

Indiana Election Commission
Minutes
June 24, 2021

Members Present: Paul Okeson, Chairman of the Indiana Election Commission (“Commission”); S. Anthony Long, Vice Chairman of the Commission; Suzannah Wilson Overholt, member; Stephanie Beckley, Proxy for Zachary E. Klutz; Annette Craycraft, Proxy for S. Anthony Long; Adam Dickey, Proxy for S. Anthony Long.

Members Absent: Zachary E. Klutz, Member.

Staff Attending: J. Bradley King, Co-Director, Indiana Election Division of the Office of the Secretary of State (Election Division); Angela M. Nussmeyer, Co-Director of the Election Division; Matthew Kochevar, Co-General Counsel of the Election Division; Valerie Warycha, Co-General Counsel of the Election Division; Abbey Taylor, Indiana Election Division campaign finance staff; Michelle Thompson, Indiana Election Division campaign finance staff.

Others Attending: The Honorable Holli Sullivan, Secretary of State of Indiana; Mr. Ferdinand Alvarez; Ms. Roxanna Hanford; Mr. Andy Harlow; Mr. John Schroeder; Mr. Dennis Tedrow; Mr. Bruce Ungetheim; Ms. Diane Yenerall.

1. Call to Order:

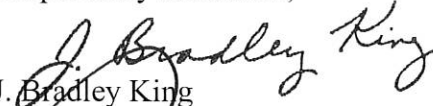
The Chair called the June 24, 2021 meeting of the Commission to order at 1:00 p.m. EDT in a virtual Zoom meeting.

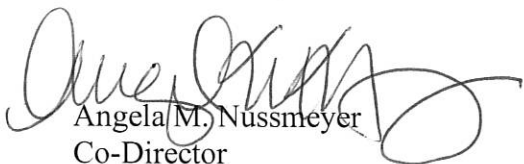
2. Transaction of Commission Business:


The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Maria W. Collier, RPR, CRR of Stewart Richardson and Associates, which is incorporated by reference into these minutes. The Commission corrects the following scrivener’s error in this document: Page 119, line 6, replace “?” with “.”.

The Commission adjourned its meeting at 3:36 p.m. EDT.

Respectfully submitted,


J. Bradley King
Co-Director


Angela M. Nussmeyer
Co-Director

APPROVED:

Paul Okeson, Chairman

In the Matter Of:

INDIANA ELECTION COMMISSION PUBLIC SESSION

Transcript of Proceedings

June 24, 2021

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INDIANA ELECTION COMMISSION
PUBLIC SESSION

Conducted on: June 24, 2021

Conducted Remotely via Videoconference

A Stenographic Record by:
Maria W. Collier, RPR, CRR

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APPEARANCES

INDIANA ELECTION COMMISSION:

Paul Okeson - Chairman

S. Anthony Long - Vice Chairman

Annette Craycraft and Adam Dickey
Proxies for S. Anthony Long - Vice Chairman

Suzannah Wilson Overholt - Member

Stephanie Beckley
Proxy for Zachary E. Klutz - Member

INDIANA ELECTION DIVISION STAFF:

Angela M. Nussmeyer - Co-Director

J. Bradley King - Co-Director

Matthew Kochevar - Co-Counsel

Valerie Warycha - Co-Counsel

ALSO PRESENT: Holli Sullivan - Secretary of State

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1 CHAIRMAN OKESON: Do we have everybody?

2 MR. KING: Yes, we do. We have actually three
3 proxies available. Stephanie Beckley, of course,
4 is proxy for Zach Klutz. And then Annette
5 Craycraft is proxy for Vice Chairman Long, who is
6 also able to join us on the call. And then we have
7 Adam Dickey, who will be substituting for Annette
8 since she has a hard stop at 2:45 this afternoon.

9 CHAIRMAN OKESON: Okay.

10 MR. KING: And the other members are all here.

11 CHAIRMAN OKESON: With you doing the
12 introductions, I'll forego that and call the
13 meeting to order.

14 I would like to note for the record that I see
15 my good friend Vice Chairman Long on, and I regret
16 to see him in a setting that I'd rather he not be
17 in, but I hope he's doing well nonetheless.

18 VICE CHAIRMAN LONG: I am doing well, and it's
19 good to see you again, Paul. I wanted to sign on
20 to tell everybody to have a good day and get things
21 going and let's get this business of the State
22 taken care of.

23 CHAIRMAN OKESON: Absolutely. I was hoping
24 that maybe we could get together in person, maybe
25 soon.

1 VICE CHAIRMAN LONG: I hope so.

2 CHAIRMAN OKESON: With that, the meeting is
3 called to order. The members have been noted. I
4 would also acknowledge Co-Director Brad King and
5 Co-Director Nussmeyer. Is she on?

6 MR. KING: Yes.

7 MS. NUSSMEYER: Yes, Mr. Chairman, I am. I am
8 at work and I don't have video with my monitors at
9 work.

10 CHAIRMAN OKESON: I understand.

11 MS. NUSSMEYER: So I haven't figured out
12 technology to plug in a picture, so here we are,
13 blank screen.

14 CHAIRMAN OKESON: I'd also like to obviously
15 acknowledge our Secretary of State, Ms. Sullivan.
16 Good to see you, ma'am.

17 SECRETARY OF STATE SULLIVAN: Thank you. Good
18 to see you.

19 CHAIRMAN OKESON: And do I understand, Brad,
20 that the secretary will have some comments?

21 MR. KING: Yes, Mr. Chairman. There is an
22 opportunity for the secretary to make comments.

23 SECRETARY OF STATE SULLIVAN: Thank you, both.
24 I appreciate that. Thank you for letting me join
25 you this afternoon.

1 And I especially just wanted to say thank you
2 to Anthony Long. I know you're not in the setting
3 that you wanted to be for this particular meeting,
4 but I wanted to take a chance today to say thank
5 you for your 24 years of dedication and public
6 service. It actually reminds me of my predecessor,
7 Connie Lawson, 32 years serving this great state.
8 But yours is extra special because the commission
9 actually has only been in place for 26 years and
10 you have served diligently for 24 of those, so I
11 just wanted to say thank you.

12 I also wanted to share my appreciation for
13 having another voice from southwest Indiana so
14 prevalent in the process. I think that's extremely
15 important and very proud to have you from our part
16 of the state. I can't even imagine the number of
17 miles that you've logged from 41 to 70 up to Indy
18 and now, in the most recent years, along I-69 that
19 we're all so thankful to have in place.

20 But I just wanted to say thank you for your
21 steadfast work and everything that you've poured
22 into the commission. You will be missed, but I
23 know that you have much to look forward to after
24 your July 1st retirement. So thank you very much.

25 VICE CHAIRMAN LONG: Thank you, Madam

1 Secretary. I saw you sitting there and was
2 reminiscent of your career, following it, being
3 from southern Indiana and how successful you've
4 been and been a bright spot for southern Indiana.
5 And I was so heartened when you were appointed to
6 take the position that you're in now. I look
7 forward to seeing your good service there.

8 I appreciate very much your thanking me and
9 recognizing me for my years of service. It's been
10 a real treat, and I think the commission has, on
11 the whole, been very successful over the years. I
12 think that two Democrats and two Republicans
13 working side by side has been generally a
14 successful mix for Indiana, maybe something they
15 could send some of the people in Washington down to
16 see how we've done things.

17 SECRETARY OF STATE SULLIVAN: Amen, yes.

18 VICE CHAIRMAN LONG: Yeah, we can disagree,
19 but we've rarely, rarely ever been disagreeable in
20 the 24 years that I've been there, and it's been a
21 real pleasure. And thank you for being here today.
22 And I appreciate your kind words.

23 SECRETARY OF STATE SULLIVAN: Absolutely. And
24 I hope you're feeling better soon. Thank you.

25 CHAIRMAN OKESON: Thank you, Madam Secretary.

1 Ironically, Anthony, I just got out of the car from
2 Evansville myself. I've spent the better part of
3 this week down there with some mutual friends of
4 yours who both work in Gibson County, and your name
5 was invoked with highest regard a number of
6 occasions during those discussions. And I hope
7 during my next visit down there I might get a
8 chance to stop by and see you.

9 VICE CHAIRMAN LONG: I look forward to that.

10 CHAIRMAN OKESON: And it's been an honor to
11 serve alongside you and to work very cooperatively
12 through a very challenging year for me, for all of
13 us really, but in my early tenure as chairman of
14 the commission. And, quite frankly, I couldn't
15 imagine going through any of that with anyone else
16 on the other side of the aisle other than you, and
17 I really appreciate that. And I appreciate your
18 friendship and our mutual respect for one another
19 and will certainly miss seeing you at these
20 meetings moving forward.

21 I know your friends here on the commission
22 would also maybe like to offer some personal
23 remarks. I'll turn the microphone over to
24 Commissioner Wilson Overholt, who I know would like
25 to say some things as well.

1 MS. OVERHOLT: Thank you, Mr. Chairman. And,
2 sorry, I got a little teary hearing that. I wasn't
3 expecting that, so I apologize. I'm usually pretty
4 well composed.

5 But, Anthony, it's just been an honor. I
6 mean, serving this commission has been an honor,
7 but it's been an honor to serve alongside of you on
8 the commission. You've been a great teacher, great
9 leader in terms of my indoctrination to the
10 commission and the workings of the commission.
11 I've already been on longer -- I guess it's been
12 quite a while, nine years, I guess, already for me,
13 which is kind of surprising. But I've enjoyed it,
14 and I wish you well, and hopefully we'll be able to
15 live up to your expectations as we proceed into the
16 future.

17 So thanks and I hope you enjoy your
18 commission-free time, the new-found free time that
19 you'll have.

20 VICE CHAIRMAN LONG: Suzannah, you have done a
21 superb job on the commission. I have always really
22 sort of envied your levelheaded, steadfast
23 dedication to research and thinking through the
24 issues. You're as thorough as anybody that I've
25 ever served with on the commission and on knowing

1 the issues and articulating your position on them.
2 You've done a superb job, and I've been really
3 honored to serve with you.

4 MS. OVERHOLT: Thank you.

5 CHAIRMAN OKESON: Vice Chairman, would you
6 care to make any further remarks or comments?

7 VICE CHAIRMAN LONG: Only to say that, Paul,
8 we've had really -- I agree with what you said
9 earlier -- a close working relationship, and I've
10 always believed that we could get along and get
11 more done by talking and working together, find the
12 common grounds that we could work on, accentuate
13 that, and just do the work to be done.

14 I thought maybe one of the most outstanding
15 things we did was during the primary in 2020 when
16 we were facing the pandemic and no one, not one of
17 us, had faced anything like it in our lives in this
18 country or anywhere, to my knowledge. And I
19 thought the accommodations that we made, while it
20 took a long time and it took lots of discussions
21 and compromises and agreements and talks and just
22 willingness to work together, that we -- I think
23 the primary of 2020 was one of the most outstanding
24 achievements that I think that as a commission
25 we've done in the years that I've been there, and I

1 was proud to be a part of that with you. And
2 you've been a good chairman, a great chairman, and
3 I wish you well in the future and do look forward
4 to seeing you when you get down here.

5 CHAIRMAN OKESON: Yeah. No. I appreciate
6 that and your leadership. And I think it goes for
7 the entire commission as a whole, we regrettably
8 watch the news at night and see the coverage of the
9 political landscape around us. I find working with
10 all of us on this commission to be hopefully
11 inspirational to how people ought to comport
12 themselves.

13 And certainly your presence and your
14 leadership on the commission has been exceptional.
15 And I hope, to the extent we get viewers, I know we
16 got a little bit of notoriety spring of last year
17 that maybe we got some additional viewers out of
18 it, got to see that firsthand and witness your
19 leadership. And I really appreciate having you on
20 the commission.

21 VICE CHAIRMAN LONG: Thank you, Paul. By the
22 way, I just want to say that there may come a point
23 I'll drop off here at some point, but it's not
24 because of lack of interest. There are limits to
25 my stamina as we are sitting here today, and so if

1 I do drop off, don't think anything of it. It's
2 just I probably decided I need to take a nap, not
3 that you all put me to sleep.

4 CHAIRMAN OKESON: Well, I try my best. But
5 understand. Thank you. It's good to see you.

6 Okay. We'll get into the business here. I
7 did intend to note that -- to recognize the court
8 reporter from Stewart Richardson, Maria Collier.

9 And as we get into the meeting, actually,
10 Valerie, if you wouldn't mind maybe going over the
11 hand-raise motion on the Zoom for folks as we get
12 into this so that we make sure we're getting the
13 record right.

14 MS. WARYCHA: Yes, sure. My name is Valerie
15 Warycha. I'm the co-general counsel for the
16 Indiana Election Division.

17 And as everyone has just discussed, we had
18 some issues last year, so we're going to try to
19 control this meeting and who can speak and who can
20 show a screen and that sort of thing. And so what
21 we are going to do is, as we go through, there's
22 going to be a utilization of the hand-raise
23 feature. And so when the chairman gives the option
24 to take a settlement agreement or take the deal, so
25 to speak, you will have the opportunity to raise

1 your hand if that is of interest to you.

2 And then, after we get through that, there
3 will be a portion where, if you would like to state
4 your case to the commission and provide testimony,
5 we will once again ask you to raise your hand. I
6 will go through and identify in both of those
7 instances when someone has a hand raised so we can
8 document for the record who would like to take the
9 deal and then who would like to make a
10 presentation.

11 And in order to kind of give people some time,
12 whenever we raise our hand that you would like to
13 make a presentation, I will say, for example, "Joe
14 Smith will give his presentation now, and then Bob
15 Smith is on deck," to try to give everyone a little
16 time to find the documents. And I understand that
17 this might be a little clunky, so, commission
18 members, if you get lost finding documents, please
19 let us know. The campaign finance staff is on and
20 available to help you identify where that document
21 is you need to see.

22 And then for those of you on the line, if for
23 some reason you cannot raise your hand and you are
24 not recognized and you feel that we've missed you
25 in some way, at the very, very end, we will open

1 the phone lines. And there is phone call-in
2 information in the Zoom link that we've got posted
3 online. And so we'll give one last, final call for
4 you to say that "I wasn't able to raise my hand to
5 take the deal" or "I'd like to make my case."

6 We will make every accommodation possible to
7 try to make sure that everyone has a chance to be
8 heard. And I will put my email out there as well.
9 In the instance that you are really struggling, I
10 will be monitoring my emails. Feel free to email
11 me, and I will try to help you along as much as I
12 can. My email is vawarycha@iec.in.gov. And I
13 realize my last name is a mouthful, so I'm also
14 under the Contacts in in.gov/sos, and under
15 Election Division, Contact Us, you can find my
16 email address there and I'll be happy to help you.

17 CHAIRMAN OKESON: Thank you, Valerie.

18 With that, I recognized we needed to confirm
19 compliance with the Open Door Law, so I'll back up
20 real quick and request that Co-Directors King and
21 Nussmeyer do so confirm that we have done that.

22 MR. KING: Mr. Chairman, Brad King. On behalf
23 of myself and Co-Director Nussmeyer, I confirm that
24 this commission meeting has been properly noticed
25 as required under the Open Door Law.

1 CHAIRMAN OKESON: Okay. Thank you.

2 Let's go ahead and move to the approval of
3 our -- is it February 25th -- is that right? --
4 2021 meeting minutes. I recognize the co-directors
5 to present the minutes.

6 MR. KING: Mr. Chairman, Brad King. On behalf
7 of myself and Co-Director Nussmeyer, members have
8 received copies of the minutes of the February 25,
9 2021, Election Commission meeting, and we present
10 them to you with our recommendation for your
11 approval.

12 CHAIRMAN OKESON: Thank you.

13 Is there a motion to approve?

14 MS. BECKLEY: So moved.

15 MS. CRAYCRAFT: So moved.

16 CHAIRMAN OKESON: Second?

17 MS. BECKLEY: I'll second.

18 CHAIRMAN OKESON: Any discussion?

19 Hearing none, all those in favor say "aye."

20 MS. OVERHOLT: Aye.

21 MS. CRAYCRAFT: Aye.

22 MS. BECKLEY: Aye.

23 CHAIRMAN OKESON: The "ayes" have it and the
24 motion is approved.

25 Can I get consent from the commission members

1 for the Election Division to sign the minutes with
2 our stamps?

3 MS. OVERHOLT: Consent.

4 MS. BECKLEY: Consent.

5 CHAIRMAN OKESON: Thank you.

6 Moving on, we'll go to the administration of
7 the oath. Any person who plans to testify during
8 the meeting today on any matter, including
9 candidate challenges and campaign finance matters,
10 please respond with an "I do" upon the reading of
11 the oath. When you are unmuted for your
12 presentation, we will ask that you confirm at that
13 time that you have taken the oath.

14 And I recognize Co-Counsel Kochevar to
15 administer the oath.

16 MR. KOCHEVAR: Thank you, Mr. Chairman.

17 Those who plan to testify today before the
18 Indiana Election Commission, please say "I do"
19 after the recitation of the oath. Do you solemnly
20 swear or affirm under the penalties of perjury that
21 the testimony you are about to give to the Indiana
22 Election Commission is the truth, the whole truth,
23 and nothing but the truth. Please say "I do."

