

1 issues or anything like that. I wish you  
2 would have come forward and taken the 25  
3 percent. I will stay consistent with what  
4 I've said before, and I'll offer 75 percent  
5 fine for all three.

6 MR. OKESON: So I have a motion for 75  
7 percent. Fine reduced to pay 75 percent of  
8 that amount -- that penalty plus mailing  
9 costs?

10 MS. BECKLEY: Plus mailing costs.

11 MR. OKESON: For all three causes?

12 MS. BECKLEY: Yes.

13 MR. OKESON: Do I hear a second? I'll  
14 second it. Discussion?

15 MS. NUSSMEYER: Yes. Thank you. I'd  
16 like to ask Mr. King a question.

17 MR. OKESON: Sure.

18 MS. NUSSMEYER: Mr. King, in the past  
19 when the committee has been closed and  
20 they've come forward, has it been the  
21 practice to go ahead and impose? Or is it  
22 since the committee is no longer in existence  
23 do they go ahead and dismiss it?

24 MR. KING: Commissioner, both cases  
25 have occurred based on the circumstances

1 involved. For example, earlier in this  
2 meeting, a cause was dismissed because the  
3 commission had already heard and asked the  
4 commission to close, and they granted it. So  
5 it was dismissed.

6 There have been other cases where,  
7 even though a committee was closed, the  
8 commission imposed a fine. Under Indiana  
9 law, a court of appeals decision indicates  
10 that a chairman or a treasurer of an  
11 individual committee is personally liable for  
12 any debts of the committee. And so it's not  
13 entirely without legal impact for the  
14 commission to take the other route and impose  
15 penalty.

16 MR. OKESON: Co-counsel Simmons, can  
17 you remind me of the necessary votes to pass  
18 a reduced motion?

19 MR. SIMMONS: Four affirmative votes  
20 of the commission.

21 SPEAKER: What did he say?

22 MR. OKESON: We require four votes on  
23 the reduced -- so I have a motion and a  
24 second. Any further discussion? All those  
25 in favor vote by saying "Aye."

1 "Aye."

2 All those opposed, "nay."

3 ALL TOGETHER: Nay.

4 MR. OKESON: Motion fails. Is there  
5 any further motions on the matter?

6 SPEAKER: I would move to dismiss this  
7 matter. Committee is closed, correct?

8 MS. TAYLOR: Yes.

9 SPEAKER: I would move to dismiss.

10 MR. OKESON: Is there a second?

11 MS. CELESTINO-HORSEMAN: Second.

12 MR. OKESON: Motion and a second. Any  
13 discussion?

14 SPEAKER: What is your reasoning for  
15 dismissal?

16 MS. CELESTINO-HORSEMAN: Well just  
17 based on the past proceedings before this  
18 commission, I feel that my recollection is  
19 that the manner in which maybe we have been  
20 most consistent is that if a committee is  
21 closed or if a candidate or treasurer or  
22 whatever agrees to close the committee that  
23 we have dismissed. Either as we saw today  
24 continued it pending the closure and then we  
25 dismissed. Or if it's already closed and we

1 dismissed the penalties.

2 SPEAKER: They were dismissing  
3 penalties that way -- you remind me of that  
4 -- at the last one, dismissing on the basis  
5 that if he would close a committee, then the  
6 charges would be dismissed.

7 MS. CELESTINO-HORSEMAN: I think it  
8 is -- I mean, my recollection -- and I've  
9 been on the commission a number of years that  
10 -- I mean, I don't recall taking action where  
11 they would end up with -- the treasurer or  
12 the chair being subject to individual  
13 liability for the penalty. I think, without  
14 saying, that's what we've essentially been  
15 drawn to.

16 SPEAKER: Mr. Simmons and  
17 Mr. Kochevar, is that consistent with the  
18 past?

19 MR. KOCHEVAR: That is how I remember  
20 those things in my five years.

21 MS. CELESTINO-HORSEMAN: It's been  
22 five years already?

23 MR. KOCHEVAR: It will be five this  
24 January. So, yes. And that is what has been  
25 done in the past. But I'll hand it over to

1 Mr. Simmons.

2 MR. SIMMONS: Well, I'm going on 20  
3 years. So I have seen about everything I  
4 think you could imagine. I have seen it both  
5 ways. So it is a decision that is left to  
6 the commission.

