

1 the procedures are in place. The Commission
2 will proceed to open its hearing on campaign
3 finance. Let's just take the first person.
4 Sir, come on down. Please state your name and
5 read your cause number.

6 MR. L. SEDIGH: My name is Leonard Sedigh
7 (Phonetic), last name S-E-D-I-G-H. I actually
8 don't have any documentation. I've just been
9 sent here as a representative of the Hoosier
10 Muslim PAC. They're just asking for leniency
11 because the PAC has been called down, and my
12 sense is when they started this, they realized
13 they were in over their heads.

14 CHAIRMAN D. DUMEZICH: Did you find it?

15 MS. M. THOMPSON: Not yet.

16 CHAIRMAN D. DUMEZICH: Let them find it and
17 tell us what's up. Page 73?

18 MS. A. TAYLOR: Yes, Page 73.

19 CHAIRMAN D. DUMEZICH: Tell us what's going
20 on?

21 MS. A. TAYLOR: Mr. Chairman and Members of
22 the Commission, this is Hoosier Muslim PAC,
23 Cause No. 2012-5999-123, proposed fine of \$1,000
24 and this is their second time before the
25 commission. On their previous late filing, they

1 paid a settlement agreement.

2 CHAIRMAN D. DUMEZICH: Okay.

3 VICE CHAIR A. LONG: And it's closed?

4 MS. A. TAYLOR: And the committee is
5 closed.

6 CHAIRMAN D. DUMEZICH: It is closed.

7 MR. L. SEDIGH: As I said, this was a
8 mistake for them not to file this, which they
9 apologize for and they just ask for leniency
10 that they were not very active. They have since
11 closed the PAC, and it would, frankly, be very
12 difficult for them to pay this fine.

13 CHAIRMAN D. DUMEZICH: Close the record
14 here and entertain any motions. The PAC is
15 closed.

16 VICE CHAIR A. LONG: I move to dismiss it.

17 CHAIRMAN D. DUMEZICH: Motion on the floor
18 to dismiss it, do I have a second?

19 COMMISSION MEMBER S. RIORDAN: Second.

20 CHAIRMAN D. DUMEZICH: Any discussion?

21 (No response.)

22 CHAIRMAN D. DUMEZICH: Hearing none, all in
23 favor of the motion to dismiss, indicate by
24 saying aye?

25 THE COMMISSION: Aye.

1 CHAIRMAN D. DUMEZICH: Opposed, nay?

2 (No response.)

3 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
4 it. You're done.

5 VICE CHAIR A. LONG: You did well. They
6 sent you down here and you won.

7 MR. L. SEDIGH: Thanks very much.

8 VICE CHAIR A. LONG: Thank you.

9 CHAIRMAN D. DUMEZICH: Row 3, anybody in
10 Row 3 -- let's start over here and go right
11 across. Good afternoon, sir?

12 MR. J. THAR: Good after. Mr. Chairman and
13 Members of the Commission, my name is John Thar,
14 T-H-A-R, commonly known as Jack Thar. I'm here
15 assisting Mr. Onochie, in terms of the notice he
16 received concerning a fine.

17 VICE CHAIR A. LONG: Let us find where we
18 are first.

19 MS. M. THOMPSON: Mr. Chairman, it's the
20 blue tab.

21 VICE CHAIR A. LONG: Blue tab.

22 MS. A. TAYLOR: This is HGO, Inc., Cause
23 No. 12-128, contributed to the Hoosiers for
24 Indiana in the amount of \$17,000. They
25 contributed several times throughout the year.

1 They have never been before the commission and
2 this is two times for failure to designate.

3 CHAIRMAN D. DUMEZICH: Sir.

4 MR. J. THAR: We can proceed in one of two
5 ways -- as an officer the court, I can make a
6 representation as to what the evidence will show
7 and make Mr. Onochie available for questions
8 from the commission or I could ask him
9 questions.

10 CHAIRMAN D. DUMEZICH: Whatever you prefer.

11 MR. J. THAR: His native language is -- his
12 first language is Nigerian. His second language
13 is English. He may understand more, if I
14 present it.

15 VICE CHAIR A. LONG: That's fine, we
16 understand.

17 MR. J. THAR: Mr. Onochie is an architect
18 by profession. He became a nationalized citizen
19 in the latter part of the '80s. He is the
20 president and sole owner of HCO. It is a Sub-S
21 Corporation. He does not deny nor does the
22 corporation deny that these checks were written.

23 There was a \$5,000 check written in March
24 2010, and in the next four months, he wrote \$3,000
25 check thereafter, of which he knows nothing about

1 U.S. election laws. He believed that he had been
2 doing it correctly when he wrote these checks.

3 He had made some donations in the mid '90s to
4 both Republican and Democratic candidates, and in
5 each instance, he'd do it individually or by the
6 corporation to the campaign with instruction by the
7 campaigns what the lawful amount would be.

8 Because his business expanded, he was urged to
9 join or contribute to a PAC that would increase his
10 visibility in the Indianapolis area. Mr. Onochie's
11 expertise is in the design of African-American
12 churches throughout the country so he does a lot of
13 his business on the road as well as here.

14 He had never contributed to a PAC before and
15 had the understanding that he would contribute so
16 many dollars to the PAC on a monthly basis and they
17 would be within the limits they would allow. He
18 now knows that is incorrect because of the
19 information he has received from the staff as a
20 result of those donations.

21 We have information that the Hoosiers for
22 Indiana PAC has reported that \$1,250 of this was
23 used for the statewide candidates, 2,000 for state
24 representatives, 2,000 for local candidates and
25 2,000 for local parties, that's \$7,250, and the PAC

1 returned \$1,600 to him. If you deduct \$8,850,
2 which those amounts equal, from 17,000, it leaves a
3 balance of \$8,000.

4 VICE CHAIR A. LONG: They rebated 1,600 to
5 him?

6 MR. J. THAR: Yes, and when you add the
7 amount that can be allocated, plus \$1,600, it
8 gives you \$8,000. If you take that from the
9 total amount of what it should have been, it
10 leaves a total amount of \$8,150 that has not
11 been designated by the PAC.

12 We would note that under 3-9-4, the total
13 amount of money that the corporation that has
14 given -- designated was \$22,000, and that is if you
15 follow each of the destinations stipulated in 1
16 through 8. There is one \$5,000 and \$22,000 -- yes,
17 22. As I indicated, Mr. Onochie believed that the
18 PAC would do the best for him and put it where they
19 believed it was most helpful within the rules.

20 The 17,000 that he contributed is less than
21 22,000, if properly designated, he could have
22 given. This is a simple situation of a complete
23 misunderstanding of the law, not ignorance but
24 belief of what he was doing was correct, and this
25 is a mistake. Under 3-9-4-13 (Phonetic), this

1 commission has the power previously referenced to
2 either waive or fine.

3 We believe in this particular instance that it
4 is most fair just to waive it and that is our
5 primary position. In the event it can, the minimum
6 fine for failure to designate is \$1,000, and we
7 would ask that any fine imposed, if one needs to be
8 imposed, not exceed \$1,000. Now Mr. Onochie, have
9 you heard what I have said?

10 MR. H. ONOCHIE: Yes, sir.

11 MR. J. THAR: Do you agree with what I
12 said, is there anything you would like to
13 change?

14 MR. H. ONOCHIE: Everything is correct.

15 MR. J. THAR: And are you available for
16 questioning?

17 MR. H. ONOCHIE: Yes.

18 CHAIRMAN D. DUMEZICH: Questions from the
19 commission?

20 VICE CHAIR A. LONG: He contributed to
21 Hoosiers for Indiana?

22 MR. J. THAR: Correct.

23 VICE CHAIR A. LONG: \$17,000 through his
24 company; right?

25 MR. J. THAR: Yes.

1 VICE CHAIR A. LONG: And you gave us a
2 breakdown where they made contributions to other
3 entities or other campaigns?

4 MR. J. THAR: Correct.

5 VICE CHAIR A. LONG: Left everything
6 accounted for -- had he made those directly, he
7 would just be in the 8,150, I think you said,
8 that's not designated?

9 MR. J. THAR: Yes, 8,150.

10 CHAIRMAN D. DUMEZICH: In other words, if
11 the corporation had done it directly?

12 VICE CHAIR A. LONG: If the corporation had
13 done it directly?

14 MR. J. THAR: Yes, if he had designated it.

15 VICE CHAIR A. LONG: But the other money
16 that the Hoosiers for Indiana did not contribute
17 or did not designate, have they advised him what
18 happened; do they still have it?

19 MR. J. THAR: They have not and they don't
20 have it. Although the \$1,600 was funded to Mr.
21 Onochie, was the last 1,600 in the PAC. We are
22 going by the representation of the PAC, a letter
23 from Ms. Johnson as treasurer of that PAC.

24 CHAIRMAN D. DUMEZICH: What's the status of
25 this PAC?

1 MR. J. THAR: Mr. Onochie, have you been
2 advised of the status of the PAC?

3 MR. H. ONOCHIE: I may not be completely
4 correct, but I believe it's been closed down.
5 It's been shut down.

6 MR. J. THAR: While you're looking, Mr.
7 Onochie would be happy to make a statement.

8 MR. H. ONOCHIE: I design churches around
9 the country, and then as I became more
10 successful, I was advised to get more involved
11 in the community, not for anything, you know,
12 because I have been very successful doing what
13 I'm doing around the country. So I was advised
14 to come up with money to help the committee.

15 I had no intention anything to circumvent the
16 law. I don't know all the details of the law
17 because that's not my area. I gave money to the
18 PAC. I thought the PAC was supposed to submit
19 whatever because all I could do is write a check in
20 that case, and I have no idea what it was for, but
21 still within the designation -- I thought the
22 contribution we did was still within the limits,
23 you know, but I have no idea how I could have
24 easily done something different, but I was trying
25 to help out, nothing else.

1 MR. J. THAR: Which is the point, which I
2 think you can hear, that that is with the
3 communication, accent communication errors
4 occur. That's how we believe the mistake was
5 made.

6 CHAIRMAN D. DUMEZICH: I'm more concerned
7 with the PAC, what the PAC did with the money
8 and any additional contribution. What I'm
9 inclined to do is continue this until we get the
10 full picture here.

11 VICE CHAIR A. LONG: I would move to
12 continue it and allow us to explore this a
13 little farther. I think you've done a very able
14 job of presenting this, and I think my personal
15 belief that continuing would be in the best
16 interest of your client.