24 MS. WARYCHA: Mr. Chairman, we won't be able
25 to hear them say "I do." Before everyone would

1 give testimony, we'll have them confirm that they
2 did say the oath.

3 CHAIRMAN OKESON: Okay. All right. That's
4 good to know.

5 Let's go to the ratification of campaign
6 finance agreements. I recognize the staff,
7 Ms. Taylor, Ms. Thompson, to present the
8 information concerning several campaign finance
9 settlement agreements entered into on behalf of the
10 commission.

11 MS. THOMPSON: Mr. Chairman -- Michelle
12 Thompson here -- and members of the commission, you
13 have a sheet of paper that says "Settlement
14 Agreements" at the top. It's an attachment to an
15 email that you received, and this is a list of
16 committees to ratify that have agreed to pay the
17 settlement agreement and waive a hearing.

18 CHAIRMAN OKESON: Is there a motion to ratify
19 the campaign finance settlement agreements as
20 presented?

21 MS. BECKLEY: So moved.

22 MS. CRAYCRAFT: I'll second.

23 CHAIRMAN OKESON: Any discussion?

24 Hearing none, all those in favor signify by
25 "aye."

1 MS. CRAYCRAFT: Aye.

2 MS. BECKLEY: Aye.

3 MS. OVERHOLT: Aye.

4 CHAIRMAN OKESON: Hearing none opposed, the
5 "ayes" have it, and the motion to ratify the
6 agreements is adopted.

7 Moving on, so we do have people present today?

8 MS. WARYCHA: Yes.

9 CHAIRMAN OKESON: So we'll go over the
10 opportunity to accept a reduced penalty before
11 proceeding with the enforcement actions. We have
12 customarily given any committee present a final
13 opportunity to pay a reduced civil penalty by
14 waiving the right to present evidence and arguments
15 to the commission.

16 Of course, any committee is welcome to present
17 any evidence or arguments for the proposed penalty
18 to be waived or reduced, but this has been an
19 opportunity for those who want to waive any
20 presentation and accept the reduced penalty without
21 making any argument or presentation.

22 So therefore, I move the adoption of the
23 following arrangements: If this is the committee's
24 first violation, the arrangement is for the
25 committee to agree to pay 25 percent of the

1 proposed fine, plus mailing costs. If this is the
2 committee's second violation, the arrangement is
3 for the committee to agree to pay 50 percent of the
4 proposed fine, plus mailing costs. If this is the
5 committee's third violation, the committee would
6 agree to pay 75 percent of the proposed violation,
7 plus mailing costs. For purposes of this
8 arrangement, a previous settlement agreement
9 entered into by the committee will be counted as
10 one violation. Likewise, if more than one alleged
11 violation occurred on the same calendar day, that
12 group of violations shall be also counted as one
13 violation.

14 Is there a second to this proposed motion?

15 MS. CRAYCRAFT: I'll second it.

16 MS. BECKLEY: Second.

17 CHAIRMAN OKESON: Any discussion?

18 Hearing none, all those in favor of the motion
19 signify by "aye."

20 MS. OVERHOLT: Aye.

21 MS. CRAYCRAFT: Aye.

22 MS. BECKLEY: Aye.

23 CHAIRMAN OKESON: The "ayes" have it.

24 Before this meeting, campaign finance staff at
25 the Election Division sent a letter to each

1 committee which would be eligible to accept this
2 proposed reduced penalty offering the committee the
3 opportunity to indicate the committee's willingness
4 to accept such an agreement to do so, subject to an
5 approval of this procedure by the commission, and
6 return that signed agreement to the Election
7 Division so that if the commission did choose to
8 adopt this procedure at today's meeting, the
9 agreement could be ratified by the commission and a
10 reduced penalty imposed without further
11 presentation of evidence by the committee.

12 Now that the commission has adopted the
13 procedures, I will recognize Ms. Taylor and
14 Ms. Thompson of the Election Division to provide
15 the commission with a list of committees that have
16 executed and filed these documents and enter the
17 signed documents submitted by each committee into
18 the record.

19 If there are any committees present that would
20 like to take this deal that have not already
21 submitted the paperwork, please write your name and
22 cause number in the chat box -- well, I guess we're
23 not doing that, are we, Valerie?

24 MS. WARYCHA: Yeah. Once we got here, we
25 realized that wasn't going to work.

1 So if you would like to take this plea deal,
2 please raise your hand now. While campaign finance
3 staff lists who they have, you'll have an
4 opportunity to raise your hand, and then I'll
5 recognize who I see as raising their hands.

6 So, Abbey, Michelle, I'll turn it over to you
7 for anyone you've already had accept a deal.

8 CHAIRMAN OKESON: So we'll let Abbey and
9 Michelle get going, and then people can raise their
10 hands and kind of get in the queue.

11 MS. WARYCHA: Yes, please.

12 CHAIRMAN OKESON: Okay. Go ahead.

13 MS. TAYLOR: Okay. Well, that was not what
14 our -- this is Abbey Taylor. Yes, I took the oath.
15 That was not what our letter said at all. We had a
16 different agreement on what we sent.

17 We did receive 13 letters. Do you want us to
18 go through those committees that sent letters
19 pleading their case?

20 MS. WARYCHA: Abbey, are those letters people
21 who want to take the deal?

22 MS. TAYLOR: There was no deal offered to
23 anyone, so I'm not sure what that -- the letter did
24 not offer a deal.

25 MS. NUSSMEYER: Valerie, if you recall, the

1 letter was modified because we, as co-directors,
2 don't have the authority to offer a plea agreement
3 to committees, and instead we asked committees to
4 offer written testimony to ask for a reduction or
5 waiver so that the commission themselves could make
6 the determination about how they wanted to manage
7 those letters. That was my understanding of the
8 letter.

9 CHAIRMAN OKESON: Brad, I thought we dealt
10 with this via some email communication. Did that
11 not happen?

12 MR. KING: Mr. Chairman, yes, we did discuss
13 this in a series of emails that Co-Director
14 Nussmeyer has alluded to as well. At this point, I
15 understand that the commission has received 13
16 responses to a letter that may have a different
17 content than what we just described. And so I
18 think it might be most efficient if we could get
19 campaign finance staff to indicate what, in fact,
20 the letter sent to the committees did indicate and
21 what the individuals who returned -- signed the
22 document and returned it did agree to.

23 So if either Michelle or Abbey could address
24 what was in the actual letter that was sent and
25 what was received, that might be helpful.

1 CHAIRMAN OKESON: Okay.

2 MS. THOMPSON: Mr. Chairman, Michelle
3 Thompson. You also have a packet of the letters.
4 What was it listed as?

5 MS. TAYLOR: It was letters -- it was a PDF
6 labeled "Hearing Letters."

7 CHAIRMAN OKESON: Did I get that from Joe or
8 Brad? Who sent it?

9 MS. TAYLOR: One of them should have sent it
10 to you yesterday afternoon. I'm not sure --

11 MS. WARYCHA: I believe it was Brad you would
12 have received that from, Mr. Chairman.

13 MR. KING: Right. It would have been part of
14 an email that contained several attachments from
15 campaign finance staff.

16 MS. WARYCHA: I'll resend it to you now to get
17 it at the top of your in-box, if that is helpful.

18 CHAIRMAN OKESON: I think I've got it here.
19 I'm using my computer for the Zoom --

20 MS. WARYCHA: I know.

21 CHAIRMAN OKESON: -- so I'm looking at these
22 on my phone. PDF letters?

23 MS. THOMPSON: Yes.

24 CHAIRMAN OKESON: 47 pages.

25 MS. THOMPSON: Yes.

1 CHAIRMAN OKESON: Okay. I see it.

2 Okay. So where do we go from here?

3 MS. TAYLOR: I was going to say, what's the
4 best way to handle these?

5 CHAIRMAN OKESON: Brad or Val, you want to --

6 MS. WARYCHA: Yeah. I'm pulling up the letter
7 right now.

8 MR. KOCHEVAR: Mr. Chairman, if I may.

9 CHAIRMAN OKESON: Sure.

10 MR. KOCHEVAR: My suggestion would be is that
11 we treat this as close to as if we were meeting in
12 person. That would be that the campaign finance
13 committee staff bring up the committee name; go
14 through the standard information that they give
15 you, why they're here before the commission, what
16 cause numbers that we're dealing with today; and
17 then go through basically the contents of the
18 letter, especially indicating if they have
19 requested either a reduced penalty or a waiver.

20 After that information is presented, I then
21 think it would be in order for any one of the
22 commission members to make a recommendation on if
23 they want to provide a reduced penalty or waive
24 that penalty, whatever motion they want upon the
25 floor, or suggestion.

1 That's what I would suggest to all of you. Of
2 course, I defer to Co-Director Nussmeyer, the
3 campaign finance staff, Brad, and Valerie as well.

4 MS. OVERHOLT: If I might, Mr. Chairman, I
5 feel that in reading what's been provided to us in
6 this packet, I feel like it would be helpful if we
7 knew -- I'm assuming there was a cover letter that
8 went out with this. I'm looking at -- looks like
9 it was a form that was sent to these committees.

10 CHAIRMAN OKESON: Yeah.

11 MS. OVERHOLT: And I'm assuming there was a
12 cover letter. So if we could have a little more
13 context to know what was represented to these
14 committees and --

15 CHAIRMAN OKESON: What they responded to.

16 MS. OVERHOLT: Yeah, exactly.

17 CHAIRMAN OKESON: Yeah. Can we read that into
18 the record or have it sent to us while we're
19 sitting here? What makes the most sense.

20 MS. WARYCHA: Michelle, Abbey, do either of
21 you have a copy right there in front of you that
22 you could read?

23 MS. TAYLOR: Okay. I've got it.

24 "To (Committee Name), From: The Indiana
25 Election Division, Re: Indiana Election Commission

1 Campaign Finance Hearing and Request for Waiver or
2 Reduction of Proposed Penalty.

3 "The Indiana Election Commission is meeting on
4 Thursday, June 24, 2021, at 1:00 p.m. Indianapolis
5 time, to review alleged campaign finance
6 violations. You are receiving this letter because
7 your committee may have a campaign finance
8 violation.

9 "Due to COVID-19, the meeting will be virtual
10 using Zoom. Information to access the Zoom meeting
11 will be published on this web page:

12 www.in.gov/sos/elections/election-commission the
13 day prior to the meeting. The link to attend the
14 meeting will not be published until the day prior
15 due to security concerns.

16 "You may virtually attend" -- oh, no, I lost
17 the place. "You may virtually attend the online
18 meeting on Thursday, June 24, 2021. During this
19 meeting, you will be given the opportunity to
20 present evidence and arguments to the commission
21 regarding your alleged violation. Any committee is
22 welcome to present evidence and arguments for the
23 proposed penalty to be waived. If you are unable
24 to attend, you may ask for a continuance in writing
25 with the Election Division by Monday, June 21,

1 2021.

2 "Due to the virtual nature of this meeting,
3 the commission is giving committees a one-time
4 opportunity to file written testimony to request
5 for a waiver or reduction of the proposed civil
6 penalty instead of attending the Thursday June 24,
7 2021, meeting to state your case in person
8 virtually. The Indiana Election Commission will
9 review the written or oral testimony provided by
10 the committee and consider pertinent information to
11 determine if a waiver or reduction of the proposed
12 fine is warranted.

13 "The bipartisan commission must unanimously
14 agree to waive or reduce any campaign finance fine
15 pursuant to state law. The commission must meet
16 again to have heard the final orders generated by
17 this hearing. The committee may email the campaign
18 finance staff to inquire about any proposed waiver
19 or reduction of the fine. The Election Division
20 staff cannot advise you about your particular case
21 before the commission."

22 CHAIRMAN OKESON: Is that the entirety of the
23 letter?

24 MS. TAYLOR: "If your committee would prefer
25 to file written testimony to request a waiver or

1 reduction of the proposed penalty rather than
2 attend the meeting, please submit the following not
3 later than noon Monday, June 21st: The committee
4 name, cause number, treasurer's name, request for a
5 full waiver or reduction, and an explanation for
6 filing a delinquent report."

7 That's it.

8 CHAIRMAN OKESON: Okay.

9 MS. WARYCHA: So, Abbey and Michelle, could
10 you kind of handhold the commission through the
11 letter and what each campaign is alleged, their
12 violation, and what they're asking for to close out
13 the matter.

14 MS. THOMPSON: Sure. You want us to do it by
15 each --

16 CHAIRMAN OKESON: Yeah. I think Co-Counsel
17 Kochevar's direction there seems sufficient to me
18 and a good idea. The first one I see that's
19 listed, what I see is the Ungethiem campaign, but I
20 don't -- whatever order you want to start in is
21 fine with me.

22 MS. TAYLOR: The first one on the -- well, the
23 letter should be Higgs for State Representative
24 Committee.

25 CHAIRMAN OKESON: Oh, yeah. Sorry. You're

1 right. I was down a page.

2 MS. TAYLOR: It's on the front of the
3 spreadsheet at the bottom. This is Higgs for State
4 Representative Committee, Cause No. 2021-7405-2.
5 This is his first delinquency, and it's a proposed
6 civil penalty of \$350 and a mail cost of 55 cents.
7 His letter just says he didn't know that there were
8 any filings required.

9 CHAIRMAN OKESON: So I guess this goes to
10 co-directors and co-counsel. I guess where I'm a
11 little bit lost or confused, so we've read through
12 the procedures here where you can take a reduced
13 penalty. I mean, are these folks here to provide
14 any comments or responses or are we just making a
15 presumption that we're giving them a first-time
16 violation reduction in penalty? I'm not really
17 sure where we're going here.

18 MR. KING: Mr. Chairman, this is Brad King. I
19 think there are several different paths the
20 commission can take. If I understand from staff,
21 there are approximately 30 to 40 individual
22 committees that submitted letters that were
23 included in the packet that you're referring to
24 that starts with the Higgs committee. And I think,
25 under the circumstances, the best way to move

1 forward is not as a group, but walking down the
2 list, seeing if a representative from the committee
3 raises their hand and wishes to speak, and then
4 have the commission consider the arguments made and
5 then make any decision regarding that enforcement
6 action and proceed down the list of letters in the
7 order that they are in your packet.

8 And I'll defer to my counterpart if she has
9 additional or other ideas.

10 CHAIRMAN OKESON: Co-Director Nussmeyer?

11 MS. NUSSMEYER: I would agree with that
12 assessment, Mr. Chairman. I think that's an
13 appropriate path to take here. And it would be up
14 to you to decide whether or not you think the plea
15 agreement is warranted, the 25, 50, 75 percent
16 stair-step, or if you want to fully waive the fine
17 or if you want to reduce it in a manner that's not
18 the 25, 50, 75 stair-step.

19 CHAIRMAN OKESON: Well, so, for example --
20 and, Suzannah, jump in at any time. What I read on
21 this Higgs letter at the bottom in handwriting --

22 MS. WARYCHA: Let me take a moment. Is
23 Mr. Higgs on the call? If he is, would you raise
24 your hand.

25 CHAIRMAN OKESON: Because it says "I'm

1 requesting a waiver or reduction."

2 MS. WARYCHA: Yeah. He's not on the call. I
3 just wanted to give him the opportunity to chime in
4 if he was. I don't see him.

5 MS. OVERHOLT: Well, Mr. Chairman, if I could
6 interject, it seems to me that so the letter these
7 folks received -- I guess the process that Brad
8 just recited confuses me a little bit, and Angie
9 agreed with it. But this letter that they received
10 I thought was inviting them to fill out these forms
11 and submit them in lieu of appearing at the
12 hearing. So I think -- I mean, I guess we can
13 check to see if any of these people are here, but
14 if I were them, I would be under the belief that,
15 if I submitted this form, that I don't need to
16 appear at the hearing; I've already said what I'm
17 going to say with respect to my case.

18 So whether -- I mean, I guess, again, we can
19 double check because some people might, out of an
20 abundance of caution, send in the form and appear
21 at the hearing. But it doesn't seem to me that it
22 should make any difference of -- well, let me put
23 it this way: I guess if they're here, then, yes, I
24 guess, that would make a difference in terms of how
25 we treat this form, but I don't think we somehow

1 kind of hold it against them that they're not
2 participating in the hearing today.

3 CHAIRMAN OKESON: Because they've gotten the
4 letter, yeah.

5 MS. OVERHOLT: Right, because they sent in the
6 form.

7 MR. KING: Mr. Chairman?

8 CHAIRMAN OKESON: Yeah. Go ahead, Brad.

9 MR. KING: If I could interject, I think
10 campaign finance staff would also be helpful if
11 they would identify whether this and the other
12 committees have had any previous violations.

13 MS. OVERHOLT: Right. I mean, yes, I think we
14 need to go through that, but I think it's -- I
15 mean, I think we look at the letter. We see that
16 Higgs for State Representative Committee submitted
17 a form. We look them up in the binder -- well, the
18 so-called binder -- see how many violations they've
19 had. And, you know, in this case he's asking for a
20 waiver or a reduction.