7 And I would just say while it takes  
8 four votes -- and this is an issue the  
9 commission, you know, has to deal with from  
10 time to time -- to reduce a campaign finance  
11 fine, if they do not reduce it, what happens  
12 is -- and if no motion passes -- there's no  
13 action taken by the commission because  
14 there's a statute that applies to the  
15 commission that it takes an affirmative vote  
16 at least three commission members to take any  
17 official action.

18 So we have had situations where the  
19 commission took no action in a particular  
20 case. So there is those two extremes. We've  
21 seen it.

22 MR. OKESON: So when that happens, you  
23 take a vote and vote the motion fails, then  
24 what? Nothing.

25 MR. SIMMONS: Then nothing. That is

1 the way I've described it. Well, yeah. It  
2 is potentially something that could be  
3 recalled later, I suppose. It's just in  
4 limbo, but no action is taken that day.  
5 Nothing happens that day.

6 MR. OKESON: So kindly repeat your  
7 motion for me.

8 MS. NUSSMEYER: Oh, I move to dismiss.  
9 Don't you think?

10 MR. OKESON: And you seconded it,  
11 correct?

12 MS. CELESTINO-HORSEMAN: And I  
13 seconded it, yes.

14 MS. NUSSMEYER: Because the committee  
15 was closed.

16 MR. OKESON: All right. All those in  
17 favor signify by saying, "Aye."

18 ALL TOGETHER: "Aye."

19 MR. OKESON: All those opposed, say  
20 "Nay."

21 Nay.

22 SPEAKER: Nay.

23 MR. OKESON: Motion fails.

24 MS. CELESTINO-HORSEMAN: Well, we  
25 could do somewhere between the 75 percent.

1 MR. OKESON: Or we move on.

2 MS. CELESTINO-HORSEMAN: Or just move  
3 on, yeah, I guess.

4 MR. KOCHEVAR: I would just like to  
5 add on one other thing to Mr. Simmons'  
6 comment. Yes, while I believe you could  
7 continue, I think it would continue up until  
8 a statute of limitations would apply.

9 I think in this case, and I will stand  
10 corrected by Mr. Simmons, I believe the  
11 statute of limitation on these cases since it  
12 involves a potential penalty so a (inaudible)  
13 before property from one person to the state,  
14 that would be two years. But, again, I will  
15 yield to Mr. Simmons.

16 MR. SIMMONS: We've had those  
17 discussions in the past. And we actually --  
18 prior co-counsel -- and I'll check with  
19 attorney general on that question there.  
20 Their best opinion -- although there was no  
21 particular statute, their best (inaudible)  
22 was that the two-year statute of limitation  
23 would apply in this case.

24 MR. OKESON: Co-director King, do you  
25 have anything you'd like to add?

1 MR. KING: No. I don't have anything.

2 MR. OKESON: Want to move on?

3 SPEAKER: Yeah. We can.

4 MR. OKESON: Are there any further  
5 motions on this?

6 SPEAKER: No.

7 MR. OKESON: Next.

8 MS. DAVIS: Thank you. Thank you all.  
9 Have a blessed weekend.

10 MR. OKESON: You too.

11 MR. ARNETT: My name is Dale Arnett.  
12 That's spelled A-r-n-e-t-t. Dale for  
13 Indiana. Cause number 2019-7177-109.

14 MS. TAYLOR: It's on page 70. Dale  
15 Arnett for Indiana. Cause number  
16 2019-7177-109. A proposed civil penalty of  
17 \$300.50. And they paid one settlement  
18 agreement. So this is the second time before  
19 the commission.