17 MR. J. THAR: I can't turn that down.

18 CHAIRMAN D. DUMEZICH: That would be the
19 way I would go.

20 MR. J. THAR: We have no objection. Mr.
21 Onochie was in Arizona yesterday and he flew in
22 for this hearing, so as much notice the staff
23 would give us on the next hearing, we would
24 appreciate it.

25 CHAIRMAN D. DUMEZICH: And maybe he would

1 not be needed because he's provided all the
2 information.

3 VICE CHAIR A. LONG: And I would agree with
4 that.

5 CHAIRMAN D. DUMEZICH: If you would show
6 up, that would be sufficient.

7 VICE CHAIR A. LONG: And if he's going to
8 go fly like that, you can ask for a...

9 MR. J. THAR: We just met this morning so I
10 was not in a position to be able to do so.

11 VICE CHAIR A. LONG: If he's someplace and
12 there's a problem, I agree with the Chairman, he
13 probably would not be necessary.

14 CHAIRMAN D. DUMEZICH: We don't want to
15 give you the feeling that you can't be here. We
16 do realize it was a major inconvenience for you
17 to come. We'd like to not inconvenience you in
18 the future. In light of the testimony that
19 you've given today, we feel that you've provided
20 us enough information that we can take a look at
21 the PAC and come to a resolution of this matter.
22 If you want to be here, though, you can show up.

23 MR. H. ONOCHIE: Okay.

24 CHAIRMAN D. DUMEZICH: Forward everything
25 directly to his attorney then. Motion to

1 continue.

2 COMMISSION MEMBER S. RIORDAN: So moved.

3 CHAIRMAN D. DUMEZICH: Second?

4 VICE CHAIR A. LONG: I already made the
5 second.

6 CHAIRMAN D. DUMEZICH: I'm sorry. All in
7 favor, indicate by saying aye?

8 THE COMMISSION: Aye.

9 CHAIRMAN D. DUMEZICH: Opposed, nay?

10 (No response.)

11 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
12 it. The matter is continued.

13 VICE CHAIR A. LONG: Thank you. You did a
14 nice job on that.

15 CHAIRMAN D. DUMEZICH: Sir, come on down.
16 The gentleman sitting in the second row, if
17 you're here for these things, we've already gone
18 through the second row.

19 UNIDENTIFIED SPEAKER: You want me to move
20 back?

21 CHAIRMAN D. DUMEZICH: If you're thinking
22 why didn't I call on you, why weren't you next?

23 MR. J. CUNNINGHAM: I just came in. My
24 name is John Cunningham and I'm here to
25 represent the Committee to Elect John

1 Cunningham, and I don't have my cause number
2 with me.

3 CHAIRMAN D. DUMEZICH: Number, I'm sorry?

4 VICE CHAIR A. LONG: He doesn't have it.

5 MS. A. TAYLOR: It's the last page of the
6 spreadsheet. It's on Page 76. This is the
7 Committee to Elect John Cunningham, Cause No.
8 2011-6173-381. This is a motion to reconsider
9 the 2011 semiannual fine, and the fine imposed
10 was \$1,000.44.

11 MR. J. CUNNINGHAM: Yes, sir. What
12 happened was I opened the committee. I was
13 planning on running under the Republican Party
14 for the Governor of Indiana, and when my party
15 had -- when another person of my particular
16 party jumped in, I backed out.

17 So I closed my committee, I sent the paperwork
18 in, and I was also ignorant of the fact that I had
19 to file it electronically, and what happened is I
20 got an electronic notice through e-mail from the
21 election committee and it went to my spam, to an
22 e-mail I had already closed out, and I was not
23 aware that I had to submit both electronic and
24 written form.

25 My previous attempts have been running U.S.

1 Congress, District 8, and also for Mayor of the
2 City of Terre Haute, and both of those campaign
3 finances were closed out properly. I was just
4 ignorant to the steps I had to take at the state
5 level.

6 CHAIRMAN D. DUMEZICH: Is this committee
7 closed now?

8 MS. M. THOMPSON: This committee is closed.

9 VICE CHAIR A. LONG: We apparently
10 defaulted him?

11 MS. A. TAYLOR: Yes.

12 VICE CHAIR A. LONG: He didn't get the
13 notice based on his argument here. I would move
14 that we grant a motion to reconsider.

15 CHAIRMAN D. DUMEZICH: Motion to
16 reconsider, do I have a second?

17 COMMISSION MEMBER B. BENNETT: Second.

18 CHAIRMAN D. DUMEZICH: Motion on the floor
19 to reconsider, all in favor, indicate by saying
20 aye?

21 THE COMMISSION: Aye.

22 CHAIRMAN D. DUMEZICH: Opposed, nay?

23 (No response.)

24 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
25 it. Now we need a motion to...

1 VICE CHAIR A. LONG: I move to grant his
2 motion and reconsider and dismiss the cause.

3 CHAIRMAN D. DUMEZICH: I'm sorry, I just --
4 there's a motion to dismiss?

5 COMMISSION MEMBER B. BENNETT: So moved.

6 CHAIRMAN D. DUMEZICH: Second?

7 COMMISSION MEMBER B. BENNETT: Yes.

8 CHAIRMAN D. DUMEZICH: All in favor of the
9 motion to dismiss, indicate by say aye?

10 THE COMMISSION: Aye?

11 CHAIRMAN D. DUMEZICH: All opposed, nay?

12 (No response.)

13 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
14 it.

15 MR. J. CUNNINGHAM: Thank you very much.

16 CHAIRMAN D. DUMEZICH: Sure. Next, next
17 person, third row.

18 MR. A. BUROKER: Mr. Chairman and Members
19 of the Commission, Administrative Cause No.
20 2012-573-93. My name is Andy Buroker. I'm the
21 treasurer for Zoeller for Attorney General
22 campaign committee. This involves a one-day
23 late CFA-11 filing on a large supplemental, a
24 contribution request.

25 I've asked Dale and given to him a copy of the

1 chronology so that you can have that and I can have
2 it admitted in the record. Obviously, as the
3 attorney general, as a law enforcement officer of
4 the state, it's very important that -- he's
5 represented he's collected fines from others, that
6 we're doing it with a clean slate, so I wanted to
7 be clear to put forth in the record again copies of
8 the attempts to file this.

9 Contributions received December 22nd, with
10 many offices closed on Monday the 23rd, Friday the
11 26th, Friday, the 30th, it being due on the day
12 before New Year's Eve, so that's the matter that I
13 have submitted into the record the chronology -- I
14 mean, I can summarize that.

15 VICE CHAIR A. LONG: What page?

16 MS. A. TAYLOR: It's on Page 14.

17 MR. A. BUOKER: We have not gotten a
18 notice of assessment. We've just got the notice
19 of the hearing. So regardless of that, I would
20 pay that, but I wanted to be sure for the record
21 to show that there was no attention to evade or
22 hide this contribution.

23 There was a significant effort on my part to
24 get our staff accountant who was out-of-state to
25 file it electronically. I just didn't do that

1 electronically. I'm not pointing blame to anybody.
2 I take responsibility for it and apologize, but
3 wanted to be sure that this chronology and copies
4 of my e-mail to and from staff to get it filed, to
5 and from staff to get a password.

6 I attempted to do it on-line on my own when I
7 did not have a password already, on the afternoon
8 of December 30th, when most places were closed.
9 Again, I wanted to make sure to get that in there.

10 The CFA-11 was subsequently filed. I filled
11 out a PDF form and faxed that on January 2nd. I
12 mailed it to the staff, and our staff accountant,
13 who was back in the office on January 3rd, filed it
14 electronically.

15 I responded to Miss Taylor's request for an
16 explanation of the details on January 5th -- a copy
17 of that e-mail is in there as well, which really
18 services as sort of my description of the
19 chronology of the facts.

20 VICE CHAIR A. LONG: First of all, these
21 were required to be filed in ten days?

22 MS. A. TAYLOR: Yes.

23 MR. A. BUROKER: It's actually seven days.

24 VICE CHAIR A. LONG: Seven days?

25 MR. A. BUROKER: Seven days from the day

1 after you receive it. We thought it was ten
2 days.

3 VICE CHAIR A. LONG: So did I.

4 MR. A. BUROKER: There's no excuse, because
5 as the treasurer, I'm charged to know that, and
6 that's no excuse. I, again, acknowledge that.
7 We thought it was ten days until a couple of
8 days -- it's seven days after the date we
9 receive it so that contributed to part of the
10 confusion.

11 VICE CHAIR A. LONG: Are these required to
12 be filed electronically?

13 MS. A. TAYLOR: For statewide candidates,
14 yes. We received it on December 31st.

15 VICE CHAIR A. LONG: And it would have due?

16 MS. A. TAYLOR: It was due December 29th.

17 CHAIRMAN D. DUMEZICH: And we're talking
18 about a fine in the amount of \$150?

19 MS. A. TAYLOR: 150.

20 VICE CHAIR A. LONG: And this was all
21 during the December 22nd through January 5th
22 time frame we're looking at; right?

23 MS. A. TAYLOR: Yes.

24 VICE CHAIR A. LONG: Give us a second to
25 look at this.

1 MR. A. BUROKER: Certainly. I believe from
2 staff this is our first violation, according to
3 your reporting?

4 MS. A. TAYLOR: Yes, it is.

5 MR. A. BUROKER: We wouldn't be eligible
6 for any discount.

7 VICE CHAIR A. LONG: Don't we give the
8 discount?

9 CHAIRMAN D. DUMEZICH: Now I wanted to make
10 sure that...

11 MR. A. BUROKER: I want to make sure this
12 is the right chronology reflected.

13 VICE CHAIR A. LONG: You made an effort.

14 MR. A. BUROKER: To get our staff to get it
15 filed before vacation.

16 CHAIRMAN D. DUMEZICH: Let's accept this
17 into the record and I'll entertain a motion to
18 reduce fines.

19 VICE CHAIR A. LONG: So moved.

20 COMMISSION MEMBER B. BENNETT: Second.

21 CHAIRMAN D. DUMEZICH: So for discussion,
22 we'll reduce the fine to a standard 25 percent
23 so 150 bucks would be \$37.50?

