Indiana Election Commission
Minutes
July 27, 2016

Members Present: Bryce H. Bennett, Jr., Chairman of the Indiana Election Commission ("Commission"); Michael Claytor, Proxy for S. Anthony Long, Vice Chairman of the Commission; Suzannah Wilson Overholt, member; Zachary E. Klutz, member; Stephanie Beckley, Proxy for Zachary E. Klutz, member.

Members Absent: S. Anthony Long, Vice Chairman of the Commission.

Staff Attending: J. Bradley King, Co-Director of the Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Angela M. Nussmeyer, Co-Director of the Election Division; Abbey Taylor, Campaign Finance staff; Michelle Thompson, Campaign Finance staff; Patrick Becker, Director of Special Projects.

Others Attending: Dr. Jay Bagga; Mr. Matthew Bell; Ms. Renda Bell; Ms. Dana Lynn Blandford; Mr. Bradford Bohanon; Ms. Jennifer Boyce-Canfield; Mr. Bill Breeden; Ms. Linda Burkett; Mr. Leonard Richard Compton; Ms. Rhonda Cook; Mr. Corbin Doades; Ms. Billie Drago; Mr. Ken Fears; Ms. Phyllis Finley; Mr. William Billy D. Garrett; Mr. Bart Giesler; Mr. Parvin Gilliam; Mr. Dan Grandquist; The Hon. Randy Head, Indiana State Senator; Mr. Bernie Hirsch; The Hon. Wendy Hudson, Elkhart County Circuit Court Clerk; Mr. Tom John; Mr. Jeff Lacy; Mr. Lawrence Leach; Mr. James Leich; Dr. Joseph Losco; Mr. Louis Mahern; Mr. Mark Mathis; Ms. Anna Melcher; Mr. Stephen R. Melcher; Ms. Linda Metzger; Ms. Cheryl Musgrave; Mr. Curtis Nash; Mr. Steve Pearson; Mr. David Peebles; Mr. Larry Robins; Mr. Steve Shannon; Mr. Christian Skordos; Mr. Matthew Smith; Mr. Michael Stinfer; Ms. Nancy Tibbett; Mr. Tom Wheeler; Mr. George Witwer; Mr. Matt Zapfe.

1. Call to Order:

The Chair called the July 27, 2016 meeting of the Commission to order at 1:00 p.m. EDT in State House Room 125, 200 West Washington Street, Indianapolis, Indiana.

2. Transaction of Commission Business:

The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Kelly S. Horsley of Connor Reporting. This document is incorporated by reference into these minutes, with the following corrections of scrivener’s errors:

Page 3, line 3, replace “HEARING CHAIR” with “CHAIRMAN”.

Page 3, line 20, replace “HEARING CHAIR” with “CHAIRMAN”.

Page 4, line 11, replace “confirmed” with “confirm”.
Page 163, line 5, replace “Senate” with “cynical”.

Page 168, line 13, replace “wheres” with “whereas”.

Respectfully submitted,

J. Bradley King
Co-Director

Angela M. Nussmeyer
Co-Director

APPROVED:

Bryce H. Bennett, Jr.
Chairman
In the Matter Of:

INDIANA ELECTION COMMISSION HEARING

TRANSCRIPT OF PROCEEDINGS

July 27, 2016
INDIANA ELECTION COMMISSION
PUBLIC SESSION AGENDA

Conducted on: July 27, 2016
1:00 P.M.

Conducted at: Indiana State Capitol
200 West Washington Street, Room 125
Indianapolis, IN 46204

Kelly S. Horsley, RPR, CSR No. 98-R-3004
Notary Public
APPEARANCES

INDIANA ELECTION COMMISSION:

Mr. Bryce Bennett - Chairman
Ms. Suzannah Overholt - Commission Member
Mr. Zachary Klutz - Commission Member
Ms. Stephanie Beckley - Proxy for Commission Member Klutz
Mr. Michael Claytor - Proxy for Commission Member Anthony Long

INDIANA ELECTION DIVISION STAFF:

Mr. Bradley King - Co-Director
Ms. Angela Nussmeyer - Co-Director
Mr. Dale Simmons - Co-Legal Counsel
Ms. Michelle Thompson - Campaign Finance Coordinator
Ms. Abbey Taylor - Campaign Finance Coordinator
At 1:00 P.M., on Wednesday, July 27, 2016, the following proceedings occurred:

HEARING CHAIR BENNETT: This meeting of the Indiana Election Commission public session is called to order. And the following members of the commission are present: Myself, Bryce Bennett, Chairman; we have Michael Claytor, proxy for Vice Chairman Anthony Long. We have Member Suzannah Overholt. We have Member Zachary Klutz. And Stephanie Beckley will be a proxy for Commissioner Klutz on the first two campaign finance matters that the commission will consider.

The Indiana Election Division staff with us here today, co-directors, my co-director Brad King and co-director Angie Nussmeyer. Co-general counsel is Matthew Kochevar.

CO-DIRECTOR NUSSMEYER: He's absent today.

HEARING CHAIR BENNETT: He's absent today.

And Dale Simmons, who is present. Our court reporter today is Kelly Horsley from Connor Reporting. Before we begin I want to remind everyone on behalf of the court reporter to identify yourself when you begin to speak, spell
your name when you identify yourself. Speak clearly and do not speak at the same time as others. Obviously the court reporter can only record one person at a time, so do not interrupt and speak at the same time as others.

I'd like to document compliance with the Open Door Law, ask the co-directors to confirm the commission meeting has been properly noticed as required under the Open Door Law.

CO-DIRECTOR KING: Mr. Chairman, members of the commission, we confirmed that this meeting was properly noticed under the requirements of the Open Door Law.

HEARING CHAIR BENNETT: Thank you, Mr. King. We will next turn our attention to approval of the June 29th, 2016, commission meeting minutes. Is there a motion to approve the June 29th, 2016, minutes as presented?

MR. CLAYTOR: So moved.

HEARING CHAIR BENNETT: Is there a second?

MR. KLUTZ: Second.

CHAIRMAN BENNETT: There's a motion and a second. Is there any discussion?

(No response.)

HEARING CHAIR BENNETT: Hearing none, all
in favor say "Aye."

THE COMMISSION: Aye.

HEARING CHAIR BENNETT: All opposed say "Nay."

(No Response.)

HEARING CHAIR BENNETT: The ayes have it.

The motion to approve the minutes is adopted.

And I have now affixed my signature to the minutes.

We will now turn our attention to ratification of campaign finance settlement agreements. And I'd ask for a presentation by Ms. Taylor and Mrs. Thompson in that order.

MS. TAYLOR: Mr. Chairman and the Commission, in your binder there you have a list of settlement agreements. And these committees have agreed -- or are ready to be ratified that they have agreed to pay the settlement agreement and waive the hearing.

CHAIRMAN BENNETT: Is there a motion to ratify the campaign finance settlement agreements as presented?

MR. CLAYTOR: Mr. Chairman, I move that we approve the settlement agreements as presented.

CHAIRMAN BENNETT: Is there a second?
MR. KLUTZ: Second.

CHAIRMAN BENNETT: Any discussion?

(No response.)

CHAIRMAN BENNETT: Hearing none, all in favor say "Aye."

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "Nay."

(No response.)

CHAIRMAN BENNETT: The ayes have it, and the motion to ratify the agreements is adopted.

I understand there are referrals of committees to the Attorney General for collection of fines.

MS. THOMPSON: Yes, Mr. Chairman. We have a list. I don't think any action needs to be taken, but we wanted to let you know these are the ones we're turning over to the Attorney General for collection.

CHAIRMAN BENNETT: Okay. And those are located --

MS. THOMPSON: Under the -- the --

CHAIRMAN BENNETT: -- in our binder? In our binder under the Attorney General list?

MS. THOMPSON: Correct.

MR. CLAYTOR: Mr. Chairman, may I ask a question? There's one that has a mark beside it
of "MR." Is that --

CHAIRMAN BENNETT: On the first page?

MR. CLAYTOR: No, it's several pages back.

MS. THOMPSON: Mr. Chairman, I do have that marked because this gentleman has asked for a motion to reconsider. And I believe he is on the agenda for today; so whatever takes place today, I'll either remove it or send it on.

CHAIRMAN BENNETT: Thanks. So we can disregard that with regard to our motion to approve this list?

MS. THOMPSON: Yeah.

MS. TAYLOR: I don't think there's any action to be taken.

CHAIRMAN BENNETT: No action is necessary. Very good. So the referrals will be made?

MS. THOMPSON: Correct.

CHAIRMAN BENNETT: Thank you. At this time, everyone who is present who plans to testify regarding any matter coming before the commission today, including campaign finance or voting system matters, please stand for the administration of the oath.