21 CHAIRMAN OKESON: Right.

22 MS. OVERHOLT: So I think that's giving us the
23 latitude to do --

24 CHAIRMAN OKESON: Impose whatever we want to
25 impose, yeah. So we will probably, then, need to

1 go one by one; correct?

2 MS. OVERHOLT: I would think so.

3 MS. WARYCHA: And just to get people off the
4 room who want to take the deal, would you -- I see
5 Dennis Tedrow for Local Indiana has already raised
6 his hand, wants to take the deal. Just with
7 respect to those, as we figure this out, as I said,
8 it is kind of clunky, but do you want to go ahead
9 and raise your hand, anyone who is here who would
10 like to take the deal, so we can clear you out and
11 you don't have to stay.

12 CHAIRMAN OKESON: Yeah. That's a great point.
13 So we'll give a minute here or so for people to
14 make some sort of digital acknowledgment.

15 MS. WARYCHA: Sure. So the first person I see
16 is Dennis Tedrow for Local Indiana, and let me make
17 sure. We've identified your PAC.

18 Abbey, Michelle, do you see which one that
19 goes to?

20 MS. THOMPSON: Yes. That's on page -- yes,
21 page 44.

22 MS. WARYCHA: The next person I see raising
23 their hand is Niki Groves. Haley, could you unmute
24 Niki for a moment so we can see who Niki is
25 representing.

1 Niki --

2 MS. OVERHOLT: Wait, shouldn't we take these
3 one at a time the same way -- if we were in the
4 hearing room, someone would come up to the front of
5 the room, we'd say do you want to take the deal,
6 the staff would recite the facts, we would decide
7 what they're eligible for, we'd make the
8 determination, and move on to the next person. It
9 seems like we should do that instead of -- having a
10 laundry list of people who are waiting is going to
11 slow it down too, so can we just take them in the
12 order that you're seeing, take them one at a time
13 in the order that they're being seen?

14 MS. WARYCHA: Yes, yes. That would be fine.
15 Thank you. This is actually my first campaign
16 finance hearing, so bear with me.

17 CHAIRMAN OKESON: Well, and to Suzannah's
18 point, I think you've got to back up and start over
19 because we don't know -- Dennis Tedrow, we don't
20 know if this is a first or a second. I think we
21 need to go through that and understand what the
22 reduction is; correct?

23 MS. OVERHOLT: Right.

24 MS. WARYCHA: Okay. Haley, can you unmute
25 Dennis for me, please.

1 And, Dennis, you will be unmuted here in just
2 a second. You are. Go ahead.

3 MR. TEDROW: Can you guys hear me?

4 MS. WARYCHA: Yes.

5 CHAIRMAN OKESON: Yes.

6 MR. TEDROW: Yeah. This is Dennis Tedrow from
7 Dennis Tedrow for Local Indiana. I would like to
8 plead guilty. This is my second offense. I am
9 under the impression that it is a \$500 fine, and I
10 am okay with paying that.

11 CHAIRMAN OKESON: Okay. So what I hear from
12 that is we're still in the procedural rules where
13 he can take the second violation reduction;
14 correct? That's what we're looking at; right,
15 Brad?

16 MR. KING: Yes, Mr. Chairman, that's correct.
17 You can do this a couple of different ways, but one
18 way is to simply make a motion to impose the \$500
19 fine against the committee in this case.

20 CHAIRMAN OKESON: Is that what it would be
21 with the reduction?

22 MS. TAYLOR: Yes.

23 CHAIRMAN OKESON: And what's the campaign
24 again? It's Tedrow?

25 MR. TEDROW: Dennis Tedrow for Local Indiana.

1 MS. OVERHOLT: It's on page 44 of the
2 spreadsheet.

3 CHAIRMAN OKESON: Thank you.

4 Okay. So is there -- I guess we're going to
5 take a motion and vote on this; correct, Brad?

6 MR. KING: Yes, Mr. Chairman, you certainly
7 can do that.

8 CHAIRMAN OKESON: Are we going to do that for
9 each one?

10 MR. KING: I would suggest, for efficiency,
11 that it probably is the best way.

12 CHAIRMAN OKESON: Okay. So is there a motion
13 to accept the penalty for Tedrow?

14 MS. BECKLEY: So moved.

15 CHAIRMAN OKESON: So moved.

16 Is there a second?

17 MS. OVERHOLT: Second.

18 CHAIRMAN OKESON: Any discussion?

19 MR. TEDROW: I have a question.

20 CHAIRMAN OKESON: Sure. Go ahead, Mr. Tedrow.

21 MR. TEDROW: After this, so I have to wait
22 until the end of the Zoom meeting or can I just go
23 ahead and leave the call?

24 CHAIRMAN OKESON: No. You'll be able to
25 depart after we finish.

1 MR. TEDROW: Okay. Sorry. I have to work is
2 all.

3 CHAIRMAN OKESON: No, no. I understand.
4 I mean, there is nothing else for him to do;
5 correct, Valerie?

6 MS. WARYCHA: I'm not aware of anything else.
7 Campaign finance staff, do you need anything
8 else?

9 MS. TAYLOR: Nope. As soon as we're done, you
10 can hang up.

11 MS. WARYCHA: Perfect. Thank you.

12 CHAIRMAN OKESON: All right. So we have a
13 motion and a second. Hearing no further
14 discussion, all those in favor signify by "aye."

15 MS. OVERHOLT: Aye.

16 MS. CRAYCRAFT: Aye.

17 MS. BECKLEY: Aye.

18 CHAIRMAN OKESON: Hearing none opposed, the
19 motion is adopted.

20 Next?

21 MS. WARYCHA: The next one we have is Niki
22 Groves. Haley, if you could unmute Niki.

23 And then Niki, please state your name and what
24 committee you're with.

25 THE MODERATOR: And, Niki, you'll want to hit

1 the unmute button on your device.

2 MR. HARLOW: Did it work?

3 MR. KING: Yes.

4 MR. HARLOW: Good. I'm not very
5 technologically sound, nor am I Niki. I'm Andy
6 Harlow, the treasurer of the Elkhart Builders
7 Association, and I will be the first one to admit
8 that we have had violations in the past. In fact,
9 I have been down in Indianapolis four or five years
10 ago swearing that I would never be on one of these
11 calls ever again, and I guess I'm a liar.

12 We had the form dated January 21st that we
13 sent in, and for whatever reason, it wasn't
14 processed, which I'm willing to accept the blame
15 for. I'm just wondering if we can have some sort
16 of dispensation as far as a smaller fine. We are
17 also pleading some form of guilty.

18 CHAIRMAN OKESON: Which --

19 MS. TAYLOR: Mr. Chairman, members of the
20 commission, this is on page 12. This is the
21 Builders Association of Elkhart County, Cause
22 No. 2021-5251-20. They have been before the board
23 two other times and paid two settlement agreements.
24 The proposed civil penalty is \$1,000 with the mail
25 cost of 55 cents. They also submitted a letter,

1 which will be in your letter packet, and it was the
2 fifth letter in there.

3 CHAIRMAN OKESON: Who is the letter from?

4 MR. HARLOW: Me.

5 MS. THOMPSON: At the top it's Indiana -- or
6 Builders Association of Elkhart County.

7 MR. HARLOW: And that's my signature at the
8 bottom, sir.

9 CHAIRMAN OKESON: I'm not -- what page is the
10 letter on? I'm not seeing it.

11 MR. HARLOW: I do have a copy I could send
12 you.

13 MS. THOMPSON: At the top, would it help, we
14 have the cause number written at the top,
15 2021-5251-20.

16 MS. OVERHOLT: Well, it's hard to search a
17 PDF. We've got a 47-page PDF.

18 CHAIRMAN OKESON: Yeah.

19 MS. TAYLOR: It should be around page 33.

20 CHAIRMAN OKESON: That's helpful.

21 MS. TAYLOR: Page 33, go after that. I'm
22 sorry.

23 CHAIRMAN OKESON: There we go. Okay.

24 MS. TAYLOR: Next time I'll do separate
25 attachments. Lesson learned.

1 CHAIRMAN OKESON: That's okay. Just need to
2 know how to get to it. Thank you.

3 MS. OVERHOLT: Yeah.

4 MS. TAYLOR: Did we find it?

5 MS. OVERHOLT: Yes.

6 CHAIRMAN OKESON: Okay.

7 MS. OVERHOLT: So the other thing is, right
8 now we're just supposed to be considering folks who
9 want to take the deal; right? And what I'm hearing
10 is that this campaign -- this committee doesn't
11 want to take the deal. They want to try to have
12 further discussions.

13 CHAIRMAN OKESON: No.

14 MR. HARLOW: The letter really didn't offer us
15 a deal, so I don't know exactly what we're asking
16 for.

17 CHAIRMAN OKESON: Yeah. His opening sentence
18 does say to request a waiver or reduction of
19 proposed penalty. How many violations is this?

20 MS. TAYLOR: This is their fifth time before
21 the commission.

22 CHAIRMAN OKESON: Five?

23 MS. TAYLOR: Two other times they were at a
24 hearing, and they paid two settlement agreements,
25 so this is the fifth, yes.

1 MR. HARLOW: I believe the last settlement was
2 the agreement when I promised to Mr. Long I would
3 never be in front of you again. We've had issues.
4 I'm not going to go into them. Our treasurer did
5 spend most of the year in the hospital in Chicago
6 on COVID, but that's immaterial.

7 CHAIRMAN OKESON: Well, so I need some counsel
8 here. Are we falling into a gray area? Are we
9 still into the proposed reduced in penalty or are
10 now we moving into hearings?

11 MR. KING: Well, Mr. Chairman?

12 MS. WARYCHA: Go ahead.

13 MR. KING: Mr. Chairman, Brad King. From the
14 facts in this particular case, it does not appear
15 that the committee qualifies for any of the
16 reductions that are part of the standard deal that
17 the commission would offer at past hearings, and so
18 it becomes the determination of the commission
19 whether or not to grant any waiver or reduction
20 whatsoever or whether to impose the full fine.

21 CHAIRMAN OKESON: What's the amount of the
22 penalty?

23 MS. OVERHOLT: 1,000 plus 55 cents in mailing
24 cost.

25 MR. HARLOW: I'll pay the stamp.

1 CHAIRMAN OKESON: Well, can we have some
2 discussion before there's a motion to figure out
3 what we're doing or are we just --

4 MR. KING: Mr. Chairman, procedurally, you
5 should have a motion before you to discuss.
6 Whether you amend it or adopt it is, of course, up
7 to the will of the commission --

8 CHAIRMAN OKESON: Yeah. Okay.

9 MR. KING: -- but you can start with the
10 motion.

11 CHAIRMAN OKESON: Yeah. So is there a motion
12 to impose the penalty as presented on the Builders
13 Association of Elkhart County?

14 MS. CRAYCRAFT: So moved.

15 CHAIRMAN OKESON: Is there a second?

16 MS. BECKLEY: For clarification, that would be
17 the full \$1,000 fine?

18 CHAIRMAN OKESON: Correct.

19 MS. BECKLEY: And this is their fifth time
20 before, not their third?

21 CHAIRMAN OKESON: Correct.

22 MS. BECKLEY: Then, yes, I would second that.

23 CHAIRMAN OKESON: So now that we have a
24 second, can we have some discussion?

25 Suzannah, do you have any thoughts?

1 MS. OVERHOLT: Well, I guess if -- well,
2 since -- I guess my thought would be since we're
3 now kind of outside the parameters of the kind of
4 stair-step situation, I would want to make sure
5 that -- and I'm sorry. Is this Mr. Harlow who is
6 on the line?

7 MR. HARLOW: Yes. Niki is here behind me, but
8 I'm Mr. Harlow, the secretary -- or the treasurer.
9 Andrew Harlow is my name.

10 MS. OVERHOLT: I guess I think this is more
11 akin to a hearing, and I would want to make sure
12 that he has fully presented what he wants to
13 present in terms of his request that the fine be
14 reduced. So I guess that's my comment. I know
15 that's coming after the motion, but we were told we
16 had to have a motion. So my comment is that I
17 would like to hear more from Mr. Harlow before we
18 vote.

19 MR. KING: And, Mr. Chairman, if I may, that
20 is an opportunity that the commission does
21 routinely afford to committees, usually limited to
22 five minutes, not counting responses to
23 commissioner questions and discussion.

24 CHAIRMAN OKESON: Well, without going through
25 all those procedures for the hearing, can we just

1 afford Mr. Harlow a chance to speak with us now?

2 MR. KING: Yes. I see no legal reason why you
3 cannot.

4 MS. WARYCHA: But can Mr. Harlow affirm that
5 he took the oath first, please.

6 MR. HARLOW: I absolutely affirm I took the
7 oath.

8 MS. WARYCHA: Thank you.

9 MS. NUSSMEYER: Mr. Chairman, if I may, the
10 commission members usually will ask the committee,
11 if this is a full hearing, if they're asking for a
12 full waiver or a reduction and what that reduction
13 to them might be, and then you use that as part of
14 your assessment to make the final motion. At least
15 that's how it's traditionally occurred.

16 CHAIRMAN OKESON: So say that again, the first
17 part.

18 MS. NUSSMEYER: Sure. Generally a member of
19 the commission will prompt the committee to ask if
20 they want a full waiver or a reduction and what
21 that reduction to them would be.

22 CHAIRMAN OKESON: Right. So, Mr. Harlow, in
23 your letter you simply request a waiver or
24 reduction. Can you articulate what your actual
25 request is?

1 MR. HARLOW: I would appreciate any waiver
2 whatsoever or reduction that you could give, but
3 let's start with 50 percent, and you're going to
4 negotiate backwards on me.

5 CHAIRMAN OKESON: And would you like to offer
6 some explanation in the form of testimony?

7 MR. HARLOW: A couple of things I'd like --
8 and this is not -- again, I'm just like the first
9 gentleman. I am going to tell you that we are
10 guilty, or I think we are. We did complete the
11 form on January 21st. We did mail it. We did
12 receive a letter in March it had never been
13 received.

14 But be that as it may, some of the things that
15 transpired in this last 12 months, we removed our
16 executive director for cause and had to find a new
17 executive director. Our accountant left the public
18 field and went to be the private accountant for the
19 Boys and Girls Clubs, so we had to find a new
20 accountant at this same time. As I shared a little
21 bit ago, our treasurer, who had been the treasurer
22 for two or three years, was diagnosed with COVID,
23 and if he hadn't gone to the Rush Hospital up in
24 Chicago, he probably would have passed away earlier
25 this year. We had to reduce our administrative

1 staff because of COVID.

2 So we dealt with a few things that were out of
3 the ordinary. We implemented a few things to make
4 sure that we're always on time. We are now
5 presenting the information to our accountant before
6 it's due rather than wait for them to send us the
7 response, because we don't get our accounting
8 information, on a monthly basis, until about the
9 20th, which makes it a little difficult to get it
10 to you guys on time. So if we give it to them a
11 month earlier, hopefully we'll have it at the
12 beginning of January as opposed to the end of
13 January. And I can tell you with absolute
14 certainty you will never hear my name or voice ever
15 again. I promise you that.

16 CHAIRMAN OKESON: Didn't you promise that the
17 last time?

18 MR. HARLOW: I know and I'm a liar. Sorry.
19 But it was years ago. It was about five years ago
20 when I was down there, only to find out I had been
21 there for the third or fourth time and didn't know
22 it. So I defer the last time. I didn't know that
23 we were a frequent flier.

24 CHAIRMAN OKESON: Well, and for the record, my
25 comments were made with levity.

1 MR. HARLOW: I know they were. I appreciate
2 the levity.

3 CHAIRMAN OKESON: Okay. So, Brad, Valerie,
4 Angie, does your staff have anything further to
5 offer on this matter?

6 MR. KING: Nothing substantive, Mr. Chairman,
7 but just to say that if the commission is inclined
8 to impose an amount other than the one in the
9 pending motion --

10 CHAIRMAN OKESON: We'll have to amend the
11 motion?

12 MR. KING: -- you will have to amend the
13 motion and then take a vote on the motion as
14 amended.

15 CHAIRMAN OKESON: Right.

16 MS. OVERHOLT: I thought Angie started to say
17 something.

18 MS. NUSSMEYER: I don't have anything further
19 unless, Abbey, you have something in the file that
20 you think is pertinent for the commission to
21 consider.

22 MS. TAYLOR: I do not. The last time they
23 were before the commission was June of 2012.

24 MR. HARLOW: That sounds accurate. I'm sure
25 it is accurate.

1 CHAIRMAN OKESON: Well, taking your testimony
2 at face value, as I do, it sounds like you've been
3 on a bit of a rollercoaster ride here.

4 Do any other commission members have any
5 thoughts or comments as it relates to the testimony
6 provided and the motion at hand?