20 MR. OKESON: Would you like to offer  
21 anything for the record?

22 MR. ARNETT: Yes, I would. Actually,  
23 the other one was -- I was late on my final  
24 report. And I didn't say anything about that  
25 because I had a granddaughter in the



1 hospital, who actually died. And I just went  
2 ahead and paid that. And she died on her  
3 birthday -- 24th birthday. And so I haven't  
4 really been before the committee before.  
5 I've never been involved in politics before.  
6 I was a rookie.

7 I was going to run for state  
8 legislator on a third party ticket because I  
9 was disgusted with the way national politics  
10 were going between democrats and republicans.  
11 We're so divided, and so I ran on a third  
12 party ticket. I didn't have a whole lot of  
13 help because what I was supposed to do -- and  
14 I got notice. I read the law. And in my  
15 mind, I really thought I was supposed to file  
16 this after the election and not the month  
17 before the election.

18 And then when I got the notice, I  
19 filed it immediately because I kept pretty  
20 good records on what we've had. And I ran my  
21 campaign on less than a thousand dollars.  
22 And I've got zero left. I really didn't have  
23 a campaign committee.

24 I will say I did get my message out.  
25 I got the highest percentage of votes for any

1 libertarian candidate who ran for state  
2 office. In the state, I got 5 percent.  
3 Which doesn't seem like much, but I was able  
4 to tell people I'm disgusted with the way  
5 politics run.

6 MS. NUSSMEYER: So you were late on  
7 filing?

8 MR. ARNETT: I was.

9 MS. TAYLOR: On the annual report. On  
10 the preelection report, what this one is. He  
11 was also late on the annual and paid that  
12 settlement agreement.

13 The committee is also closed, and we  
14 just missed putting it on here.

15 MS. NUSSMEYER: So what is it you  
16 want, sir?

17 MR. ARNETT: I would ask to waive the  
18 penalty. And if you don't do that, I'm  
19 prepared to pay it out of my pocket. But I  
20 would ask that you waive it because I did not  
21 intend to not follow the code. I just -- I  
22 made a mental error. And I really thought it  
23 was right after the election. When I read  
24 it, you know, I just -- I knew it was  
25 October. But it just seemed like -- in my

1 mind after I, you know, done my original  
2 filing, I was in my mind -- I still was  
3 thinking it's right after the election. I  
4 just messed up.

5 MR. OKESON: Why didn't you take the  
6 opportunity for a 25 percent dismissal?

7 SPEAKER: He didn't have it.

8 SPEAKER: Oh, it is just one  
9 violation?

10 MR. ARNETT: It was subsequent.

11 MS. TAYLOR: But, yes. This annual  
12 that he paid the fine for was his second.

13 MR. OKESON: Okay.

14 MR. ARNETT: And when I called --

15 MS. TAYLOR: This would have been his  
16 first if we had regular hearings, and we'd  
17 held this before he got the second one and  
18 paid that settlement agreement.

19 MS. CELESTINO-HORSEMAN: Really?

20 MS. TAYLOR: Yeah.

21 MR. ARNETT: Yeah.

22 MS. CELESTINO-HORSEMAN: I move that  
23 we reduce it to the 25 percent then.

24 MS. NUSSMEYER: I second.

25 MR. OKESON: Sorry. Motion to reduce

1 it to 25 percent?

2 MS. CELESTINO-HORSEMAN: Yes.

3 MR. OKESON: And a second?

4 SPEAKER: Yes.

5 What?

6 Oh, plus mailing costs.

7 MR. OKESON: And plus mailing costs.

8 So I have a motion and a second. Hearing no  
9 further discussion, all those in favor  
10 signify by saying "aye."

11 ALL TOGETHER: Aye.

12 MR. OKESON: None imposed. Motion  
13 carries. Thank you.

14 MR. ARNETT: Thank you.

15 MS. NUSSMEYER: Thank you for  
16 representing your point of view.

17 MR. ARNETT: Thank you.

18 MR. OKESON: Are there any other cases  
19 to be heard? All persons present in the  
20 meeting room for campaign finance have been  
21 heard. And we move on.

22 The campaign finance staff identifying  
23 any matter for which a motion for continuance  
24 was received for today's meeting.