(All parties intending to testify were sworn in.)
CHAIRMAN BENNETT: Now, before proceeding with the lengthy hearing of campaign finance enforcement actions, we want to give the committees present a final opportunity to pay a reduced civil penalty by waiving the right to present evidence and arguments to the commission.

This will, of course, allow you, if this is your only business or interest today, to leave and go outside and enjoy the beautiful sunshine.

So any committee is welcome to present evidence and arguments for the proposed penalty to be waived, but this is an opportunity for those who want to waive that presentation and accept the reduced penalty without making any argument or presentation.

I will move for the adoption of the following arrangements: If this is a committee's first violation -- if is this the committee's first -- yes?

UNIDENTIFIED AUDIENCE MEMBER: Yes,

Mr. Chairman. We're having a little trouble hearing back here. Who is this for?

CHAIRMAN BENNETT: This is for all those committees who wish to avoid a hearing and waive
their right to that hearing and accept a
penalty.

UNIDENTIFIED AUDIENCE MEMBER: Who would
the committee be?

CHAIRMAN BENNETT: A committee would be any
committee who is scheduled for a hearing today
that wishes to accept the reduced penalty in
exchange for a waiver of the hearing.

UNIDENTIFIED AUDIENCE MEMBER: Question:

What reduction would that be?

CHAIRMAN BENNETT: Well, I'm going to tell
you that right now. I'll try to speak up.

Any committee is welcome to present
evidence and arguments for the proposed penalty
to be waived; but this is an opportunity for
those who want to waive that presentation and
accept a reduced penalty without making any
argument or presentation.

I move the following -- I move for the
adoption of the following arrangements: If this
is the committee's first violation, the
arrangement is for the committee to agree to pay
25 percent of the proposed fine plus mailing
costs.

If this is the committee's second
violation, the arrangement is for the committee
to agree to pay 50 percent of the proposed fine
plus mailing costs.
If this is the committee's third violation,
the committee will agree to pay 75 percent of
the proposed violation plus mailing costs.
Is there a second to this motion?
MR. CLAYTOR: Second.
CHAIRMAN BENNETT: We have a motion and a
second. Any discussion?
(No response.)
CHAIRMAN BENNETT: If there is no
discussion, all in favor say "Aye."
THE COMMISSION: Aye.
CHAIRMAN BENNETT: All opposed say "Nay."
(No response.)
CHAIRMAN BENNETT: The ayes have it, and
the motion is adopted. Are there any committees
who want to accept this arrangement?
UNIDENTIFIED AUDIENCE MEMBER: Yes.
CHAIRMAN BENNETT: If so, come forward,
state your name, the committee's name, and the
cause number -- which is found on your hearing
notice -- and indicate that you are willing to
accept the applicable penalty without further
discussions.

If you want to present evidence to the commission or ask for a waiver of the proposed penalty, please do not come forward at this time. Instead, wait until the other committees who are willing to enter in this arrangement have been heard.

Yes, sir. Would you please state your name and the cause number?

MR. COMPTON: My name is Leonard Richard Compton, and the administrative cause number is 2016-6361-68.

CHAIRMAN BENNETT: Okay. Give the staff a moment to locate the cause number in the binders.

MS. THOMPSON: Page 41.

MS. TAYLOR: Page 41.

CHAIRMAN BENNETT: And what committee are you representing?

MR. COMPTON: Compton for State Representative.


UNIDENTIFIED AUDIENCE MEMBER: Putting it over here?

CHAIRMAN BENNETT: Do you -- are you all set? Do you agree to accept -- is this -- what violation is this?

MR. COMPTON: First.

MS. THOMPSON: First.

CHAIRMAN BENNETT: First violation. Are you willing to accept the agreement to pay 25 percent of the proposed fine?

MR. COMPTON: To reduce the time for you and myself, yes, sir.

CHAIRMAN BENNETT: Thank you very much.

MR. COMPTON: I'm sorry.

CHAIRMAN BENNETT: Okay. Very good. Well, no need for discussion. We appreciate it, and you're free to go.

MR. COMPTON: Where do we go from here?

CHAIRMAN BENNETT: You --

MS. TAYLOR: Home.

CHAIRMAN BENNETT: The fine will be waived. The case is closed.

MS. THOMPSON: No.

CHAIRMAN BENNETT: Pardon? Oh. I'm sorry.

Thank you. The fine has been reduced to
25 percent of the proposed fine, and there will
be a --

MR. COMPTON: Do you have the proposed fine
there?

MS. THOMPSON: Yes. The proposed fine is
$500.49.

MR. COMPTON: $500.49?

MS. THOMPSON: Yes.

MR. COMPTON: Thank you.

CHAIRMAN BENNETT: And it will be ratified
at our next meeting and --

MS. THOMPSON: And then we'll mail you an
order.

CHAIRMAN BENNETT: And you will be mailed
an order.

MR. COMPTON: The fine is stated on there?

MS. THOMPSON: Yeah.

CHAIRMAN BENNETT: It'll be a couple
months, I would think.

MR. COMPTON: That's it?

MS. THOMPSON: That's it.

CHAIRMAN BENNETT: Thank you.

MR. COMPTON: I'm only going to shake one
hand, but I thank you.

CHAIRMAN BENNETT: Thank you. Who is next?
MS. DRAGOON: I'm Billie Dragoo. I'm the chairman of the Indiana Women's Business Owner Political Action Committee.

CHAIRMAN BENNETT: Your cause number, please?

MS. DRAGOON: I don't have a cause number on here.

MS. TAYLOR: Give us a second.

MS. THOMPSON: Do you know if there's several?

MS. DRAGOON: Several what?

MS. THOMPSON: Filings.

MS. DRAGOON: This is just a filing.

MS. THOMPSON: Right.

MS. DRAGOON: There's several. There's, like, four.

MS. TAYLOR: Yeah. Let me see the first one.

MS. DRAGOON: I think it's $3,000.49.

MS. TAYLOR: The first one is on page 25. The second is on page 58. And the third is on page 72. Each has a proposed civil penalty of $1,000, and this is their third set of violations.

MS. DRAGOON: Can I can speak to that?
CHAIRMAN BENNETT: Well, unless you're willing to accept the deal for 75 percent of the fine, then you have to wait --

MS. DRAGO: You mean the 25 percent fine?

CHAIRMAN BENNETT: This is the third violation.

MS. DRAGO: Okay.

CHAIRMAN BENNETT: You want to think about it?

MS. DRAGO: Well, there's only $1,800 in the account so it's being closed. The filings were not filed because of me. It was because of our board, so I don't know what to do on that.

CHAIRMAN BENNETT: Yeah. So you're not prepared to accept the 75 percent arrangement?

MS. DRAGO: I mean, if that's what you recommend, I will do it. I mean, we just -- we only have $1,800 in the account so --

CHAIRMAN BENNETT: Do we even know what that --

MS. OVERHOLT: I'm trying real fast.

MS. TAYLOR: $2,250, I think.

MS. DRAGO: That's fine. I'll accept it.

I just want it taken care of because it wasn't filed not on my -- I had no knowledge of it.
The secretary was not doing the filings.

CHAIRMAN BENNETT: Okay. So you waive the right to a hearing and you will pay the 75 percent?

MS. DRAGO: Yeah.

CHAIRMAN BENNETT: Okay. Very good.

MS. DRAGO: Okay?

CHAIRMAN BENNETT: And you're free to go.

We'll be sending you notice with regard to the amount. Thank you.

MS. TIBBETT: My name is Nancy Tibbett.

The cause number is 2016-6717-85. The Committee name is Tibbett for State Representative.


CHAIRMAN BENNETT: And what number violation is this?

MS. TIBBETT: It's my first.

CHAIRMAN BENNETT: Your first. You are willing to accept the deal, 25 percent of the proposed fine?

MS. TIBBETT: Yes.

CHAIRMAN BENNETT: Very well.

MS. TIBBETT: Thank you.

CHAIRMAN BENNETT: You're free to go.

Thank you.
MR. LEICH: James Leich, L-e-i-c-h. And I'm a representative, Indiana Association of Homes and Services for the Aging Political Action Committee. I do not have a cause number.

MS. TAYLOR: Do you know what was late?

Was it preprimary?

MR. LEICH: Preelection.

MS. TAYLOR: Preelection. Page 56. They have been before the board three other times and paid three settlement agreements.

CHAIRMAN BENNETT: So you're prepared to accept the 75 percent fine?

MR. LEICH: Yes.

MR. CLAYTOR: This will be their fourth time.

MS. TAYLOR: I think seventh, maybe.

MR. CLAYTOR: Oh.

CHAIRMAN BENNETT: We have not proposed any reduction for after the third violation. So if you want to contest it, you'll have to wait your turn.

