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 Ungethein; 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

APPROVED:

Paul Okeson, Chairman
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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CHAIRMAN OKESON: Do we have everybody?

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

CHAIRMAN OKESON: Okay.

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

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

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

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

CHAIRMAN OKESON: Absolutely. I was hoping that maybe we could get together in person, maybe soon.
VICE CHAIRMAN LONG: I hope so.

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

MR. KING: Yes.

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

CHAIRMAN OKESON: I understand.

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

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

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

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

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

SECRETARY OF STATE SULLIVAN: Thank you, both. I appreciate that. Thank you for letting me join you this afternoon.
And I especially just wanted to say thank you to Anthony Long. I know you're not in the setting that you wanted to be for this particular meeting, but I wanted to take a chance today to say thank you for your 24 years of dedication and public service. It actually reminds me of my predecessor, Connie Lawson, 32 years serving this great state. But yours is extra special because the commission actually has only been in place for 26 years and you have served diligently for 24 of those, so I just wanted to say thank you.

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

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

VICE CHAIRMAN LONG: Thank you, Madam
Secretary. I saw you sitting there and was reminiscent of your career, following it, being from southern Indiana and how successful you've been and been a bright spot for southern Indiana. And I was so heartened when you were appointed to take the position that you're in now. I look forward to seeing your good service there.

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

SECRETARY OF STATE SULLIVAN: Amen, yes.

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

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

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

VICE CHAIRMAN LONG: I look forward to that.

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

I know your friends here on the commission would also maybe like to offer some personal remarks. I'll turn the microphone over to Commissioner Wilson Overholt, who I know would like to say some things as well.
MS. OVERHOLT: Thank you, Mr. Chairman. And, sorry, I got a little teary hearing that. I wasn't expecting that, so I apologize. I'm usually pretty well composed.

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

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

VICE CHAIRMAN LONG: Suzannah, you have done a superb job on the commission. I have always really sort of envied your levelheaded, steadfast dedication to research and thinking through the issues. You're as thorough as anybody that I've ever served with on the commission and on knowing
the issues and articulating your position on them. You've done a superb job, and I've been really honored to serve with you.

MS. OVERHOLT: Thank you.

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

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

I thought maybe one of the most outstanding things we did was during the primary in 2020 when we were facing the pandemic and no one, not one of us, had faced anything like it in our lives in this country or anywhere, to my knowledge. And I thought the accommodations that we made, while it took a long time and it took lots of discussions and compromises and agreements and talks and just willingness to work together, that we -- I think the primary of 2020 was one of the most outstanding achievements that I think that as a commission we've done in the years that I've been there, and I
was proud to be a part of that with you. And
you've been a good chairman, a great chairman, and
I wish you well in the future and do look forward
to seeing you when you get down here.

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

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

VICE CHAIRMAN LONG: Thank you, Paul. By the
way, I just want to say that there may come a point
I'll drop off here at some point, but it's not
because of lack of interest. There are limits to
my stamina as we are sitting here today, and so if
I do drop off, don't think anything of it. It's just I probably decided I need to take a nap, not that you all put me to sleep.

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

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

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

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

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

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

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

And then for those of you on the line, if for some reason you cannot raise your hand and you are not recognized and you feel that we've missed you in some way, at the very, very end, we will open
the phone lines. And there is phone call-in information in the Zoom link that we've got posted online. And so we'll give one last, final call for you to say that "I wasn't able to raise my hand to take the deal" or "I'd like to make my case."

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

CHAIRMAN OKESON: Thank you, Valerie.

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

MR. KING: Mr. Chairman, Brad King. On behalf of myself and Co-Director Nussmeyer, I confirm that this commission meeting has been properly noticed as required under the Open Door Law.
CHAIRMAN OKESON: Okay. Thank you.

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

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

CHAIRMAN OKESON: Thank you.

Is there a motion to approve?

MS. BECKLEY: So moved.

MS. CRAYCRAFT: So moved.

CHAIRMAN OKESON: Second?

MS. BECKLEY: I'll second.

CHAIRMAN OKESON: Any discussion?

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

MS. OVERHOLT: Aye.

MS. CRAYCRAFT: Aye.

MS. BECKLEY: Aye.

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

Can I get consent from the commission members
for the Election Division to sign the minutes with our stamps?

    MS. OVERHOLT: Consent.
    MS. BECKLEY: Consent.
    CHAIRMAN OKESON: Thank you.

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

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

    MR. KOCHEVAR: Thank you, Mr. Chairman.

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

    MS. WARYCHA: Mr. Chairman, we won't be able to hear them say "I do." Before everyone would
give testimony, we'll have them confirm that they
did say the oath.

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

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

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

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

MS. BECKLEY: So moved.

MS. CRAYCRAFT: I'll second.

CHAIRMAN OKESON: Any discussion?

Hearing none, all those in favor signify by
"aye."
MS. CRAYCRAFT: Aye.
MS. BECKLEY: Aye.
MS. OVERHOLT: Aye.

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

Moving on, so we do have people present today?

MS. WARYCHA: Yes.

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

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

So therefore, I move 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 would agree to pay 75 percent of the proposed violation, plus mailing costs. For purposes of this arrangement, a previous settlement agreement entered into by the committee will be counted as one violation. Likewise, if more than one alleged violation occurred on the same calendar day, that group of violations shall be also counted as one violation.

Is there a second to this proposed motion?

MS. CRAYCRAFT: I'll second it.

MS. BECKLEY: Second.