25 MS. TAYLOR: Sure do. It's a long

1 one. First is Talian for Senate Committee.  
2 Cause 2019- --

3 MR. OKESON: Where are these in the  
4 binder?

5 MS. TAYLOR: -5301-15. I have a  
6 written list. I could tell you the page  
7 numbers they're on if you want to do them  
8 that way. I usually just read the list. But  
9 I can do it however you want me to do it.

10 MR. OKESON: Co-Director King?

11 MR. KING: Mr. Chairman, since this is  
12 for the record, we'll need to have it  
13 documented in some form. So if it's not in  
14 the binder, it'll need to be read.

15 MS. TAYLOR: Right.

16 MS. THOMPSON: It's in the binder on  
17 the page 23.

18 MS. TAYLOR: I mean, this one is on  
19 page 20. I mean, you don't have a list, but  
20 the continuances are documented in this  
21 sheet.

22 Okay. The first is Talian for Senate  
23 Committee. Cause 2019-5301-15. The second  
24 is Fuller for State Representative Committee.  
25 Cause number 2018-6612-62.

1           Next is Hoosiers for Action PAC.  
2 Cause number 2018-6945-105.

3           Next is Committee to Elect Mark  
4 Kirovski. 2018-7117-155 and 2018-7117-148.

5           Next is Edward for State  
6 Representative Committee. Cause number  
7 2018-7153-15. And cause number  
8 2018-7153-151.

9           Next is Committee to Elect Link Meyer.  
10 Cause number 2018-6836-90.

11           The next is Builders Political Action  
12 Committee. Cause number 2019-812-135.

13           The next is the Committee to Elect  
14 Laurie Sherman. Cause number 2019-6846-51.

15           Miami County Republican Central  
16 Committee. Cause number 2019-6494-162.

17           Wabash Democratic PAC 2015-6645-91.

18           Wabash County Democrat. Cause number  
19 2016-6873-166.

20           Laymon for State Representative  
21 Committee. Cause number 2018-7156-17.

22           Citizens for Crews. Cause number  
23 2019-3366-19.

24           Pens Must Go. Cause number  
25 2019-6696-96. And cause number -- I didn't

1 write this one down -- cause number  
2 2019-6996-164.

3 Committee to Elect Allen K. Smith for  
4 State Representative. Cause number  
5 2019-7105-70.

6 Friends of Lisa Lang Shot A. Cause  
7 number 2019-6565-36.

8 Citizens for Responsible Government.  
9 Cause number 2019-7202-110.

10 Heath for Hoosiers. Cause number  
11 2019-7184-112.

12 And the Committee to Elect Linda  
13 Brooks. Cause number 2019-7112-72 have all  
14 asked for continuance.

15 MR. OKESON: Have any of those  
16 committees asked for continuance previously?

17 MS. TAYLOR: Yes.

18 MR. OKESON: Which ones?

19 MS. TAYLOR: Fuller for State  
20 Representative, this is his second.

21 Committee to Elect Mark Kirovski this  
22 is his second.

23 Edwards for State Representative his  
24 second.

25 Committee to Elect Link Meyer, their

1 second.

2 Wabash Democratic PAC, their fourth.

3 Wabash County Democrat, their fourth.

4 And everyone else, this is their  
5 first.

6 MR. OKESON: Co-Director King, is  
7 there any precedent -- Co-Counsel Simmons,  
8 maybe, is there any precedent for granting  
9 continuance on multiple --

10 MR. KING: Mr. Chairman, I think I can  
11 say that the ordinary practice of the  
12 commission is to grant a continuance as a  
13 matter of courtesy. And if there's  
14 documentation submitted by a committee for  
15 subsequent continuances -- I think there are  
16 some letters in the binder behind the first  
17 of the blue tabs.

18 But I do recall, I believe, at least  
19 one case where the commission felt there was  
20 sufficient cause for a continuance knowing  
21 that the committee could always ask the  
22 commission to reconsider any judgment that  
23 has been made in the absent of a continuance  
24 being ran.