24 VICE CHAIR A. LONG: Plus 44 cents.

25 CHAIRMAN D. DUMEZICH: Plus 44 cents.

1 VICE CHAIR A. LONG: On the First Class
2 mailing, I'm saving \$2.06.

3 CHAIRMAN D. DUMEZICH: So it would be
4 \$37.94. All in favor of reducing the fine to
5 \$37.94, please indicate by saying aye?

6 THE COMMISSION: Aye.

7 CHAIRMAN D. DUMEZICH: All opposed, nay?
8 (No response.)

9 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
10 it. The fine is reduced.

11 MR. A. BUROKER: Thank you, Mr.
12 Commissioner and Members of the Commission, I
13 appreciate it.

14 CHAIRMAN D. DUMEZICH: Fourth row. Can you
15 state your name for the record, sir, and Cause
16 Number?

17 MR. C. HARRELL: Chris Harrell, Johnson
18 County Professional Firefighters Association,
19 H-A-R-R-E-L-L, and number is 2012-6257-102.

20 MS. A. TAYLOR: This is on Page 61. Mr.
21 Chairman and Members of the Commission, this
22 Cause No. 2012-6257-102. It's for a late 2011
23 annual report, and this is the first violation.

24 CHAIRMAN D. DUMEZICH: Okay.

25 MR. C. HARRELL: As we said here in our

1 timeline, on December 1st we had contacted an
2 accounting service to assist us with setting up
3 our PAC. Around the 27th the PAC setup was
4 complete by the accounting service and advised
5 us to mail in the Form CFA-2.

6 At that time we had initially put on there in
7 Box 9, our organization date of January 1, 2012,
8 without knowing that the date that the election
9 committee received the form was the date that it
10 was filed, so therefore, it started our decline in
11 referencing us in being in front of you guys here
12 today.

13 January the 11th we started receiving
14 information in a PAC dated with a memoranda for
15 December 21st, and stated we needed to file 2011
16 PAC report. At that time we didn't know if we were
17 even organized as a PAC or if we had been accepted
18 to be a PAC. We were looking for some
19 clarification or file number, which means if -- I
20 don't know if he had known what the file number was
21 but we have figured that out.

22 The 19th, we did some more follow-up, and I
23 talked with the ladies. February 6th, we did file
24 CFA-4 with them. We faxed that in. That was filed
25 in with zeros for A and B.

1 On the 8th, we received a letter stating that
2 a civil penalty may be assessed by the Indiana
3 Election Commission for a violation of Indiana's
4 campaign finance laws (Indiana Code 3-9.)

5 We spoke, again, with the election commission
6 what our next step would be and what we should be
7 looking for next. Speaking with the firefighters,
8 we then decided to come before you guys to plead
9 our case.

10 As it sums it up, the 17th, we received a
11 notice of the hearing date as of this date.
12 Further, to sum all this up, while talking with the
13 Indiana Commission we have found that the date at
14 which they received our CFA-2 was the date of PAC
15 organization.

16 As we stated earlier, we had submitted all
17 documentation in a timely formation, actually
18 early, which if we had known that the commission
19 received the PAC organization, in all actuality was
20 our organization date, we would have submitted it
21 after our desired organization date as stated on
22 Line 9 of the CFA-2.

23 VICE CHAIR A. LONG: What did you list your
24 organization date to be on the form?

25 MR. C. HARRELL: January 1, 2012.

1 CHAIRMAN D. DUMEZICH: Close the record

2 I'll entertain a motion to dismiss.

3 VICE CHAIR A. LONG: So moved.

4 CHAIRMAN D. DUMEZICH: Second.

5 COMMISSION MEMBER B. BENNETT: Second.

6 CHAIRMAN D. DUMEZICH: 4-0, or opposed, say

7 nay?

8 (No response.)

9 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
10 it. You're dismissed.

11 VICE CHAIR A. LONG: File your
12 annual for -- oh, you're starting this year?

13 MR. C. HARRELL: Yes, sir. We did file it.
14 I sent it in when I talked to the lady. I did
15 send it in.

16 VICE CHAIR A. LONG: You got another one
17 that's not officially due yet.

18 MR. C. HARRELL: This is a whole new year.

19 VICE CHAIR A. LONG: And your clock starts
20 over?

21 MR. C. HARRELL: Yeah. I don't really want
22 to be here again.

23 VICE CHAIR A. LONG: Thank you for keeping
24 us safe.

25 MR. T. HAND: Mr. Chairman, we three

1 firefighters all stick together. Do you mind if
2 I stay -- I'm Tom Hand (Phonetic), professional
3 firefighter. I'm here for moral support.

4 CHAIRMAN D. DUMEZICH: Apparently, the
5 moral support worked.

6 MR. T. HAND: This time.

7 VICE CHAIR A. LONG: Which one is next?

8 MS. A. TAYLOR: It's on Page 33.

9 CHAIRMAN D. DUMEZICH: Please state your
10 name for the record, sir, and spell it?

11 MR. E. HOLMES: Eric Holmes, H-O-L-M-E-S.
12 Well, we --

13 CHAIRMAN D. DUMEZICH: Well, wait a second.
14 We need a report.

15 MS. A. TAYLOR: Mr. Chairman and Members of
16 the Commission, this is Richmond Professional
17 Firefighters, Local 1408 Political Action
18 Committee, Cause No. 2012-5428-44. This is the
19 first time before the commission with the
20 proposed civil penalty of \$1,000.44.

21 CHAIRMAN D. DUMEZICH: Tell us your side of
22 it, sir.

23 MR. E. HOLMES: Okay. Well, today, I'm
24 coming before the board, I guess, mercy,
25 leniency. This is our first offense.

1 VICE CHAIR A. LONG: Is your mike on?

2 CHAIRMAN D. DUMEZICH: Yeah.

3 MR. E. HOLMES: Yeah.

4 VICE CHAIR A. LONG: I'm having a little
5 trouble hearing you.

6 MR. E. HOLMES: Are you, okay. It's our
7 first offense. It's not our habit or practice
8 not to file. This is our seventh year since the
9 inception, and we've never filed late, but what
10 had happened was we have our treasurer, who's in
11 control of our PO box for our local, and was
12 injured on duty and was unable -- we were unable
13 to get our mailings and information from him
14 because he was injured and it put us behind with
15 filing this -- this term right here.

16 So as soon as we contacted Michelle Thompson
17 last Friday, we immediately filed just this past
18 Monday. We went through the weekend and we filed
19 first thing Monday morning, but I'm just asking for
20 the Board's leniency. It's not our practice and it
21 was never our intent not to file. It wasn't -- we
22 didn't move any money so there was nothing that
23 we're trying to hide or...

24 CHAIRMAN D. DUMEZICH: Close the record.

25 MR. T. HAND: If I may, I'm Tom Hand. I do

1 want to point out and make clear that the
2 treasurer was hurt in the line of duty and off
3 work and that's why he was restricted due to,
4 not imminent death, I don't want to -- I don't
5 want to overstate, but he was off work from the
6 firehouse and therefore didn't have access and
7 that is the purpose of it -- unusual but it
8 happened.

9 CHAIRMAN D. DUMEZICH: Close the record and
10 entertain a motion.

11 COMMISSION MEMBER S. RIORDAN: I'm going to
12 move that we waive the fine.

13 VICE CHAIR A. LONG: I'll second that.

14 CHAIRMAN D. DUMEZICH: There's a second --
15 a motion on the floor to waive the fine and a
16 second, any discussion?

17 (No response.)

18 CHAIRMAN D. DUMEZICH: Hearing none, all in
19 favor waiving the fine, please indicate by
20 saying aye?

21 THE COMMISSION: Aye.

22 CHAIRMAN D. DUMEZICH: Opposed, nay?

23 (No response.)

24 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
25 it. The fine has been waived.

1 MR. E. HOLMES: Thank you.

2 VICE CHAIR A. LONG: Thank you.

3 CHAIRMAN D. DUMEZICH: Can you, please,
4 state your fame for the record and give us a
5 cause number -- Kokomo, do you have it, ladies,
6 and can you tell us what that's about?

7 VICE CHAIR A. LONG: Please.

8 MS. A. TAYLOR: Well, it's more like pages.
9 We're on 2, 3 through, 13, 19, 63, 75. This
10 committee has not filed on time since a 2003
11 annual report. There are I believe 11 before
12 you right now, nine of which are motions to
13 reconsider. Two are new. The 2011 annual has
14 been filed. No other report has been filed.

15 VICE CHAIR A. LONG: I've got 2 through 7;
16 right?

17 MS. A. TAYLOR: 13, I think.

18 VICE CHAIR A. LONG: Oh, there it is.
19 Somebody stuck Harris in there on 8, 9...

20 MS. A. TAYLOR: And then also on 19, 63 and
21 75.

22 VICE CHAIR A. LONG: I'm kind of anxious to
23 hear this.

24 CHAIRMAN D. DUMEZICH: Yeah, me, too. Sir.

25 MR. M. HARRISON: Michael Harrison,

1 H-A-R-R-I-S-O-N. I'm the president of Kokomo
2 Firefighters Political Action Committee. I just
3 took office January 1st of this year. The
4 previous president and treasurer resigned. I
5 ran unopposed. You can, obviously, see why.

6 A couple of weeks after I was elected, I was
7 given a couple of pieces of mail, and those couple
8 of pieces of mail were indicating that there were
9 reports that needed to be filed.

10 So I -- not knowing too much about it, I
11 talked to the treasurer, and he said he didn't know
12 much about it either. I contacted the office and
13 spoke to Miss Taylor and she gave me the rundown on
14 the fact that we hadn't filed in a number of years
15 and advised me to go ahead and get the latest
16 report in and then we would schedule a hearing and
17 go from there.

18 So I did that. I turned in the 2011 annual
19 and came here to see what we can do to keep us --
20 to keep our doors open. We are a very small
21 local -- not a small local, but a small PAC as
22 well.

23 We have 50 some members which we maybe collect
24 maybe \$50 a week, and we've got about \$8,000 in the
25 bank, and that's going to nowhere near cover the

1 fines for the last ten years. So if there's
2 anything we can do to reduce it, I'd appreciate it.

3 VICE CHAIR A. LONG: We're about 15,000.

4 MR. M. HARRISON: There is no legitimate
5 excuse for why this happened.

6 MS. A. TAYLOR: Some of these have been
7 sent to the attorney general for collection, and
8 the attorney general's office has decided they
9 are not cost effective to pursue so we're only
10 going back to 2006.