CHAIRMAN OKESON: Any discussion?

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

MS. OVERHOLT: Aye.

MS. CRAYCRAFT: Aye.

MS. BECKLEY: Aye.

CHAIRMAN OKESON: The "ayes" have it.

Before this meeting, campaign finance staff at the Election Division sent a letter to each
committee which would be eligible to accept this proposed reduced penalty offering the committee the opportunity to indicate the committee's willingness to accept such an agreement to do so, subject to an approval of this procedure by the commission, and return that signed agreement to the Election Division so that if the commission did choose to adopt this procedure at today's meeting, the agreement could be ratified by the commission and a reduced penalty imposed without further presentation of evidence by the committee.

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

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

MS. WARYCHA: Yeah. Once we got here, we realized that wasn't going to work.
So if you would like to take this plea deal, please raise your hand now. While campaign finance staff lists who they have, you'll have an opportunity to raise your hand, and then I'll recognize who I see as raising their hands.

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

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

MS. WARYCHA: Yes, please.

CHAIRMAN OKESON: Okay. Go ahead.

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

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

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

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

MS. NUSSMEYER: Valerie, if you recall, the
letter was modified because we, as co-directors, don't have the authority to offer a plea agreement to committees, and instead we asked committees to offer written testimony to ask for a reduction or waiver so that the commission themselves could make the determination about how they wanted to manage those letters. That was my understanding of the letter.

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

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

So if either Michelle or Abbey could address what was in the actual letter that was sent and what was received, that might be helpful.
CHAIRMAN OKESON: Okay.

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

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

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

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

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

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

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

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

MS. WARYCHA: I know.

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

MS. THOMPSON: Yes.

CHAIRMAN OKESON: 47 pages.

MS. THOMPSON: Yes.
CHAIRMAN OKESON: Okay. I see it.
Okay. So where do we go from here?

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

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

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

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

CHAIRMAN OKESON: Sure.

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

After that information is presented, I then think it would be in order for any one of the commission members to make a recommendation on if they want to provide a reduced penalty or waive that penalty, whatever motion they want upon the floor, or suggestion.
That's what I would suggest to all of you. Of course, I defer to Co-Director Nussmeyer, the campaign finance staff, Brad, and Valerie as well.

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

CHAIRMAN OKESON: Yeah.

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

CHAIRMAN OKESON: What they responded to.

MS. OVERHOLT: Yeah, exactly.

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

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

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

"To (Committee Name), From: The Indiana Election Division, Re: Indiana Election Commission
Campaign Finance Hearing and Request for Waiver or 
Reduction of Proposed Penalty.

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

"Due to COVID-19, the meeting will be virtual 
using Zoom. Information to access the Zoom meeting 
will be published on this web page: 
Www.in.gov/sos/elections/election-commission the 
day prior to the meeting. The link to attend the 
meeting will not be published until the day prior 
due to security concerns.

"You may virtually attend" -- oh, no, I lost 
the place. "You may virtually attend the online 
meeting on Thursday, June 24, 2021. During this 
meeting, you will be given the opportunity to 
present evidence and arguments to the commission 
regarding your alleged violation. Any committee is 
welcome to present evidence and arguments for the 
proposed penalty to be waived. If you are unable 
to attend, you may ask for a continuance in writing 
with the Election Division by Monday, June 21,
Due to the virtual nature of this meeting, the commission is giving committees a one-time opportunity to file written testimony to request for a waiver or reduction of the proposed civil penalty instead of attending the Thursday June 24, 2021, meeting to state your case in person virtually. The Indiana Election Commission will review the written or oral testimony provided by the committee and consider pertinent information to determine if a waiver or reduction of the proposed fine is warranted.

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

CHAIRMAN OKESON: Is that the entirety of the letter?

MS. TAYLOR: "If your committee would prefer to file written testimony to request a waiver or
reduction of the proposed penalty rather than attend the meeting, please submit the following not later than noon Monday, June 21st: The committee name, cause number, treasurer's name, request for a full waiver or reduction, and an explanation for filing a delinquent report."

That's it.

CHAIRMAN OKESON: Okay.

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

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

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

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

CHAIRMAN OKESON: Oh, yeah. Sorry. You're
right. I was down a page.

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

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

MR. KING: Mr. Chairman, this is Brad King. I think there are several different paths the commission can take. If I understand from staff, there are approximately 30 to 40 individual committees that submitted letters that were included in the packet that you're referring to that starts with the Higgs committee. And I think, under the circumstances, the best way to move
forward is not as a group, but walking down the
list, seeing if a representative from the committee
raises their hand and wishes to speak, and then
have the commission consider the arguments made and
then make any decision regarding that enforcement
action and proceed down the list of letters in the
order that they are in your packet.

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

CHAIRMAN OKESON: Co-Director Nussmeyer?

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

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

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

CHAIRMAN OKESON: Because it says "I'm
requesting a waiver or reduction."

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

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

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

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

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

MR. KING: Mr. Chairman?

CHAIRMAN OKESON: Yeah. Go ahead, Brad.

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

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

CHAIRMAN OKESON: Right.

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

CHAIRMAN OKESON: Impose whatever we want to impose, yeah. So we will probably, then, need to
go one by one; correct?

MS. OVERHOLT: I would think so.

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

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

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

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

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

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

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

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

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

MS. OVERHOLT: Right.

MS. WARYCHA: Okay. Haley, can you unmute Dennis for me, please.
And, Dennis, you will be unmuted here in just a second. You are. Go ahead.