7 MS. OVERHOLT: And remind me, what was the
8 proposed penalty in the current motion?

9 CHAIRMAN OKESON: \$1,000, I believe.

10 MS. BECKLEY: Yeah, the full penalty.

11 MS. NUSSMEYER: And 55 cents.

12 CHAIRMAN OKESON: And 55 cents.

13 MR. HARLOW: I'll pay the 55 cents.

14 CHAIRMAN OKESON: Which may be increased by
15 the time we finish this meeting. It could go up to
16 57 cents.

17 MR. HARLOW: I have a forever stamp. We'll be
18 okay.

19 MS. OVERHOLT: I would say, Mr. Chairman, in
20 light of the circumstances and that there has been
21 a period of time since the last violation, that I
22 would move to amend the motion to reduce the
23 penalty to the 75 percent level.

24 CHAIRMAN OKESON: I'm going to take that as a
25 motion to amend the previous motion and impose a

1 penalty of 75 percent plus mailing costs.

2 Is there a second?

3 MS. CRAYCRAFT: I would second that.

4 CHAIRMAN OKESON: Any further discussion?

5 Hearing none, all those in favor signify by
6 "aye."

7 MS. OVERHOLT: Aye.

8 MS. CRAYCRAFT: Aye.

9 MS. BECKLEY: Aye.

10 CHAIRMAN OKESON: Hearing none opposed, the
11 motion carries.

12 Thank you Mr. Harlow.

13 MR. HARLOW: Thank you very much. We
14 appreciate your consideration. Do I still have to
15 put my hand up to say that I said it's okay or
16 verbal is okay?

17 MS. WARYCHA: We're good.

18 CHAIRMAN OKESON: Yeah. It's okay now.

19 MR. HARLOW: Okay. I appreciate it.

20 CHAIRMAN OKESON: Sure thing. Thank you.

21 MS. WARYCHA: Okay. So the next person that I
22 see with their hand raised is Ferdinand Alvarez.
23 And if you could go ahead and unmute him, Haley.

24 And, Mr. Alvarez, are you wanting to take the
25 deal or make -- if you're wanting to take the deal

1 as a percentage based on how many violations, we
2 can do that now, or if you're wanting to hear a
3 case, we'll wait until after we're done with those
4 deals. Mr. Ferdinand, are you wanting to take the
5 deal?

6 MR. ALVAREZ: Can you hear me? Hello.

7 CHAIRMAN OKESON: Yes. Go ahead.

8 MR. ALVAREZ: Okay. Thank you, members of the
9 commission, for allowing me to speak this
10 afternoon. My name is Ferdinand Alvarez, chairman
11 of the Lake and Porter County Young Democrats.

12 The reason I did raise my hand is I do request
13 a waiver of the fees. The only dilemma is that I'm
14 a deputy prosecuting attorney, and I'm on my lunch
15 break, and I am on my way back to court to work for
16 the State of Indiana. And so I was just hoping
17 there was some type of way I can be heard
18 beforehand. But I am -- unfortunately, my lunch
19 break is coming to a close, and I will no longer be
20 able to be on the meeting due to the fact that I'll
21 be in criminal court.

22 MR. KING: Mr. Chairman, Mr. Alvarez needs to
23 confirm that he took the oath.

24 CHAIRMAN OKESON: Mr. Alvarez?

25 MR. ALVAREZ: Yes, sir, I did take the oath.

1 I do so confirm.

2 CHAIRMAN OKESON: And what I'm hearing you
3 say, Mr. Alvarez, is that you want to proceed with
4 sort of a hearing on the matter as opposed to
5 accepting a reduction in penalty, which is what is
6 on the table.

7 MR. ALVAREZ: Correct. I am aware that I'm
8 out of the order as far as the procedure on the
9 agenda, but due to time constraints, I just wanted
10 to bring it to this commission's attention
11 beforehand rather than afterwards.

12 CHAIRMAN OKESON: And you do recognize --

13 MS. CRAYCRAFT: Mr. Chairman, can he call for
14 a continuance if there's not time today?

15 CHAIRMAN OKESON: Well, I suppose he can
16 request one. Is that correct, Brad?

17 MR. KING: Yes, he can. Mr. Chairman, you've
18 actually started consideration here, and if
19 campaign finance staff can provide information
20 about violations, we may be able to have the
21 commission accommodate Mr. Alvarez so it's not
22 necessary. But, yes, if it is necessary, the
23 commission can grant a continuance.

24 CHAIRMAN OKESON: Well, and I just want to
25 remind Mr. Alvarez that, by entering into this part

1 of the procedure, you may be foregoing your
2 opportunity to accept a reduced penalty and may be
3 imposed the entire fine. Are you comfortable with
4 that?

5 MR. ALVAREZ: I am, Your Honor -- or Your
6 Honor. I'm sorry. I am, Mr. Chairman.

7 CHAIRMAN OKESON: No one's ever called me
8 that, so don't start.

9 MR. ALVAREZ: Force of habit, sir.

10 MS. THOMPSON: Mr. Chairman, this is page 28.

11 CHAIRMAN OKESON: Okay. So in the PDF, what
12 page is the letter on?

13 MS. THOMPSON: No, not the letter. It's the
14 spreadsheet.

15 CHAIRMAN OKESON: All right.

16 MS. OVERHOLT: So does this count as their
17 second violation? Is that how I'm reading this?

18 MS. THOMPSON: This is their third.

19 MR. ALVAREZ: The reason for that, if I may,
20 members of the commission, our organization has
21 undergone three separate restructuring elections in
22 the last three years. I have recently been
23 appointed chairman as of May of this year along
24 with all new board members.

25 I can't speak for the three violations in the

1 past. All I can speak of is -- or speak on is that
2 in the future our board is committed to being
3 diligent on our paperwork. Our financial
4 statements are getting in order. We are
5 coordinating our bank accounts with People's Bank
6 here in Munster, Indiana, and we are taking this
7 seriously.

8 Our previous treasurer was a 16-year-old high
9 school student who perhaps did not grasp the
10 seriousness of the accountability as far as
11 paperwork and documentation, but we do throw
12 ourselves at the mercy of this commission, and we
13 promise that in the future all accountability and
14 paperwork will be in order. We are an organization
15 of five individuals, and all of us are under the
16 age of 31, so...

17 CHAIRMAN OKESON: There was a time when I
18 wished my age was an excuse for my delinquency.
19 I'm sorry. Back up a step. What's the committee
20 name again?

21 MR. ALVAREZ: Lake and Porter County Young
22 Democrats, sir.

23 CHAIRMAN OKESON: Okay. And so what's the
24 proposed penalty?

25 MS. THOMPSON: The proposed penalty --

1 MR. ALVAREZ: We -- I'm sorry.

2 CHAIRMAN OKESON: Mr. Alvarez, hold on a
3 second.

4 MR. ALVAREZ: My apologies.

5 CHAIRMAN OKESON: No. You're fine.

6 MS. THOMPSON: Mr. Chairman, this is -- the
7 Lake and Porter County Young Democrats has a
8 proposed civil penalty of \$50.55. They have been
9 before the board one time and they've paid the
10 settlement agreement, so this would be their third
11 offense.

12 CHAIRMAN OKESON: So the penalty as proposed
13 is \$50.55?

14 MS. THOMPSON: Correct.

15 CHAIRMAN OKESON: Well, after hearing
16 Mr. Alvarez's testimony, does anyone have a motion?

17 MS. OVERHOLT: I would move that we use the
18 stair-step approach and approve the 75 percent
19 penalty for the third violation.

20 MS. BECKLEY: I second that.

21 CHAIRMAN OKESON: Yeah. I mean, Mr. Alvarez,
22 I'm kind of there too, and you could have dispensed
23 with this a little bit quickly to get off your
24 lunch hour here.

25 So hearing a motion for a 75 percent -- or a

1 reduction of 25 percent on the fine as proposed,
2 having a second, all those in favor signify by
3 "aye."

4 MS. OVERHOLT: Aye.

5 MS. CRAYCRAFT: Aye.

6 MS. BECKLEY: Aye.

7 CHAIRMAN OKESON: Aye.

8 MR. ALVAREZ: I thank you, members of the
9 commission, for your decision. It definitely beats
10 a \$1,000 fine, which is what I was unfortunately
11 anticipating. This fine is a bit more manageable,
12 and I will ask my members to gather their
13 babysitting money and we will pay this fine.

14 So thank you very much. I thank you for your
15 time. I hope you all have a wonderful day.

16 CHAIRMAN OKESON: Thank you.

17 MS. NUSSMEYER: Mr. Chairman, I believe the
18 spreadsheet shows the fine as being \$50.

19 CHAIRMAN OKESON: That's right.

20 MS. NUSSMEYER: Okay. So I think he may have
21 misunderstood what his fine was.

22 CHAIRMAN OKESON: I think so too.

23 MS. NUSSMEYER: Okay. Well, he'll get even
24 better news, I suppose, with a 35 or \$40 -- math is
25 hard -- settlement agreement. So thank you. I

1 just wanted to clarify that.

2 CHAIRMAN OKESON: Yeah. It's probably more
3 like lawn mowing money and not babysitting money.

4 MS. WARYCHA: So I just want to bring this up.
5 I can see the hands that are raised, and I think
6 there is confusion between the deal and making
7 testimony.

8 CHAIRMAN OKESON: Right.

9 MS. WARYCHA: So I just want to open that up
10 to you, Mr. Chairman, and see how would you like to
11 proceed. Would you like to continue giving people
12 the opportunity to make their case or go back to
13 the deals? I just wanted to put that out there.

14 And, Brad, feel free to weigh in.

15 CHAIRMAN OKESON: Let me do this: For all who
16 are in attendance, if you can please take your hand
17 down. Let's start again with those who are
18 interested in taking the proposed reduction in
19 penalties without any testimony, now raise your
20 hand.

21 MS. WARYCHA: Okay. I see one, Roxanna
22 Hanford. And if you could please unmute her. And
23 Roxanna if you could say that you have taken the
24 oath before you make remarks.

25 MS. HANFORD: Hi. I did agree to the oath,

1 and apparently my computer is not showing the same.
2 Mine shows that my hand is lowered.

3 MR. KING: We can see you.

4 MS. WARYCHA: We see you. You're okay.

5 MS. HANFORD: Well, I would prefer to present
6 my case.

7 MS. WARYCHA: Oh, okay.

8 CHAIRMAN OKESON: I understand. I see what
9 you're saying. Okay. Thank you.

10 MS. WARYCHA: I don't see anybody else with a
11 hand raised, then, Mr. Chairman.

12 CHAIRMAN OKESON: I'm going to give one more
13 minute.

14 No one?

15 MS. WARYCHA: I do not see any hands.

16 CHAIRMAN OKESON: All right. So presumption,
17 then, is that everybody else would like to be
18 heard. We've already kind of dived in, but for the
19 sake of the record, I'll go through the finance
20 hearing procedures.

21 The remaining committees will be called to
22 make presentation of evidence in these matters.
23 Before doing so, I want to note that in the past we
24 have followed certain procedures, and I move that
25 the commission use the following procedures today:

1 When each campaign finance matter is called,
2 the hearing will begin by recognizing our staff to
3 provide information about the documents in this
4 matter provided to the commission members,
5 including letters from the committees, and the
6 notice given to the campaign committee.

7 Unless there's any objection, the documents
8 provided to the commission by the Election Division
9 will be entered into the record of this meeting.

10 After the campaign finance staff completes
11 presentation, a representative of the committee
12 will be recognized and may present their case for
13 no more than five minutes.

14 Commission members may ask questions during
15 the presentation, but the time spent answering
16 these questions will not be counted against that
17 presenter's time. And the Election Division may
18 signal the chair when the presenter's time is up.

19 If the presenter offers additional documents
20 or other physical evidence not previously received
21 by the commission, then the original must be
22 provided to the Election Division.

23 And, Valerie, we'll figure that out for the
24 preservation of the record.

25 MS. WARYCHA: Yes.

1 CHAIRMAN OKESON: If the commission finds that
2 a committee has violated the campaign finance
3 statutes, state law requires the unanimous vote of
4 all four commissioners to waive or reduce the
5 amount of penalty set by state law.

6 If the commission makes a decision at this
7 meeting to either fine a committee or dismiss the
8 case against the committee, then the Election
9 Division will prepare a final order for the
10 commission to approve at a later meeting. If a
11 committee is fined today, the committee will
12 receive a notice from the Election Division to pay
13 the fine after the commission adopts the final
14 order. So it may be some time after today before a
15 committee will be required to pay said fine.

16 Candidates and committee representatives who
17 would like to present today, please identify by
18 using the hand motion that we've been using thus
19 far, and the staff will identify you in the order
20 that they see you.

21 The commission will recognize the committees
22 to present in chronological order of -- I just said
23 that. All right. So please speak clearly and wait
24 for -- and confirm that you've taken the oath.

25 With that in mind, is there a second to the

1 motion on these procedures?

2 MS. BECKLEY: I will second.

3 CHAIRMAN OKESON: Any discussion?

4 Hearing none, all those in favor signify by
5 "aye."

6 MS. OVERHOLT: Aye.

7 MS. CRAYCRAFT: Aye.

8 MS. BECKLEY: Aye.

9 CHAIRMAN OKESON: Motion's approved.

10 Let's proceed.

11 MS. WARYCHA: Okay. The first person I see
12 is -- I'm going to say who I see and then who would
13 be on deck. So the first person I see is
14 Ungethiem, and then I think -- if you could go
15 ahead and unmute him, Haley. And then the next
16 person will be a Diane -- I'm sorry, I'm not going
17 to say your last name correctly -- Yenerall.

18 MR. UNGETHIEM: Can you hear me?

19 MS. WARYCHA: Yes, we can. Can you confirm
20 you took the oath.

21 MR. UNGETHIEM: I'm Bruce Ungethiem. I'm
22 representing the Committee to Elect Bruce
23 Ungethiem. This is the first time I've done this,
24 Zoom or otherwise, so bear with me.

25 I did submit written information on this, and

1 I am requesting a waiver of any fines that might be
2 potentially imposed. And the reason is that,
3 according to how I understood the rules, the
4 committee followed all rules and submitted all the
5 forms on time.

6 Oh, by the way, I did say "I do" and I'm under
7 oath, so --

8 CHAIRMAN OKESON: Okay. Thank you.

9 MR. UNGETHIEM: -- we've got that out of the
10 way.

11 Basically, my understanding is that there were
12 two issues around the committee. One was a late
13 filing of CFA-11 back in April of 2018 and a late
14 filing of CFA-4 in 2021. And in April of 2018, I
15 filed the forms electronically, including the
16 CFA-11. Then at the end -- and I lost the
17 election, so I did not have to file until the end
18 of the year. I filed again on the 15th of January
19 of the following year, and everything was fine.
20 There was nothing in the computer queue that
21 indicated that there was any issue.

22 In 2019, I didn't collect any money and I
23 didn't spend any money because I wasn't running for
24 election.

25 In January of 2020, I made the decision that I

1 was never going to run for elected office again, so
2 I filed the CFA-4 report on January 6 of 2020 and
3 dissolved the committee. The money that was
4 remaining in the committee was donated to several
5 local charities, and I thought I was done with that
6 situation.

7 In January of 2021, I got a note from the
8 Election Division. I got a letter sent out by the
9 Election Division indicating the committee was
10 delinquent in filing its forms. I immediately
11 called the office, talked with Michelle Thompson,
12 asked her what the situation was. We got onto the
13 computer, and she did find that the CFA-11 was
14 sitting in a file -- or in a holding area
15 somewhere. It was on the computer but for some
16 reason now was not considered submitted even though
17 in the previous two years it didn't indicate that.

18 So she worked with me. We got the CFA-11
19 filed. In addition, the notation about the CFA-4
20 not being filed in 2021, since I closed the
21 committee or thought I closed the committee in
22 2020, my understanding was there was no reason to
23 file a 2021 CFA-4. We worked through that
24 situation as well, got that situation resolved, and
25 when I got off the phone with Ms. Thompson, my

1 understanding was everything was okay and no other
2 action was needed. Then I started to get
3 information that said that there might be fines and
4 penalties associated with that.

5 The reason that I'm confused about this is in
6 my previous life, when I worked for a Fortune 500
7 company, I was the director of computer operations
8 and know quite a bit about computers and
9 programming and that kind of thing and know that
10 they have a tendency to sometimes not be as
11 accurate as we would like them to be.

12 But in summary, I followed all the information
13 that I had. I filed all of the proper forms on
14 time. There was no intent to deceive, and there
15 was no one harmed by any of the actions that
16 occurred. So my request is to have the -- any
17 fines that might be imposed waived, and I will go
18 on with my life and never run for office again.

19 CHAIRMAN OKESON: Thank you, Mr. Ungethiem.

20 Staff, Michelle, does this all, this recount
21 of events, sound accurate?

22 MS. THOMPSON: Yes. He also sent the letter
23 explaining that all. It's on page 2. Let me tell
24 you what pages these are on on your spreadsheet,
25 page 2 and page 84. And, yes, I did help him walk

1 through it and get it closed.

2 CHAIRMAN OKESON: And was this -- this notion
3 of the application being in some holding area, can
4 you speak to that for me.

5 MS. TAYLOR: He entered the large contribution
6 into the system on January 10th of 2019. At that
7 time it notified him that a large contribution
8 report needed to be filed and he either had to hit
9 "Continue" or "Update" to change it. He did not
10 file that report. It was in the "Reports Due"
11 section until he filed the report on February 2nd
12 of 2021.