11 MR. M. HARRISON: Let me just add, I am --
12 I do have five years experience as treasurer for
13 the union -- not the PAC, but for the union, so
14 I understand fiscal responsibility and the importance
15 of having these things done on time and they
16 will be done on time from now on.

17 COMMISSION MEMBER S. RIORDAN: I can
18 remember Kokomo Professional Firefighters
19 Political Action being up here since I've been
20 on the Commission and I'm assuming that we send
21 them notices about these issues; was there some
22 problem with that that they were returned or
23 that the person who's receiving them -- did you
24 build a new firehouse or...

25 MS. M. THOMPSON: I don't believe they've

1 been returned.

2 COMMISSION MEMBER S. RIORDAN: What do you
3 think happened, they just kind of ignored it?

4 MR. M. HARRISON: I'm sure that we received
5 them, yes.

6 CHAIRMAN D. DUMEZICH: You're sure that you
7 received them so they didn't ignore them. Okay,
8 let's close the record here. I would entertain
9 a motion to reduce this.

10 VICE CHAIR A. LONG: I'm going to make a
11 motion -- there's 15 cases; correct?

12 MS. M. THOMPSON: Yes.

13 VICE CHAIR A. LONG: That we -- in order
14 that we deal with them, and that we have a sound
15 \$200 per case, that would be \$3,000, if my math
16 is wrong, plus costs, that way they'd have some
17 money left in their treasury.

18 CHAIRMAN D. DUMEZICH: I think that's a
19 good result. The question is can we get those
20 cause numbers read for the record to make sure
21 we get them cleaned up and we notify the
22 attorney general?

23 MS. M. THOMPSON: Yes.

24 CHAIRMAN D. DUMEZICH: There's a motion on
25 the floor right now to reduce the fine to \$200

1 per filing for a total of \$3,000 based on 15
2 violations; do I hear a second?

3 COMMISSION MEMBER S. RIORDAN: Second.

4 COMMISSION MEMBER B. BENNETT: Second.

5 CHAIRMAN D. DUMEZICH: Hearing a second,
6 any discussion?

7 (No response.)

8 CHAIRMAN D. DUMEZICH: We're going to cut
9 you a break, but if you show up again, you're
10 going to have to pay full freight.

11 MR. M. HARRISON: I completely understand.

12 CHAIRMAN D. DUMEZICH: We're going to be
13 reasonable about this but if...

14 MR. M. HARRISON: It won't happen again.

15 VICE CHAIR A. LONG: We do appreciate what
16 y'all do.

17 MR. M. HARRISON: Thank you.

18 CHAIRMAN D. DUMEZICH: Except the fact of
19 not filing the reports on time.

20 VICE CHAIR A. LONG: For your vocation, not
21 your advocacy.

22 MR. M. HARRISON: Thank you, sir.

23 VICE CHAIR A. LONG: Your candor is
24 appreciated here, too. We recognize you're the
25 messenger.

1 CHAIRMAN D. DUMEZICH: All in favor of
2 reducing the fine to \$3,000 for 15 violations,
3 indicate by saying aye?

4 THE COMMISSION: Aye.

5 CHAIRMAN D. DUMEZICH: All opposed, nay?
6 (No response.)

7 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
8 it. Can we read those i.e. cause numbers into
9 the record?

10 MS. A. TAYLOR: Cause Nos. 2009-1822-3,
11 2007-1822-74, 2007-1822-10, 2007-1822-118,
12 2009-1822-53, 2009-1822-3, 2009-1822-226,
13 2009-1822-180, 2009-1822-78, 2010-1822-15,
14 2011-1822-24, 2011-1822-80, 2011-1822-333,
15 2012-1822-105, and 2012-1822-15.

16 MR. M. HARRISON: Thank you.

17 CHAIRMAN D. DUMEZICH: Next row.

18 MR. D. FISH: Hi. Dwight Fish, F-I-S-H,
19 Dwight, D-W-I-G-H-T.

20 CHAIRMAN D. DUMEZICH: You got a cause
21 number, sir?

22 MR. D. FISH: Cause No. 6022, Elect Dwight
23 Fish Committee.

24 MS. A. TAYLOR: It's on Page 51. Mr.
25 Chairman and Members of the Commission, this is

1 the Elect Dwight Fish Committee, Cause No.
2 2012-6022-81. It's a fine for the 2011 annual
3 report. This is the first delinquent report and
4 a proposed fine of \$1,004.44.

5 VICE CHAIR A. LONG: And that page is what?

6 MS. A. TAYLOR: Page 51.

7 MR. D. FISH: My apologies to the
8 Commission for the delinquency. This committee
9 has -- I'm the candidate for the committee but
10 my committee is unavailable to be here, they
11 disbanded after the 2010 election.

12 Shortly after that, electronic filing in
13 January of 2011, and then a severe family crisis
14 happened, which completely took me out of the
15 picture, and the paperwork did not get filed
16 properly, but we did no other political
17 collections. Everything has been zeroed out and
18 has been disbanded.

19 CHAIRMAN D. DUMEZICH: Has the committee
20 been disbanded?

21 MS. A. TAYLOR: Yes, the committee is
22 closed.

23 MR. D. FISH: And I respectfully request
24 that we -- due to pretty unbearable financial
25 obligations, due to illness and some pretty

1 serious situations in the family, if we could
2 waive that.

3 CHAIRMAN D. DUMEZICH: Record is closed.
4 Entertain a motion.

5 COMMISSION MEMBER S. RIORDAN: Move to
6 waive the fine.

7 VICE CHAIR A. LONG: Second.

8 CHAIRMAN D. DUMEZICH: Motion on the floor
9 to waive the fine and second, any discussion?

10 (No response.)

11 CHAIRMAN D. DUMEZICH: Hearing none, all in
12 favor of the motion to waive the fine, please
13 indicate so by saying aye?

14 THE COMMISSION: Aye.

15 CHAIRMAN D. DUMEZICH: Opposed, nay?

16 (No response.)

17 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
18 it.

19 MR. D. FISH: Thank you very much.

20 MR. M. SCHERER: Thank you. Mr. Chairman
21 and Members of the Commission, I'm Mark Scherer,
22 S-C-H-E-R-E-R, here on behalf of the Hygienists
23 of Indiana Political Action Committee, Cause No.
24 2012-1540-11. I'm actually representing Rebecca
25 Alles today. She's the treasurer of the PAC.

1 She works in a dentist office who had
2 previously scheduled continuing education
3 out-of-state today so she could not be here in
4 person. She attempted to file the annual report on
5 January 6th, but was locked out of the account
6 because apparently a password problem, I believe.

7 Staff promptly unlocked the account on the
8 following Monday, the next work day. So on January
9 11th, Miss Alles tried to file it again. She
10 believed she filed it. She sent an e-mail to her
11 board the following --

12 VICE CHAIR A. LONG: What page?

13 MS. A. TAYLOR: Page 16.

14 CHAIRMAN D. DUMEZICH: Hold on for a
15 second. Can you give us a report of what you
16 got?

17 MS. A. TAYLOR: Mr. Chairman and Members of
18 the Commission, this is on Page 16, Hygienists
19 of Indiana Political Action Committee, Cause No.
20 2012-1540-11. This is the fourth time that
21 they've been before the commission. They paid
22 two settlement agreements and were late one
23 other time, proposed fine of \$300.44.

24 COMMISSION MEMBER B. BENNETT: They have
25 submitted a letter.

1 MS. A. TAYLOR: Yes, they've submitted a
2 letter. I think it's the first one at the end
3 of the spreadsheet.

4 VICE CHAIR A. LONG: End of what, after 76?

5 MS. A. TAYLOR: Right after Page 76.

6 CHAIRMAN D. DUMEZICH: Have you taken an
7 opportunity to read the letter? Have you
8 guys -- can the staff tell us anything about
9 this? Do you have any recollection of this
10 happening?

11 MS. A. TAYLOR: I know she was locked out.
12 I remember unlocking her. And we can see on our
13 site that she did indeed log in on January 11th.
14 She did enter the contributions and expenditures
15 on January 11th. Unfortunately, there's -- it
16 doesn't look like it was filed and there's no
17 way to track.

18 It's a two-button system. You don't just hit
19 file and it's done. You file and have to file it
20 again before it's filed and there's way to tell on
21 our on-line system if it was filed the first time
22 but not the second.

23 MR. M. SCHERER: She's been the treasurer
24 for five years so she has filed a number of
25 these reports in the past.

1 VICE CHAIR A. LONG: And it was due when?

2 MS. A. TAYLOR: It was due January 18. She
3 made two efforts to file before the due date.

4 CHAIRMAN D. DUMEZICH: I'll entertain a
5 motion.

6 VICE CHAIR A. LONG: I move to dismiss this
7 one.

8 CHAIRMAN D. DUMEZICH: Motion to dismiss,
9 do I hear a second?

10 COMMISSION MEMBER B. BENNETT: Second.

11 CHAIRMAN D. DUMEZICH: Discussion?

12 (No response.)

13 CHAIRMAN D. DUMEZICH: Hearing none, motion
14 to dismiss this cause, all in favor indicate by
15 saying aye?

16 THE COMMISSION: Aye.

17 CHAIRMAN D. DUMEZICH: Opposed, nay?

18 (No response.)

19 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
20 it. It's dismissed, sir.

21 MR. M. SCHERER: Thank you very much. We
22 appreciate it greatly.

23 CHAIRMAN D. DUMEZICH: Sir, state your
24 name, please?

25 MR. D. HARRIS: My name is Damon Harris and

1 my cause number is 2009-5610-131.

2 MS. A. TAYLOR: Page 8.

3 CHAIRMAN D. DUMEZICH: Can we have a report
4 from staff?

5 MS. A. TAYLOR: Mr. Chairman and Members of
6 the Commission, this is Harris for State
7 Representative, Cause No. 2009-5610-131. This
8 is a motion to reconsider the 2008 annual fine.
9 It was continued at our last hearing. This is
10 the only fine this committee has had and the
11 committee is closed, the proposed fine of
12 \$1,003.53.

13 CHAIRMAN D. DUMEZICH: And do you remember
14 why we had continued it?

15 MR. D. HARRIS: I was overseas. It was a
16 default and I was overseas and deployed with the
17 military and I had orders from 2008, when I
18 started active duty going through 2009.