MR. TEDROW: Can you guys hear me?

MS. WARYCHA: Yes.

CHAIRMAN OKESON: Yes.

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

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

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

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

MS. TAYLOR: Yes.

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

MR. TEDROW: Dennis Tedrow for Local Indiana.
MS. OVERHOLT: It's on page 44 of the spreadsheet.

CHAIRMAN OKESON: Thank you.

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

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

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

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

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

MS. BECKLEY: So moved.

CHAIRMAN OKESON: So moved.

Is there a second?

MS. OVERHOLT: Second.

CHAIRMAN OKESON: Any discussion?

MR. TEDROW: I have a question.

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

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

CHAIRMAN OKESON: No. You'll be able to depart after we finish.
MR. TEDROW: Okay. Sorry. I have to work is all.

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

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

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

MS. WARYCHA: Perfect. Thank you.

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

MS. OVERHOLT: Aye.

MS. CRAYCRAFT: Aye.

MS. BECKLEY: Aye.

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

Next?

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

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

THE MODERATOR: And, Niki, you'll want to hit
the unmute button on your device.

MR. HARLOW: Did it work?

MR. KING: Yes.

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

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

CHAIRMAN OKESON: Which --

MS. TAYLOR: Mr. Chairman, members of the commission, this is on page 12. This is the Builders Association of Elkhart County, Cause No. 2021-5251-20. They have been before the board two other times and paid two settlement agreements. The proposed civil penalty is $1,000 with the mail cost of 55 cents. They also submitted a letter,
which will be in your letter packet, and it was the
fifth letter in there.

CHAIRMAN OKESON: Who is the letter from?
MR. HARLOW: Me.

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

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

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

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

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

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

CHAIRMAN OKESON: Yeah.

MS. TAYLOR: It should be around page 33.

CHAIRMAN OKESON: That's helpful.

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

CHAIRMAN OKESON: There we go. Okay.

MS. TAYLOR: Next time I'll do separate
attachments. Lesson learned.
CHAIRMAN OKESON: That's okay. Just need to know how to get to it. Thank you.

MS. OVERHOLT: Yeah.

MS. TAYLOR: Did we find it?

MS. OVERHOLT: Yes.

CHAIRMAN OKESON: Okay.

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

CHAIRMAN OKESON: No.

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

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

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

CHAIRMAN OKESON: Five?

MS. TAYLOR: Two other times they were at a hearing, and they paid two settlement agreements, so this is the fifth, yes.
MR. HARLOW: I believe the last settlement was the agreement when I promised to Mr. Long I would never be in front of you again. We've had issues. I'm not going to go into them. Our treasurer did spend most of the year in the hospital in Chicago on COVID, but that's immaterial.

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

MR. KING: Well, Mr. Chairman?

MS. WARYCHA: Go ahead.

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

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

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

MR. HARLOW: I'll pay the stamp.
CHAIRMAN OKESON: Well, can we have some discussion before there's a motion to figure out what we're doing or are we just --

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

CHAIRMAN OKESON: Yeah. Okay.

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

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

MS. CRAYCRAFT: So moved.

CHAIRMAN OKESON: Is there a second?

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

CHAIRMAN OKESON: Correct.

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

CHAIRMAN OKESON: Correct.

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

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

Suzannah, do you have any thoughts?
MS. OVERHOLT: Well, I guess if -- well, since -- I guess my thought would be since we're now kind of outside the parameters of the kind of stair-step situation, I would want to make sure that -- and I'm sorry. Is this Mr. Harlow who is on the line?

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

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

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

CHAIRMAN OKESON: Well, without going through all those procedures for the hearing, can we just
afford Mr. Harlow a chance to speak with us now?

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

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

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

MS. WARYCHA: Thank you.

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

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

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

CHAIRMAN OKESON: Right. So, Mr. Harlow, in your letter you simply request a waiver or reduction. Can you articulate what your actual request is?
MR. HARLOW: I would appreciate any waiver whatsoever or reduction that you could give, but let's start with 50 percent, and you're going to negotiate backwards on me.

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

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

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

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

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

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

CHAIRMAN OKESON: Well, and for the record, my comments were made with levity.
MR. HARLOW: I know they were. I appreciate the levity.

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

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

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

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

CHAIRMAN OKESON: Right.

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

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

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

MR. HARLOW: That sounds accurate. I'm sure it is accurate.
CHAIRMAN OKESON: Well, taking your testimony at face value, as I do, it sounds like you've been on a bit of a rollercoaster ride here.

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

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

CHAIRMAN OKESON: $1,000, I believe.

MS. BECKLEY: Yeah, the full penalty.

MS. NUSSMEYER: And 55 cents.

CHAIRMAN OKESON: And 55 cents.

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

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

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

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

CHAIRMAN OKESON: I'm going to take that as a motion to amend the previous motion and impose a
penalty of 75 percent plus mailing costs.

Is there a second?

MS. CRAYCRAFT: I would second that.

CHAIRMAN OKESON: Any further discussion?

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

MS. OVERHOLT: Aye.

MS. CRAYCRAFT: Aye.

MS. BECKLEY: Aye.

CHAIRMAN OKESON: Hearing none opposed, the motion carries.

Thank you Mr. Harlow.

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

MS. WARYCHA: We're good.

CHAIRMAN OKESON: Yeah. It's okay now.

MR. HARLOW: Okay. I appreciate it.

CHAIRMAN OKESON: Sure thing. Thank you.

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

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

MR. ALVAREZ: Can you hear me? Hello.