MR. LEICH: I can't really contest it. I just missed the deadline.

MR. KLUTZ: Are you willing to accept the full amount of the fine?
MR. LEICH: Yeah, it's the only opportunity so...

CHAIRMAN BENNETT: Okay. So you will accept the full 100 percent of the fine; correct? You have to answer audibly.

MR. LEICH: Yes, I agree.

CHAIRMAN BENNETT: Very well. You will be receiving the invoice in due course. Thank you.

MR. LEICH: Thank you.

MS. BLANCHARD: Dana Lynn Blanchard representing House Pfeil. I have a letter stating that I have the authority to represent Richard Pfeil.

CHAIRMAN BENNETT: Do you have a cause number?


MS. TAYLOR: It's on page 3.

CHAIRMAN BENNETT: Would you present the letter to Mr. Simmons? And what violation -- what number violation is this?

MS. TAYLOR: First.

MS. BLANCHARD: It is our first.

CHAIRMAN BENNETT: Are you willing accept the deal for the 25 percent --

MS. BLANCHARD: Yes.
CHAIRMAN BENNETT: -- of the fine?

MS. BLANCHARD: Um-hum.

CHAIRMAN BENNETT: Okay. Very well.

MS. BLANCHARD: Thank you.

MR. SMITH: Hi. My name is Matthew Smith, M-a-t-t-h-e-w, S-m-i-t-h, here for the Matthew Smith for State Representative, Cause No. 6720-86.

MS. THOMPSON: Page 49.

MS. TAYLOR: This is the first violation.

CHAIRMAN BENNETT: First violation. Are you willing to accept the reduction to 25 percent the fine?

MR. SMITH: Yes, sir.

CHAIRMAN BENNETT: Very well. You're free to go.

MR. SMITH: Thank you very much.

Hello everyone. I'm Curtis Nash, C-u-r-t-i-s, N-a-s-h, representing Curtis Nash for State Representative, Cause No. 2016-6862-19.

MS. TAYLOR: Page 2, first violation.

CHAIRMAN BENNETT: Which is it?

MS. TAYLOR: First.

CHAIRMAN BENNETT: First violation. Are
you willing to accept the 25 percent of the
proposed fine?

MR. NASH: Yes, sir.

CHAIRMAN BENNETT: Very well. You're free
to go.

MR. NASH: Have a good day.

MR. STINFER: Mr. Chairman, my name is
Michael Stinfer, M-i-c-h-a-e-l, S-t-i-n-f-e-r.

Friends to Elect Michael Stinfer. I do not have
a cause number, but my case number is 6653. And
my --

MS. TAYLOR: Do you know what report was
late?

MR. STINFER: Yes, the annual. May I have
a seat?

CHAIRMAN BENNETT: Yes.

MR. STINFER: Thank you. I'm not sure if
that -- we filed an outgoing treasury report,
and we had thought that is all we needed to
file. I know it's a learning curve issue and
not an excuse, but that may help with where your
files are.

MS. TAYLOR: On page 47. It's the first
violation.

CHAIRMAN BENNETT: First violation. Are
you willing to accept the reduction of the fine
to 25 percent of the proposed fine?

MR. STINFER: Yes, I am.

CHAIRMAN BENNETT: Very well. You're free
to go.

MR. STINFER: Just one more thing. We did
notice, since we didn't file that outgoing
treasury report, there was no switch to the new
treasurer listed on the website. I'm not sure
if that --

MS. TAYLOR: Did you file an amended
statement of organization?

MR. STINFER: Yes, we did.

MS. TAYLOR: Okay. We'll make a note to
doublecheck.

MR. STINFER: Thank you.

CHAIRMAN BENNETT: Thank you.

MR. MATHIS: Ladies and gentleman, I'm
Mark Mathis, M-a-r-k, M-a-t-h-i-s.

CHAIRMAN BENNETT: You may be seated if you
prefer.

MR. MATHIS: I don't have the second letter
that, you know, summoned me to come here. I
only have the first one. I have nine children,
and best I can tell, my three-year-old destroyed
that letter. I do have a file number, though.

Will that help? It is 6790.

MS. TAYLOR: What was filed late?

MR. MATHIS: My preprimary report.

MS. TAYLOR: Okay.

MR. MATHIS: Sorry to be difficult.

MS. TAYLOR: Page 82.

MR. MATHIS: There's that many of them?

MS. TAYLOR: There's 90. This is his first

violation.

CHAIRMAN BENNETT: First violation. Are

you willing to accept the reduction to

25 percent of the proposed fine?

MR. MATHIS: Yes, with one question. What

was the proposed fine? Do you have that?

MS. TAYLOR: $400.

MR. MATHIS: Okay. So that'd be a hundred

bucks; right.

MS. TAYLOR: Yep.

MR. MATHIS: Very well. I accept that.

CHAIRMAN BENNETT: Very well. You're free

to go. Thank you.

MR. HEAD: Randy Head representing the

Committee to Elect Randy Head Attorney General,

file No. 99-6874. I wish to accept the
proposed --

CHAIRMAN BENNETT: Which -- wait just a minute and let them catch up to you.

MS. TAYLOR: Page 69, 88, and 89. The first violation.

CHAIRMAN BENNETT: Are you willing to accept the 25 percent reduction, to 25 percent of the proposed fines?

MR. HEAD: Yes, Mr. Chairman.

CHAIRMAN BENNETT: Very well. Thank you.

You're free to go.

MR. HEAD: Thank you.

MS. METZGER: Linda Metzger, L-i-n-d-a, M-e-t-z-g-e-r. I represent Indiana School Counselor Political Action Committee. And the case number is 2016-6134-55. And, yes, I'm a teacher.

MS. THOMPSON: Page 35.

MS. TAYLOR: This is the second violation.

CHAIRMAN BENNETT: And are you willing to accept the 50 percent reduction --

MS. METZGER: Yes, sir.

CHAIRMAN BENNETT: -- in the proposed fine?

Very well. You're free to go.

CO-DIRECTOR KING: Michelle, was that 35,
1 page 35?

2 MS. THOMPSON: Yes, page 35.

3 MR. GRANQUIST: Good afternoon,

4 Dan Granquist, G-r-a-n-q-u-i-s-t, Committee to

5 Elect Dan Granquist, Cause No. 2016-6297-64.

6 Annual report, first violation.

7 MS. TAYLOR: Page 39, first violation.

8 CHAIRMAN BENNETT: Are you willing to

9 accept the reduction to 25 percent of the fine?

10 MR. GRANQUIST: Yes.

11 CHAIRMAN BENNETT: Thank you. You're free

12 to go.

13 MR. LACY: I have a question. I'm

14 Jeff Lacy with the Muncie Police Department PAC.

15 My cause number is 2015-3924-10. I'm not sure

16 how many violations we have.

17 MS. THOMPSON: Three today.

18 MR. LACY: And what would the total cost of

19 that be?

20 CHAIRMAN BENNETT: Give us a minute. We'll

21 get on the same page here.

22 MR. LACY: Yes, sir. Thank you.

23 MS. TAYLOR: This is your third time and

24 there are three today. The first one is $1,000.

25 The second one is $1,000. And I think they're
all $1,000. Let me check the third real fast.

MR. LACY: Okay.

MS. TAYLOR: And the third is $1,000.

MR. LACY: Okay. We'll waive.

CHAIRMAN BENNETT: So you're not accepting

the --

MR. LACY: Correct. We would like to

discuss it with you, if we may.

CHAIRMAN BENNETT: Okay. Next? Anyone

else who wants to accept the deal that's been

offered for reduction of the fines in exchange

for a waiver of the hearing?

(No response.)

CHAIRMAN BENNETT: Seeing none, we'll now

take up the Jim Banks matter. And at this time,

we want to bring in -- at this time I think it's

appropriate to read the adoption of the campaign

finance hearing procedures so everyone

understands how these matters will proceed.

In the past the commission has followed

certain procedures for conducting campaign

finance hearing. And I move that the commission

use the following procedures today: A, when

each campaign finance matter is called, the

hearing will begin with recognizing the campaign
finance staff to provide information about the
documents in this matter provided to commission
members, including letters from committees and
the notice given to the campaign committee.

Unless there is an objection, the documents
provided to the commission by the election
division will be entered into the record of this
meeting.

After campaign finance staff completes
presentation, a representative of the committee
will be recognized first and may present their
case for no more than five minutes. The
commission members may ask questions during a
presentation, but the time spent answering these
questions will not be counted against a
presenter's time. The election division may
signal the chair when a presenter's time is up.

If the presenter offers additional
documents or other physical evidence not
previously received by the commission, then the
original must be provided to the election
division -- that would be Mr. Simmons -- to
preserve the record. If the commission finds
that a committee has violated the campaign
finance statutes, state law requires a unanimous
vote of all four commissioners to waive or
reduce the amount of the penalty set by state
law.