13 MR. KING: Mr. Chairman, campaign finance, for
14 the record, should identify whether the committee
15 has any previous violations.

16 CHAIRMAN OKESON: Yeah. Thank you, Brad.

17 MS. THOMPSON: Mr. Chairman, no, he has not
18 been before the commission before.

19 MS. OVERHOLT: So do I understand, is the
20 committee now closed?

21 MS. TAYLOR: Yes.

22 MS. OVERHOLT: And I think -- I don't know if
23 staff would know this, but I heard Mr. Ungethiem
24 just say that all the money in the account has been
25 donated.

1 MS. TAYLOR: He closed the committee, so
2 there's no money in the account.

3 MR. UNGETHIEM: That is correct. All
4 remaining funds were disbursed to charitable
5 organizations.

6 MS. OVERHOLT: And I -- well, Mr. Chairman,
7 consistent with, I think, how we've handled
8 situations like this in the past, I would actually
9 move to waive the entire --

10 CHAIRMAN OKESON: Penalty.

11 MS. OVERHOLT: -- fine and mailing costs due
12 to the fact that the committee is closed and
13 there's no money in the account anymore.

14 CHAIRMAN OKESON: Yeah. So there's a motion
15 on the Ungethiem matter to waive the penalty. Is
16 there a second?

17 MS. BECKLEY: I would second.

18 CHAIRMAN OKESON: Any further discussion?

19 Hearing none, all those in favor signify by
20 "aye."

21 MS. OVERHOLT: Aye.

22 MS. CRAYCRAFT: Aye.

23 MS. BECKLEY: Aye.

24 CHAIRMAN OKESON: Seeing none opposed, the
25 motion carries and the penalty is waived.

1 Thank you, Mr. Ungethiem.

2 MR. UNGETHIEM: Thank you very much. Have a
3 good day.

4 CHAIRMAN OKESON: Thank you.

5 MS. WARYCHA: The next person on deck is Diane
6 Yenerall, and then Roxanna Hanford is next. And do
7 not forget to say if you've taken the oath.

8 MS. YENERALL: Okay. Thank you. My name is
9 Diane Yenerall.

10 MS. WARYCHA: Hold on just a second. And then
11 campaign finance, I think, will go first.

12 CHAIRMAN OKESON: Yeah. Thank you.
13 Go ahead, Michelle.

14 MS. THOMPSON: We're trying to figure out what
15 page it's on. Hang on. Page 63.

16 CHAIRMAN OKESON: Was there any letters or
17 anything sent on this case?

18 MS. TAYLOR: No.

19 MS. THOMPSON: No letters. This is Indiana
20 Speech Language Hearing Association PAC, has a
21 proposed civil penalty of \$1,000.55. They have
22 been before the board twice, and they have paid two
23 settlement agreements, so this would be their fifth
24 violation.

25 CHAIRMAN OKESON: How is it their fifth if

1 they've been before us twice?

2 MS. THOMPSON: They've also paid two
3 settlement agreements.

4 CHAIRMAN OKESON: I see what you're saying.
5 Okay. Thank you. Sorry.

6 MS. OVERHOLT: I've caught on. You have to
7 add both of those columns, I figured out.

8 CHAIRMAN OKESON: Okay.

9 MS. TAYLOR: Right.

10 CHAIRMAN OKESON: So I'm scrolling through
11 here. What's the proposed fine?

12 MS. THOMPSON: \$1,000.55.

13 CHAIRMAN OKESON: And, Diane, will you
14 pronounce your last name for me, please.

15 MS. YENERALL: It's Yenerall.

16 CHAIRMAN OKESON: Yenerall. Okay. Thank you.
17 Okay. Ms. Yenerall, would you like to provide any
18 testimony?

19 MS. YENERALL: Yes. Thank you. I do
20 acknowledge that --

21 CHAIRMAN OKESON: And before you start -- I'm
22 sorry -- what is it that you're seeking? What's
23 your request?

24 MS. YENERALL: We're seeking a waiver of the
25 penalty of \$1,000.

1 CHAIRMAN OKESON: Okay. Proceed with your
2 testimony. I apologize.

3 MS. YENERALL: That's okay. Thank you. And I
4 do acknowledge that I took the oath.

5 CHAIRMAN OKESON: Thank you.

6 MS. YENERALL: I am representing the Indiana
7 Speech-Language-Hearing Association PAC. I am
8 their new management company. I entered into a
9 contract with the association, the state
10 association, in September after they had unresolved
11 issues with their previous management company.

12 I was not aware -- when I was contracted, I
13 was not contracted to take care of a PAC account
14 for them. But when I received the letter in
15 March 16th that the filing had not taken place,
16 that a volunteer of the organization was to make,
17 that is when I started discussing with them that I
18 would take over the management of the PAC account
19 for them since I am familiar with PAC accounts. I
20 manage associations with PACs in the state of
21 Pennsylvania, Virginia, and New York, so I
22 understand the severity of the penalties and
23 reporting on time.

24 So considering the fact that they were having
25 issues that they needed to change management

1 companies, they had also at the same time, the
2 person who was filing the PAC was brand-new, was a
3 brand-new volunteer, and I don't think she
4 understood everything that she was supposed to do.

5 So I do acknowledge that they did have five
6 previous violations, but I'd just like the
7 consideration since we are a new management company
8 and we do have experience managing PACs in other
9 states.

10 CHAIRMAN OKESON: I'm not sure that I have any
11 questions. Does any member of the commission have
12 any questions for Ms. Yenerall?

13 MS. OVERHOLT: I don't, Mr. Chairman.

14 CHAIRMAN OKESON: Is there any proposed
15 motions on this matter? I mean, consistent with
16 sort of your comments on the previous fifth-timer,
17 I'm inclined to impose 75 percent, unless there's
18 other discussion or an alternate motion.

19 MS. OVERHOLT: I guess I don't feel -- I feel
20 like the situation described here was a little
21 bit -- or described in the other case was a little
22 bit different, but we might get into splitting
23 hairs if we do that. I don't know. I don't have a
24 strong feeling one way or the other, so I'll say
25 that.

1 Well, I guess if no one else is making a
2 motion, I guess I'll move that we proceed with
3 the -- that we grant a reduction of 25 percent or
4 impose and move that we impose 75 percent of the
5 proposed fine.

6 MS. CRAYCRAFT: Second it.

7 CHAIRMAN OKESON: We have a motion and a
8 second. Any further discussion?

9 Hearing none, all those -- go ahead.

10 MS. BECKLEY: Is there a reason -- what would
11 be your thought on the difference? Is it because
12 they hired the new management company?

13 MS. OVERHOLT: Well, my thought, I mean, the
14 other situation where he was talking about how, I
15 forget, one of the staff people was hospitalized
16 with COVID, I mean, they also had kind of a change
17 in personnel but then also some other
18 circumstances, so I guess that's what I thought
19 made it a little different. But as I acknowledged,
20 that could get into splitting hairs a bit or being
21 a little bit overly subjective.

22 MS. BECKLEY: I'm good to vote on the
23 75 percent.

24 MR. KING: Mr. Chairman, staff understands the
25 motion to include mailing costs as well.

1 CHAIRMAN OKESON: Yes. Thank you.

2 MS. OVERHOLT: Yes, of course.

3 CHAIRMAN OKESON: We'll stipulate that from
4 now on.

5 MS. OVERHOLT: Yes. Sorry. Yes.

6 CHAIRMAN OKESON: Any further discussion? Any
7 questions?

8 Hearing none, we have a motion to impose
9 75 percent and a second. All those in favor
10 signify by "aye."

11 MS. CRAYCRAFT: Aye.

12 MS. BECKLEY: Aye.

13 MS. OVERHOLT: Aye.

14 CHAIRMAN OKESON: Hearing it's unanimous, the
15 motion carries. Thank you.

16 MS. YENERALL: Thank you for your time.

17 CHAIRMAN OKESON: Who is next?

18 MS. WARYCHA: Next is Roxanna Hanford, and
19 then John Schroeder will be on deck next. So
20 please unmute Roxanna, and then, campaign finance
21 staff, you're on.

22 MS. THOMPSON: Mr. Chairman, this is on
23 page 26 and page 73 of the spreadsheet, Vote
24 Roxanna Hanford. The first one has a proposed
25 civil penalty of \$1,000.55, and the second one has

1 a proposed civil penalty of \$1,000.55.

2 No. I'm sorry. Has not been before the
3 commission before.

4 CHAIRMAN OKESON: What page is the spreadsheet
5 on?

6 MS. THOMPSON: 26 and 73.

7 MS. BECKLEY: So there's two accounts here?
8 There's two violations?

9 MS. THOMPSON: There's two.

10 MS. BECKLEY: Okay.

11 CHAIRMAN OKESON: And the second one is \$1,000
12 and the first one is how much?

13 MS. THOMPSON: 1,000.

14 CHAIRMAN OKESON: Each. Okay.

15 Ms. Hanford, can you please confirm that you
16 swore to the oath.

17 MS. HANFORD: Yes. Good afternoon, everyone.
18 I affirm that, yes, I did agree to the oath, and I
19 was not aware that there were two penalties.

20 CHAIRMAN OKESON: Okay.

21 MS. HANFORD: So now I'm ten times more
22 confused than I was before. The only violation
23 that I understood that was against me was not
24 filing a final report as I made my run for U.S.
25 Senate, District 6, and my paperwork has all been

1 sent in.

2 Now, can you guys see us when we're talking or
3 just hear us?

4 CHAIRMAN OKESON: I can see your face on a
5 screenshot, but you're not live. I can just hear
6 you.

7 MS. HANFORD: Okay. So, like I said, I was
8 only aware of the one violation. And my
9 explanation for this is I had already been in
10 office. I was county commissioner. I had opened
11 my campaign account in 1999, and my campaign
12 account was entitled "Vote Roxanna Hanford." That
13 was it. It wasn't Vote Roxanna Hanford for
14 Commissioner or Vote Roxanna Hanford for Senate.
15 You know, the title of my campaign was Vote Roxanna
16 Hanford.

17 So when I decided to run for Senate, I already
18 had my account. I was out of office as
19 commissioner. I kept the account open. I filed my
20 annual reports, you know, and I sent bank
21 statements with them to verify them, showing that
22 the ending balances had not changed. And so I sent
23 my annual reports, but I never sent a final report
24 because I knew that I was going to be running for
25 office in the future yet.

1 So then starts my Senate campaign. I pick up
2 my campaign finances where I had left them off and
3 started my fund-raising and my campaigning and
4 whatnot, and it still is Vote Roxanna Hanford and
5 that was it. It was an unsuccessful race. I
6 concluded the race with a balance of \$244.76.

7 In filling out my CF-4 -- CF-4s, I marked them
8 year-end, but I never marked it final because I had
9 a debt. When I opened my campaign, I opened my
10 campaign with \$5,000 and put it in as a loan from
11 myself to a campaign. It was my understanding that
12 you cannot close an account if there is a debt owed
13 or a balance; it has to be zero balance. When I
14 was no longer commissioner, I didn't have a zero
15 balance, so I never marked it final. When my
16 unsuccessful race for Senate ended, I did not have
17 a zero balance, so I didn't mark it as final.

18 I continued to send in my year-end reports,
19 and then I was notified that I needed to send in a
20 final report to the Senate race -- oh, I ran for
21 council after that, so I continued my campaign. So
22 that's why it wasn't closed and finalized at that
23 time. Then I was notified after that that I had to
24 close out my Senate account with a zero balance,
25 and I didn't know how to do that. I don't know how

1 to close an account without a zero balance.

2 So after my run for council, I did close out
3 my account. I did repay myself the remaining
4 balance from the \$5,000, marked the rest of it off
5 as a donation, zeroed out the account, closed the
6 account, and sent that paperwork in as well as my
7 bank statement showing that this account was zeroed
8 out and closed.

9 So I just -- bottom line, I don't know how to
10 close out an account without a zero balance.

11 MS. OVERHOLT: Well, so could I ask a
12 question?

13 CHAIRMAN OKESON: Yes.

14 MS. OVERHOLT: So, Ms. Hanford, what I think
15 I'm hearing you say is that your intent -- I mean,
16 so is it your intent to close your campaign finance
17 committees?

18 MS. HANFORD: Yes, it's closed. Not out of
19 bitterness or anything like that, but I'm unable to
20 run. I will not be running for any future offices,
21 and so, yes, the account is closed. Checks were
22 shredded and the balance was zeroed.

23 MS. OVERHOLT: And I keep hearing you --

24 MS. TAYLOR: Your account may be closed, but
25 your campaign committee is still open.

1 MS. HANFORD: Campaign committee?

2 MS. OVERHOLT: Right. So you would have
3 created, when you started this whole process -- and
4 I appreciate your having been so interested in
5 running and sorry you ended up not having such
6 great experiences.

7 MS. HANFORD: Well, I was a two-term
8 commissioner. I felt good about that.

9 MS. OVERHOLT: So you did good. Okay.
10 Anyway, so you would have opened -- under state
11 law, you would have opened the committee's -- the
12 campaign finance committee that you have to open
13 under state law, and then there are bank accounts
14 that you had, I think, that you're talking about
15 where the money actually was housed. And the
16 committee that is created under state law is one
17 where you -- it's the recordkeeping that kind of
18 reflects what's going on in that bank account.

19 It sounds like you have closed your bank
20 accounts, but the actual committees -- and forgive
21 me if I'm wrong -- it sounds like you might have
22 had two campaign finance committees created under
23 state law. It sounds like those committees are
24 still open but the bank accounts are closed.

25 MS. HANFORD: Okay. So we're talking

1 committee and cash, committee and finances.

2 MS. OVERHOLT: Right.

3 MS. HANFORD: Two separate issues. See, I was
4 looking at one single issue.

5 MS. OVERHOLT: Right.

6 MS. HANFORD: If there's money, there's a
7 committee, a campaign. If there's no money, if
8 there's no race, then, you know, you just do your
9 year-end report and that would be the end of it.

10 MS. OVERHOLT: To cut to the chase on this,
11 can I just ask the question, is it your intent to
12 close your -- well, you said you're not planning to
13 run again, so if staff were to help you with the
14 process to help you figure out how to actually
15 close those committees that you've created at the
16 state and local level, would you be -- are you
17 intending to do that?

18 MS. HANFORD: Absolutely. I'm not making
19 excuses. I'm not looking for sympathy. But I have
20 been diagnosed with multiple brain tumors. This is
21 very difficult for me to maneuver through. I have
22 stacks of papers that, while we're sitting here,
23 I'm reading them. I'm making notes to myself so I
24 don't forget it because it's just too hard for me.
25 I physically cannot do this anymore. But I will

1 remain Democrat chairman. I should say chair. I'm
2 sorry.

3 MS. NUSSMEYER: Mr. Chairman, if I might, in
4 order to close her committee, we do need something
5 in writing from Ms. Hanford that says that she
6 forgives the debts owed to her committee, because
7 once that is received, then staff can help her
8 online to close out the committee to be reflective
9 of the fact that she transferred her Senate dollars
10 maybe not to a different bank account, but from one
11 committee to the other, to the local committee, and
12 do the final disbands to address the issues raised
13 here today.

14 CHAIRMAN OKESON: Ms. Hanford, can you help us
15 with that?

16 MS. HANFORD: Yes. If I understand this, is
17 there a form that I'll fill out that says that I am
18 disbanding my committee? But then where do I put
19 that money? When I'm talking about money in there,
20 I don't have to put a money amount in there? I'm
21 just disbanding that Vote Roxanna Hanford, and then
22 put Senate seat -- or Senate race in there, that
23 committee has been disbanded? So that's it, I
24 don't have to worry about putting a money amount in
25 there, and then go through and fill out another

1 form that says Vote Roxanna Hanford not for county
2 council, but Vote Roxanna Hanford that at the time
3 was running for county council has disbanded that
4 committee. Is that what they're looking to do?
5 Oh, but you do need a zero dollar in there.

6 MS. NUSSMEYER: Right. So what we need to do
7 is go back and amend a report that shows that you
8 transferred the dollars from the Senate campaign to
9 your local committee. So we're not actually moving
10 money; we're just showing the fact that one
11 committee transferred funds to the other committee,
12 even though the bank account was the same, which
13 will result in a zero dollar balance.

14 But then we also need an email from you that
15 says that you forgive your loans. And we can take
16 this offline, if you like. I know Abbey and I have
17 your contact information and we can work through
18 this with you.

19 MS. HANFORD: And my 3-inch pile of trying to
20 figure this out. I'm really not trying to be hard
21 to deal with. I just don't understand it. You
22 know, like I said, I always knew that you could not
23 close an account without a zero balance, and so I
24 just really don't know how to do it.

25 MR. KING: Mr. Chairman, if I can add just

1 briefly a couple of points. It sounds like the
2 candidate has committees at both the county and the
3 state level, and so to be clear, what the
4 commission is hearing today is strictly with regard
5 to the state Senate committee.

6 CHAIRMAN OKESON: Yeah.

7 MR. KING: And the candidate will have to work
8 with her county clerk, county election board to
9 close out the local committee.

