use your campaign funds to pay it --

22 MR. KHARBANDA: Yes.

23 MS. CELESTINO-HORSEMAN: -- that you
24 could close the committee. And then any
25 subsequent committee you'll open, this will

1 not be reflected on it.

2 MR. KHARBANDA: I understand. I
3 understand. I'm not trying to be stubborn.
4 I appreciate your point. I think that the
5 distinction is -- if this was, you know, a
6 one-time illness, which we all have
7 throughout the year, you know, that would be
8 one matter.

9 But I think this is a qualitative
10 difference. You know, two days in the
11 emergency room. And then pretty much having
12 to take much of the next week off because of
13 illness. I mean, I remember missing a
14 meeting where we were presenting, in my
15 professional life, an opportunity to be
16 before foundations.

17 I mean, it was a rather consequential
18 health episode that lasted for several days
19 beyond that, including beyond the deadline of
20 -- for the report. And then, furthermore,
21 the ten medical appointments that I've had.
22 There's no comparison in my 40-plus years of
23 that type of health hardship. In my entire
24 life. I assure you.

25 And, you know, you have that

1 documentation that demonstrates it there.
2 You know, just the magnitude of the health
3 issue would not have been \$10,000 if it
4 weren't a serious health issue.

5 I just please ask for your -- one
6 time. This will be the only time I'll appear
7 before the commission because I pride myself
8 on being diligent. And I just, you know,
9 appreciate your clemency in a lot of the
10 health and financial circumstances.

11 MR. OKESON: Any other questions?

12 MS. BECKLEY: I guess as far as
13 discussion, I don't have a problem with that
14 he filed late. I think that would be, within
15 my view, something that's extenuating
16 circumstances. It's the ten months
17 afterwards where I'm struggling to get beyond
18 at least a 25 percent penalty.

19 You have the extra funds. It does not
20 seem like you're planning to use them. It
21 seems like you might be considering to close
22 the committee. I don't know. I kind of
23 defer to what you guys would think on that
24 matter.

25 MR. OKESON: Should we go for a motion

1 first before we get into discussion?

2 MS. CELESTINO-HORSEMAN: My motion
3 would be to impose the recommended percentage
4 of the proposed fine plus mailing costs.

5 MS. BECKLEY: So the \$1,000?

6 MS. CELESTINO-HORSEMAN: Yes.

7 MR. OKESON: So I have a motion to
8 impose the full fine plus mailing costs. Do
9 I have a second?

10 MS. BECKLEY: I'll second.

11 MR. OKESON: I have a second. Any
12 discussion?

13 MR. KHARBANDA: Could I please -- is
14 there an opportunity to speak?

15 MR. OKESON: You've had your chance to
16 present.

17 MS. BECKLEY: So I've seconded it.
18 Which means we can discuss this.

19 So maybe if -- maybe we can go less
20 than the full, which is why we advise people
21 in the beginning of this meeting because
22 that's what you face. So if you get anything
23 less than full, you should still be thankful.
24 And I would say that I would be willing to
25 consider less than full.

1 MR. OKESON: So correct me if I'm
2 wrong, Counsel Simmons. But we have a motion
3 and second. We would have to vote on that?

4 MS. BECKLEY: We can move to amend.

5 MR. SIMMONS: Any vote on a motion to
6 reduce has to be unanimous to reduce.

7 MR. OKESON: Correct. But we have a
8 motion and a second. Now, I think what I'm
9 hearing is entertaining -- yeah. I'm just
10 trying to think procedurally.

11 MR. SIMMONS: Well, the commission has
12 an unlimited amending pending motions. But I
13 think it's better to get rid of a motion
14 before you do --

15 MR. OKESON: Do I have to take a vote
16 to get rid of the previous motion?

17 MS. CELESTINO-HORSEMAN: I think
18 that's a better way to do it.

19 MR. OKESON: Can I get a vote to
20 dispose of the previously proposed motion?

21 MS. CELESTINO-HORSEMAN: Are we voting
22 on the motion or the --

23 MR. OKESON: Yeah. We can vote on its
24 passage, and then -- so I have a motion and a
25 second to impose the full penalty plus

1 mailing costs. All those in favor signify by
2 saying, "Aye."