If the commission makes a decision at this
meeting to either fine a committee or dismiss
the case against the committee, then the
election division will prepare an order for the
commission to approve at a later meeting.

If a committee is fined today, the
committee will receive a notice from the
election division to pay the fine after the
commission adopts the final order. So it may be
some time after today before a committee will be
required to pay the fine.

The commission generally begins at the
front of the room and asks those persons present
to come forward to have their matter heard. It
is very helpful if you can speak up and say the
cause number on your hearing material so that
the commission and staff can quickly look it up
on the spreadsheet. Remember to identify
yourself when you start speaking. Is there a
second to this motion?

MR. CLAYTOR: Second.

CHAIRMAN BENNETT: Is there any discussion?
(No response.)

CHAIRMAN BENNETT: Hearing none, all in favor say "Aye"?

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "nay."

(No response.)

CHAIRMAN BENNETT: The ayes have it, and the motion is approved.

We will now proceed with Jim Banks, and I would recognize Commissioner Zachary Klutz to recuse himself and ask that Stephanie Beckley join the commission as his proxy.

(Commission Member Klutz left the room.)

CHAIRMAN BENNETT: All right. Now, would you please identify yourself, Matt?

MR. ZAPFE: Matt Zapfe, that's Z-a-p-f-e, here on behalf of Senator Jim Banks. I apologize. I don't have the cause number.

MS. TAYLOR: Mr. Chairman, it's on page 17.

CHAIRMAN BENNETT: At this time I would recognize the staff to provide information about the documents and the notice which has been given in this cause.

MS. THOMPSON: Mr. Chairman, this is Friends of Jim Banks, Cause No. 2015-5910-119.
He has a proposed civil penalty of $1,000.49.
Under your blue tab there on the very first one, there's a letter from Jim Banks. It's just a tab like this one (indicating), a sticky tab.

CO-DIRECTOR KING: See?
CHAIRMAN BENNETT: Oh, okay. Got it.
MS. TAYLOR: Got it?

CHAIRMAN BENNETT: Got it. Anything else from the division?

MS. THOMPSON: No.

CHAIRMAN BENNETT: Okay. Yes, sir.

MR. ZAPFE: Senator Banks is out of state today so I'm attending on his behalf to ask for the commission's forgiveness of a fine levied on his committee in October of 2014. Maximum penalty on the failure to report a supplemental large contribution at the time when he was on the ballot, kind of extraordinary circumstances then. He was unopposed, but he actually had taken a leave from the state Senate to -- he was deployed overseas in Afghanistan as a Navy reserve officer.

During that time, his wife was taken over -- had taken over the role of the Senate campaign finances, thought we had everything,
you know, up to speed, you know, three kids, managing the family stuff while Jim was away.

With him being unopposed, a $1,000 check came in from Harrison College. Amanda deposited it, but they did not file a supplemental contribution report. It was an oversight.

While doing their end-of-year accounting they caught it on their own and self-reported it; but at that time, it had already, you know, reached the maximum $1,000 penalty.

So I think the letter gives a few more details; but given the circumstances, we respectfully ask that the commission forgive this fine due to, you know, his circumstances and situation at that time.

CHAIRMAN BENNETT: And those circumstances are his deployment to Afghanistan?

MR. ZAPFE: Yes, yes. In fact, he was unopposed. So while on the ballot he didn't have a contested race so -- and that thing came in, you know, late in October. And it was just -- it got lost in -- they did, you know, two of the three things they were supposed to but just -- just failed being -- Amanda being new to the campaign finance laws, she just had
forgot to do that final part. But they caught
it and self-reported.

CHAIRMAN BENNETT: Okay. Any other
evidence you wish to present as testimony?

MR. ZAPFE: No. I'd be happy to answer
questions.

CHAIRMAN BENNETT: Any questions by the
commissioners? And what is your relationship to
Mr. Banks again?

MR. ZAPFE: I am executive director of the
Senate majority campaign committee, so I oversee
all the separate Republican campaigns in the
state.

CHAIRMAN BENNETT: Did Mr. Banks put anyone
in particular in charge while he was deployed?

MR. ZAPFE: Amanda, his wife. And then
they have a treasurer as well who does their
banking and campaign finance reporting.

CHAIRMAN BENNETT: Okay. Is there any
state or federal law which provides for amnesty
or any other relief while people are deployed in
the military that would impact of this?

MR. SIMMONS: I'm not aware of any.

CHAIRMAN BENNETT: Is there a motion --
well, at this point, if there's no other
questions, I declare the hearing on the matter closed and ask if there's any motion.

MR. CLAYTOR: Mr. Chairman, I understand the circumstances; and the treasurer should certainly be spanked for not being on top of when money is deposited. And as a first offense and the extraordinary circumstances, I will move that the commission waive the penalty in this matter.

CHAIRMAN BENNETT: Is there a second?

MS. BECKLEY: I will second.

CHAIRMAN BENNETT: You will second. We have a motion, a second. Any discussion?

(No response.)

CHAIRMAN BENNETT: All in favor say "Aye"?

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "Nay."

(No response.)

CHAIRMAN BENNETT: The ayes have it. The penalty is waived. Thank you for the service of Mr. Banks.

MR. ZAPFE: Thank you.

CHAIRMAN BENNETT: We would like to bring the Big Red matter up at this point in time.

Commissioner Klutz remains recused, and
Ms. Beckley will be his proxy.

MS. THOMPSON: Mr. Chairman, that is under
the little green flag.

MS. TAYLOR: Yeah.

CHAIRMAN BENNETT: And anything else you
can tell us about that?

MS. THOMPSON: Yes. Mr. Chairman, it's Big
Red Liquors, Cause No. 2016-174. Big Red PAC
and Indiana Associated Beverage Retailers, they
contributed to those two committees in the
amount of $46,844.93. And they've never been
before the commission before. And Big Red PAC
returned $24,862 to Big Red Liquors on June
15th -- or June 20th, 2015.

CHAIRMAN BENNETT: And is there a proposed
civil penalty?

MS. THOMPSON: Three times the amount,
which is $74,534.70.

CHAIRMAN BENNETT: Is that a statutory
penalty?

MS. THOMPSON: Yes, it is.

CHAIRMAN BENNETT: Okay. You may present.

MR. BELL: Thank you, Mr. Chairman and the
committee. My name is Matthew Bell,
M-a-t-t-h-e-w, B-e-l-l. I serve as the
treasurer of the Big Red Liquors PAC. And I'm here today on behalf of Big Red Liquors with our apologies and very humbly to be in the front of the committee.

We do not dispute that contributions were made in excess of the corporate giving limits. I can tell you that was an inadvertent giving by Big Red Liquors based on a misunderstanding of corporate structure when those contributions were given. Upon being informed of overage by the election commission, the PAC and Big Red Liquors acted very expeditiously to seek the return of more than $24,850 in contributions.

Those were received from eight different campaign committees with the last returned contribution being received on July 20th of 2015.

Upon the receipt of a final returned contribution, a check was issued from Big Red PAC to Big Red Liquors in the amount of $24,850. Big Red Liquors has a strong desire to be in compliance with all Indiana state laws and certainly regrets that an inadvertent overage was made. The PAC is bipartisan in its nature. It is not intended to unduly sway one side or
another of the political aisle. It's a
reputable company who wants very much to be
active in the political process, but to do so
appropriately and within the bounds of the law.

We would ask for your consideration of our
efforts to remedy the situation as you consider
a civil penalty. I'd be happy to answer any
questions from the committee.

CHAIRMAN BENNETT: At this time I'll --
well, any questions from the committee? I'm
just trying to understand. So Big Red PAC
returned --

MR. BELL: -- $24,850 to Big Red Liquors.
CHAIRMAN BENNETT: To Big Red Liquors.
MR. BELL: And those were based on return
contributions from campaign committees to whom
ccontributions had been made by the PAC, the
eight different committees.

CHAIRMAN BENNETT: And was that the only
amount of money that was in violation of the
election laws was the $24,8-?

MR. BELL: I defer to the election division
on that, but my understanding is that that was
the political corporate contribution limit.

MS. TAYLOR: This is the difference between
THE COURT REPORTER: Do you want what you're saying on the record? Because I can't hear you.

CHAIRMAN BENNETT: I'm thinking not.

MS. THOMPSON: We are doing the math here.

CHAIRMAN BENNETT: How did that number -- was that the number that was given to you?

MR. BELL: Yes, sir.

CHAIRMAN BENNETT: Who was it given to you by?