CHAIRMAN OKESON: Yes. Go ahead.

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

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

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

CHAIRMAN OKESON: Mr. Alvarez?

MR. ALVAREZ: Yes, sir, I did take the oath.
I do so confirm.

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

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

CHAIRMAN OKESON: And you do recognize --

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

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

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

CHAIRMAN OKESON: Well, and I just want to remind Mr. Alvarez that, by entering into this part
of the procedure, you may be foregoing your
opportunity to accept a reduced penalty and may be
imposed the entire fine. Are you comfortable with
that?

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

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

MR. ALVAREZ: Force of habit, sir.

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

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

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

CHAIRMAN OKESON: All right.

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

MS. THOMPSON: This is their third.

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

I can't speak for the three violations in the
past. All I can speak of is -- or speak on is that in the future our board is committed to being diligent on our paperwork. Our financial statements are getting in order. We are coordinating our bank accounts with People's Bank here in Munster, Indiana, and we are taking this seriously.

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

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

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

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

MS. THOMPSON: The proposed penalty --
MR. ALVAREZ: We -- I'm sorry.

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

MR. ALVAREZ: My apologies.

CHAIRMAN OKESON: No. You're fine.

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

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

MS. THOMPSON: Correct.

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

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

MS. BECKLEY: I second that.

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

So hearing a motion for a 75 percent -- or a
reduction of 25 percent on the fine as proposed, having a second, all those in favor signify by "aye."

MS. OVERHOLT: Aye.

MS. CRAYCRAFT: Aye.

MS. BECKLEY: Aye.

CHAIRMAN OKESON: Aye.

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

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

CHAIRMAN OKESON: Thank you.

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

CHAIRMAN OKESON: That's right.

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

CHAIRMAN OKESON: I think so too.

MS. NUSSMEYER: Okay. Well, he'll get even better news, I suppose, with a 35 or $40 -- math is hard -- settlement agreement. So thank you. I
just wanted to clarify that.

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

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

CHAIRMAN OKESON: Right.

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

And, Brad, feel free to weigh in.

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

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

MS. HANFORD: Hi. I did agree to the oath,
and apparently my computer is not showing the same.
Mine shows that my hand is lowered.

MR. KING: We can see you.

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

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

MS. WARYCHA: Oh, okay.

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

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

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

No one?

MS. WARYCHA: I do not see any hands.

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

The remaining committees will be called to make presentation of evidence in these matters. Before doing so, I want to note that in the past we have followed certain procedures, and I move that the commission use the following procedures today:
When each campaign finance matter is called, the hearing will begin by recognizing our staff to provide information about the documents in this matter provided to the commission members, including letters from the committees, and the notice given to the campaign committee.

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

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

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

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

MS. WARYCHA: Yes.
CHAIRMAN OKESON: If the commission finds that a committee has violated the campaign finance statutes, state law requires the unanimous vote of all four commissioners to waive or reduce the amount of 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 a final 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 said fine.

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

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

With that in mind, is there a second to the
motion on these procedures?

MS. BECKLEY: I will second.

CHAIRMAN OKESON: Any discussion?

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

MS. OVERHOLT: Aye.

MS. CRAYCRAFT: Aye.

MS. BECKLEY: Aye.

CHAIRMAN OKESON: Motion's approved.

Let's proceed.

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

MR. UNGETHIEM: Can you hear me?

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

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

I did submit written information on this, and
I am requesting a waiver of any fines that might be potentially imposed. And the reason is that, according to how I understood the rules, the committee followed all rules and submitted all the forms on time.

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

CHAIRMAN OKESON: Okay. Thank you.

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

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

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

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

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

So she worked with me. We got the CFA-11 filed. In addition, the notation about the CFA-4 not being filed in 2021, since I closed the committee or thought I closed the committee in 2020, my understanding was there was no reason to file a 2021 CFA-4. We worked through that situation as well, got that situation resolved, and when I got off the phone with Ms. Thompson, my
understanding was everything was okay and no other action was needed. Then I started to get information that said that there might be fines and penalties associated with that.

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

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

CHAIRMAN OKESON: Thank you, Mr. Ungethiem. Staff, Michelle, does this all, this recount of events, sound accurate?

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

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

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

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

CHAIRMAN OKESON: Yeah. Thank you, Brad.

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

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

MS. TAYLOR: Yes.

MS. OVERHOLT: And I think -- I don't know if staff would know this, but I heard Mr. Ungethiem just say that all the money in the account has been donated.
MS. TAYLOR: He closed the committee, so there's no money in the account.

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

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

CHAIRMAN OKESON: Penalty.

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

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

MS. BECKLEY: I would second.

CHAIRMAN OKESON: Any further discussion? Hearing none, all those in favor signify by "aye."

MS. OVERHOLT: Aye.

MS. CRAYCRAFT: Aye.

MS. BECKLEY: Aye.

CHAIRMAN OKESON: Seeing none opposed, the motion carries and the penalty is waived.
Thank you, Mr. Ungethiem.

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

CHAIRMAN OKESON: Thank you.

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

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

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

CHAIRMAN OKESON: Yeah. Thank you.

Go ahead, Michelle.

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

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

MS. TAYLOR: No.

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

CHAIRMAN OKESON: How is it their fifth if
they've been before us twice?

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

CHAIRMAN OKESON: I see what you're saying.

Okay. Thank you. Sorry.

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

CHAIRMAN OKESON: Okay.

MS. TAYLOR: Right.