3 MS. CELESTINO-HORSEMAN: Aye."

4 MR. OKESON: Any opposed?

5 ALL TOGETHER: Nay.

6 MR. OKESON: Motion fails. Okay.

7 MS. BECKLEY: So now we can reopen.

8 MR. OKESON: Can I entertain another
9 motion?

10 MS. BECKLEY: To my opinion, I think
11 -- if I could offer the 25 percent. Again,
12 it's not about the first medical issue. I
13 would be completely understanding of that.
14 It's the ten months after. So I would be
15 willing to make a motion if you're willing to
16 accept the 25 percent penalty for the
17 first-time offense, I would be willing to
18 accept that.

19 MS. CELESTINO-HORSEMAN: What's the
20 point of order over here for a minute
21 because -- so a part of this is we got a
22 motion to reconsider. So are we considering
23 -- so we have a motion to reconsider. And we
24 have the substance. So I guess -- I mean, so
25 I will -- maybe I'll try a motion that might

1 pass.

2 So I'll -- but I would move, I guess,
3 that we grant the motion to reconsider.
4 Which is only the procedural "yes, we will
5 hear this matter." I just want to make sure.
6 So I move that we grant the motion to
7 reconsider.

8 MR. OKESON: Do I have a second?

9 MS. WILSON OVERHOLT: Second.

10 MR. OKESON: All in favor say, "Aye."

11 ALL TOGETHER: Aye.

12 MR. OKESON: Opposed, "Nay."

13 Okay. All right. Now, motion.

14 MS. BECKLEY: I move that we impose a
15 fine of 25 percent of the original penalty.

16 MR. OKESON: Do you want mailing costs
17 on that?

18 MS. BECKLEY: And mailing costs.

19 MR. OKESON: Is there a second?

20 MS. CELESTINO-HORSEMAN: I will
21 second.

22 MR. OKESON: Any further discussion?

23 MS. WILSON OVERHOLT: I think my
24 further discussion is do we need to close the
25 committee? Or do we need to put a

1 stipulation to close it?

2 MS. CELESTINO-HORSEMAN: And that's
3 his choice. You'll have to keep -- as long
4 as it's opened, he has to keep filing reports
5 and everything.

6 MS. WILSON OVERHOLT: All right.

7 MR. OKESON: Any other discussion?
8 Having a motion and seconded. Take a vote.
9 All those in favor say, "Aye."

10 ALL TOGETHER: Aye.

11 MR. OKESON: Opposed? None. Motion
12 carries.

13 MR. KHARBANDA: . Okay. Thank you.

14 MR. OKESON: You'll be notified as to
15 when to pay your fine.

16 Will you state your name and spell it
17 for the us into the microphone.

18 MS. RENSLOW: It's Jessica Renslow,
19 J-e-s-s-i-c-a, R-e-n-s-l-o-w.

20 MR. OKESON: Committee name?

21 MS. RENSLOW: Friends of Jessica
22 Renslow.

23 MR. OKESON: Cause number?

24 MS. TAYLOR: This is on page 76.

25 MS. RENSLOW: 2019-7024-116.

1 So I have a letter from my treasurer.
2 Can I read that first? She wasn't able to
3 take off work today. This is my chairperson.

4 MR. OKESON: Go ahead.

5 MS. RENSLow: On the evening of April
6 20, 2019, the Friends of Jessica Renslow
7 received two large contributions not more
8 than 25 days before convention, primary, or
9 general election. And ending 48 hours before
10 convention, primary, or general election, we
11 had filed our preprimary report that same
12 afternoon.

13 We took this to mean that we were
14 within the correct time to not have to file a
15 supplemental report as the contributions were
16 donated 19 days before the primary and less
17 than 48 hours after the primary.

18 Additionally, they were donated after
19 the preprimary report due date of April 20,
20 2018,, at noon. Primary filings for the
21 report went from January 1st to April 14th of
22 2018. We thought we were following the 2018
23 campaign finance manual correctly. It is
24 with great concern and our sincerest
25 apologies that we discovered that we were not

1 correctly interpreting this section of the
2 2018 campaign finance manual.

3 It was our intention to follow the
4 letter of the law. This is why we recorded
5 two contributions on our 2018 annual report.
6 We should have called the secretary of
7 state's office for clarification on this
8 matter. And it is with the very deepest of
9 regrets that we did not.