MR. BELL: We had sought advice from many folks who have experience in PAC fundraising, and my business partner was told that getting below that limit would be the appropriate number to seek to remedy the situation.

CHAIRMAN BENNETT: How did this violation of the laws come to light?

MR. BELL: We were informed by letter from Michelle Thompson at the election division on June -- pardon me -- first on March 4th, 2014, that it had been -- that in a routine audit, that the PAC had received contributions from Big Red Liquors in excess of limits set forth in 3924.
CHAIRMAN BENNETT: And the money was returned about a year and four months later; is that -- am I calculating that correctly?

MS. THOMPSON: Yeah. On July 20th we received a letter stating that they had returned the money.

CHAIRMAN BENNETT: Okay. Do you know why it took that long to return the money?

MR. BELL: Ma'am, was our letter received in 2014 or 2015? I know it's dated 2014, but the letter that accompanied it.

MS. TAYLOR: And then it's crossed out over it, so I'm not sure.

MR. BELL: I think it was March 2015, sir.

MS. TAYLOR: I'm thinking it's '15.

MR. BELL: I do believe that is the case, so it was rectified in a matter of four months, not a year and four months.

CHAIRMAN BENNETT: Okay. Good.

MR. BELL: And that's --

MS. THOMPSON: Yeah.

MR. BELL: There was documentation -- this was with that letter dated 2015, if you recall.

MS. TAYLOR: Yeah.

MR. BELL: So it was four months.
CHAIRMAN BENNETT: All right. Any further questions? Any further testimony or documentation?

MR. BELL: No, sir. We appreciate the consideration of the committee's and your time.

CHAIRMAN BENNETT: The matter is closed. I would now ask if there is a motion. Any of the commissioners have a motion?

MR. CLAYTOR: Mr. Chairman, I'm not sure where to proceed on this as far as not having the institutional knowledge. I don't know if staff or if the co-director have any comments or recommendations in this matter. I know I've never voted on something at one of these meetings of this kind of magnitude.

CHAIRMAN BENNETT: Well, I guess my understanding is that the proposed penalty will stand unless there is a motion to reduce it.

CO-DIRECTOR KING: No, it takes affirmative action by the commission.

CHAIRMAN BENNETT: Okay. I am corrected. It takes official action by the commission to enforce the fine. So with that understanding, given that the matter was corrected when it was brought to the attention, I guess I would move
that the fine be reduced by 90 percent to a
10 percent fine.

MR. CLAYTOR: 10 percent of what,
Mr. Chairman?

CHAIRMAN BENNETT: 10 percent.

MS. OVERHOLT: The $74,000 or $74,534?

MR. CLAYTOR: 10 percent of the total
possible penalty or 10 percent of the violative
amount?

CHAIRMAN BENNETT: I will say 10 percent of
the violative amount.

MR. CLAYTOR: Because we certainly, in a
number of instances, we do a 25 percent for
first violations for people who agree to that
amount.

CHAIRMAN BENNETT: Are you making that
motion to suggest 25 percent?

MR. CLAYTOR: Well, I -- that's a darn fine
question, Mr. Chairman. I wouldn't have an
issue with 10 percent of the maximum penalty. I
wouldn't have an issue with 25 percent of the
excess. So I'm not actually making a motion
to --

MR. BELL: Mr. Chairman, may I?

CHAIRMAN BENNETT: Yes.
MR. BELL: Those amounts are pretty close, if I'm doing the math in my head correctly.

MS. OVERHOLT: This is the first violation?

MS. THOMPSON: Correct.

MS. TAYLOR: Yes.

CHAIRMAN BENNETT: I guess in my mind, if we were going to go to 25 percent, which is the normal penalty for the first violation, I would -- I mean, that would have been automatic, Big Red would have accepted the deal.

MR. CLAYTOR: Correct.

CHAIRMAN BENNETT: And now that we've had the hearing, we want to do any better than that or stick with the 25 percent? If we don't stick with the 25 percent, we are -- nobody is ever going to take the deal.

MR. CLAYTOR: Well, that's a very good point. Of course, and the issue is what the percentage is based on. So the --

CHAIRMAN BENNETT: Well, did we tell them what the penalty would be in any of our correspondence?

MS. THOMPSON: No.

MS. TAYLOR: We didn't send a settlement agreement?
MR. BELL: No, ma'am, not to my knowledge.

MS. TAYLOR: Okay. The proposed civil penalties is $74,534.70, which is three times the excess; and the excess was $24,844.93. I'm grateful for the calculator on my phone. I'm not that good.

MR. BELL: And just to remind the committee, we did return $24,850 within a period of four months.

MS. TAYLOR: Yes, yes.

MR. CLAYTOR: And that is the excess amount of --

MS. THOMPSON: The $24,000.

MR. CLAYTOR: -- is the $24,000?

MS. TAYLOR: Yes.

MR. CLAYTOR: So thank God for calculators even though I am a CPA. This says $24,860. Is it -860?

MS. TAYLOR: It was -850, just a typo.

MR. CLAYTOR: Okay. I'm good at typos.

Twenty-five percent of that amount is just under $6,500.

CHAIRMAN BENNETT: Is there a motion to assess the 25 percent of the statutory penalty?

MR. CLAYTOR: I think you made a motion,
Mr. Chairman. If you would withdraw that motion, I will make a motion.

MR. BELL: May I pose a question? If 25 percent of the statutory penalty is the question, that would be 25 percent of the civil penalty, not the violative amount; correct? So you would be talking about 25 percent of $74,000 at that point.

MR. CLAYTOR: I would not be but --

MR. BELL: Okay. I just wanted to know.

MR. CLAYTOR: That is the math.

CHAIRMAN BENNETT: Let me withdraw that motion and make it clear. I guess my motion is 25 percent of the violative amount as a penalty.

MS. BECKLEY: So for clarification,

25 percent of the $24,850?

CHAIRMAN BENNETT: Correct.

MR. CLAYTOR: Which, I believe, is $6,462.50.

CHAIRMAN BENNETT: Is there a second?

MS. BECKLEY: I will second it.

CHAIRMAN BENNETT: I have a motion and a second. Any further discussion?

(No response.)

CHAIRMAN BENNETT: All in favor say "Aye."
THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "Nay."

(No response.)

CHAIRMAN BENNETT: The ayes have it.

MR. BELL: Thank you, Chairman, and members of the committee. Appreciate your assistance.

CHAIRMAN BENNETT: Thank you. Who is next?

At this time, Commissioner Klutz will replace Commissioner Beckley. Thank you for your service, Commissioner.

MS. BECKLEY: No problem.

(Mr. Klutz returns and Ms. Beckley leaves.)

CHAIRMAN BENNETT: You may.

MR. LACY: May I remain standing?

CHAIRMAN BENNETT: You may.

MR. LACY: Okay. I simply ask to remain standing because I am a police officer, and I think better on my feet than sitting in my squad car. My name is Jeff Lacy, J-e-f-f, L-a-c-y; and I represent the Muncie Police Department Political Action Committee.

First and foremost, thank you for this opportunity to plead our case before you and I apologize for your time. This is embarrassing
to us, and I regret that we have to be here.
I'm nervous as I've ever been, and I've been in
federal court and everywhere.

We have three violations. I fully fall on
my sword on the first violation and accept
responsibility for that and ask for mercy on
that. It is the filing of the annual report
late. That --

MS. THOMPSON: 66.

MS. TAYLOR: That, Mr. Chairman, are on
pages on 19, 55, and 66.

MR. LACY: That was an oversight on our
behalf, and I will give you a bit of history.

We -- my treasurer, Larry Robins, who is
sitting here with me, we took over our PAC I
believe it was in January 2015 in an election.

Our previous PAC was not living up to the
standard of which we thought they should. And
we had an election and we -- we subsequently won
that PAC.

During that course of time there was
confusion from the previous treasurer in
turnover of documents and things like that, is
my understanding. And by the time that he had
turned that information over to us, our mailbox
that we received, our post office box had no
longer been paid for -- correct me I'm wrong,
Larry; is that right?

MR. ROBINS: Right.

MR. LACY: It had no longer been paid for.

And I believe some of the mail that we were
receiving was sent back. And if it -- and so we
never received notification that we were late on
these, the preliminary, the other two
violations. I'm basically arguing all three at
once, I guess.

The preprimary report was not filed for
election in 2015, and the preelection. We
understand that you send out notifications
stating that those are due. We did not receive
those because our post office had not been paid
for by our treasurer, and so we never received
notification.

I accept responsibility that it's ignorance
on our behalf. We should have not relied on him
to pass that information along to us as what was
required. We did rely on him to tell us, you
know, when certain reports were made and when
they didn't. I'm not throwing him under the
bus, but it's -- once again, it's our fault not
looking into what was required out of us.