19 CHAIRMAN D. DUMEZICH: Is it closed now?

20 MS. A. TAYLOR: Yes.

21 CHAIRMAN D. DUMEZICH: Let's close the
22 record.

23 VICE CHAIR A. LONG: I move to dismiss.

24 COMMISSION MEMBER S. RIORDAN: Second.

25 CHAIRMAN D. DUMEZICH: Hearing a motion to

1 dismiss and a second, any discussion?

2 (No response.)

3 CHAIRMAN D. DUMEZICH: Hearing none, all in
4 favor of the motion to dismiss indicate by
5 saying aye.

6 THE COMMISSION: Aye.

7 CHAIRMAN D. DUMEZICH: All opposed, nay?

8 (No response.)

9 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
10 it. The motion is dismissed.

11 MR. D. HARRIS: Thank you very much, sir.

12 VICE CHAIR A. LONG: Thank you.

13 MR. J. LEICH: I'm James Leich with the
14 Indiana Association Homes & Services for the
15 Aging Political Action Committee. The cause
16 number is 2012-4458-30.

17 MS. A. TAYLOR: This is on Pages 26 and 67,
18 Indiana Association of Homes & Services for the
19 Aging Political Action Committee. The first
20 cause number is 2012-4458-30. It was filed
21 February 24th, today, a proposed fine of
22 \$1,000.44. The secretary cause number is
23 2012-4458-113, proposed fine of \$1,000.44.

24 CHAIRMAN D. DUMEZICH: Sir.

25 MR. J. LEICH: Our association represents

1 non-profit organizations that serve seniors and
2 nursing homes and subsidized housing, retirement
3 communities.

4 We have a very small PAC, which I basically
5 run it, as well as my normal work load, and I
6 frankly do not have a good excuse for this. I just
7 overlooked some of the filing dates.

8 The one in October, I actually looked at it
9 and saw November. I thought I got it in on time --
10 obviously, I didn't, and I just filed the one due
11 in January today.

12 I had got -- just got the notice of the
13 hearing yesterday. Our offices are actually on the
14 campus of Hoosier Village Retirement Community and
15 they actually named and numbered all the little
16 roads in the campus so the mail went to an address
17 that longer -- that has changed so I just got it
18 yesterday, and that's why I just got the filing
19 done yesterday.

20 I realize the significance of this and I've
21 already implemented some internal things to help me
22 get on top of this. We have a post office box at
23 the -- not too far from our office, where we have a
24 regular post office, I'm going to have the person
25 who picks up the mail pick mine, too, because I

1 just don't get over there enough, and having some
2 notifications on when these are due.

3 And again, I greatly apologize. We -- as you
4 can see, I think we have \$127 in the account now.
5 We raise money from individuals who work in our
6 member facilities because they all filed a
7 501(c)(3) so the organizations cannot contribute.

8 We attend just caucuses. We do not get
9 involved in elections. It's just to raise our
10 visibility, in terms of the seniors we serve on
11 issues like Medicaid and regulations with nursing
12 homes and things like that.

13 CHAIRMAN D. DUMEZICH: Close the record.

14 COMMISSION MEMBER B. BENNETT: Mr.
15 Chairman, may I say something?

16 CHAIRMAN D. DUMEZICH: Oh, certainly. Open
17 the record.

18 COMMISSION MEMBER B. BENNETT: There's a
19 number of violations considering the time you've
20 been in charge of this PAC.

21 MR. J. LEICH: I have -- I mean, those are
22 in the early part, or last 2003 or so, and I
23 have certainly been up-to-date since then. This
24 is really something. I got distracted with a
25 lot of things coming up this last fall, and I

1 apologize.

2 CHAIRMAN D. DUMEZICH: Any other questions
3 for the witness?

4 (No response.)

5 CHAIRMAN D. DUMEZICH: Hearing none, close
6 the record. Entertain a motion.

7 COMMISSION MEMBER S. RIORDAN: How much do
8 you have in the PAC?

9 MR. J. LEICH: \$127. This is my fault, so
10 whatever fine is charged, I will contribute the
11 PAC, and that's how the fine will be paid. I
12 take that personal responsibility. I certainly
13 wouldn't take it from donations from our member
14 facilities and staff.

15 CHAIRMAN D. DUMEZICH: Is that a motion for
16 125 plus mailing costs?

17 COMMISSION MEMBER S. RIORDAN: I move that
18 we reduce the fine to 125, plus mailing costs.

19 CHAIRMAN D. DUMEZICH: Do I have a second?

20 VICE CHAIR A. LONG: Second.

21 CHAIRMAN D. DUMEZICH: Okay. All in favor
22 of reducing the fine to \$125, plus mailing
23 costs, indicate by saying aye?

24 THE COMMISSION: Aye.

25 CHAIRMAN D. DUMEZICH: All opposed, nay?

1 (No response.)

2 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
3 it.

4 MR. J. LEICH: Thank you very much. I
5 really appreciate it.

6 VICE CHAIR A. LONG: I wouldn't count on a
7 reduction again.

8 MR. J. LEICH: I won't. Thank you, sir.

9 CHAIRMAN D. DUMEZICH: Sir, state your
10 name?

11 MR. B. LEVIN: Good afternoon. My name is
12 Bill Levin. I'm with ReLegalize Indiana PAC, hi.

13 CHAIRMAN D. DUMEZICH: Hello.

14 VICE CHAIR A. LONG: They'll tell us what
15 page you're on.

16 MS. A. TAYLOR: It's Pages 72 and 76. Mr.
17 Chairman and Members of the Commission, this is
18 ReLegalize Indiana. First cause number is
19 2012-5956-122, proposed civil penalty of
20 \$1,000.44. The second cause number on Page 76
21 is 2011-5956-365. This is a motion to
22 reconsider the 2011 pre-primary fine, which was
23 \$1,004.36.

24 CHAIRMAN D. DUMEZICH: Sir.

25 MR. B. LEVIN: I am the chairman of the

1 board of ReLegalize Indiana. In the fall of
2 last year I discovered that our treasurer was
3 using the funds incorrectly and she was removed
4 from office. I then proceeded to inform the
5 Marion County Prosecutor through the sheriff's
6 department and they followed up on it.

7 While we were doing our investigation, I found
8 out that my executive director who was directly in
9 charge of our treasurer also is liberal with funds
10 and he retired from the company.

11 I then started to backtrack and look at every
12 piece of paper that we had through our desk and
13 everything that I could find and I discovered that
14 we owed you guys money. Hence, I'm here saying hi
15 and seeing what I could do to get it reduced.

16 CHAIRMAN D. DUMEZICH: What is ReLegalize
17 Indiana?

18 MR. B. LEVIN: We're a political action
19 committee trying to re-legalize cannabis in the
20 State of Indiana.

21 CHAIRMAN D. DUMEZICH: Really, okay. And
22 we have two fines; is that correct?

23 MS. A. TAYLOR: Yes.

24 CHAIRMAN D. DUMEZICH: I've got the one on
25 72, what's the other one, I'm sorry?

1 MS. A. TAYLOR: 76.

2 VICE CHAIR A. LONG: What's the -- the one
3 on 72 is -- what report is that?

4 MS. A. TAYLOR: The 2011 Pre-Elect.

5 VICE CHAIR A. LONG: Okay. And the one
6 on...

7 MS. A. TAYLOR: The other one is 2011
8 PrePrimary.

9 CHAIRMAN D. DUMEZICH: How much do you have
10 in your PAC?

11 MR. B. LEVIN: About \$9.98.

12 CHAIRMAN D. DUMEZICH: How much?

13 MR. B. LEVIN: \$9.98. We're not a rich
14 PAC.

15 VICE CHAIR A. LONG: They've got the --
16 they're entitled to a discount one time before.
17 That goes to 50 percent.

18 CHAIRMAN D. DUMEZICH: Yeah, zero times is
19 25, how about something along the lines of
20 whatever the money is in the account, if he
21 closes it.

22 COMMISSION MEMBER S. RIORDAN: Well, maybe
23 they want to stay open.

24 CHAIRMAN D. DUMEZICH: Yeah. We'll give
25 them the choice, how's that?

1 VICE CHAIR A. LONG: If you're going to be
2 a PAC, you need to be a PAC.

3 MR. B. LEVIN: Well, no, I understand this.
4 It's just when I had people in charge, and then
5 when it got to my attention, it was too late.

6 COMMISSION MEMBER S. RIORDAN: And the
7 money is gone because of other people's
8 defalcation of the same.

9 MR. B. LEVIN: We were never good at
10 raising money. I can show you the record where
11 everybody...

12 VICE CHAIR A. LONG: How much were you
13 shorted?

14 MR. B. LEVIN: Well, I think over the last
15 two years, it was 1,500, 1,200, somewhere in
16 there.

17 VICE CHAIR A. LONG: I would be -- were
18 charges ever filed?

19 MR. B. LEVIN: Oh, yeah. As soon as I
20 found out that...

21 VICE CHAIR A. LONG: The prosecutor filed
22 criminal charges?

23 MR. B. LEVIN: Yes.

24 VICE CHAIR A. LONG: I would move that we
25 reduce the fine in each one of them to 150 plus

1 the costs, that way they'll have two violations,
2 and on the top of the one before was three, and
3 that's the last break they get.

4 COMMISSION MEMBER S. RIORDAN: But that
5 means that somebody has to dig in their pocket
6 to pay \$300.

7 VICE CHAIR A. LONG: Yeah, unless they do
8 something else.

9 CHAIRMAN D. DUMEZICH: Your motion, do I
10 hear a second.

11 COMMISSION MEMBER B. BENNETT: I didn't
12 hear your motion.

13 VICE CHAIR A. LONG: The motion was to
14 reduce it to \$150 in each one, plus the costs.

15 COMMISSION MEMBER B. BENNETT: \$300 plus?

16 VICE CHAIR A. LONG: 300 plus, yes.

17 CHAIRMAN D. DUMEZICH: There's a motion on
18 the floor for 150 a piece for these for a total
19 of \$300, do I hear a second?

20 VICE CHAIR A. LONG: I'm open to something
21 else.

22 COMMISSION MEMBER S. RIORDAN: I mean, my
23 thinking is we've given -- you know, we've
24 knocked fines down for other people, for other
25 organizations when, you know, they don't have

1 any money left, but that's when they're going to
2 close the committee, is what you're saying;
3 right?