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

MS. THOMPSON: $1,000.55.

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

MS. YENERALL: It's Yenerall.

CHAIRMAN OKESON: Yenerall. Okay. Thank you.

Okay. Ms. Yenerall, would you like to provide any testimony?

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

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

MS. YENERALL: We're seeking a waiver of the penalty of $1,000.
CHAIRMAN OKESON: Okay. Proceed with your testimony. I apologize.

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

CHAIRMAN OKESON: Thank you.

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

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

So considering the fact that they were having issues that they needed to change management
companies, they had also at the same time, the person who was filing the PAC was brand-new, was a brand-new volunteer, and I don't think she understood everything that she was supposed to do.

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

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

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

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

MS. OVERHOLT: I guess I don't feel -- I feel like the situation described here was a little bit -- or described in the other case was a little bit different, but we might get into splitting hairs if we do that. I don't know. I don't have a strong feeling one way or the other, so I'll say that.
Well, I guess if no one else is making a motion, I guess I'll move that we proceed with the -- that we grant a reduction of 25 percent or impose and move that we impose 75 percent of the proposed fine.

MS. CRAYCRAFT: Second it.

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

Hearing none, all those -- go ahead.

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

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

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

MR. KING: Mr. Chairman, staff understands the motion to include mailing costs as well.
CHAIRMAN OKESON: Yes. Thank you.

MS. OVERHOLT: Yes, of course.

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

MS. OVERHOLT: Yes. Sorry. Yes.

CHAIRMAN OKESON: Any further discussion? Any questions?

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

MS. CRAYCRAFT: Aye.

MS. BECKLEY: Aye.

MS. OVERHOLT: Aye.

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

MS. YENERALL: Thank you for your time.

CHAIRMAN OKESON: Who is next?

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

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

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

CHAIRMAN OKESON: What page is the spreadsheet
on?

MS. THOMPSON: 26 and 73.

MS. BECKLEY: So there's two accounts here?

There's two violations?

MS. THOMPSON: There's two.

MS. BECKLEY: Okay.

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

MS. THOMPSON: 1,000.

CHAIRMAN OKESON: Each. Okay.

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

MS. HANFORD: Yes. Good afternoon, everyone.

I affirm that, yes, I did agree to the oath, and I
was not aware that there were two penalties.

CHAIRMAN OKESON: Okay.

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

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

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

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

So when I decided to run for Senate, I already had my account. I was out of office as commissioner. I kept the account open. I filed my annual reports, you know, and I sent bank statements with them to verify them, showing that the ending balances had not changed. And so I sent my annual reports, but I never sent a final report because I knew that I was going to be running for office in the future yet.
So then starts my Senate campaign. I pick up my campaign finances where I had left them off and started my fund-raising and my campaigning and whatnot, and it still is Vote Roxanna Hanford and that was it. It was an unsuccessful race. I concluded the race with a balance of $244.76.

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

I continued to send in my year-end reports, and then I was notified that I needed to send in a final report to the Senate race -- oh, I ran for council after that, so I continued my campaign. So that's why it wasn't closed and finalized at that time. Then I was notified after that that I had to close out my Senate account with a zero balance, and I didn't know how to do that. I don't know how
to close an account without a zero balance.

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

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

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

CHAIRMAN OKESON: Yes.

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

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

MS. OVERHOLT: And I keep hearing you --

MS. TAYLOR: Your account may be closed, but your campaign committee is still open.
MS. HANFORD: Campaign committee?

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

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

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

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

MS. HANFORD: Okay. So we're talking
committee and cash, committee and finances.

    MS. OVERHOLT: Right.

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

    MS. OVERHOLT: Right.

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

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

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

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

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

MS. HANFORD: Yes. If I understand this, is there a form that I'll fill out that says that I am disbanding my committee? But then where do I put that money? When I'm talking about money in there, I don't have to put a money amount in there? I'm just disbanding that Vote Roxanna Hanford, and then put Senate seat -- or Senate race in there, that committee has been disbanded? So that's it, I don't have to worry about putting a money amount in there, and then go through and fill out another
form that says Vote Roxanna Hanford not for county
council, but Vote Roxanna Hanford that at the time
was running for county council has disbanded that
committee. Is that what they're looking to do?
Oh, but you do need a zero dollar in there.

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

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

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

MR. KING: Mr. Chairman, if I can add just
briefly a couple of points. It sounds like the
candidate has committees at both the county and the
state level, and so to be clear, what the
commission is hearing today is strictly with regard
to the state Senate committee.

CHAIRMAN OKESON: Yeah.

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

CHAIRMAN OKESON: Yeah.

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

CHAIRMAN OKESON: Thank you, Brad.

MS. HANFORD: I did that with the county in
2020, and it says final disbands committee. So
with the county I did do that. I see that as -- on
my form it's Box 11. But I never did that with Senate because at Senate I still had money in the bank. So that's why it wasn't done then. With council I zeroed the account, so that's why I did mark it as final.

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

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

CHAIRMAN OKESON: Well, make a motion.

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

MS. HANFORD: And the mailing costs?

MS. OVERHOLT: Yeah.
CHAIRMAN OKESON: That all make sense to you, Ms. Hanford?

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

CHAIRMAN OKESON: Give me just a second procedurally.

MS. HANFORD: The staff has been great.

CHAIRMAN OKESON: Yeah. Hang on just a second.

So we have a motion. Is there a second?

MS. BECKLEY: I'll second.

CHAIRMAN OKESON: Any discussion?