Since then we actually suffered three violations, which was the preelection report and the preprimary report and the annual report were not filed.

As soon as we were notified that -- we got the mailbox up and running again and we started receiving the notices. I believe my secretary made contact with the office to get this squared away.

Then we -- we were advised we could come down here and plead our case before you, and that's where we are today.

I would -- once again, on the annual reporting, that is our fault 100 percent. We didn't -- we -- that was an oversight on our behalf. On the other two, it was kind of a perfect storm of chaos through the election as well as the fact that our mailbox had not been kept up to date and we were not informed that these -- from the prior people that were running the PAC that this was a requirement. We apologize, and we ask for a waiver of those two and a reduction of fee -- fine on the annual reporting. And I appreciate your time.
CHAIRMAN BENNETT: Okay. Anything else you want to present?

MR. LACY: No, sir. That's as close to the best explanation as I can give. I mean, it was a lot of oversight and a lot of confusion when the election occurred as to who was taking over. Subsequently the previous treasurer is no longer with us. He has retired. And when Larry took over -- Mr. Robins took over, he was quick to act is my understanding.

When we got the notification that our annual report was due, he filed this, all three reports as soon as we were advised. We've subsequently taken -- sought out the advice of Annette Cracraft who, I believe, has been associated with you in the past as advice on how to keep our PAC running smoothly and to rectify the situation so it won't happen again. I don't want this to happen again. We don't want to be down here or even pay a fine.

CHAIRMAN BENNETT: Any comments from the division on this?

MS. THOMPSON: No, Mr. Chairman. These are all $1,000 proposed civil penalties for all three of these violations.
CHAIRMAN BENNETT: Have the three reports been filed?

MS. THOMPSON: They have, yes.

MS. TAYLOR: Yes.

MR. KLUTZ: Mr. Chairman, I may ask a question? So the first two violations arose from circumstances or time periods prior to your election or your control of the PAC?

MR. LACY: We actually took control, but we were never -- once again, it's our fault for not looking into what reports were required; but we were relying on information from the people that were here previously to say, "Hey, listen, make sure" -- you know, the treasurer trains the treasurer, the president trains the president to make sure that these are done in a timely manner. You're required to do these reports.

That's our fault for seeking that out. And we were not informed that the pre- -- the preelection and the preprimary reports were due during the election year. And so we just did not complete them. At the same time, we did not receive notification because our mailbox that we received the mail at, the notifications that we would receive from the office were not getting
to us.

So we didn't even -- it wasn't that we intentionally ignored any warning or, you know, that the report was upcoming is my understanding the notice says, "Hey, don't forgot you've got this report coming up." And we didn't receive those to even complete them because the treasurer had failed to pay for the mailbox, and then the mail was sent back was my understanding.

Once we got the mailbox up and running again, we started receiving mail and received notification.

CHAIRMAN BENNETT: Any other questions?

MS. OVERHOLT: When did you come in?

MR. LACY: I believe it January 2015.

CHAIRMAN BENNETT: At this time I'm going to declare the hearing in the matter closed and ask if there is any motion from any of the commissioners.

MR. LACY: I was just going to say these are hard working men and women in the police department that entrusted us with their money. And unfortunately, I think I have let them down when it comes to this. And I ask that you not
penalize them for an error that's on my behalf and my current treasurer. I think their total dues month are, like, $200.

CHAIRMAN BENNETT: Is this your full-time job to work with the PAC?

MR. LACY: No, sir. I'm a full-time training director for the police department.

CHAIRMAN BENNETT: Okay. Any motions?

MR. KLUTZ: Mr. Chairman, it seems like we have kind of a range -- you initially came up because you wanted to do the settlement, but then you realized you weren't eligible for the settlement and/or you were eligible for -- what? -- 75 percent --

MR. LACY: We weren't sure.

MR. KLUTZ: -- you thought. But some of that appears to be a transitional factor when you came in in January of 2015. At the same time you did admit and state that you just missed some -- you weren't properly educated on the filings, and so I don't feel like a 25 percent reduction would be appropriate either. My recommendation would be a 50 percent reduction on all three proposed fines.

CHAIRMAN BENNETT: Is that a motion?
MR. KLUTZ: It is.

MR. CLAYTOR: I'll second the motion.

CHAIRMAN BENNETT: Any discussion?

(No response.)

CHAIRMAN BENNETT: Hearing none, all in favor of the motion say "Aye."

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "Nay."

(No response.)

CHAIRMAN BENNETT: Ayes have it. Motion carries, 50 percent reduction.

MR. LACY: Thank you. What would be the total of that? Do you know.

MS. TAYLOR: $1,500.

MR. LACY: Thank you.

CHAIRMAN BENNETT: Thank you.

MR. WITWER: I'm George Witwer and founder of the Opportunity Project to Political Action Committee. And it's been dormant for over a decade. We kept it open from the standpoint that we might someday make it active again. I'm here on behalf of Martha Coleen, who is in charge of the political action committee. She works up in Bluffton, Indiana, where I'm from.

She has a calendar to fill her report out
every year. She was sick the day that she had
it calendared to fill it out, you know, turn in
the latest report. Again, no activity in the
last decade as far as I'm aware. She was sick
for several days. When she got back to work,
she saw the calendar. She immediately turned in
the report. So that was between April 15th and
April 18th.

So the recommendation was $50 a day
penalty. You know, from my perspective, it
seemed like it was, you know, kind of an
impossible situation for her because she was
incapacitated, was unaware that the calendar
item was supposed to be filled out. And so I
was hoping for some leniency. I'm not sure
what's appropriate in these circumstances, but
that's why I'm here on her behalf.

CHAIRMAN BENNETT: Have we found --

MS. THOMPSON: Yes, page 71, Mr. Chairman.

This committee has never been before the
commission before and has a proposed civil
penalty of $200.47.

CHAIRMAN BENNETT: That's the full penalty?

MS. THOMPSON: Yes.

CHAIRMAN BENNETT: $200. And I'm curious,
Mr. Witwer, why you didn't take the 25 percent reduction?

MR. WITWER: I don't think I was aware of that. She sent in a letter. And the letter that we got responded was you owe $200, so it was a full, you know, full application so we -- I wasn't aware. I don't think she's aware that there was an opportunity to have a 25 percent reduction.

MR. CLAYTOR: He just got here.

MR. KLUTZ: If I could, I don't believe he was here for the first plea agreement discussion.

CHAIRMAN BENNETT: Okay.

MR. BECKER: I'm sorry. Patrick Becker with the Indiana Election Division.

CHAIRMAN BENNETT: Were you here when the oath was administered?

MR. WITWER: No, I wasn't here. I'm sorry.

Am I no --

CHAIRMAN BENNETT: I don't want to redo everything. Do you solemnly swear that what you've told us has been the truth, the whole truth, and nothing but the truth?

MR. WITWER: I solemnly swear.
CHAIRMAN BENNETT: Okay. Anything else you want to present?

MR. WITWER: No. The only correspondence that I've seen and I think that she's seen -- so I'm not sure if we've missed something -- was she wrote a letter explaining that she had been sick. And then we got a letter back saying we owe the $200; but if we -- if we wanted to, you know, question that, to come before the committee. So on her behalf I said I'll come down and speak to the committee.

MR. KLUTZ: Mr. Witwer, had you been here when the 25 percent settlement offer was offered, would you have accepted on behalf of --

MR. WITWER: Whatever would be standard in this situation. I'm not familiar with what would be appropriate. It just seemed to me that this was a situation that ought to be considered by the committee.

CHAIRMAN BENNETT: Okay. Any other questions from the commission? I declare the hearing on this matter closed. I guess I would offer the motion that the $200 fine be reduced to 25 percent of that amount in this situation.

MR. CLAYTOR: Second.
CHAIRMAN BENNETT: Motion and a second?

Any discussion?

(No response.)

CHAIRMAN BENNETT: All in favor say "Aye."

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "Nay."

(No response.)

CHAIRMAN BENNETT: The motion carries.

Ayes have it, reduced to 25 percent of $200.

THE WITNESS: I appreciate it very much.

MS. TAYLOR: Mr. Witwer also has a candidates' committee, a long-standing committee that's been around as long as the PAC committee. The candidates' committee also missed the same filing deadline as the candidate for statewide office. The report was due April 15th. It was filed April 18th. It's another -- it's different committee, Hoosiers for Witwer. It's on page 87.

MR. WITWER: Same situation, I guess.

MS. THOMPSON: Yes. Filed at the same time, wrote a letter for both delinquencies. This one also has a proposed civil penalty of $200.47.

CHAIRMAN BENNETT: Okay. Mr. Witwer, can
you address that one as well or do you wish,
since we're --

She's responsible for that. She had it
calendared, I guess it was due the same day.
She was sick. As soon as she got in the office,
she sent that one in as well.