10 CHAIRMAN OKESON: Yeah.

11 MR. KING: But in terms of dealing with the
12 state Senate committee, what Angie Nussmeyer said
13 earlier is applicable in that we at the Election
14 Division need to receive a final report that
15 indicates that the state Senate committee is being
16 disbanded. There's a box, Box No. 12, that the
17 candidate checks to say this is a final disbands
18 report that would account for any transactions that
19 have not been previously reported. And Election
20 Division staff is always happy to help a candidate
21 do that. So thank you.

22 CHAIRMAN OKESON: Thank you, Brad.

23 MS. HANFORD: I did that with the county in
24 2020, and it says final disbands committee. So
25 with the county I did do that. I see that as -- on

1 my form it's Box 11. But I never did that with
2 Senate because at Senate I still had money in the
3 bank. So that's why it wasn't done then. With
4 council I zeroed the account, so that's why I did
5 mark it as final.

6 MR. KING: Mr. Chairman, if I could add one
7 piece of information about past commission
8 practice. In situations similar to this one in the
9 past, the commission has continued the matter to
10 give the candidate an opportunity to close out the
11 committee and, if the candidate does so, then
12 typically proceeds to dismiss the action. Again,
13 I'm just reciting history, not making a
14 recommendation.

15 MS. OVERHOLT: Brad, read my mind. I was
16 going to suggest that we do that.

17 CHAIRMAN OKESON: Well, make a motion.

18 MS. OVERHOLT: Yeah. I would move that we
19 continue this to the next hearing with the
20 understanding that, if Ms. Hanford has indeed
21 closed her account by the next hearing, that we
22 would consider waiving these fines and mailing
23 costs.

24 MS. HANFORD: And the mailing costs?

25 MS. OVERHOLT: Yeah.

1 CHAIRMAN OKESON: That all make sense to you,
2 Ms. Hanford?

3 MS. HANFORD: Yes, it does. But I would like
4 to make a statement.

5 CHAIRMAN OKESON: Give me just a second
6 procedurally.

7 MS. HANFORD: The staff has been great.

8 CHAIRMAN OKESON: Yeah. Hang on just a
9 second.

10 So we have a motion. Is there a second?

11 MS. BECKLEY: I'll second.

12 CHAIRMAN OKESON: Any discussion?

13 And, Ms. Hanford, if you'd like to say
14 anything else, you're welcome to.

15 MS. HANFORD: The staff has been great.
16 They've been wonderful. Through the years, from
17 running for Senate forward have been some of my
18 roughest years, and they have helped me
19 tremendously. So I compliment the election board
20 as well as the staff and whatnot. They've been
21 wonderful to work with, and I appreciate your
22 decision today.

23 CHAIRMAN OKESON: Thank you.

24 MR. KING: Mr. Chairman, if I might for the
25 record.

1 CHAIRMAN OKESON: Sure.

2 MR. KING: Just to note that Annette
3 Craycraft, as she indicated earlier, had to leave
4 the meeting, and so Mr. Dickey is now filling in as
5 proxy and therefore will be voting on this
6 particular motion.

7 CHAIRMAN OKESON: Okay. Thank you.

8 MR. DICKEY: Thank you, Brad. That was my
9 next point before we voted.

10 CHAIRMAN OKESON: Yeah. Thank you, Brad.
11 Thanks, Mr. Dickey, for joining us.

12 So we have a motion and a second. Any further
13 discussion?

14 Hearing none, all those in favor signify by
15 "aye."

16 MS. OVERHOLT: Aye.

17 MS. BECKLEY: Aye.

18 MR. DICKEY: Aye.

19 CHAIRMAN OKESON: Aye.

20 Hearing the "ayes" have it, the motion
21 carries.

22 MS. HANFORD: Thank you.

23 CHAIRMAN OKESON: You're welcome. Have a good
24 day.

25 MS. HANFORD: You too.

1 CHAIRMAN OKESON: Do we have another one up?

2 MS. WARYCHA: Yes. I see one last hand
3 raised, and that is John Schroeder. I'll turn it
4 over to the campaign finance staff.

5 MS. THOMPSON: Mr. Chairman, this is on
6 page 93. This is Builders Association of Dubois
7 County PAC Fund. It has a proposed civil penalty
8 of \$900.55, and they've never been before the
9 commission before.

10 CHAIRMAN OKESON: Okay. And I'm pronouncing
11 it Mr. Schroe-der. Is that correct?

12 MR. SCHROEDER: Out of town, Schroe-der is
13 appropriate. Schrae-der here in Dubois County.

14 CHAIRMAN OKESON: Forgive me.

15 MR. SCHROEDER: And I have taken the oath.

16 CHAIRMAN OKESON: Thank you, Mr. Schroeder.
17 Would you like to provide some testimony and tell
18 us what you're expecting out of this hearing?

19 MR. SCHROEDER: Well, I'm hoping for a total
20 waiver. The reporting question CFA-4 I mailed on
21 January 4 of '21, well before the due date of
22 January 20th of '21. I was first notified by
23 Michelle Thompson on February 11th that I was
24 delinquent, and I immediately emailed her a copy of
25 the report that I had mailed in. As a rule -- you

1 can review our records -- we have timely filings.
2 We've never been delinquent.

3 So back in April, when I got my notice of the
4 fine, I immediately called Michelle, and she did
5 get back to me immediately and said she would put
6 me on the agenda for this meeting to dispute the
7 fine and also basically filled me in, in 2021, it's
8 only an annual filing since there's no election.
9 So that's my case.

10 CHAIRMAN OKESON: What's the proposed fine?

11 MS. TAYLOR: \$900.55.

12 CHAIRMAN OKESON: Thank you. Any questions
13 for Mr. Schroeder?

14 MS. OVERHOLT: I have one of the staff. So
15 just, Michelle, Abbey, do you have -- I mean, with
16 what he emailed you, do you have anything that
17 shows the date the report was actually mailed?

18 MS. TAYLOR: We never received the mailed
19 copy.

20 MS. THOMPSON: So I don't have the envelope or
21 anything.

22 MS. BECKLEY: So the mailed copy never came
23 in?

24 MS. THOMPSON: No.

25 MS. BECKLEY: And what did he email to you?

1 MS. THOMPSON: The report. He emailed it to
2 me, and I stamped it the day I received it, which
3 was the February 11th date.

4 MS. OVERHOLT: Mr. Schroeder, do you have
5 something that shows when you mailed it?

6 MR. SCHROEDER: Well, I have my own notes,
7 what I keep. And I knew I mailed it on January 4th
8 because I was going on vacation the next week, and
9 that's why I knew I mailed it then. But, again,
10 I've always been timely on every one I've ever
11 filed. I guess if I learned anything is to start
12 mailing everything certified.

13 Michelle's always been excellent to work with,
14 and I do want to applaud her for that and always
15 responding back timely.

16 MS. BECKLEY: I think at the very least I
17 would be willing to bring back the stepped approach
18 of 25 percent. I would also be open to arguments
19 below.

20 MS. OVERHOLT: I was just going to say that,
21 to the extent we take judicial notice of anything,
22 the postal service, the slowness and issues with
23 delivery and mail over the past year and the fact
24 that Mr. Schroeder is under oath, you know, I find
25 it quite believable that he mailed something and it

1 was that late or never received. So I'd be willing
2 to actually entertain a complete waiver, the
3 25 percent -- reduction down to 25 percent or a
4 complete waiver.

5 MR. DICKEY: I would agree.

6 CHAIRMAN OKESON: So, Stephanie, was yours a
7 motion and/or, Suzannah, was yours a motion? Is
8 there a motion?

9 MS. BECKLEY: I guess I will motion for a
10 25 percent and open to hearing anything else. But
11 I'll motion for 25.

12 CHAIRMAN OKESON: Is there a second?

13 I'll second the motion to entertain further
14 discussion.

15 MR. SCHROEDER: Can I interject? That fine of
16 25 percent is actually more than we took in last
17 year in the PAC fund due to COVID, so it really
18 hurts a little fund like ours.

19 CHAIRMAN OKESON: I understand.

20 MR. SCHROEDER: And we filed it. That's my
21 argument. It would have been different if I had
22 filed it, like, January 19th, a day before, but I
23 filed it on January 4th, which should have been
24 ample time.

25 CHAIRMAN OKESON: Yeah, I know. You've given

1 us your testimony. We hear you. And I want to
2 remind you that it does take a 4-0 vote to make
3 this motion carry, so it looks like it may not be
4 quite headed that way.

5 MR. SCHROEDER: Thank you.

6 CHAIRMAN OKESON: So any other questions or
7 discussion?

8 And we'll do a roll vote on this one. So all
9 those in favor signify by "aye."

10 CHAIRMAN OKESON: Chairman signifies with an
11 "aye."

12 Suzannah?

13 MS. OVERHOLT: No.

14 CHAIRMAN OKESON: Stephanie?

15 MS. BECKLEY: Aye.

16 CHAIRMAN OKESON: Mr. Dickey?

17 MR. DICKEY: No.

18 CHAIRMAN OKESON: The motion fails. Would
19 anyone like to propose an additional motion -- or
20 an alternate motion?

21 MS. OVERHOLT: I would move that we reduce the
22 fine to zero.

23 CHAIRMAN OKESON: Is there a second?

24 MR. DICKEY: I'll second that.

25 CHAIRMAN OKESON: Any discussion?

1 All those in favor signify by "aye."

2 MS. OVERHOLT: Aye.

3 MS. BECKLEY: Aye.

4 MR. DICKEY: Aye.

5 CHAIRMAN OKESON: Aye. The "ayes" have it.

6 The motion carries. The penalty is waived.

7 Thank you, Mr. Schroeder.

8 MR. SCHROEDER: Thank you.

9 MS. WARYCHA: That concludes the people that
10 have raised their hand. Now, Chairman Okeson, just
11 so you know, we still have the letters that people
12 sent in, and I might suggest having the campaign
13 finance staff go through those and tell you what
14 the campaign's alleged violation is, how many times
15 they've had a violation, and what they're asking
16 for as a settlement.

17 CHAIRMAN OKESON: Okay.

18 MR. KING: And, Mr. Chairman, if I could add
19 to what Valerie has said, it's important to note
20 for the record that I don't believe any of these
21 documents were submitted under the penalties of
22 perjury. So these are not sworn statements. They
23 are letters explaining the facts that the committee
24 wanted to present to you.

25 CHAIRMAN OKESON: Okay. Thank you. I

1 appreciate that.

2 Turn it over to Michelle.

3 MS. THOMPSON: Okay. Mr. Chairman, the first
4 one is Higgs for State Representative on page 1.

5 CHAIRMAN OKESON: Okay.

6 MS. TAYLOR: And it's the first letter in your
7 letter attachment, and he just basically pleads
8 ignorance. He didn't know anything was late. The
9 proposed civil penalty of \$350.55.

10 MS. OVERHOLT: What page is that on?

11 MS. TAYLOR: Page 1, the bottom of page 1.

12 CHAIRMAN OKESON: We're basically, then, sort
13 of, in a very circuitous way, coming back to the
14 stair-stepped proposed reductions; correct? And
15 these are people that have responded to the letter
16 with their own information. We're presuming that
17 they are seeking this reduction. Is that kind of a
18 fair summary of where we are?

19 MS. BECKLEY: A reduction or waiver; right?

20 MS. TAYLOR: Yes.

21 MR. KING: Yes, I believe that's correct,
22 Mr. Chairman.

23 MS. NUSSMEYER: Mr. Chairman, I would say that
24 as a commission, you need to decide if you think
25 the stair-step approach -- you just need to make a

1 motion about what you think is the appropriate
2 penalty here. If you think a waiver, a full
3 waiver, is appropriate, make that motion or if you
4 think the stair-step, very similar to what you just
5 did with oral testimony.

6 CHAIRMAN OKESON: Well, so the letter that I
7 see requests either a waiver or reduction. "Really
8 didn't know it was late."

9 So are we going to go through these one by
10 one? This is their first penalty; right?

11 MS. TAYLOR: This is their first, yes.

12 MS. OVERHOLT: I would move that we -- because
13 it's their first penalty, I would move that we do
14 the 25 percent of the proposed fine plus mailing
15 costs.

16 CHAIRMAN OKESON: Okay. We have a motion.

17 MS. BECKLEY: I would second.

18 CHAIRMAN OKESON: There's a second. Any
19 discussion?

20 Hearing none, all those in favor signify by
21 "aye."

22 MS. OVERHOLT: Aye.

23 MS. BECKLEY: Aye.

24 MR. DICKEY: Aye.

25 CHAIRMAN OKESON: Aye. The "ayes" have it.

1 The motion carries.

2 Next.

3 MS. THOMPSON: The next one is Tallian for
4 Attorney General. There are several of these.
5 They're on page 3, page 4, page 5, and page 52. In
6 your PDF, it's letter No. 8.

7 CHAIRMAN OKESON: What do those fines total up
8 to?

9 MS. TAYLOR: \$6,000 plus mail costs. There
10 were six late lls.

11 CHAIRMAN OKESON: And is this the first time?

12 MS. TAYLOR: Yes. And this committee is
13 closed.

14 CHAIRMAN OKESON: So they're being taken all
15 as one?

16 MS. TAYLOR: Yes.

17 MS. OVERHOLT: And you said the committee is
18 closed?

19 MS. TAYLOR: Yes.

20 MS. OVERHOLT: And where did you say the
21 letter is? I'm not finding the letter.

22 MS. TAYLOR: Page 8 in the letter PDF.

23 CHAIRMAN OKESON: It's below the CFA-4 forms.

24 MS. OVERHOLT: That's right. I saw it earlier
25 and just missed it. Okay.

1 CHAIRMAN OKESON: Says "Prior
2 treasurer/campaign manager missed deadlines. He
3 was not aware that money transferred from Tallian
4 for Senate to Attorney General campaign were
5 reportable donations."

6 And you said this is the first time?

7 MS. TAYLOR: Correct.

8 MS. OVERHOLT: And the committee is closed.
9 Based on that, Mr. Chairman, I would -- due to the
10 fact the committee is closed, I would move that we
11 waive the fines.

12 MR. DICKEY: I'll second.

13 CHAIRMAN OKESON: I'm sorry. Did you second
14 that, Mr. Dickey?

15 MR. DICKEY: I did.

16 CHAIRMAN OKESON: Is there any discussion?

17 Hearing none, I have a motion to waive all
18 penalties for Tallian for Attorney General. All
19 those in favor signify by "aye."

20 MS. OVERHOLT: Aye.

21 MR. DICKEY: Aye.

22 MS. BECKLEY: Aye.

23 CHAIRMAN OKESON: Aye. It's unanimous. The
24 "ayes" have it. The motion carries. The penalties
25 are dismissed.

1 Next.

2 MS. THOMPSON: The next one is Irwin Financial
3 Corporation. This was three of them, page 11,
4 page 104, and page 114. Mr. Souza was on the line
5 and had to leave for a meeting or had to get off
6 the call. This is Irwin. He did send a letter.
7 In your PDF, it's page 10.

8 CHAIRMAN OKESON: Yeah.

9 MS. TAYLOR: It's 20 pages long.

10 CHAIRMAN OKESON: Whoa.

11 MS. TAYLOR: It was a whole darn thing. Irwin
12 Financial filed for bankruptcy in, I believe, 2009.

13 MS. THOMPSON: I worked with Mr. Souza, and we
14 did close this committee.

15 MS. OVERHOLT: So this is closed too?

16 MS. THOMPSON: Correct.

17 MS. TAYLOR: Yes.

18 CHAIRMAN OKESON: He says there's been no
19 action from the PAC since September 18, 2009. He
20 says before that --

21 MS. TAYLOR: That's probable.

22 CHAIRMAN OKESON: Say that again.

23 MS. TAYLOR: That's probable.

24 CHAIRMAN OKESON: Yeah. Is this their only
25 violation?

1 MS. THOMPSON: No. They've got three of them
2 on the spreadsheet.

3 MS. OVERHOLT: And it says they've got 12
4 priors?

5 MS. THOMPSON: Correct. They've never filed
6 anything, once the company went into bankruptcy,
7 until I was able to get ahold of this Mr. Souza,
8 and we worked together and closed it.

9 CHAIRMAN OKESON: I get it.

10 MS. NUSSMEYER: And if I might, Mr. Chairman,
11 his letter also states that he was summarily
12 dismissed from employment from Irwin Financial in
13 2009 and therefore had no ownership of the PAC, and
14 then the bank went into bankruptcy, as I understood
15 the letter.

16 CHAIRMAN OKESON: Yeah.

17 MS. OVERHOLT: Consistent with our prior
18 actions in this meeting, I would -- since the
19 committee has been closed, I would move that we
20 waive all fines.