10 It is my hope your commission will
11 understand that the Friends of Jessica
12 Renslow is a new organization. And we know
13 that this was a terrible error, one we will
14 never repeat. I am unable to be there today
15 due to a previous commitment.

16 Jessica Renslow, our candiate, and
17 Gretchen Sip, the chairwoman of Jessica
18 Renslow, are here on my behalf and the behalf
19 of our organization. Please accept our
20 apologies and consider them when conducting
21 your assessment process. Sincerely, Rose
22 Lige, Treasurer. The Friends of Jessica
23 Renslow.

24 MR. OKESON: Question for me. So if I
25 could summarize the letter, what I hear you

1 stating is that you simply are asking for
2 mercy on missing --

3 MS. RENSLOW: Yeah. We're new to this
4 process. And the committee opened in 2017.
5 And with that, because I was not a candidate
6 in 2017, we had all of our large item
7 contributions due with our annual report.
8 And because I was not successful in my
9 primary, Representative Hatcher won it.

10 So with that, we thought because I was
11 not a candidate in the general, that it
12 wasn't due in October. And we were very
13 surprised to find out it was actually due in
14 April since we turned it in with the annual
15 report. It was not intentional.

16 MS. WILSON OVERHOLT: So in other
17 words, ignorance of the law.

18 MS. RENSLOW: Yeah. And
19 misinterpretation of it. Obviously.

20 MS. CELESTINO-HORSEMAN: I was just
21 asking -- what's confusing to me about the
22 information in front of us -- so what type or
23 report (inaudible) and how did --

24 MS. TAYLOR: This is for CFA-11. The
25 supplemental that's in that box there. She

1 did file the preprimary late and paid the
2 settlement agreement on that one.

3 This was a large contribution that was
4 reported on the annual report. The
5 contribution was received inside the
6 preprimary supplemental reporting period,
7 which is the 25 days before the primary
8 election. And it was not recorded on the 11
9 at that time.

10 MS. NUSSMEYER: Mr. Chairman, if I
11 may. So I'll let Abbey and Michelle correct
12 me if I'm wrong here.

13 But when annual reports are filed, our
14 campaign finance system is able to audit to
15 look for contributions of a thousand dollars
16 or more that would have been received within
17 the very distinct window of time before the
18 preprimary and before the preelection
19 reports.

20 And during those audits is when we
21 will then send notices to committees that it
22 appears that you've disclosed on your annual
23 report a large contribution during this
24 window of time that you should have filed the
25 CFA-11 or the 48-hour contribution notice.

1 And that's basically what I'm hearing from
2 Abbey is what happened here, is that through
3 our audit, we discovered that this large
4 contribution report was not filed. Does that
5 help you? I hope.

6 MS. RENSLOW: And I called immediately
7 as soon as we received it because I was,
8 like, very surprised.

9 MR. OKESON: Mr. King, do you have
10 anything you'd like to offer?

11 MR. KING: No, Mr. Chairman.
12 Co-director Nussmeyer very eloquently
13 summarized the procedures we take to identify
14 the large supplemental reports.

15 Just speaking in general, the purpose
16 is to give the public notice of large
17 contributions coming in shortly before the
18 election, but after the regular reporting
19 period has ended.

20 MS. CELESTINO-HORSEMAN: And so was
21 this ever filed or --

22 MS. RENSLOW: No. I did not realize
23 that I needed to file it because I was not
24 technically a candidate in the general
25 election, which we thought -- because it was

1 between the 25 days before the primary and
2 within the 48 hours after the primary that we
3 were in the correct window. But we did not
4 read it correctly.

5 SPEAKER: But you got the notice
6 telling you that you needed to file it,
7 that's why?

8 MS. RENSLOW: I got it this year in
9 the spring. And then I said is there
10 anything that I should do next? And they
11 said to show up at this hearing.

12 MR. OKESON: Is there a motion?

13 MS. BECKLEY: This is what violation?

14 MS. TAYLOR: Her second.

15 MR. OKESON: I'll make a motion. I'd
16 move to impose full plus mailing costs on
17 this matter. Is there a second?

18 MS. CELESTINO-HORSEMAN: I'll second.

19 MR. OKESON: There's a second. Any
20 discussion?

21 MS. BECKLEY: I guess -- to me, I
22 would not want to offer the 50 percent.
23 Because you had the opportunity to come up
24 and plead for the first time. And the way I
25 remember it in the past, we have precedent to

1 allow you to argue your case. And then back
2 down to the argument number.