MR. CLAYTOR: Mr. Chairman, it appears this
was not the first violation for that committee.

MS. TAYLOR: That's correct. That was the
third for Hoosiers for Witwer.

CHAIRMAN BENNETT: Third.

THE WITNESS: That committee also is
dormant, just so you know. It's been quite some
time.

CHAIRMAN BENNETT: It's not been dissolved?

THE WITNESS: Not been dissolved, something
that we just hadn't taken the action on. I
think, given all this, probably should so ...

CHAIRMAN BENNETT: Yeah. Okay. I guess --
okay. Anything else you would like to say about
this?

MR. WITWER: No.

CHAIRMAN BENNETT: Any other questions from
the commissioners?
(No response.)

CHAIRMAN BENNETT: I'll declare the hearing in the matter closed and ask if there's any motion to be made by any of the commissioners with regard to this club.

MR. CLAYTOR: Mr. Chairman, I move we assess a fine of 75 percent of the proposed penalty.

CHAIRMAN BENNETT: Is there a second?

MR. KLUTZ: Second.

CHAIRMAN BENNETT: A motion and a second. Any discussion?

(No response.)

CHAIRMAN BENNETT: Hearing none, all in favor say "Aye."

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "Nay."

(No response.)

CHAIRMAN BENNETT: So we'll reduce the $200 for the Hoosiers for Witwer to 75 percent of that amount.

MR. WITWER: Okay.

CHAIRMAN BENNETT: And you might want to consider closing that.

THE WITNESS: Advice taken.
CHAIRMAN BENNETT: Thank you.

MR. WITWER: Thank you. You bet.

CHAIRMAN BENNETT: Does anybody have an idea who's next? We'd like to take them from front back. Anybody else in the front?

MR. BREEDEN: We've been here since before 1:00, but there weren't any seats when we got here.

CHAIRMAN BENNETT: I think you should come forward.

MR. BREEDEN: My name is Bill Breeden. I don't have a cause number. It's Committee to Elect Bill Breeden.

MS. TAYLOR: Do you know what was late?

MR. BREEDEN: It was the report of receipt and expenses for the political committee.

MS. TAYLOR: When was it due?

MR. BREEDEN: Primary.

MS. TAYLOR: Of this year?

MR. BREEDEN: Yes, yes.

MS. TAYLOR: Okay.

MR. BREEDEN: We would have -- we live in a three-room cabin. My wife's father died and she's gone and I'm not sure of our filing system in our three-room cabin so I need --
MS. TAYLOR: It's on page 84. It's the Committee to Elect Bill Breeden, Cause No. 2016-6849-159. This is the first penalty and proposed civil penalty of $600.47.

MR. BREEDEN: And my name is spelled Bill Breeden, B-r-e-e-d-e-n.

THE COURT REPORTER: Thank you.

CHAIRMAN BENNETT: All right. What would you like to tell us about this?

MR. BREEDEN: I have a copy here of a fax. I called the office actually up a couple of times that week because this is the first time I've ever run for office and I know nothing about most of this. But in reading the book I realized, you know, there were dates I needed to meet. So I called the office and made sure I could fax them.

I have a copy here of the fax that I sent two days before the deadline. And I didn't hear that it was late until weeks later. And I called the office and explained that I had faxed it and I had a copy of that. And she said bring that copy here to this meeting and she called and said I want to stop the fine, because at that time I think it was nearing $700. And...
that's the first time I ever --
CHAIRMAN BENNETT: You want to give that to paper to Mr. Simmons?
MR. BREEDEN: Sure.
CHAIRMAN BENNETT: Anything else you want to tell us any or documents you want to make part of the record?
MR. BREEDEN: No. You know, I faxed it in. I don't know why it wasn't filed, but I thought the fax number was fine. I think I talked to Michelle.
MS. THOMPSON: 15, April 15.
MR. KLUTZ: It appears to be file stamped April 13th.
MR. BREEDEN: She told me that she didn't think it would be a problem, but I did have to show up here. I'm glad to meet you all. I'm glad you're doing your job.
CHAIRMAN BENNETT: Anything else on your part?
MR. BREEDEN: No.
CHAIRMAN BENNETT: Any questions from the commissioners? Anything from the division? Any motion from the other commissioners?
MR. KLUTZ: What he's presented is --
appears to be a fax that's sent to the Indiana
Election Division on April 13th, 2016. And what
I'm told is that the report was due April --

MS. TAYLOR: 15th.

MR. KLUTZ: -- 15th. So I make a motion
that the fine be waived.

MR. CLAYTOR: Second.

CHAIRMAN BENNETT: Any discussion?

(No response.)

CHAIRMAN BENNETT: All in favor of the
motion to waive and dismiss say "Aye."

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "Nay."

(No response.)

CHAIRMAN BENNETT: Ayes have it.

MR. BREEDEN: Thank you very much. I hope
I never see you again except outside this room.

Have a good day.

MR. MAHERN: I don't have a cause number.

Indiana Southern District Democratic Committee.

I have a file number.

THE COURT REPORTER: Your name, sir.

MR. MAHERN: I'm sorry. My name is Louis,
L-o-u-i-s; Mahern, M-a-h-e-r-n. I have a copy
of my remarks if you would like them. In the
summer of 2008 the then Marion County Democratic Chairman appointed me to be treasurer of the Indiana Seventh District Democratic Committee.

On April 26th, 2011, at the instruction of the Marion County chairman, I wrote a check to the Marion County Democratic Party in the amount of $2,483, thus completely depleting the funds of the Indiana Seventh District Democratic Committee.

Beginning with the pre-general election report filed on October 18th, 2011, and the 13 or so reports I have filed since then show the Indiana Seventh District Democratic Committee with zero activity and zero funds on hand.

After over seven years of filing the required election reports on behalf of the Indiana Seventh District Democratic Committee, I absentmindedly neglected to file the pre-election report due on October 16th, 2015.

Upon receipt of the notice from the State Election Commission informing me of this oversight, I promptly filed the overdue report which was received by the commission on October 26th, 2015.

About three weeks later I received a notice
from the commission offering a proposed
settlement of a campaign finance penalty. I
called the commission staff and requested a
hearing on the matter. As far as I know, that
is where the matter stands today. The Indiana
Seventh District Democratic Committee has no
funds and has not had any funds for nearly five
years.

I would have availed myself of the
25 percent discount offer at the outset, but the
committee had no funds to pay that 25 percent.

MS. THOMPSON: Mr. Chairman, you will find
that on page 57.

CHAIRMAN BENNETT: Thank you. Any
questions?

MR. CLAYTOR: Why haven't you closed the --

MR. MAHERN: That's a very good question,
and I promise you that it will be closed very
promptly. Frankly, every time I filled out this
report I thought, you know, I need to do
something about this; and I just haven't.

MR. KLUTZ: Mr. Chairman, in the past have
we waived fines conditioned upon certain filing
such as the closing of a committee and the
waiver be contingent upon the filing of the
CHAIRMAN BENNETT: I think what we've done in the past is to defer the matter pending the closure and save it for the next hearing. The committee is inactive? There's no money?

MR. MAHERN: There has been no activity in -- this coming October it will be five years since the committee has had any activity.

CHAIRMAN BENNETT: Okay. Well, I would -- I would move to defer the matter until the next campaign finance meeting, at which time, if you can demonstrate that the committee has been closed, I think that the usual practice has been to be pretty lenient at that point in time and consider a dismissal of the case. So I guess I would make the motion that we defer this to another scheduled meeting and see if the committee remains open or whether it's closed and make a decision at that time.

MR. MAHERN: Fair enough.

CHAIRMAN BENNETT: We need a second.

MR. CLAYTOR: Second.

CHAIRMAN BENNETT: A motion and second. Is there any discussion on that?

(No response.)
CHAIRMAN BENNETT: All in favor say "Aye."

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "Nay."

(No response.)

CHAIRMAN BENNETT: The motion carries.

MR. MAHERN: Thank you, Mr. Chairman.

CHAIRMAN BENNETT: We'll see you next time, and hopefully the committee will be closed.

MR. MAHERN: All right.

CHAIRMAN BENNETT: Next?

MS. COOK: Thank you, Mr. Chairman, members of the election commission. I'm Rhonda Cook. It's R-h-o-n-d-a, C-o-o-k. I am the treasurer of the Indiana Conference of Mayors PAC. And I'm here today speaking on behalf of the treasurer of the Indiana Democrat Mayors PAC as well as a letter from that treasurer.

CHAIRMAN BENNETT: Can you give a copy of that letter to Mr. Simmons? Do you have a cause number?