21 CHAIRMAN OKESON: Yeah. I'm inclined to do
22 the same. I'll take that as a motion. Is there a
23 second?

24 MS. BECKLEY: I'll second.

25 CHAIRMAN OKESON: Any discussion?

1 Hearing none, all those in favor to waive the
2 penalties for Irwin Financial PAC signify by "aye."

3 MS. OVERHOLT: Aye.

4 MS. BECKLEY: Aye.

5 MR. DICKEY: Aye.

6 CHAIRMAN OKESON: The "ayes" have it. The
7 motion carries.

8 Next.

9 MS. THOMPSON: Next is page 18. Friends of
10 Doug Eckerty has been before the commission one
11 other time, has a proposed civil penalty of
12 \$855.55. He does have a letter. I just can't find
13 it right this second.

14 MS. TAYLOR: It's in the packet.

15 MS. THOMPSON: It's after Irwin, but I don't
16 know --

17 MS. NUSSMEYER: It's page 34 of the PDF.

18 MS. TAYLOR: Thanks, Angie.

19 MS. NUSSMEYER: And, Mr. Chairman, do we need
20 to read all or part of the letter into the record
21 or will it suffice just to have it as an exhibit?

22 CHAIRMAN OKESON: We haven't done it for any
23 others; right?

24 MS. NUSSMEYER: Right.

25 MR. KING: Mr. Chairman, there is no legal

1 requirement for you to read it into the record. It
2 will be part of the minutes that you will
3 eventually approve.

4 CHAIRMAN OKESON: Yeah. Thank you.

5 MS. OVERHOLT: So the way I read this, he's
6 actually -- wait a minute.

7 CHAIRMAN OKESON: He's given us some x-rays.

8 MS. OVERHOLT: His wife broke her neck. I
9 mean, it sounds more like he's requesting a
10 continuance.

11 MS. TAYLOR: And his committee is closed.

12 CHAIRMAN OKESON: Yeah. He says "I request my
13 fine be set aside."

14 MS. OVERHOLT: I missed that. Sorry. That's
15 what I get for reading too quickly.

16 CHAIRMAN OKESON: "...I was the sole and
17 primary caregiver during this time of my filing
18 violation I am requesting my fine be set aside.
19 Thank you for your time and consideration."

20 MR. DICKEY: You did say the committee is
21 closed?

22 MS. TAYLOR: Correct.

23 MR. DICKEY: Consistent with our other votes,
24 I'll make a motion to waive the fine.

25 MS. BECKLEY: And I will second.

1 CHAIRMAN OKESON: Any discussion?

2 It's a good day to be before the commission,
3 isn't it?

4 MS. OVERHOLT: For a closed committee, yeah.

5 CHAIRMAN OKESON: Hearing nothing further,
6 there's a motion and a second. All those in favor
7 signify by "aye."

8 MS. OVERHOLT: Aye.

9 MS. BECKLEY: Aye.

10 MR. DICKEY: Aye.

11 CHAIRMAN OKESON: Aye. The "ayes" have it.
12 The motion carries. The fines are dismissed.

13 MS. THOMPSON: Okay. Mr. Chairman, the next
14 one, page 38, bottom of 38, top of 39, this is
15 Citizens for Dave Ring.

16 MS. TAYLOR: The letter is on page 39 in that
17 PDF.

18 MS. THOMPSON: They've never been before the
19 commission before, has a civil penalty of \$850.55.

20 CHAIRMAN OKESON: "...maintained less than \$5
21 balance in our account."

22 MS. OVERHOLT: So is this committee still
23 open?

24 MS. TAYLOR: Yes, because he's got a balance
25 and he needs to file amendments to figure out where

1 something went wrong. We've been trying to figure
2 that out. We just haven't gotten there yet.

3 MS. OVERHOLT: When you say "something went
4 wrong," what do you mean?

5 MS. TAYLOR: He has a negative balance on one
6 report and a \$5 balance on the other, so I'm not
7 sure. You know, like, the campaign was -- oh, boy.
8 I don't even know what year he ran. 2018, I mean,
9 lost the primary. We've just got to find where the
10 money is to come up with a zero balance and close
11 it out.

12 MS. OVERHOLT: I would move to continue
13 consideration of this pending the account being
14 closed.

15 CHAIRMAN OKESON: Is there a second?

16 MS. BECKLEY: I'll second.

17 CHAIRMAN OKESON: Motion to continue has been
18 seconded. All those in favor -- any discussion?
19 Any questions?

20 Hearing none, all those in favor signify by
21 "aye."

22 MS. OVERHOLT: Aye.

23 MS. BECKLEY: Aye.

24 MR. DICKEY: Aye.

25 CHAIRMAN OKESON: Aye. Unanimous, the "ayes"

1 have it. Motion is continued.

2 Next.

3 MS. THOMPSON: Page 42, Friends of Sarah
4 Stivers has a proposed civil penalty of \$1,000.55,
5 and her letter was received --

6 MS. TAYLOR: Letter is on page 40 in that PDF.

7 MS. THOMPSON: Has not been before the
8 commission before.

9 Is her committee closed? Let me check and see
10 if it's closed.

11 The committee is still open.

12 CHAIRMAN OKESON: She's had a fairly
13 unfortunate couple years here.

14 MS. OVERHOLT: Yeah.

15 MR. DICKEY: What's the proposed fine again?

16 MS. OVERHOLT: A thousand.

17 MS. THOMPSON: Yeah.

18 CHAIRMAN OKESON: Michelle, have you guys
19 spoken with her?

20 MS. THOMPSON: I have.

21 CHAIRMAN OKESON: And is she intending to
22 close the committee?

23 MS. THOMPSON: She never really said whether
24 she was going to close it or not.

25 CHAIRMAN OKESON: And the fine is for a late

1 filing?

2 MS. THOMPSON: Correct. It was for her 2019
3 annual report.

4 MS. OVERHOLT: I have two ideas. I mean, one
5 would be to continue and give her the opportunity
6 to discuss closing the committee with staff, but
7 that's being kind of presumptuous on our part. The
8 other thing would be to reduce it to the
9 25 percent. But I'm open to other suggestions.

10 MR. DICKEY: I would be open to continuing to
11 allow her to close the committee given the
12 circumstances she's outlined here.

13 MS. BECKLEY: Yeah. I think I would be on the
14 side of continuing until the next meeting, chance
15 to close the committee, and then she could plead
16 25 percent if she were to keep it open.

17 CHAIRMAN OKESON: In your discussions with
18 her, Michelle, she's not indicated any intention of
19 closing the committee?

20 MS. THOMPSON: No, none.

21 CHAIRMAN OKESON: Okay. Does somebody want to
22 make a motion?

23 MS. OVERHOLT: Sure. I would move that we
24 continue this to the next hearing to see if the
25 committee is closed by that date.

1 MR. DICKEY: I'll second.

2 CHAIRMAN OKESON: Any discussion? We have a
3 motion and a second to continue to the next hearing
4 date. All those in favor signify by "aye."

5 MS. OVERHOLT: Aye.

6 MS. BECKLEY: Aye.

7 MR. DICKEY: Aye.

8 CHAIRMAN OKESON: The "ayes" have it. The
9 motion carries. The matter is continued.

10 Next.

11 MS. THOMPSON: Page 51, For Better
12 Infrastructure Political Action Committee has a
13 proposed civil penalty of \$650, has not been before
14 the commission.

15 MS. TAYLOR: We're on page 41 in the letters
16 PDF.

17 CHAIRMAN OKESON: So they're seeking a
18 complete waiver just basically based on inactivity.
19 Is that what I'm reading?

20 MS. THOMPSON: Yes.

21 CHAIRMAN OKESON: This is a first offense?

22 MS. THOMPSON: Yes, it is.

23 CHAIRMAN OKESON: Anyone have any thoughts?

24 MS. BECKLEY: I would move to reduce it to the
25 25 percent penalty. Open to hearing anyone else's

1 thoughts.

2 CHAIRMAN OKESON: So there's a motion to
3 reduce to 25 percent. Is there a second?

4 MS. OVERHOLT: Second.

5 CHAIRMAN OKESON: I have a second. Is there
6 further discussion?

7 Hearing none --

8 MR. DICKEY: Mr. Chair, real quick.

9 CHAIRMAN OKESON: Yeah. Go ahead.

10 MR. DICKEY: Just a question to the staff.
11 Have they said anything, if it's been inactive,
12 about closing the committee?

13 MS. TAYLOR: No. And they've got way too much
14 money to think about closing.

15 MS. OVERHOLT: Okay.

16 MR. DICKEY: Point taken. I recall the
17 question.

18 CHAIRMAN OKESON: So we've got a motion and a
19 second to reduce to 25 percent for a first-time
20 offense. All those in favor signify by "aye."

21 MS. OVERHOLT: Aye.

22 MS. BECKLEY: Aye.

23 MR. DICKEY: Aye.

24 CHAIRMAN OKESON: Aye. It's unanimous the
25 "ayes" have it. The motion carries.

1 Next.

2 MS. THOMPSON: Page 52, Build Indiana. This
3 one was actually a continuance from our meeting
4 back in February of 2020. There is a letter.

5 What page are we on in the PDF? 42. Has a
6 proposed civil penalty of \$1,000.55, has not been
7 before the commission.

8 CHAIRMAN OKESON: They say the committee was
9 closed; is that correct?

10 MS. THOMPSON: It is.

11 MS. OVERHOLT: I would move, consistent with
12 our previous motions, that since the committee is
13 closed, that we waive the fine.

14 CHAIRMAN OKESON: I have a motion. Is there a
15 second?

16 MS. BECKLEY: I'll second.

17 CHAIRMAN OKESON: We have a motion and a
18 second to waive fines. All those in favor -- any
19 discussion?

20 All those in favor signify by "aye."

21 MS. OVERHOLT: Aye.

22 MS. BECKLEY: Aye.

23 MR. DICKEY: Aye.

24 CHAIRMAN OKESON: Aye. The "ayes" have it.
25 The motion carries. Penalties are dismissed.

1 Next.

2 MS. THOMPSON: Page 58, Vending Industries
3 PAC, has a proposed civil penalty of \$500.55, has
4 been before the commission one other time, also has
5 a letter, page 43.

6 CHAIRMAN OKESON: This is their first time?

7 MS. THOMPSON: No. They've been before the
8 commission one other time.

9 CHAIRMAN OKESON: And they paid a full fine?

10 MS. TAYLOR: They paid a settlement agreement.

11 MS. THOMPSON: Sorry. Yeah.

12 CHAIRMAN OKESON: So this is the second?

13 MS. THOMPSON: Correct.

14 CHAIRMAN OKESON: Does anyone want to make a
15 motion?

16 MS. OVERHOLT: I'd move that we reduce the
17 fine by 50 percent plus mailing costs.

18 MR. DICKEY: Second.

19 CHAIRMAN OKESON: I have a motion, a second.
20 Any discussion?

21 Hearing none, all those in favor signify by
22 "aye."

23 MS. OVERHOLT: Aye.

24 MS. BECKLEY: Aye.

25 MR. DICKEY: Aye.

1 CHAIRMAN OKESON: Aye. It's unanimous.

2 Next.

3 MS. THOMPSON: Finch for State Representative,
4 proposed civil penalty of \$1,000.55. This
5 committee is closed and has not been before the
6 commission before, with a letter on page 45.

7 MS. OVERHOLT: And what page of the
8 spreadsheet?

9 MS. TAYLOR: 85.

10 CHAIRMAN OKESON: Is this closed?

11 MS. TAYLOR: Yes.

12 MS. BECKLEY: Pursuant to our previous
13 discussions, I would move to reduce the penalty to
14 zero, as the committee is closed.

15 CHAIRMAN OKESON: Is there a second?

16 MR. DICKEY: Second.

17 CHAIRMAN OKESON: Any discussion?

18 Hearing none, all those in favor of a motion
19 to waive penalties signify by "aye."

20 MS. OVERHOLT: Aye.

21 MS. BECKLEY: Aye.

22 MR. DICKEY: Aye.

23 CHAIRMAN OKESON: Aye. The "ayes" have it.
24 The motion carries.

25 Next.

1 MS. THOMPSON: Page 92, Citizens for
2 Responsible Government, they have three, page 92,
3 page 111, and 122.

4 MS. TAYLOR: And the letter is on 46. This is
5 the last letter, so it's the last couple of pages.
6 And the committee is closed.

7 CHAIRMAN OKESON: It's a great letter.

8 MR. DICKEY: Yeah. I can't, I can't. It just
9 is --

10 MS. OVERHOLT: Oh, my gosh.

11 MS. TAYLOR: Yep.

12 CHAIRMAN OKESON: It's entertaining. It is
13 closed?

14 MS. TAYLOR: Yes.

15 MR. DICKEY: Consistent with our other
16 discussion --

17 CHAIRMAN OKESON: And since they were duped.

18 MR. DICKEY: -- motion to waive and dispense.

19 CHAIRMAN OKESON: Is there a second?

20 MS. OVERHOLT: Second.

21 CHAIRMAN OKESON: Any discussion?

22 All those in favor signify by "aye."

23 MS. OVERHOLT: Aye.

24 MS. BECKLEY: Aye.

25 MR. DICKEY: Aye.

1 CHAIRMAN OKESON: Aye. The "ayes" have it.
2 The motion carries.

3 Is there more?

4 MS. THOMPSON: Okay. That's the end of our
5 letters. Now we're to Abbey's stuff.

6 MS. TAYLOR: We've got a few requests for
7 continuance.

8 CHAIRMAN OKESON: Okay.

9 MS. TAYLOR: The Indiana Osteopathic
10 Association Political Action Committee, Cause
11 No. 2021-4431-16. It's on page 9 of the
12 spreadsheet.

13 CHAIRMAN OKESON: First time?

14 MS. TAYLOR: They're asking for a continuance.
15 I don't know if this is their first time or not.

16 MS. BECKLEY: It's the eighth time.

17 CHAIRMAN OKESON: Did someone say eight?

18 MS. BECKLEY: Page 9.

19 CHAIRMAN OKESON: Oh, page 9.

20 MS. TAYLOR: This is their ninth delinquency.
21 That's probably why they've asked for a
22 continuance.

23 MS. OVERHOLT: What's the basis for the
24 continuance?

25 MS. THOMPSON: Hold on. We didn't pull those

1 letters.

2 CHAIRMAN OKESON: Just because they can and
3 want to ask for one.

4 MS. OVERHOLT: Yeah, I guess so.

5 CHAIRMAN OKESON: And I heard correctly, was
6 it Abbey, you said this is their ninth delinquency?

7 MS. TAYLOR: That's correct.

8 CHAIRMAN OKESON: Over the course of how many
9 years?

10 MS. TAYLOR: They've got a low file number, so
11 they've been around a while.

12 MS. THOMPSON: Yeah, we don't put them all on
13 here. The last one we have is 2006, but I bet it's
14 been longer than that.

15 MS. BECKLEY: It says "Current and Former
16 Delinquencies, 2019 Annual, 2016 PreElect." Am I
17 reading this right?

18 MS. TAYLOR: Yes, but their first one was in
19 the 1990s.

20 MS. BECKLEY: Okay. So 2016 to 2019, so three
21 years.

22 CHAIRMAN OKESON: And is this the first
23 continuance on this matter?

24 MS. TAYLOR: Yes.

25 CHAIRMAN OKESON: Okay.

1 MS. TAYLOR: She is at the Grand Canyon today.

2 MS. OVERHOLT: Okay. I move that we grant the
3 continuance until next hearing.

4 CHAIRMAN OKESON: Yeah. Second, anyone?

5 MR. DICKEY: I'll second.

6 CHAIRMAN OKESON: Any discussion?

7 I think it might be worth, though, for the
8 record making sure that we're not -- we're reminded
9 of this and not punting on the next go-round.

10 MS. TAYLOR: You bet.

11 The second one is the Committee to Elect --

12 CHAIRMAN OKESON: Hold on. We have to vote on
13 the motion.

14 MS. TAYLOR: I'm sorry. I got so excited.

15 CHAIRMAN OKESON: I think we all are. I'm
16 with you.

17 We have a motion to grant the continuance and
18 a second. Hearing no further discussion, all those
19 in favor signify by "aye."

20 MS. OVERHOLT: Aye.

21 MS. BECKLEY: Aye.

22 MR. DICKEY: Aye.

23 CHAIRMAN OKESON: Aye. It's unanimous. The
24 "ayes" have it. The motion carries for
25 continuance.

1 Okay. Go ahead.

2 MS. TAYLOR: The next one is the Committee to
3 Elect Corinne Westerfield. She's got two causes,
4 2021-7188-82 and 2021-7188-157. It's on pages 47
5 and 90. She's asking for a continuance.

6 CHAIRMAN OKESON: First, is this her first?

7 MS. TAYLOR: This is her first penalty, and
8 she's asking for a continuance because she's with
9 her son at his chemotherapy.

10 CHAIRMAN OKESON: Yeah. Somebody want to make
11 the motion?

12 MR. DICKEY: I'll make that motion.

13 CHAIRMAN OKESON: Second?

14 MS. BECKLEY: I'll second.

15 CHAIRMAN OKESON: We have a motion to grant
16 continuance and a second. Any discussion?

17 Hearing none, all those in favor signify by
18 "aye."

19 MS. OVERHOLT: Aye.

20 MS. BECKLEY: Aye.

21 MR. DICKEY: Aye.

22 CHAIRMAN OKESON: Aye. The "ayes" have it.
23 Motion carries to continue. Thank you.

24 Next.

25 MS. TAYLOR: The last one is -- I'm sorry.

1 There are two more. Indiana Industrial Political
2 Committee, Cause No. 2021-6397-122, Cause
3 No. 2021-6397-189, and Cause No. 2021-6397-207.
4 They are asking for a continuance because it's new
5 people and they didn't know anything about anything
6 that's happening, so they're trying to dig to
7 figure out what -- they learned about it a couple
8 days ago.