3 But I don't know. 75 percent or
4 something would be like a third fine or
5 something like that. A little bit of a
6 break. But, I mean, frankly, the law's the
7 law. You're not entitled to not know the law
8 and use that as an excuse.

9 So I would be okay with doing a 75
10 percent fine. I don't know what this table
11 would be -- if anyone at this table that is
12 interested in the 75 percent.

13 MR. OKESON: We've offered that
14 opportunity at the beginning of the session
15 so --

16 MS. RENSLOW: I'm sorry. And I know
17 it was a gamble to come up here. But I
18 really wanted to make sure that everybody
19 knew that it was not intentional.

20 MR. OKESON: I understand. So we're
21 in discussion.

22 MS. BECKLEY: I hear exactly what you
23 all are saying. I mean, technically if she
24 would have accepted the offer, she would
25 qualify for 50 percent?

1 MS. TAYLOR: Yes.

2 MS. BECKLEY: So is your committee
3 still open?

4 MS. RENSLOW: It is, yeah.

5 MS. BECKLEY: Okay. So is there a
6 balance?

7 MS. RENSLOW: We are in the negative.

8 MS. BECKLEY: So 75 percent, 100
9 percent, it doesn't matter, right? So 75 --
10 I would go for 75 percent. Only because it
11 sends a message that, you know, take the deal
12 when you got a chance.

13 Because we warned you about having --
14 you have to have a really good excuse. I
15 mean, you can imagine. If everybody came up
16 here, people would've been doing it for a
17 while and said, "I didn't know the law." But
18 having said that, I would be willing to do 75
19 percent.

20 MR. OKESON: Okay. So we have a
21 motion for the full penalty and mailing
22 costs; a second. So we'll need to vote on
23 that.

24 All those in favor say "Aye."

25 Aye.

1 All those opposed, "Nay."

2 ALL TOGETHER: "Nay."

3 MR. OKESON: Motion fails.

4 MS. BECKLEY: I would move to impose a
5 fine 75 percent of the initial fine.

6 MR. OKESON: I think we have to reopen
7 procedurally. We can just offer another
8 motion? Okay. I'm sorry. Go ahead.

9 MS. BECKLEY: I would move that we
10 impose a fine of the 75 percent of the
11 original fine.

12 MR. OKESON: Mailing costs?

13 MS. BECKLEY: Plus mailing costs.

14 Thank you.

15 MR. OKESON: Having a motion. And a
16 second?

17 SPEAKER: I'll second.

18 MR. OKESON: All those in favor
19 signify by saying, "Aye."

20 ALL TOGETHER: Aye.

21 MR. OKESON: All those opposed?
22 Hearing none. The motion carries. Thank
23 you.

24 State your name for us.

25 MS. MCMILLAN: Deanna McMillan,

1 D-e-a-n-n-a, McMillan, M-c-M-i-l-l-a-n.

2 MR. OKESON: The committee name?

3 MS. MCMILLAN: Administrative cause
4 2018-6830-87.

5 MR. OKESON: What was the name of the
6 committee?

7 MS. MCMILLAN: Deanna McMillan
8 Director Path 2016.

9 MS. THOMPSON: Mr. Chairman, on
10 page 9. Cause number 2018-6830-87. This
11 committee was continued at the last hearing
12 for her to close the committee. The
13 commission at that time didn't give us
14 direction of whether once she closed it, if
15 she had to come back or not. So we suggested
16 she come back.

17 MS. TAYLOR: Because you told us on
18 the rest of them when they didn't need to
19 come back, and we felt like she might be
20 singled out. So we wanted to make sure she
21 was back.

22 MR. OKESON: Has she closed it?

23 MS. THOMPSON: She has closed it.

24 SPEAKER: So what was supposed to
25 happen?

1 MS. MCMILLAN: I was supposed to close
2 it.

3 SPEAKER: She was supposed to close
4 it. And she did.

5 MR. OKESON: I (inaudible) the
6 conditions for the dismissal.

7 MS. MCMILLAN: I didn't want to take
8 any chances.

9 MR. OKESON: Is there anything else,
10 Mr. King?

11 MR. KING: No.

12 SPEAKER: Sorry you had to come back.

13 MR. OKESON: Do I have a motion?

14 MS. MCMILLAN: I appreciate the
15 opportunity to not have to pay. In the last
16 60 days my husband passed away unexpectedly.
17 And I just didn't want to take any chances.