25 MS. CELESTINO-HORSEMAN: Did the



1 Wabash PAC over there, did they provide  
2 anything supporting their --

3 MS. TAYLOR: It's under the blue tab.  
4 And it should be the first one. The very  
5 first one. It's from Chad Harris.

6 MS. CELESTINO-HORSEMAN: Is he the  
7 same person whose (inaudible) in the past?

8 MS. TAYLOR: Yes.

9 MR. OKESON: Co-Director Nussmeyer,  
10 did you have anything?

11 MS. NUSSMEYER: Mr. Chairman, thank  
12 you. In my four years here, I don't recall  
13 the commission not granting a continuance.  
14 But that does not mean that the commission  
15 couldn't consider the facts and circumstances  
16 and decide to do something different.

17 SPEAKER: I have a problem with  
18 denying a continuance because as I understand  
19 it, these hearings are only held once a year.  
20 You hold them every quarter?

21 MR. KING: No, not every quarter. So  
22 there would be, for example, likely another  
23 commission meeting to approve orders for the  
24 decisions the commission made today.

25 MS. NUSSMEYER: But the last one was

1 in August of last year?

2 MR. KING: Yes. Frankly, it depends  
3 on which year of the election cycle that  
4 we're in. If it's a general election year,  
5 meetings are more frequent than a non-general  
6 election year.

7 MS. NUSSMEYER: Okay. So -- because I  
8 mean, since August of last year -- when  
9 they're held in the summer, I think it's hard  
10 because I travel, everybody travels. You got  
11 things with family. You've got all these  
12 types of things.

13 Other thing I have a problem with  
14 is -- even the court of appeals, or you know,  
15 the courts will say, "Hey. You know what?  
16 This is your final continuance."

17 And they will tell people that. So  
18 that they know next time they can't ask and,  
19 you know.

20 So I would -- rather than deny a  
21 continuance, I would rather see us -- if we  
22 have to -- say this is your final  
23 continuance. And if you do not appear the  
24 next time, the equivalent of a default will  
25 be entered against you.

1 MR. OKESON: A motion to that effect,  
2 then?

3 MR. KING: Mr. Chairman, if I could  
4 respond. Commissioner, that's certainly  
5 within the commission's discretion to grant  
6 continuances without reservation in all  
7 cases. And if you have a special case of the  
8 sorts you described to have the continuance  
9 be contingent upon the procedures you asked.  
10 So, yes, that certainly is permissible.

11 MS. NUSSMEYER: I think that lets  
12 everybody know there's a new baseball  
13 commissioner in town.

14 MR. OKESON: Just to be clear, I'm  
15 going to go ahead and ask this question.  
16 What I hear you saying is for those that are  
17 requesting on multiple occasions -- you're  
18 kind of separating --

19 MS. NUSSMEYER: Separating them out.  
20 Right. Right.

21 For today, I think the only ones that  
22 we have to worry about are the -- this is the  
23 fourth.

24 MS. TAYLOR: Yes. And they're both  
25 Wabash County Democrats. They have two. One

1 PAC. One party.

2 MR. OKESON: So you have a significant  
3 number that are first continuances -- I'm  
4 just trying to understand. The first  
5 continuance. You have a few that are on  
6 their second. And a few that are on their  
7 fourth. Is that what you're saying? Am I  
8 correct?

9 MS. TAYLOR: Yes.

10 MR. OKESON: So do you want to --  
11 should we make a motion to possibly accept  
12 all -- permit -- grant all continuances of  
13 any first-time requester.

14 MS. NUSSMEYER: I mean, you can come  
15 up with a policy -- discuss it after this  
16 meeting. For today, I would just say -- I  
17 would move that we grant all continuances  
18 except for the Wabash. And grant their  
19 continuance but put language in there which  
20 says this is your final continuance. And in  
21 the event that you do not appear at the next  
22 hearing, judgment, or whatever you call it,  
23 will be entered against you.