9 MS. THOMPSON: Yes. I actually talked to this
10 treasurer, but it's a new management company taking
11 over and they didn't even realize this PAC existed
12 and that they were in this kind of trouble. So
13 they wanted to figure out what the heck was going
14 on before they presented it before the commission.

15 CHAIRMAN OKESON: All right. I mean, they're
16 not asking for a waiver. They're just asking for
17 some time to get together, so I'm fine with that.

18 MS. TAYLOR: Right.

19 MR. DICKEY: Agreed.

20 MS. BECKLEY: I would make a motion to
21 waiver -- or to continue.

22 MS. OVERHOLT: Second.

23 CHAIRMAN OKESON: Second. Any further
24 discussion?

25 Hearing none, all those in favor signify by

1 "aye."

2 MS. OVERHOLT: Aye.

3 MS. BECKLEY: Aye.

4 MR. DICKEY: Aye.

5 CHAIRMAN OKESON: The motion to grant a
6 continuance is approved.

7 Next. You said there was one more?

8 MS. THOMPSON: Yes. This is a separate
9 attachment you had called the "2019 Excess
10 Corporation," Justus Rental Properties. He is out
11 of the state today, and he (audio interruption).

12 MS. OVERHOLT: You cut out.

13 CHAIRMAN OKESON: Did we lose you?

14 MS. THOMPSON: Are you there?

15 CHAIRMAN OKESON: Yeah. You cut out for a
16 minute.

17 MS. THOMPSON: The 2019 Excess Corporation
18 separate attachment, it's Justus Rental Properties,
19 Cause 2021-229. He's out of state today, and he
20 wanted to be able to appear before the commission
21 to explain what happened with this excess corporate
22 donation.

23 CHAIRMAN OKESON: Okay. Thank you. Anyone
24 want to make a motion?

25 MR. DICKEY: So moved.

1 MS. BECKLEY: I'll second.

2 CHAIRMAN OKESON: A motion and a second. Any
3 discussion?

4 Hearing none, all those in favor of granting a
5 continuance signify by "aye."

6 MS. OVERHOLT: Aye.

7 MS. BECKLEY: Aye.

8 MR. DICKEY: Aye.

9 CHAIRMAN OKESON: It's unanimous. The motion
10 carries.

11 That's it?

12 MS. THOMPSON: That's it for our continuances.

13 CHAIRMAN OKESON: So moving on, we go to
14 administrative dissolution of committees.

15 MS. THOMPSON: Yes. Mr. Chairman, you have
16 another attachment there with the dissolved
17 committees. These committees can be
18 administratively dissolved. They have not filed a
19 report in three years, they have a balance of less
20 than 1,000, and both chairman and treasurer have
21 been notified of this meeting.

22 CHAIRMAN OKESON: Okay. I move the commission
23 do the following: Make a finding that there's no
24 evidence that any of these committees continues to
25 receive contributions, make expenditures, or

1 otherwise function as a committee; make a finding
2 that, according to the best evidence available to
3 the commission, the dissolution of these committees
4 will not impair any contract or impede the
5 collection of any debt or judgment by a person;
6 make a finding that the prudent use of public
7 resources makes further efforts to collect any
8 outstanding civil penalty imposed against these
9 committees wasteful or unjust, therefore that any
10 such penalties be waived; and administratively
11 dissolve each of these committees.

12 Is there a second to that motion?

13 MS. BECKLEY: I will second.

14 CHAIRMAN OKESON: Any discussion? Any
15 questions?

16 We have a motion and a second. All those in
17 favor signify by "aye."

18 MS. OVERHOLT: Aye.

19 MS. BECKLEY: Aye.

20 MR. DICKEY: Aye.

21 CHAIRMAN OKESON: Aye. Hearing none opposed,
22 the motion carries.

23 Okay. Before we finish campaign finance
24 business, I would like to address an issue brought
25 to my attention by staff. We have had two

1 candidates fail to enter their campaign finance
2 reports electronically, as required by Indiana
3 Code 3-9-4-4. Indiana Code 3-9-4-16(j) allows the
4 commission to assess penalties for this violation
5 equal to the cost incurred by the Election Division
6 for the manual entry of the data contained in the
7 report or statement, plus any investigative costs
8 incurred and documented by the Election Division
9 for this violation.

10 We will not be hearing these two cases today.
11 However, since this is the first time this issue
12 has come before the commission, I would move that
13 the commission adopt a policy to set a proposed
14 minimum penalty of \$100 to accommodate staff time
15 and resources used to input the report. As I said,
16 we will not hear any of the cases at this meeting,
17 but I think it is important to have a proposed fine
18 in place to order prior to the hearing for any
19 committee to enter into a settlement agreement.

20 Is there a second for this motion?

21 MR. KING: Mr. Chairman?

22 CHAIRMAN OKESON: Yes.

23 MR. KING: I'm sorry to interrupt here. There
24 was a communication earlier from Vice Chair Long
25 that I believe you were provided a copy of.

1 CHAIRMAN OKESON: You're correct. You're
2 correct. Thank you for reminding me of that.

3 MR. KING: And -- yeah.

4 CHAIRMAN OKESON: Can I just simply withdraw
5 this motion?

6 MR. KING: Yes.

7 CHAIRMAN OKESON: I'd like to withdraw that
8 motion in consideration of Vice Chairman Long's
9 request.

10 MR. KING: And, Mr. Chairman, if I could.

11 CHAIRMAN OKESON: Yes. Yeah.

12 MR. KING: I think if the commission wishes to
13 discuss this topic in general, you certainly have
14 the opportunity to do so. And before you finish
15 your campaign finance business, you would
16 ordinarily move to default those individuals who
17 did not appear.

18 MS. WARYCHA: But before we do that, can we
19 have just a moment?

20 Haley, could you open up the line so that if
21 there's anyone who, for some reason, was not able
22 to use the hand motion feature, we give them an
23 opportunity, as we discussed at the beginning.

24 THE MODERATOR: Absolutely. Attendees, I am
25 going to give you permissions briefly to allow you

1 to speak if you did not get an opportunity to do
2 so, and then after a few seconds we will remove
3 that if you do not have anything to say.

4 MS. WARYCHA: Well, everybody just muted
5 themselves, so I will go ahead and say that I think
6 that we're good. Please proceed, Mr. Chairman.

7 CHAIRMAN OKESON: Thank you.

8 Brad, you brought up defaults.

9 MR. KING: Yes, sir. Ordinarily you would ask
10 if there's anyone present to testify on remaining
11 campaign finance hearing scheduled for today. You
12 have done that, and we have checked to make certain
13 that no one wishes to do so.

14 CHAIRMAN OKESON: So we're good?

15 MR. KING: Well, almost, and that is the next
16 step would be for you as chair to declare the
17 hearings on all remaining campaign finance matters
18 scheduled for today to be closed --

19 CHAIRMAN OKESON: Closed, yeah.

20 MR. KING: -- and then to ask for a motion to
21 impose the entire amount of the proposed penalty,
22 including mailing costs, in all remaining campaign
23 finance enforcement actions.

24 CHAIRMAN OKESON: So is there a motion to
25 impose -- so basically they're not here so they're

1 just going to get the penalty that was imposed?

2 MR. KING: They have --

3 CHAIRMAN OKESON: They've not sought a waiver?
4 They've not asked to be heard?

5 MR. KING: This would be the equivalent of a
6 default judgment entered in a court proceeding?

7 CHAIRMAN OKESON: So do we have a motion to
8 impose the penalty on the remaining cases?

9 MS. BECKLEY: So moved.

10 CHAIRMAN OKESON: We have a second. Any
11 discussion?

12 Hearing none, all those in favor signify by
13 "aye."

14 MS. OVERHOLT: Aye.

15 CHAIRMAN OKESON: Aye.

16 MS. BECKLEY: Aye.

17 MR. DICKEY: Aye.

18 CHAIRMAN OKESON: The motion carries. The
19 "ayes" have it.

20 Brad, back to my motion that I withdrew,
21 should we have some discussion about that or simply
22 push the matter to the next meeting?

23 MR. KING: Mr. Chairman, that is your decision
24 and that of the members of the commission. Since
25 we will have members continuing to serve on the

1 commission, I would suggest it might be beneficial
2 to take five minutes to at least get the issue on
3 members' radar screens so that they can think about
4 it and discuss with staff or other interested
5 parties some of the details involved.

6 CHAIRMAN OKESON: Yeah. So, I mean, I read
7 through a motion here and withdrew it, but if you
8 want to take a couple seconds and kind of give a
9 reintroduction or overview of the issue and why we
10 might want to consider it.

11 MR. KING: Thank you, Mr. Chairman. Then I'll
12 be happy to defer to my counterpart, Co-Director
13 Nussmeyer, for anything she might wish to add.

14 The campaign finance enforcement statute sets
15 forth a number of different penalties based on
16 types of violations that committees commit, most
17 commonly delinquencies. There are others for
18 excess contributions. But the legislature, a
19 couple of sessions ago, required all legislative
20 candidates to file their reports electronically,
21 and except in two particular cases, which I won't
22 mention by name, legislative candidates have done
23 so.

24 The law provided that the commission can
25 assess a penalty for a violation, that is, for

1 failing to file electronically, "equal to the costs
2 incurred by the Election Division for the manual
3 entry of data contained in the report or statement,
4 plus any investigative costs incurred and
5 documented by the" commission -- or excuse me --
6 "and documented by the Election Division for the
7 violation."

8 In discussions at the staff level, at least
9 with the reports that we are currently looking at,
10 they will require a minimal amount of effort, but
11 they will require staff time. And we are concerned
12 that we don't want to set a policy that would
13 encourage people to not file electronically and
14 instead have the commission give clear guidance to
15 candidates about their potential -- or committees
16 for their potential liability for failing to comply
17 with this state statute.

18 And so we had discussed a minimum penalty of
19 \$100 to accommodate the staff time and resources
20 because both Abbey and Michelle would do data
21 entry, but it involves consultation with legal
22 counsel and the co-directors to a limited degree.
23 And so we're seeking guidance as to, when we come
24 before the commission to present a proposed
25 penalty, what that minimum penalty should be in a

1 situation like the one I've described.

2 CHAIRMAN OKESON: Yeah. And I think it's fair
3 to explain for the record that Vice Chairman Long
4 requested that we not do anything that would be
5 binding to a future commissioner that would take
6 his place at today's meeting, and I agreed to that,
7 which is why I withdrew my motion.

8 So we've got the matter out there and
9 explained, and we'll be happy to tackle it at the
10 next meeting. I don't think there's any reason you
11 can't ask questions or have some discussion,
12 though, even though we don't have a motion on it,
13 just for the sake of sort of unpacking what Brad
14 shared with us. So if anybody has anything, please
15 feel free.

16 MS. OVERHOLT: Well, I guess, I don't -- the
17 thing that I would suggest would be that if we want
18 this -- so if we proceeded with something like
19 this, it seems that doing it in the form of an
20 actual commission order as opposed to just, you
21 know, a motion that gets reflected in the minutes
22 would be good because, as we know, our orders are
23 easier to find. Well, I guess I don't know. I
24 don't look for them. But I would hope that our
25 orders would be easier to find rather than, you

1 know, a motion and a second in the text somewhere
2 buried in however many pages of minutes there would
3 be for whatever meeting it's approved in.

4 So, I mean, conceptually I think it's
5 something worth discussing. I don't necessarily --
6 I mean, I have to think about it some more. I'm
7 not sure of any objections overall to the concept
8 of doing something like this, but I do think that
9 it should be in the form of a formal order. So
10 that would be my suggestion, to the extent that's
11 helpful, for when we do actually contemplate it.

12 CHAIRMAN OKESON: Yes, that makes sense to me.

13 Brad, does that make sense to tackle it that
14 way at the next meeting?

15 MR. KING: Yes. Once again in this meeting,
16 Commissioner Wilson Overholt has read my mind in
17 that, when we publish our campaign finance manual,
18 we have included as an appendix two or three
19 ongoing commission orders that deal with matters of
20 policy like the one we're describing here. And so
21 having an order would be especially appropriate,
22 considering those precedents, and it would be
23 readily available to anyone who accesses our
24 campaign finance manual.

25 MS. NUSSMEYER: Mr. Chairman, if I might add

1 on to Brad's comments.

2 CHAIRMAN OKESON: Yeah, please.

3 MS. NUSSMEYER: And I believe this was sort of
4 inferred in how he described the issue and the
5 problem. I would encourage the commission to
6 consider a floor, so a not less than \$100. But my
7 concern would be if there may be some committees
8 who would walk in with a 500-page handwritten
9 report and leave it with staff to file and enter
10 because it's cheaper to pay the \$100 penalty than
11 to hire staff to do the data entry into the system.

12 So as we craft the order internally to share
13 with you to consider, I would encourage you to
14 consider setting \$100 as the minimum because, as
15 the statute says, you may assess a fine if the
16 individuals fail to file their reports
17 electronically. And much like we do for campaign
18 finance, you can consider each individual instance
19 of failure to file a report individually on its own
20 and assess at least a \$100 penalty for failure to
21 file online.

22 CHAIRMAN OKESON: And again, Brad, there were
23 only two instances of this occurring?

24 MR. KING: Yes, Mr. Chairman, that's correct.

25 CHAIRMAN OKESON: Okay. I mean, I take your

1 comments under advisement, Co-Director Nussmeyer.
2 I think that makes sense too. I get what we're
3 trying to avoid here.

4 MS. NUSSMEYER: I would add, Mr. Chairman, the
5 requirement to file electronically is not going
6 away, and if you're passing an order to set a
7 minimum level of a potential fine, then it still
8 gives you, the commission, the ability to increase
9 the amount if you think that's warranted. If we
10 find that it, in fact, took staff 12 hours to enter
11 a report instead of zero hours, it gives you the
12 flexibility to impose a greater fine.

13 CHAIRMAN OKESON: Right, and if you have
14 repeat offenders and the like as well. Okay. So
15 we'll tackle that in that manner at the next
16 meeting.

17 Is there anything else? I think that's it.
18 Correct, Brad?

19 MR. KING: Yes, Mr. Chairman. That is all
20 that is on the agenda other than the motion to
21 adjourn.

22 CHAIRMAN OKESON: Yeah. And we'll need to
23 have another meeting; correct?

24 MR. KING: Yes. Mr. Chairman, there will need
25 to be a subsequent meeting in the reasonably near

1 future because we did not bring all the campaign
2 finance matters before you today to try to keep
3 this to a manageable length of time and
4 participants. And we will --

5 CHAIRMAN OKESON: How humane of you. We
6 appreciate that.

7 MR. KING: We are glad to make this task a
8 comfortable one. We also anticipate other matters
9 coming up in the normal course of the election
10 cycle, and so, yes, a meeting will probably be
11 necessary for you to call in the reasonably near
12 future.

13 CHAIRMAN OKESON: Okay. Well, we'll prepare
14 to do that.

15 And, Suzannah, normally Vice Chairman Long
16 would make a motion to adjourn. Would you like to
17 do that today?

18 MS. OVERHOLT: Sure, yes. Mr. Chairman, I
19 would move that we adjourn today's lovely meeting.

20 CHAIRMAN OKESON: Thank you. Is there a
21 second?

22 MS. BECKLEY: I'll second.

23 CHAIRMAN OKESON: All right. Great. All
24 those in favor say "aye."

25 MS. OVERHOLT: Aye.

1 MS. BECKLEY: Aye.

2 MR. DICKEY: Aye.

3 CHAIRMAN OKESON: We're adjourned. Enjoy the
4 rest of your week.

5 MR. KING: Thank you. Likewise.

6 CHAIRMAN OKESON: Thank you.

7 (The Indiana Election Commission Public
8 Session was adjourned at 3:36 p.m.)

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1 STATE OF INDIANA

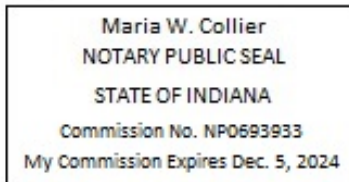
2 COUNTY OF HAMILTON

3 I, Maria W. Collier, a Notary Public in and
4 for said county and state, do hereby certify that the
5 foregoing public session was taken at the time and
6 place heretofore mentioned between 1:03 p.m. and
7 3:36 p.m.;

8 That said public session was taken down in
9 stenograph notes and afterwards reduced to typewriting
10 under my direction; and that the typewritten
11 transcript is a true record of the public session.

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and affixed my notarial seal this 12th day of
14 July, 2021.

15 *Maria W. Collier*



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21 My Commission expires:
22 December 5, 2024

23 Job No. 162010

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