4 CHAIRMAN D. DUMEZICH: And that's why I
5 want to give the option of whether he'll close
6 the committee.

7 VICE CHAIR A. LONG: That was unless they
8 did something else.

9 MR. B. LEVIN: Am I allowed to ask a
10 question?

11 CHAIRMAN D. DUMEZICH: Yes, sir.

12 MR. B. LEVIN: If I close the committee, am
13 I still allowed to lobby?

14 CHAIRMAN D. DUMEZICH: Then you would to
15 get a new PAC.

16 MR. B. LEVIN: Okay. So if we...

17 VICE CHAIR A. LONG: You can lobby on your
18 own individual.

19 CHAIRMAN D. DUMEZICH: Yeah, you can lobby
20 as an individual, and you can always donate
21 individually. You have the right to talk to
22 your legislators and lobby on your own behalf.
23 You don't need the PAC. You're saying you...

24 MR. B. LEVIN: I don't need a PAC to lobby?

25 VICE CHAIR A. LONG: No.

1 MR. B. LEVIN: Oh, my goodness.

2 COMMISSION MEMBER S. RIORDAN: You can't
3 just give money.

4 VICE CHAIR A. LONG: Well, he can give
5 personal contributions..

6 COMMISSION MEMBER S. RIORDAN: Personal
7 money but not from the organization.

8 MR. B. LEVIN: We don't have any money
9 anyway.

10 CHAIRMAN D. DUMEZICH: You were saying you
11 weren't good at raising money anyway?

12 MR. B. LEVIN: Yeah.

13 CHAIRMAN D. DUMEZICH: So it seems to be
14 your own money anyway so you just make it as a
15 personal donation.

16 MR. B. LEVIN: See, when I started this,
17 they told me I had to register as a PAC to lobby
18 the state. This was other brilliant people
19 but...

20 CHAIRMAN D. DUMEZICH: That's if you're
21 raising money from other people to do it. It's
22 your choice. I mean, I...

23 MR. B. LEVIN: If I close the PAC, I could
24 still lobby?

25 VICE CHAIR A. LONG: Yes. Anybody can

1 lobby.

2 MR. B. LEVIN: Okay.

3 CHAIRMAN D. DUMEZICH: It's just merely
4 going to talk to your...

5 VICE CHAIR A. LONG: Then I withdraw my
6 motion and I move to continue this until the
7 next meeting. Let him think it over. If you
8 want it close it and if it's closed at the next
9 meeting, they'll report back, and I bet this
10 would be a motion and a second to dismiss it if
11 you've already closed it out, and if you want
12 decide you want to do something else, then we'll
13 revisit the issue; is that fair enough?

14 MR. B. LEVIN: Thank you very much.

15 CHAIRMAN D. DUMEZICH: Sure.

16 VICE CHAIR A. LONG: I don't want to you
17 feel that you're being forced to quit.

18 CHAIRMAN D. DUMEZICH: But on the other
19 hand, I don't want to make you feel like you've
20 got to pay \$300 to talk to your legislators
21 because you don't.

22 VICE CHAIR A. LONG: You as a citizen can
23 call any legislator and you can get in to see
24 them -- the governor, senator, and advocate
25 anything you want.

1 CHAIRMAN D. DUMEZICH: Without being in a
2 PAC.

3 VICE CHAIR A. LONG: Without being in a PAC
4 to do that, and if someone else hires you.
5 Probably working for the PAC, you've got to be
6 registered as a lobbyist, would be my guess, but
7 I don't lobby, my stepson does, and I would
8 think working for another entity makes you
9 qualified to be a lobbyist.

10 COMMISSION MEMBER B. BENNETT: Just to move
11 this along so we don't have to come back. What
12 about the alternative, there's a motion to waive
13 the fines if the PAC is dissolved, but they'll
14 have to pay the \$300 fine if the PAC chooses to
15 go forward.

16 VICE CHAIR A. LONG: That would be my
17 consensus on it, but I'd make the motion that I
18 just withdrew, if he decided he wanted to go
19 forward, and we could address that when we come
20 back and...

21 COMMISSION MEMBER B. BENNETT: Yes, I
22 would. I was just trying to get that done today
23 and give him an alternative.

24 VICE CHAIR A. LONG: Well, I think he gets
25 it now.

1 CHAIRMAN D. DUMEZICH: Yeah, he wants to
2 think about it. That's the issue.

3 COMMISSION MEMBER B. BENNETT: Oh, but he
4 wouldn't have time, okay.

5 CHAIRMAN D. DUMEZICH: Yes, so this way...

6 COMMISSION MEMBER B. BENNETT: We're giving
7 him some time to think about it?

8 CHAIRMAN D. DUMEZICH: Yeah, we're giving
9 him some time.

10 VICE CHAIR A. LONG: If you close it, then
11 you don't have to come back. If you decide to
12 want to come back and you decide you want to
13 keep it --

14 MR. B. LEVIN: Come back with 300 bucks.

15 VICE CHAIR A. LONG: -- then you come back.
16 Probably you're looking at fine -- it may not be
17 300 -- I don't think it would be any more than
18 that, but this lady here, I think, might be
19 inclined less than that, but you make up your
20 mind what you want to do.

21 MR. B. LEVIN: I thank you for your time.

22 CHAIRMAN D. DUMEZICH: Our pleasure.

23 VICE CHAIR A. LONG: Take care.

24 CHAIRMAN D. DUMEZICH: Next person. Do I
25 hear a motion to continue the cause number?

1 VICE CHAIR A. LONG: Motion to continue
2 those two causes.

3 COMMISSION MEMBER B. BENNETT: Second.

4 CHAIRMAN D. DUMEZICH: Hearing no
5 discussion, motion to continue, all those in
6 favor, say aye?

7 THE COMMISSION: Aye.

8 CHAIRMAN D. DUMEZICH: Opposed, nay?

9 (No response.)

10 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
11 it. The motion to continue is granted. Yes,
12 sir.

13 MR. S. OLSON: Shawn Olson. Cause No.
14 2012-5694-54 and I'm here for Unhappy Taxpayers
15 for Shawn Olson.

16 CHAIRMAN D. DUMEZICH: What do you got,
17 guys?

18 MS. A. TAYLOR: It's Page 38. Mr. Chairman
19 and Members of the Commission. This is Unhappy
20 Taxpayers for Shawn Olson, Cause No.
21 2012-5694-54 for a delinquent 2011 annual
22 report. There's a proposed fine of \$300.44, and
23 this is the first violation.

24 CHAIRMAN D. DUMEZICH: Mr. Olson. I
25 complement you on your name.

1 MR. S. OLSON: Shawn Olson?

2 CHAIRMAN D. DUMEZICH: No, the Unhappy
3 Taxpayer.

4 COMMISSION MEMBER S. RIORDAN: Shawn Olson
5 is a nice name, too, but I like the Unhappy
6 Taxpayer.

7 MR. S. OLSON: I faxed a sheet down, my
8 campaign filing, which they gave me a copy of
9 from my fax machine saying that I faxed it.
10 They didn't receive it. And as soon as I got
11 the notice in the mail, I immediately faxed it
12 that same day. After I fax it, I make sure I
13 make a copy of it.

14 CHAIRMAN D. DUMEZICH: Okay.

15 MR. S. OLSON: So I faxed it -- as soon as
16 I got notice that it wasn't received, I faxed
17 another copy.

18 CHAIRMAN D. DUMEZICH: So did we ever
19 receive it; are we saying we didn't?

20 MS. M. THOMPSON: Yes, we received it.

21 MS. A. TAYLOR: A report.

22 VICE CHAIR A. LONG: I'm sorry, what page
23 are we on, I was looking through...

24 MS. M. THOMPSON: 38.

25 MS. A. TAYLOR: 38.

1 CHAIRMAN D. DUMEZICH: And it was
2 delinquent, so you're saying the first time you
3 faxed it, it was before the cutoff?

4 MR. S. OLSON: I faxed it on the due date
5 at 9:00o'clock on the 18th, and then I got a
6 notice, I think Monday, or whatever it was, that
7 same day I got it and I faxed it and I called
8 in -- usually, when I fax it, I call in to make
9 sure they got it, but and they were pretty busy
10 and I never got through and I needed to get to
11 work too, so...

12 CHAIRMAN D. DUMEZICH: Do you have any
13 indication that it was received on our side, on
14 the first side?

15 MR. S. OLSON: Just what I -- I sent it on
16 my fax machine.

17 VICE CHAIR A. LONG: Can you tell me which
18 one?

19 MR. S. OLSON: The last one at the bottom,
20 all the way at the bottom.

21 VICE CHAIR A. LONG: The last one on the
22 bottom, February 18th, but it was due --

23 MR. S. OLSON: No, that's January 18th.

24 VICE CHAIR A. LONG: It says at the
25 bottom -- doesn't that say...

1 CHAIRMAN D. DUMEZICH: February 18th.

2 MR. S. OLSON: That was -- that's the day I
3 sent it so my fax machine has got to be off.

4 CHAIRMAN D. DUMEZICH: Because this here
5 says January 18th.

6 VICE CHAIR A. LONG: And it's 233-6793, is
7 that us?

8 MS. M. THOMPSON: Yes.

9 VICE CHAIR A. LONG: It looks like it says
10 it's okay, and you all received it when?

11 MS. A. TAYLOR: January 23rd.

12 CHAIRMAN D. DUMEZICH: Second time.

13 VICE CHAIR A. LONG: And then you sent it
14 again?

15 MR. S. OLSON: As soon as I got the notice,
16 I sent it right in, another copy. I called that
17 same day and made sure they received it, too.

18 VICE CHAIR A. LONG: February 18.

19 CHAIRMAN D. DUMEZICH: You know what's
20 interesting is that the date on your fax machine
21 is screwed up.

22 MR. S. OLSON: I know. It's an old fax
23 machine.

24 CHAIRMAN D. DUMEZICH: Well, let's close
25 the record. I'll entertain a motion to reduce.

1 VICE CHAIR A. LONG: \$75 plus costs, that's
2 25 percent.

3 CHAIRMAN D. DUMEZICH: Motion on the floor
4 to reduce the fine to \$75, plus mailing costs,
5 for a total of \$75.44.

6 COMMISSION MEMBER B. BENNETT: Second.

7 CHAIRMAN D. DUMEZICH: Any discussion?

8 (No response.)