24 MS. CELESTINO-HORSEMAN: Or maybe  
25 judgment --

1 MR. OKESON: So is that your motion?

2 MS. NUSSMEYER: Yes.

3 MR. OKESON: Do I hear a second?

4 MS. CELESTINO-HORSEMAN: Second.

5 MR. OKESON: I have a motion and a  
6 second. Any discussion? All those in favor  
7 signify by saying "aye."

8 ALL TOGETHER: Aye.

9 MR. OKESON: Hearing no opposed,  
10 motion carries. I guess we'll move on to  
11 administrative dissolution of committees.

12 MS. THOMPSON: Yes. Mr. Chairman,  
13 members of the commission, there's a green  
14 tab in your binder there that has a list of  
15 two committees that can be administratively  
16 dissolved. They haven't filed a report in  
17 three years. They have a balance of less  
18 than a thousand dollars. And both chairman  
19 and treasurer have been notified of this  
20 meeting.

21 MS. NUSSMEYER: How were they  
22 notified?

23 MS. THOMPSON: The hearing notice.

24 MS. NUSSMEYER: No, how?

25 MS. TAYLOR: By mail.

1 MS. NUSSMEYER: And it wasn't  
2 returned?

3 MS. TAYLOR: I think Burns Harbor  
4 comes back. I don't know about Michael  
5 Stinfer.

6 MS. THOMPSON: I don't know if they've  
7 came back or not. But we usually --

8 MR. OKESON: And you can confirm that  
9 none of these committees have filed a report  
10 of expenditures during the previous three  
11 calendar years and the last reported cash on  
12 hand was in an amount not exceeding a  
13 thousand dollars?

14 MS. TAYLOR: Correct. Yes.

15 MR. OKESON: I move the commission do  
16 the following: Make a finding that there's no  
17 evidence that any of these committees  
18 continues to receive contribution to make  
19 expenditures or otherwise function as a  
20 committee;

21 Make a finding that according to the  
22 best evidence available to the commission the  
23 dissolution of committees will not impair any  
24 contract or impede the collection of any debt  
25 or judgment by a person;

1           Make a finding that the prudent use of  
2 public resources makes further efforts to  
3 collect any outstanding civil penalty imposed  
4 against these committees wasteful or unjust.  
5 And administratively dissolve each of these  
6 committees.

7           Is there a second?

8           MS. CELESTINO-HORSEMAN: Second.

9           MR. OKESON: Any discussion?

10          All those in favor please signify by  
11 saying "aye."

12          ALL TOGETHER: Aye.

13          MR. OKESON: Hearing none, motion  
14 carries.

15          Moving on to defaults. Is anyone  
16 present today to testify on any remaining  
17 campaign finance hearings scheduled for  
18 today? Seeing none, I declare all hearings  
19 on all remaining campaign finance committees  
20 scheduled for today closed.

21          Is there a motion to impose the entire  
22 amount of the proposed penalty plus mailing  
23 costs in all remaining campaign finance  
24 enforcement actions?

25          MS. NUSSMEYER: So these are the

1 people that -- can I ask -- so these would be  
2 the people that haven't filed for  
3 continuances, that haven't appeared here  
4 today, that hadn't previously settled?  
5 They're the ones we have heard nothing from?

6 MR. OKESON: Correct.

7 MS. NUSSMEYER: Okay.

8 MR. OKESON: So have a motion. Is  
9 there a second?

10 SPEAKER: Okay. I'll second.

11 MR. OKESON: Any further discussion?  
12 Hearing none, all those in favor signify by  
13 "aye."

14 ALL TOGETHER: Aye.

15 MR. OKESON: Hearing no dissent,  
16 motion carries. The ayes have it. The  
17 motion to impose the penalty is adopted.

18 Do you want to take a quick break?

19 MS. NUSSMEYER: Yeah.

20 MR. OKESON: We're going to call the  
21 meeting in recess for 10 minutes. Take a  
22 quick break. We'll be back here at 3:45 to  
23 continue with the next item on the agenda.

24 (A recess was taken.)

25 MR. OKESON: We're going to call this