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

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

CHAIRMAN OKESON: Thank you.

MR. KING: Mr. Chairman, if I might for the record.
CHAIRMAN OKESON: Sure.

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

CHAIRMAN OKESON: Okay. Thank you.

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

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

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

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

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

CHAIRMAN OKESON: Aye.

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

MS. HANFORD: Thank you.

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

MS. HANFORD: You too.
CHAIRMAN OKESON: Do we have another one up?

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

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

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

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

CHAIRMAN OKESON: Forgive me.

MR. SCHROEDER: And I have taken the oath.

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

MR. SCHROEDER: Well, I'm hoping for a total waiver. The reporting question CFA-4 I mailed on January 4 of '21, well before the due date of January 20th of '21. I was first notified by Michelle Thompson on February 11th that I was delinquent, and I immediately emailed her a copy of the report that I had mailed in. As a rule -- you
can review our records -- we have timely filings. We've never been delinquent.

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

CHAIRMAN OKESON: What's the proposed fine?

MS. TAYLOR: $900.55.

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

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

MS. TAYLOR: We never received the mailed copy.

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

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

MS. THOMPSON: No.

MS. BECKLEY: And what did he email to you?
MS. THOMPSON: The report. He emailed it to me, and I stamped it the day I received it, which was the February 11th date.

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

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

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

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

MS. OVERHOLT: I was just going to say that, to the extent we take judicial notice of anything, the postal service, the slowness and issues with delivery and mail over the past year and the fact that Mr. Schroeder is under oath, you know, I find it quite believable that he mailed something and it
was that late or never received. So I'd be willing
to actually entertain a complete waiver, the
25 percent -- reduction down to 25 percent or a
cOMPlete waiver.

MR. DICKEY: I would agree.

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

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

CHAIRMAN OKESON: Is there a second?
I'll second the motion to entertain further
discussion.

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

CHAIRMAN OKESON: I understand.

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

CHAIRMAN OKESON: Yeah, I know. You've given
us your testimony. We hear you. And I want to remind you that it does take a 4-0 vote to make this motion carry, so it looks like it may not be quite headed that way.

MR. SCHROEDER: Thank you.

CHAIRMAN OKESON: So any other questions or discussion?

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

CHAIRMAN OKESON: Chairman signifies with an "aye."

Suzannah?

MS. OVERHOLT: No.

CHAIRMAN OKESON: Stephanie?

MS. BECKLEY: Aye.

CHAIRMAN OKESON: Mr. Dickey?

MR. DICKEY: No.

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

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

CHAIRMAN OKESON: Is there a second?

MR. DICKEY: I'll second that.

CHAIRMAN OKESON: Any discussion?
All those in favor signify by "aye."

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

The motion carries. The penalty is waived.

Thank you, Mr. Schroeder.

MR. SCHROEDER: Thank you.

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

CHAIRMAN OKESON: Okay.

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

CHAIRMAN OKESON: Okay. Thank you. I
appreciate that.

Turn it over to Michelle.

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

CHAIRMAN OKESON: Okay.

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

MS. OVERHOLT: What page is that on?

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

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

MS. BECKLEY: A reduction or waiver; right?

MS. TAYLOR: Yes.

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

MS. NUSSMEYER: Mr. Chairman, I would say that as a commission, you need to decide if you think the stair-step approach -- you just need to make a
motion about what you think is the appropriate penalty here. If you think a waiver, a full waiver, is appropriate, make that motion or if you think the stair-step, very similar to what you just did with oral testimony.

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

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

MS. TAYLOR: This is their first, yes.

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

CHAIRMAN OKESON: Okay. We have a motion.

MS. BECKLEY: I would second.

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

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

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

Next.

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

CHAIRMAN OKESON: What do those fines total up to?

MS. TAYLOR: $6,000 plus mail costs. There were six late 11s.

CHAIRMAN OKESON: And is this the first time?

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

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

MS. TAYLOR: Yes.

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

MS. TAYLOR: Yes.

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

MS. TAYLOR: Page 8 in the letter PDF.

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

MS. OVERHOLT: That's right. I saw it earlier and just missed it. Okay.
CHAIRMAN OKESON: Says "Prior treasurer/campaign manager missed deadlines. He was not aware that money transferred from Tallian for Senate to Attorney General campaign were reportable donations."

And you said this is the first time?

MS. TAYLOR: Correct.

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

MR. DICKEY: I'll second.

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

MR. DICKEY: I did.

CHAIRMAN OKESON: Is there any discussion?

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

MS. OVERHOLT: Aye.

MR. DICKEY: Aye.

MS. BECKLEY: Aye.

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

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

CHAIRMAN OKESON: Yeah.

MS. TAYLOR: It's 20 pages long.

CHAIRMAN OKESON: Whoa.

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

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

MS. OVERHOLT: So this is closed too?

MS. THOMPSON: Correct.

MS. TAYLOR: Yes.

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

MS. TAYLOR: That's probable.

CHAIRMAN OKESON: Say that again.

MS. TAYLOR: That's probable.

CHAIRMAN OKESON: Yeah. Is this their only violation?
MS. THOMPSON: No. They've got three of them on the spreadsheet.

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

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

CHAIRMAN OKESON: I get it.

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

CHAIRMAN OKESON: Yeah.

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

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

MS. BECKLEY: I'll second.

CHAIRMAN OKESON: Any discussion?
Hearing none, all those in favor to waive the penalties for Irwin Financial PAC signify by "aye."

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

Next.

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

MS. TAYLOR: It's in the packet.