9 CHAIRMAN D. DUMEZICH: Hearing none, all in
10 favor of the reduction of \$75.44, indicate by
11 saying aye?

12 THE COMMISSION: Aye.

13 CHAIRMAN D. DUMEZICH: All opposed, nay?

14 (No response.)

15 CHAIRMAN D. DUMEZICH: The ayes have it.
16 Your fine has been reduced, sir. Anybody else
17 here for campaign finance? That's good we only
18 have two left. Hello.

19 MS. K. WISHALL: My cause number is
20 2012-5891-64. I am Kim Builta now known as
21 Wishall, W-I-S-H-A-L-L.

22 MS. A. TAYLOR: This is on Page 43. Mr.
23 Chairman and Members of the Commission, this is
24 Committee to Elect Kim Builta, Cause No.
25 2012-5891-64. This is the first time before the

1 board with a proposed fine of \$1,000.44.

2 CHAIRMAN D. DUMEZICH: Okay.

3 MS. K. WISHALL: When I ran for office, I
4 had a campaign manager. She's the one that
5 filed everything with the treasurer also, and I
6 got sick like three-quarters of the way through
7 the election and tried to finish out the
8 election.

9 She went ahead once -- the election was
10 finished, she went ahead and filed the annual
11 report. She was told to by -- and this is all
12 hearsay because I don't have anything on this, but
13 she was told to leave the extra \$151.65 in the
14 account until I made the decision to run again and
15 she understood nothing would need to be filed if no
16 money was going in or out. Evidently, that's not
17 correct.

18 The notice was sent on February 8th to my
19 office, then one again for this hearing was sent on
20 the -- I received it the 22nd of February. When I
21 received that notice on the 22nd, and by the way, I
22 didn't get the one from the 8th because of my
23 illness, I had not been to my office, they were
24 getting things in the mail and kind of putting it
25 aside when it said committee to elect, knowing I

1 wasn't running.

2 When I went in and was checking in with the
3 office, they gave me this. I immediately contacted
4 the committee and asked them to get the report
5 filed, and they did on the 22nd, and stated what I
6 had heard is what they understood, that no reports
7 was to be filed as long as no money moved. And
8 then I've asked them to call a meeting to dissolve
9 everything to close the accounts and get rid of it
10 so...

11 VICE CHAIR A. LONG: Is it closed now?

12 MS. K. WISHALL: It is not closed. They're
13 having a committee meeting next week, but I'm
14 not going to run so they need to close it. I'm
15 not released from the doctor yet.

16 VICE CHAIR A. LONG: What did you run for?

17 MS. K. WISHALL: State representative.

18 VICE CHAIR A. LONG: Curious.

19 CHAIRMAN D. DUMEZICH: Do you want to
20 continue it and see if it's closed?

21 VICE CHAIR A. LONG: That would have some
22 bearing, in my mind, if you get it closed, and
23 you heard us mention this to someone earlier.

24 MS. K. WISHALL: I know that they've
25 written the last check. They were told they

1 could write it to another committee and they've
2 written the last check to the Mike Pence
3 Committee and filed it on-line.

4 VICE CHAIR A. LONG: Mike Pence, we don't
5 want to dismiss it then.

6 CHAIRMAN D. DUMEZICH: Certainly, money is
7 going in the right direction.

8 MS. K. WISHALL: So they were waiting until
9 they -- and here's the information it. They
10 were waiting until that finalized before they
11 closed it so...

12 CHAIRMAN D. DUMEZICH: They're going to
13 have to file the reports.

14 MS. K. WISHALL: Right. They filed the one
15 and the next one is due in a year.

16 VICE CHAIR A. LONG: They can file the
17 report now and close it and it will be over.

18 MS. K. WISHALL: Okay. So as soon as this
19 clears, we file it to close it.

20 VICE CHAIR A. LONG: I would move that we
21 continue this to next meeting, and if it's all
22 closed out, as far as I'm concerned, then it's
23 done.

24 CHAIRMAN D. DUMEZICH: Do I hear a second
25 for a motion to continue?

1 COMMISSION MEMBER B. BENNETT: Second.

2 CHAIRMAN D. DUMEZICH: Any discussion?

3 (No response.)

4 CHAIRMAN D. DUMEZICH: Hearing none, all in
5 favor of the motion to continuing it, indicate
6 by saying aye?

7 THE COMMISSION: Aye.

8 CHAIRMAN D. DUMEZICH: All opposed, nay?

9 (No response.)

10 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
11 it and we continue it. If in fact you close
12 this and get all the paperwork by our next
13 meeting, then we will end up dismissing it.

14 MS. K. WISHALL: Thank you very much.

15 CHAIRMAN D. DUMEZICH: Sure. Hello, sir.

16 MR. R. HARDAWAY: Mr. Chairman and
17 Commission, my name is Richard Hardaway. My
18 cause number is 2012-6023-82, and I'm here for
19 Taxpayers for Hardaway.

20 CHAIRMAN D. DUMEZICH: Okay.

21 MS. A. TAYLOR: It's on Page 51?

22 VICE CHAIR A. LONG: 51?

23 MS. A. TAYLOR: Yes. Mr. Chairman and
24 Members of the Commission, this is Taxpayers for
25 Hardaway, Cause No. 2012-6023-82. It's the

1 first -- no, they paid a settlement agreement,
2 so this is the second violation, proposed fine
3 of \$400.44, and the committee is closed.

4 MR. R. HARDAWAY: This is the second fine,
5 second notice?

6 CHAIRMAN D. DUMEZICH: Settlement Agreement
7 1.

8 MS. A. TAYLOR: There was a settlement
9 agreement. I believe it was for a statement of
10 organization.

11 MR. R. HARDAWAY: For which one?

12 MS. A. TAYLOR: For statement of
13 organization, opening the committee.

14 CHAIRMAN D. DUMEZICH: So you had a
15 violation before and you didn't come in and
16 contest it, you merely paid it, so you have one
17 violation on your record for the settlement
18 agreement.

19 MR. R. HARDAWAY: Okay.

20 CHAIRMAN D. DUMEZICH: What did you run
21 for, sir?

22 MR. R. HARDAWAY: I beg your pardon?

23 CHAIRMAN D. DUMEZICH: What did you run
24 for?

25 MR. R. HARDAWAY: State rep. When was the

1 first one?

2 CHAIRMAN D. DUMEZICH: They're checking it,
3 sir.

4 MR. R. HARDAWAY: Oh, okay.

5 MS. A. TAYLOR: It was the statement of
6 organization.

7 CHAIRMAN D. DUMEZICH: And what was the
8 fine associated with that.

9 MS. A. TAYLOR: \$50.

10 MR. R. HARDAWAY: I don't remember paying a
11 \$50 fine.

12 CHAIRMAN D. DUMEZICH: Well, someone paid
13 it for you.

14 MR. R. HARDAWAY: I guess.

15 CHAIRMAN D. DUMEZICH: Okay. Tell us your
16 side of it?

17 MR. R. HARDAWAY: My side of it, sir, is
18 that in January of 2011, when I filed the
19 report, my treasurer had lost -- he had just
20 lost his son, and I thought when he filed, that
21 we were disbanding the committee. Then I get
22 the letter this year that we hadn't disbanded
23 the committee. The committee is disbanded.

24 CHAIRMAN D. DUMEZICH: Now it is disbanded?

25 MR. R. HARDAWAY: Yes, sir.

1 CHAIRMAN D. DUMEZICH: Close the record.

2 VICE CHAIR A. LONG: Motion to dismiss.

3 CHAIRMAN D. DUMEZICH: There's a motion on
4 the floor to dismiss, do I hear a second?

5 COMMISSION MEMBER B. BENNETT: Second.

6 CHAIRMAN D. DUMEZICH: Any discussion?

7 (No response.)

8 CHAIRMAN D. DUMEZICH: Hearing none, all in
9 favor of dismissing it, indicate by saying aye?

10 THE COMMISSION: Aye.

11 CHAIRMAN D. DUMEZICH: Opposed, nay?

12 (No response.)

13 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
14 it. Mr. Hardaway, you are done so, sir.

15 MR. R. HARDAWAY: Thank you, gentlemen, and
16 lady.

17 CHAIRMAN D. DUMEZICH: Sir, can we have
18 your name, please?

19 MR. E. POOL: My name is Earl Pool. I go
20 by Dan Pool, P-O-O-L, cause number is
21 2012-5994-76.

22 MS. A. TAYLOR: It's on Page 49. Mr.
23 Chairman and Members of the Committee, this is
24 Elect Dan Pool for State House, Cause No.
25 2012-5994-76. This is the first time before the

1 commission, proposed fine of \$50.44, and the
2 committee is closed.

3 VICE CHAIR A. LONG: And he filed it on the
4 18th?

5 MS. A. TAYLOR: Yes.

6 VICE CHAIR A. LONG: Due the 17th?

7 MS. A. TAYLOR: It was due the 18th at
8 noon.

9 VICE CHAIR A. LONG: Oh, at noon?

10 MS. A. TAYLOR: Yes.

11 VICE CHAIR A. LONG: Three hours late?

12 MR. E. POOL: Yes.

13 CHAIRMAN D. DUMEZICH: Okay.

14 MR. E. POOL: Mr. Chairman and Members of
15 the Commission, ran for the House back in 2010
16 and had the great opportunity to be plowed in
17 the rear end going to a campaign breakfast at
18 6:30 in the morning. A truck driver totaled out
19 my car and got hurt. So I can get around on my
20 cane. I take a lot of medication. I've got two
21 more surgeries to go through. Sometimes I can't
22 get around due to pain and that's why I was
23 three hours late so I ask that you to waive my
24 fee.

25 CHAIRMAN D. DUMEZICH: Okay, close the

1 record.

2 VICE CHAIR A. LONG: I move to dismiss.

3 CHAIRMAN D. DUMEZICH: Motion to dismiss,
4 do I hear a second?

5 COMMISSION MEMBER B. BENNETT: Second.

6 CHAIRMAN D. DUMEZICH: All in favor of
7 dismissing this cause, indicate by saying aye?

8 THE COMMISSION: Aye.

9 CHAIRMAN D. DUMEZICH: All opposed, nay?

10 (No response.)

11 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
12 it. It's dismissed. Hope you feel better, sir.