18 MR. OKESON: I thank you for being
19 here.

20 MS. MCMILLAN: Thank you.

21 MS. CELESTINO-HORSEMAN: I move to
22 dismiss.

23 MR. OKESON: Second?

24 SPEAKER: I'll second.

25 MR. OKESON: Any discussion? All

1 those in favor vote by saying, "aye."

2 All TOGETHER: "Aye."

3 MR. OKESON: "Nay?" Hearing none.

4 Motion carries. Thank you. Dismissed.

5 MR. JACKSON: Phillip Jackson,
6 J-a-c-k-s-o-n, on behalf of Labors Local 41
7 Political Fund. Cause number 2019-6463-95.

8 MS. TAYLOR: It's on page 63. Labors
9 Local 41 Political Fund. Cause number
10 2019-6463-95. This is the first time before
11 the commission, opposed civil penalty of
12 \$200.49.

13 MR. JACKSON: Our client, Labors Local
14 41 Political Fund, received correspondence
15 stating their form CFA-4 reported receipts
16 and expenditures of a political action
17 committee was received late by your office
18 for the reporting period referenced above.

19 The tracking and confirmation of the
20 United States Postal Service states the
21 following: The CFA-4 form arrived at the
22 location on Friday, October 19, 2018, prior
23 to noon filing deadline.

24 It was confirmed on delivery that the
25 form was attempted unsuccessfully on October

1 19, 2018, later that same day. The CFA-4 was
2 later accepted by your office early in the
3 morning of Monday, October 22, 2018. Based
4 upon the facts and circumstances outlined
5 above, the submitted form CFA-4 did arrive
6 timely as required by the filing deadline.

7 However, due to process administrative
8 reasons, the office did not acknowledge
9 receipt of these forms until Monday,
10 October 22, 2018.

11 Therefore, under Indiana code
12 3-9-4-16, subsection A, subsection 1, the
13 election division report should be deemed
14 timely filed as required under Indiana code
15 3-9-5. As (inaudible) to our client in this
16 matter and pursuant to Indiana code 3-9-4-19,
17 we respectfully request a waiver of any
18 potential penalty based upon circumstances
19 previously mentioned.

20 Additionally, in an attempt to resolve
21 this matter prior to the hearing scheduled
22 for July 26, 2019, was made. However, the
23 staff member of the agency confirmed that a
24 formal hearing must still occur.

25 And also we'd like to have this matter

1 dismissed as well.

2 SPEAKER: So let me ask you -- does it
3 say in the code as to how the campaign
4 finance reports are -- or I mean, they have
5 to be received? Is that just the governing
6 line? Which is not like it says it needs to
7 be by certified mailing or anything else?

8 MR. KOICHEVAR: Indiana code 3-9-5-7,
9 subsection B1, reports must be filed as
10 follows: Hand-delivered reports or reports
11 transmitted by mail must be filed with the
12 appropriate office during regular office
13 hours, not later than noon, seven days after
14 the date of the report.

15 I will also note, under 3-5-9, for
16 those reports to be filed an actual physical
17 copy either given by hand delivery or mail
18 must have a filed stamp on it to be
19 considered filed.

20 MR. OKESON: Counsel Simmons?

21 MR. SIMMONS: Just to add to the
22 citation that has already been made that we
23 have a definition of filing. And the code
24 35224.5. And certainly, with respect to
25 paper filings, it requires not only a

1 receipt, but a recording of the time/date
2 received by staff on the document itself.

3 MR. OKESON: So what I'm hearing is
4 between the two co-counsels consensus on the
5 fact that discussion of the filing is not
6 correct. The evidence offered here is not
7 accurate. It was not filed timely. Is that
8 what I'm hearing?

9 MR. SIMMONS: Yes. Not according to
10 the definition of filing.

11 SPEAKER: Okay. So now -- and it
12 wasn't received. You sent it FedEx?

13 MR. JACKSON: I sent it United States
14 Postal Service. We have the tracking number
15 and confirmation number here.

16 MS. CELESTINO-HORSEMAN: Okay. So
17 who's -- did someone have to sign for it?

18 MR. JACKSON: That's what it says. It
19 says on here as of -- it arrived here on
20 October 19, 2018, at 10:31 a.m. And then
21 unfortunately it says another attempt to
22 deliver later that day. It says, "Delivery
23 attempted. No access to deliver to
24 location."