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

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

MS. TAYLOR: Thanks, Angie.

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

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

MS. NUSSMEYER: Right.

MR. KING: Mr. Chairman, there is no legal
requirement for you to read it into the record. It will be part of the minutes that you will eventually approve.

CHAIRMAN OKESON: Yeah. Thank you.

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

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

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

MS. TAYLOR: And his committee is closed.

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


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

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

MS. TAYLOR: Correct.

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

MS. BECKLEY: And I will second.
CHAIRMAN OKESON: Any discussion?

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

MS. OVERHOLT: For a closed committee, yeah.

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

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

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

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

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

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

MS. OVERHOLT: So is this committee still open?

MS. TAYLOR: Yes, because he's got a balance and he needs to file amendments to figure out where
something went wrong. We've been trying to figure that out. We just haven't gotten there yet.

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

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

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

CHAIRMAN OKESON: Is there a second?

MS. BECKLEY: I'll second.

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

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

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

CHAIRMAN OKESON: Aye. Unanimous, the "ayes"
have it. Motion is continued.

Next.

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

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

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

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

The committee is still open.

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

MS. OVERHOLT: Yeah.

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

MS. OVERHOLT: A thousand.

MS. THOMPSON: Yeah.

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

MS. THOMPSON: I have.

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

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

CHAIRMAN OKESON: And the fine is for a late
filing?

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

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

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

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

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

MS. THOMPSON: No, none.

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

MS. OVERHOLT: Sure. I would move that we continue this to the next hearing to see if the committee is closed by that date.
MR. DICKEY: I'll second.

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

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

Next.

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

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

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

MS. THOMPSON: Yes.

CHAIRMAN OKESON: This is a first offense?

MS. THOMPSON: Yes, it is.

CHAIRMAN OKESON: Anyone have any thoughts?

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

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

MS. OVERHOLT: Second.

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

Hearing none --

MR. DICKEY: Mr. Chair, real quick.

CHAIRMAN OKESON: Yeah. Go ahead.

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

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

MS. OVERHOLT: Okay.

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

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

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

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

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

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

MS. THOMPSON: It is.

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

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

MS. BECKLEY: I'll second.

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

All those in favor signify by "aye."

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

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

CHAIRMAN OKESON: This is their first time?

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

CHAIRMAN OKESON: And they paid a full fine?

MS. TAYLOR: They paid a settlement agreement.

MS. THOMPSON: Sorry. Yeah.

CHAIRMAN OKESON: So this is the second?

MS. THOMPSON: Correct.

CHAIRMAN OKESON: Does anyone want to make a motion?

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

MR. DICKEY: Second.

CHAIRMAN OKESON: I have a motion, a second.

Any discussion?

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

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.
CHAIRMAN OKESON: Aye. It's unanimous.

Next.

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

MS. OVERHOLT: And what page of the spreadsheet?

MS. TAYLOR: 85.

CHAIRMAN OKESON: Is this closed?

MS. TAYLOR: Yes.

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

CHAIRMAN OKESON: Is there a second?

MR. DICKEY: Second.

CHAIRMAN OKESON: Any discussion?

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

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

The motion carries.

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

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

And the committee is closed.

CHAIRMAN OKESON: It's a great letter.

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

MS. OVERHOLT: Oh, my gosh.

MS. TAYLOR: Yep.

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

MS. TAYLOR: Yes.

MR. DICKEY: Consistent with our other discussion --

CHAIRMAN OKESON: And since they were duped.

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

CHAIRMAN OKESON: Is there a second?

MS. OVERHOLT: Second.

CHAIRMAN OKESON: Any discussion?

All those in favor signify by "aye."

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.
CHAIRMAN OKESON: Aye. The "ayes" have it.
The motion carries.

Is there more?

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

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

CHAIRMAN OKESON: Okay.


CHAIRMAN OKESON: First time?

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

MS. BECKLEY: It's the eighth time.

CHAIRMAN OKESON: Did someone say eight?


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

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

MS. THOMPSON: Hold on. We didn't pull those
CHAIRMAN OKESON: Just because they can and want to ask for one.

MS. OVERHOLT: Yeah, I guess so.

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

MS. TAYLOR: That's correct.

CHAIRMAN OKESON: Over the course of how many years?

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

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

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

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

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

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

MS. TAYLOR: Yes.

CHAIRMAN OKESON: Okay.
MS. TAYLOR: She is at the Grand Canyon today.

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

CHAIRMAN OKESON: Yeah. Second, anyone?

MR. DICKEY: I'll second.

CHAIRMAN OKESON: Any discussion?

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

MS. TAYLOR: You bet.

The second one is the Committee to Elect --

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

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

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

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

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

CHAIRMAN OKESON: Aye. It's unanimous. The "ayes" have it. The motion carries for continuance.
Okay. Go ahead.

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

CHAIRMAN OKESON: First, is this her first?

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

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

MR. DICKEY: I'll make that motion.

CHAIRMAN OKESON: Second?

MS. BECKLEY: I'll second.

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

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

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

Next.

MS. TAYLOR: The last one is -- I'm sorry.
There are two more. Indiana Industrial Political Committee, Cause No. 2021-6397-122, Cause No. 2021-6397-189, and Cause No. 2021-6397-207. They are asking for a continuance because it's new people and they didn't know anything about anything that's happening, so they're trying to dig to figure out what -- they learned about it a couple days ago.

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

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

MS. TAYLOR: Right.

MR. DICKEY: Agreed.