MS. COOK: Yes. There are two for each PAC, so there are four cause numbers. For the ICOM PAC it's 2015-614-145, 2015-147-112. For the Democrat Mayors PAC it's 2015-6126-144, 2016-6124-111.
MS. TAYLOR: These are on pages 61, 62, and 67.

MR. CLAYTOR: These are two separate --

MS. TAYLOR: These are two separate --

MS. COOK: Does that go to you?

MS. TAYLOR: Here. You can stay with Indiana Democrat Mayors on page 61 and 67, Cause No. 2016-6126-111 and Cause No. 2015-6126-144.

CHAIRMAN BENNETT: Okay.

MS. COOK: For both PACs, they're very similar circumstances so I can kind of speak to them all together. I realized that we missed the filings for the preprimary and preelection 2015 on October 20th, 2015. I was reading a political newsletter, and they had listed some important dates and deadlines. And I thought surely not because I haven't received anything from the election commission stating that we had any problems or any delinquencies. So immediately I called the election commission and was told to speak to Abbey Taylor.

She called me back the next morning. And she said that both PACs had missed the filings for the preprimary and the preelection reports and we did not respond to the commission's
request to appear. And the commission had
already ruled that we owed $1,000 on each -- for
each PAC, although today I haven't received
notice of that delinquency or a right to appear
or the ruling of the commission imposing the
fine, we have never received those documents.
This information was provided to me verbally,
though, by Abbey when I spoke to her on
October 21st.

So immediately I filed the reports on
October 20th, the date that I realized the
mistake. I filed the ICOM PAC report. And then
on October 21st, the Democrat Mayor reports were
filed for both -- both time periods.

And as I was discussing it with Abbey, we
identified the problem that -- we had moved
offices in 2013, and we notified the election
division of our new address on the 2013 annual
reports that were filed January of 2014.

Abbey said that the address change was not
made in the election division computer system;
and so from that point forward, both of the PACs
weren't receiving any notifications. We didn't
get your packet that says when the reports are
due or didn't get anything about our
delinquencies or notice of right to appear.

So we understand that -- we apologize for the errors. And we know that we didn't file timely and we understand that those packets are courtesy and that we have to track the deadlines and file those. I will admit that they're very helpful to receive and they help a lot of people stay on track.

But I think what's critical in our situations is that we didn't receive any of the notices that we were delinquent and that fines were being imposed or that we had a right to appear. Otherwise, we would have corrected that right away, immediately.

And I know that was due to the election division not updating that in the system is what I was told.

CHAIRMAN BENNETT: Anything else?

MS. COOK: That's it. No.

CHAIRMAN BENNETT: Any response from the division on this?

MS. TAYLOR: We'll fall on that. They checked the box and updated their address, and we just didn't catch it. It's our fault. We didn't catch the updated address, so we didn't
change it in the system. So any mail we sent out went to the old address, because we didn't catch the new address.

CHAIRMAN BENNETT: Even though it was properly presented?

MS. TAYLOR: Yeah. They did everything right, and we just missed it.

MS. THOMPSON: There's a box on the form that you can check to change your address and we simply missed the box, the checkmark.

CHAIRMAN BENNETT: All right. Any questions from the commissioners?

(No response.)

CHAIRMAN BENNETT: Hearing none, I'll declare the hearing in the matter closed. And I'll ask if there is any motion that any of the commissioners want to make.

MR. KLUTZ: Based upon the comments from our staff as well as the few mitigating factors that Ms. Cook initiated the call once she saw first notice, I would make a motion that we waive fines for both PACs or organizations that she represents.

CHAIRMAN BENNETT: Is there a second?

MR. CLAYTOR: Second.
CHAIRMAN BENNETT: Motion and a second.

Any discussion?

(No response.)

CHAIRMAN BENNETT: Hearing none, all in favor say "Aye."

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "Nay."

(No response.)

CHAIRMAN BENNETT: Ayes have it. Fine waived.

MS. COOK: Appreciate it. Thank you.


MR. WHEELER: Good morning, Mr. Chairman, members the commission. We are here on behalf of the Indiana Chiropractic Association of Indiana. I'm sorry. I'm Tom Wheeler with Frost Brown Todd.

MS. OVERHOLT: Mr. Chairman, before they proceed, I want to disclose that I do not believe I have a conflict, but I want to disclose that my husband, Tony Overholt, is a partner with Mr. Wheeler at Frost Brown Todd. If it raises -- if the parties have any
objection to my hearing this matter.

CHAIRMAN BENNETT: Is that going to affect your impartiality?

MS. OVERHOLT: No, Your Honor, it will not.

CHAIRMAN BENNETT: Very well. Thank you for the disclosure. Do we have a --

MS. THOMPSON: Mr. Chairman, this is on pages 4, 5, 6, and 13.

MS. TAYLOR: 13.

MS. THOMPSON: And 13. And also I would like to the commission to know that I received a report this morning that closed this committee.

CHAIRMAN BENNETT: Okay. Okay. Very well. Mr. Wheeler?

MR. WHEELER: Mr. Chairman, this is actually a follow-up to a hearing that the commission held July 21st of last year where actually Commissioner Reardon represented the association at that point in time.

There was a lengthy discussion of the underpinnings, the fraudulent conduct, the embezzlement of the money, the treasurer changes, the misaddresses, and everything else.

The conclusion of the -- conclusion of the hearing resulted in a motion, as I read from the
minutes, that said, "I wonder if we can hold
this matter in abeyance and ask Ms. Reardon to
work with our co-directors and co-counsel to put
together a proposal in this matter which may
include both of these current pending orders and
the other matters that were turned over to the
AG's office for collection."

There was -- there were kind of two
questions going. One had to do with the pending
matters and, two, the monies that already gone
to the AG's office for collection. There was a
legal question as to whether the AG's office,
who had the right to pull something back from
the AG's office, whether an order of this
commission could pull it back. There was a
pending given from the counsel's office that
they thought they could, but there was a
determination that we ought to look at that.
And it my understanding, Mr. King or Mr. Simmons
or I'm not sure who is the one looking at
that -- I'll defer to you guys -- but my
understanding is it's possible to do.

MR. KING: Yes, Mr. Chairman. In
consulting with Mr. Simmons, we determined that
it is entirely possible.
CHAIRMAN BENNETT: Okay.

MR. WHEELER: And so, I -- Michelle is here representing the association and has a full grasp of the facts, the underlying facts, a lot of which came out at the last meeting. We'd be happy to go over those again or go over them briefly to refresh. I'm not sure. I think most of the members were here for the last hearing; but I know the way these hearings go, it's much like traffic court. They all blend together pretty quickly, given the time I spent doing it. So we'd be happy to go through those if you would like.

CHAIRMAN BENNETT: Are you making any proposal or suggesting any action?

MR. WHEELER: We'll make the same proposal we made last time, which was pulling them down, waiving it in exchange for as, Mr. Mahern noted, closing the committee.

We went ahead and took the proactive historically, as I think was mentioned just a couple moments ago -- historically the method of handling those sort of things if there's a commitment to close the committee -- and there has been no activity in the committee -- is for
a waiver and trying to pull this back.

In this case the committee has had no
action for the last two years, even prior to
this mistake being -- these mistakes, serious
mistakes, being discovered, the embezzlement,
etcetera, being corrected in April of 2015 and
the series of reports being filed. The filings
have been made since then.

There has no activity in the accident at
all in the last two years. And I have copies of
reports if the commission would like to see it.
And as was mentioned, the committee was closed
yesterday.

And they have -- they have no intent on
being involved in this business anymore, as I
understand her statement.

CHAIRMAN BENNETT: Is there any -- I think
it's coincidental that it was just closed
yesterday or was it --

MR. WHEELER: Well, there was a
conversation. There were conversations. I know
Ms. Reardon had a conversation, I think, with
her predecessor. I've had a conversation with
Mr. King as well since she left our office. And
I got -- I picked this up as the commission
directed. The commission directed us to work
with the counsel in doing this, and that's why I
closed it out. We've taken no activity, closed
it out. We've confirmed that the AG's office
can pull these back.

CHAIRMAN BENNETT: But then we need an
order from the commission in order to do that?

MR. WHEELER: That's my understanding from
Mr. King.

CHAIRMAN BENNETT: So the dismissal of the
case wouldn't satisfy what you are looking for?

MR. WHEELER: Dismissal of the matters
together -- I think one motion that would
dismiss the matter and ask for the order to be
recalled from the AG's office would resolve this
equally.

CHAIRMAN BENNETT: All right. Anything
else you would like to present?

MR. WHEELER: Not unless the commissioners
have any further questions.

CHAIRMAN BENNETT: Any questions?

MS. OVERHOLT: Is there any money in the
account?

MR. WHEELER: It's still zeroed out. The
account's been closed, shut down.