25 MS. THOMPSON: What we believe

1 happened is it was delivered to our mailroom.
2 And then we didn't receive it that day. The
3 next -- which would have been Monday -- when
4 we went down and got the mail, it was signed
5 for and brought up to us and we file-stamped
6 it.

7 MS. NUSSMEYER: Mr. Chairman, if I
8 might. It's not our mailroom. It's the
9 division's mailroom.

10 MS. THOMPSON: Oh, sorry. Yeah.

11 MS. NUSSMEYER: It is the mailroom for
12 the entire government center complex. And
13 they receive mail, sort it, and then deliver
14 it to the agencies, you know, when they have
15 staff available to do that.

16 And our staff actually goes down and
17 checks mailboxes and other things too. So
18 maybe the mailroom staff was not there to
19 receive the mail when it arrived.

20 MR. OKESON: Co-director King, do you
21 have anything you would like to offer?

22 MR. KING: No, Mr. Chairman. Just to
23 add, again, that the critical factor under
24 the law is that for the benefit of the
25 public, the document has to be on file in the

1 election division for inspection and that
2 filing does not legally happen until it's
3 been filed-stamped and is pressed with our
4 office.

5 MR. OKESON: So U.S. Postal Service
6 notations about attempts to deliver are not
7 --

8 MR. KING: Or to phrase it another
9 way, in many other instances of the law,
10 there's a postmark rule that says filings are
11 timely postmarked but that --

12 MR. OKESON: Okay.

13 MS. CELESTINO-HORSEMAN: I guess I
14 would say if -- so was it -- the date of
15 delivery to the government center was what?

16 MR. JACKSON: It says 19th. At
17 10:30 a.m.

18 MS. CELESTINO-HORSEMAN: Which is the
19 due date?

20 MR. JACKSON: Yeah.

21 MS. CELESTINO-HORSEMAN: Okay. I
22 guess -- so my concern is that I feel like
23 this is because -- well, I mean, I know from
24 experience trying to get things to people and
25 the government center that, you know, things

1 literally can get lost in the mail in this
2 building. And I am concerned that we have
3 people from all over the state, obviously,
4 having to file these reports.

5 And so say that if you put something
6 in the mail, you get delivered, you got proof
7 of delivery that it was actually in this
8 building prior to the due date. But then it
9 depends on well, did election staff happen to
10 come down and check their mailbox? Or did
11 someone from the mail center happen to decide
12 to make a delivery?

13 That concerns me. That's what I
14 hear -- because the thing is that we don't
15 want to require people from Gary to drive
16 down to Indianapolis as a way to ensure that
17 their things are getting filed in the office
18 and stamped.

19 So I just -- I think -- so I think we
20 need to consider -- I understand what the
21 statute says. We're being confronted with
22 something that says that this item was
23 actually delivered in this building prior to
24 the due date. I don't know.

25 MR. OKESON: Is there evidence to that

1 effect? Is there U.S. Postal --

2 MS. CELESTINO-HORSEMAN: I thought
3 that's what you were looking at.

4 MR. JACKSON: I sent it also in an
5 email, too, just yesterday.

6 SPEAKER: Oh, I was looking at the
7 envelope.

8 MS. NUSSMEYER: Do you have a copy of
9 that that you could share with us?

10 MR. JACKSON: I do. Absolutely.

11 MR. OKESON: Could you please hand it
12 to co-counsel.

13 MS. NUSSMEYER: What made you think it
14 would get here before noon?

15 MR. JACKSON: What's that?

16 MS. NUSSMEYER: What made you think it
17 would be delivered before noon?

18 MR. JACKSON: Well, the other thing,
19 too, is our client is located in Munster,
20 Indiana. So it'd be a pretty large
21 (inaudible) for them to try and --

22 MS. NUSSMEYER: Right. But why --
23 well, they could have sent it by fax. They
24 could have filed it online. But what I'm
25 asking is, all right, so it wasn't delivered.