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

MS. OVERHOLT: Second.

CHAIRMAN OKESON: Second. Any further discussion?

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

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

Next. You said there was one more?

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

MS. OVERHOLT: You cut out.

CHAIRMAN OKESON: Did we lose you?

MS. THOMPSON: Are you there?

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

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

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

MR. DICKEY: So moved.
MS. BECKLEY: I'll second.

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

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

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

That's it?

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

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

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

CHAIRMAN OKESON: Okay. I move the commission do the following: Make a finding that there's no evidence that any of these committees continues to receive contributions, make expenditures, or
otherwise function as a committee; make a finding that, according to the best evidence available to the commission, the dissolution of these committees will not impair any contract or impede the collection of any debt or judgment by a person; make a finding that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against these committees wasteful or unjust, therefore that any such penalties be waived; and administratively dissolve each of these committees.

Is there a second to that motion?

MS. BECKLEY: I will second.

CHAIRMAN OKESON: Any discussion? Any questions?

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

MS. OVERHOLT: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

Okay. Before we finish campaign finance business, I would like to address an issue brought to my attention by staff. We have had two
candidates fail to enter their campaign finance reports electronically, as required by Indiana Code 3-9-4-4. Indiana Code 3-9-4-16(j) allows the commission to assess penalties for this violation equal to the cost incurred by the Election Division for the manual entry of the data contained in the report or statement, plus any investigative costs incurred and documented by the Election Division for this violation.

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

Is there a second for this motion?

MR. KING: Mr. Chairman?

CHAIRMAN OKESON: Yes.

MR. KING: I'm sorry to interrupt here. There was a communication earlier from Vice Chair Long that I believe you were provided a copy of.
CHAIRMAN OKESON: You're correct. You're correct. Thank you for reminding me of that.

MR. KING: And -- yeah.

CHAIRMAN OKESON: Can I just simply withdraw this motion?

MR. KING: Yes.

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

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

CHAIRMAN OKESON: Yes. Yeah.

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

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

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

THE MODERATOR: Absolutely. Attendees, I am going to give you permissions briefly to allow you
to speak if you did not get an opportunity to do
so, and then after a few seconds we will remove
that if you do not have anything to say.

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

CHAIRMAN OKESON: Thank you.

Brad, you brought up defaults.

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

CHAIRMAN OKESON: So we're good?

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

CHAIRMAN OKESON: Closed, yeah.

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

CHAIRMAN OKESON: So is there a motion to
impose -- so basically they're not here so they're
just going to get the penalty that was imposed?

MR. KING: They have --

CHAIRMAN OKESON: They've not sought a waiver?

They've not asked to be heard?

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

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

MS. BECKLEY: So moved.

CHAIRMAN OKESON: We have a second. Any discussion?

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

MS. OVERHOLT: Aye.

CHAIRMAN OKESON: Aye.

MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

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

MR. KING: Mr. Chairman, that is your decision and that of the members of the commission. Since we will have members continuing to serve on the
commission, I would suggest it might be beneficial to take five minutes to at least get the issue on members' radar screens so that they can think about it and discuss with staff or other interested parties some of the details involved.

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

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

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

The law provided that the commission can assess a penalty for a violation, that is, for
failing to file electronically, "equal to the costs incurred by the Election Division for the manual entry of data contained in the report or statement, plus any investigative costs incurred and documented by the" commission -- or excuse me -- "and documented by the Election Division for the violation."

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

And so we had discussed a minimum penalty of $100 to accommodate the staff time and resources because both Abbey and Michelle would do data entry, but it involves consultation with legal counsel and the co-directors to a limited degree. And so we're seeking guidance as to, when we come before the commission to present a proposed penalty, what that minimum penalty should be in a
situation like the one I've described.

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

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

MS. OVERHOLT: Well, I guess, I don't -- the thing that I would suggest would be that if we want this -- so if we proceeded with something like this, it seems that doing it in the form of an actual commission order as opposed to just, you know, a motion that gets reflected in the minutes would be good because, as we know, our orders are easier to find. Well, I guess I don't know. I don't look for them. But I would hope that our orders would be easier to find rather than, you
know, a motion and a second in the text somewhere
buried in however many pages of minutes there would
be for whatever meeting it's approved in.

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

CHAIRMAN OKESON: Yes, that makes sense to me.
Brad, does that make sense to tackle it that
way at the next meeting?

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

MS. NUSSMEYER: Mr. Chairman, if I might add
on to Brad's comments.

CHAIRMAN OKESON: Yeah, please.

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

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

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

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

CHAIRMAN OKESON: Okay. I mean, I take your
comments under advisement, Co-Director Nussmeyer.

I think that makes sense too. I get what we're trying to avoid here.

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

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

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

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

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

MR. KING: Yes. Mr. Chairman, there will need to be a subsequent meeting in the reasonably near
future because we did not bring all the campaign
finance matters before you today to try to keep
this to a manageable length of time and
participants. And we will --

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

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

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

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

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

CHAIRMAN OKESON: Thank you. Is there a
second?

MS. BECKLEY: I'll second.

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

MS. OVERHOLT: Aye.
MS. BECKLEY: Aye.

MR. DICKEY: Aye.

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

MR. KING: Thank you. Likewise.

CHAIRMAN OKESON: Thank you.

(The Indiana Election Commission Public Session was adjourned at 3:36 p.m.)
STATE OF INDIANA

COUNTY OF HAMILTON

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

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

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

[Signature]

My Commission expires:
December 5, 2024

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