1 When you mailed it, what made them believe
2 that it was going to be delivered by noon on
3 that day?

4 MR. JACKSON: I honestly don't know
5 that I could answer that accurately. And
6 quite honestly, I mean, I think they were
7 making their best attempt to get it --
8 because we've actually -- as a CPA, we
9 actually prepared the form for them, sent it
10 to them, and then the transmission situation
11 of what I'm getting at.

12 MS. NUSSMEYER: Because I'm not aware
13 of the postal service having been Federal
14 Express.

15 MR. OKESON: Have they had any past
16 actions?

17 MS. TAYLOR: No. No. This is their
18 first.

19 MS. NUSSMEYER: You know, I mean, I
20 wouldn't know. I mean, whatever happens here
21 today, you need to go back and tell them --
22 when you're going to mail this certified
23 mail, you need it to get here by noon on a
24 certain day. That's not the way to go
25 because you can't have any guarantee that

1 MS. CELESTINO-HORSEMAN: Delivery,
2 you're right. Delivery wasn't attempted
3 until the 19th. What was the due date?

4 MR. JACKSON: The 19th.

5 SPEAKER: 19th. But by noon.

6 MR. OKESON: It's at noon, correct?

7 SPEAKER: Yes.

8 MR. OKESON: Co-director King --
9 Co-counsel Simmons, the statute -- will you
10 clarify what time it has to be received upon
11 again.

12 MR. SIMMONS: Well, it has to be noon.
13 Received and filed.

14 MR. OKESON: Received and filed by
15 noon?

16 MR. SIMMONS: Filed as per the
17 definition.

18 MS. CELESTINO-HORSEMAN: So that
19 wasn't timely.

20 MS. NUSSMEYER: Mr. Chairman, if I
21 may.

22 MR. OKESON: Sure.

23 MS. NUSSMEYER: I'll refer to Mr. King
24 and Co-counsel Simmons might have something
25 further. But I do recall, I believe it was

1 it's going to get here by noon.

2 MR. JACKSON: Sure.

3 MR. OKESON: Any other questions?

4 MS. BECKLEY: If I could just ask
5 Mr. Simmons. I think in the past we have
6 negated some of these because of mail issues.
7 But they were like a week-and-a-half issues,
8 correct? Is there precedent for a two-day
9 notice? I mean, he sent it two days before
10 it was due.

11 MR. JACKSON: Is there a day for a
12 two-hour notice because --

13 MS. NUSSMEYER: Oh, this didn't --
14 this says it arrived at unit -- so it arrived
15 at U.S. Postal Service on October 19th at
16 10:31 a.m.

17 And then was delivered here -- they
18 attempted to deliver it at 3:28 p.m. to here.
19 And then when they were unable to do that,
20 they delivered it on the 22nd. So that 10:31
21 time is just saying that it arrived at the
22 postal service here.

23 MR. JACKSON: Oh, my understanding was
24 10:30 was when it arrived in the building
25 here.

1 last year, where a motion was made and passed
2 where the commission did waive a penalty
3 where a piece of mail was delivered to this
4 building, and it arrived before noon.

5 But I believe the PAC had sent it by
6 overnight mail. And they had an expectation
7 that it would arrive and be in our office by
8 noon. And I believe that part of the
9 conversation was there was a reasonable
10 expectation that the mail would be delivered
11 to the government center and received by our
12 office before noon because they had asked for
13 express overnight delivery. And so I believe
14 that might be a similar issue here except for
15 this was not sent by overnight mail.

16 MR. KING: Mr. Chairman, I agree
17 entirely with Ms. Nussmeyer's recollection.
18 If the commission took into consideration the
19 fact that it was entirely reasonable to
20 expect U.S.P.S or private courier delivery by
21 noon if that's what the sender had paid for.
22 And if it was not -- U.S.P.S or the courier
23 failed in their duty, then that was an
24 extenuating circumstance.

25 MR. OKESON: Sure.

1 SPEAKER 1: As opposed to
2 communicating in a way that is not
3 guaranteed.

4 MR. OKESON: Is that the nature of
5 what this was? Was this paid for to be
6 overnighted?

7 SPEAKER 1: No. Certified.

8 MR. OKESON: Certified.

9 I'm going to offer a motion consistent
10 with my last motion that I would move to
11 impose the full fine plus mailing costs for
12 an untimely filing. Is there a second?

13 MS. CELESTINO-HORSEMAN: Second.

14 MR. OKESON: We have a motion to
15 second. Any discussion?

16 All those in favor signify by saying
17 "Aye."

18 ALL TOGETHER: Aye."

19 MR. OKESON: All those imposed, "Nay."
20 Hearing none, motion carries. Next.

21 MR. JACKSON: They have to pay the
22 full entire penalty?

23 MR. OKESON: Correct.

24 MR. JACKSON: Okay.

25 MR. OKESON: Thank you. Next.

1 MS. DAVIS: Good afternoon. My name
2 is Tammy Davis, D-a-v-i-s. And I have two or
3 three cause numbers, but don't hold that
4 against me, please.

5 The first one is 2019-6744-1. The
6 second is 2019-6744-2. And the last is
7 2018-6744-76.

8 MS. THOMPSON: Mr. Chairman, that's on
9 page 5 and page 8.

10 MR. OKESON: Five and eight?

11 MS. TAYLOR: Five, top of six, and
12 eight.

13 MS. THOMPSON: You want to do these
14 one at a time? This is a supplemental
15 report. 2019-6744-1, has proposed civil
16 penalty of \$1,000.50. This committee is --
17 this is the first time this committee has
18 come before the commission.

19 MS. TAYLOR: And it's closed.

20 MR. OKESON: What was that?

21 MS. THOMPSON: It's closed.

22 MR. OKESON: This is the first time
23 before the committee?

24 MS. THOMPSON: Yes.

25 MR. OKESON: Is there any information

1 you'd like to present?

2 MS. DAVIS: Other than the fact that
3 we know that we provided the information
4 late. And listening at how you audit the
5 supplemental or the annual reports to flag
6 it, we missed it.

7 This was our first time -- treasurer's
8 first time, my first time being candidate, we
9 missed it. I don't have any other excuses.

10 MS. NUSSMEYER: So why didn't you take
11 the 25 percent offer?

12 MS. DAVIS: Because I really wanted to
13 come before you and ask for a dismissal of
14 it. This was for --

15 MS. NUSSMEYER: On the grounds that
16 you just didn't know the law?

17 MS. DAVIS: I'm sorry?

18 MS. NUSSMEYER: On the grounds that
19 you just didn't know the law?

20 MS. DAVIS: I wouldn't say that we
21 didn't know it. We understood it after the
22 fact. So we made sure that all of our
23 contributions were filed and recorded and
24 accounted for. And with the large
25 contributions form --

1 MS. NUSSMEYER: But at the time that
2 this happened, what you're saying, the reason
3 why you didn't do it is because you didn't
4 know the law, right?

5 MS. DAVIS: In part. In part. At one
6 point -- and my treasurer and I -- we met
7 about this about two/three days ago.
8 Unfortunately, she had a family engagement
9 and could not be here today. And so there
10 was a point where we attempted to make the --
11 to file the report, and it was in red. It
12 did not allow her to click the submit button
13 or something.

14 And then we -- and I'll just say "we"
15 because I'm part responsible for that as
16 well -- forget to call down to the State to
17 say, "Hey. We tried to file the report.
18 It's in red. We're not able to submit it."

19 And it ended up being submitted after
20 the fact. And then we also had to correct
21 one of the addresses for one of the
22 contributors, Mr. Boyd.

23 MS. CELESTINO-HORSEMAN: Could I ask
24 you a question?

25 MS. DAVIS: Sure.

1 MS. CELESTINO-HORSEMAN: Were you -- I
2 want to make sure I understand something.
3 Were you here last year for the hearings? Or
4 was someone from your committee here?

5 MS. DAVIS: No.

6 MS. CELESTINO-HORSEMAN: So did you --
7 so I'm just looking because our records show
8 that it was continued. And I'm trying to
9 figure out if that was because a request --

10 MS. TAYLOR: She asked for a
11 continuance at that August 2018 hearing for
12 that delinquency. These two are new.

13 MS. CELESTINO-HORSEMAN: Okay. Okay.

14 MS. DAVIS: No, it's fine. I was
15 teaching at a conference.

16 MS. CELESTINO-HORSEMAN: Okay. I
17 understand. So there's no money in the bank
18 account?

19 MS. DAVIS: There is none. And we
20 closed it.

21 MR. OKESON: Is there a motion on this
22 matter?

23 SPEAKER: I would make a motion to --

24 SPEAKER: Yeah. I'll make a motion.

25 I don't see anything (inaudible) health