13 VICE CHAIR A. LONG: Good luck to you.

14 MR. E. POOL: Ya'll have a good day.

15 CHAIRMAN D. DUMEZICH: Good luck. State
16 your name.

17 MR. K. PATMORE: My name is Kevin Patmore,
18 P-A-T-M-O-R-E.

19 VICE CHAIR A. LONG: You're out of your
20 element.

21 MR. K. PATMORE: Yes, I am, Tony. How are
22 you?

23 VICE CHAIR A. LONG: It's good to see you
24 gain.

25 MR. K. PATMORE: It's good to see you.

1 MS. M. THOMPSON: Mr. Chairman, that's your
2 blue tab in the back. This is Koch Development
3 Corporation, Cause 12-127, contributed to the
4 House Republican Campaign Committee in the
5 amount of \$3,000. The House Republican
6 Committee did refund a thousand dollars. The
7 proposed civil penalty is three times the
8 amount.

9 CHAIRMAN D. DUMEZICH: Your side, sir.

10 MR. K. PATMORE: For those of you who don't
11 know, Koch Development Corporation is the
12 operator of Holiday World Splashin' Safari Water
13 Park, Santa Claus, Indiana.

14 VICE CHAIR A. LONG: Yeah, Kentucky
15 Kingdom.

16 MR. K. PATMORE: It is not the owner of
17 Kentucky Kingdom. Similar owners, but not
18 exactly the same owners.

19 VICE CHAIR A. LONG: Oh, it's not the same.

20 MR. K. PATMORE: It's the same family,
21 though.

22 VICE CHAIR A. LONG: Same family, okay.

23 MR. K. PATMORE: It is operated under a
24 different company, but yes, it soon will be
25 another theme part, but unfortunately, it is in

1 Kentucky though, Commonwealth of Kentucky.

2 The reason for this violation, Koch
3 Development Corporation, both corporately and
4 individual owners and family are regular
5 contributors to a number of candidate, committees,
6 PACs; unfortunately, on June 13th of 2010, the
7 chief executive officer, chief operating officer,
8 William Koch, unexpectedly died in his pool at age
9 49.

10 He was the guy who basically handled
11 everything, including keeping track of whether they
12 could make individual donations and corporate
13 donations and how those were managed. His brother
14 had to come back. His brother is an attorney in
15 Miami, Florida, in order to assume operations, that
16 even today, it still has thrown a monkey wrench in
17 the operations of the company.

18 So it was simply an oversight that apparently
19 the Republican Caucus sent out another request for
20 a donation and it was answered as it normally was
21 and it was simply a matter of an oversight. Sorry
22 about that.

23 VICE CHAIR A. LONG: Was this a single
24 donation?

25 MR. K. PATMORE: I believe it was just

1 another \$1,000.

2 VICE CHAIR A. LONG: Will had already given

3 it --

4 MR. K. PATMORE: Yeah, they had given it.

5 VICE CHAIR A. LONG: -- before he passed?

6 MR. K. PATMORE: Yes. He had already made
7 the donations and then they got another
8 solicitation and sent in another thousand dollar
9 check.

10 VICE CHAIR A. LONG: I can remember Bill
11 Koch. It was a real tragedy. People thought he
12 may have been a diabetic?

13 MR. K. PATMORE: Yes, he was a diabetic.

14 CHAIRMAN D. DUMEZICH: Let's close the
15 record here and entertain a motion.

16 VICE CHAIR A. LONG: I would move to waive
17 the penalty.

18 CHAIRMAN D. DUMEZICH: Motion waived, do I
19 hear a second?

20 COMMISSION MEMBER B. BENNETT: Second.

21 CHAIRMAN D. DUMEZICH: Hearing a second,
22 any discussion?

23 (No response.)

24 CHAIRMAN D. DUMEZICH: Hearing none, all in
25 favor of the motion to waive the fines, indicate

1 by saying aye?

2 THE COMMISSION: Aye.

3 CHAIRMAN D. DUMEZICH: All opposed, nay?

4 (No response.)

5 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
6 it, and the fine has been waived.

7 MR. K. PATMORE: Thank you very much. We
8 appreciate it.

9 MR. D. FROMMEYER: It's Cause No.
10 2012-4207-26. It's the Indiana Association of
11 Mortgage Brokers Political Action Committee.
12 I'm Don Frommeyer, F-R-O-M-M-E-Y-E-R.

13 MS. A. TAYLOR: Page 24. Mr. Chairman and
14 Members of the Commission, this is Indiana
15 Association of Mortgage Brokers Political Action
16 Committee, Cause No. 2012-4207-26. This
17 committee has been before the board several
18 times, proposed fine of \$300.44, and the
19 committee is closed.

20 CHAIRMAN D. DUMEZICH: Sir.

21 MR. D. FROMMEYER: Being in front of the
22 committee several times is news to me. I'm the
23 past president of the Indiana Association of
24 Mortgage Brokers. I was president in 2005. The
25 actual Association of the Mortgage Brokers and

1 the PAC have been dismissed. They no longer
2 exist in the State of Indiana.

3 And I actually am the national association
4 mortgage brokers president trying to come in and
5 clean this up. I've worked with the committee the
6 last times to get it filed, but I don't get the
7 information until after someone else receives it
8 because I think that you guys have the wrong
9 address originally and so now it is actually coming
10 to my office in Carmel.

11 The gentleman that used to be the treasurer,
12 Mr. Ridgeway, is the one that receives the
13 information, but when he's in there, he'll give it
14 to me, but he doesn't always come into the office,
15 but we have closed it out. I did work with the
16 ladies to get this thing finalized in January.

17 CHAIRMAN D. DUMEZICH: Close the record.

18 VICE CHAIR A. LONG: Sure. They have no
19 money so we'll just waive it.

20 MR. D. FROMMEYER: It has no money.

21 CHAIRMAN D. DUMEZICH: Motion on the floor
22 to waive the penalty, do I hear a second?

23 COMMISSION MEMBER B. BENNETT: Second.

24 CHAIRMAN D. DUMEZICH: Hearing a second,
25 any discussion?

1 (No response.)

2 CHAIRMAN D. DUMEZICH: Hearing none, all in
3 favor of waiving the penalty, indicate by saying
4 aye?

5 THE COMMISSION: Aye.

6 CHAIRMAN D. DUMEZICH: All opposed, nay?

7 (No response.)

8 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
9 it.

10 MR. D. FROMMEYER: Thank you for your time.

11 CHAIRMAN D. DUMEZICH: Sir.

12 MR. B. GADAU: My name is Bart Gadau,
13 G-A-D-A-U, and I'm with the Libertarian Party of
14 Vanderburgh County.

15 CHAIRMAN D. DUMEZICH: You're with the
16 what, I'm sorry?

17 MR. B. GADAU: Libertarian Party of
18 Vanderburgh County, Cause No. 2012-6204-126.

19 CHAIRMAN D. DUMEZICH: Let's see what the
20 staff has to say. Ladies.

21 MS. A. TAYLOR: It's on Page 74. Mr.
22 Chairman and Members of the Commission, this is
23 the Libertarian Party of Vanderburgh County,
24 Cause No. 2012-6204-126. This is the first time
25 before the commission, proposed fine of

1 \$1,000.44, and the report has not been filed.

2 VICE CHAIR A. LONG: Is it a pre-election
3 report?

4 MR. B. GADAU: We had filed that.

5 VICE CHAIR A. LONG: If they had an annual,
6 wouldn't that be filed, wouldn't that be due
7 also?

8 MS. A. TAYLOR: This is the pre-elect, not
9 the annual. The annual is not due until next
10 week --

11 MR. B. GADAU: The annual is due March 1st.

12 MS. A. TAYLOR: -- so they have not yet
13 filed.

14 MR. B. GADAU: I had sent in for that first
15 one.

16 MS. M. THOMPSON: We don't have it.

17 MR. B. GADAU: You don't have any record of
18 that?

19 MS. M. THOMPSON: No.

20 MR. B. GADAU: What happened is we were
21 re-affiliating the party in Vanderburgh County
22 with the state party, and we did that on
23 September 7th, and I believe the end of the
24 quarter was September 31st, in which our
25 treasurer didn't realize that he needed to file

1 at that time because it was at the very end of
2 the quarter, which is why he hadn't.

3 Then I received in the mail something that
4 said that it had been past due for the full amount
5 of time and we had the thousand dollar fine. So I
6 called into the Election Division and they said to
7 file it right away, and then I would get the -- you
8 know, the notice to come to the meeting, which is
9 what I did. I filled out the form myself and then
10 had the treasurer sign it and send it in.

11 VICE CHAIR A. LONG: How did you file it?

12 MR. B. GADAU: We sent it through the mail.

13 VICE CHAIR A. LONG: When?

14 MR. B. GADAU: It was right after we got
15 the letter so it would have been October, mid
16 October.

17 COMMISSION MEMBER B. BENNETT: Do you have
18 a copy of it?

19 MR. B. GADAU: Not with me because I
20 assumed that it was filed.

21 COMMISSION MEMBER B. BENNETT: Do you have
22 a copy at the office?

23 MR. B. GADAU: I believe so.

24 VICE CHAIR A. LONG: I think it would be
25 probably in your best interest to ask us to

1 continue it. We're not inclined to do anything
2 on outstanding reports.

3 CHAIRMAN D. DUMEZICH: So what do you say
4 we continue, and when you get this thing filed,
5 we'll work it out. Do I hear a motion to
6 continue?

7 VICE CHAIR A. LONG: So moved.

8 CHAIRMAN D. DUMEZICH: Second?

9 COMMISSION MEMBER B. BENNETT: Second.

10 CHAIRMAN D. DUMEZICH: Hearing a second,
11 any discussion?

12 (No response.)

13 CHAIRMAN D. DUMEZICH: Hearing none,
14 there's a motion to continue, all in favor,
15 indicate by saying aye?

16 THE COMMISSION: Aye.

17 CHAIRMAN D. DUMEZICH: All opposed, nay?

18 (No response.)

19 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
20 it. The motion is continued.

21 VICE CHAIR A. LONG: Do you know the young
22 man's state of the state organization?

23 MR. B. GADAU: Do what?

24 VICE CHAIR A. LONG: The state organization
25 in Vanderburgh, I can't think of his name right

1 off.

2 MR. B. GADAU: Frank Findley, maybe.

3 VICE CHAIR A. LONG: I don't think that's
4 it. I'm from Bloomberg, so he's nice guy.

5 CHAIRMAN D. DUMEZICH: Anyone else,
6 campaign finance -- what's your name, sir?

7 MR. D. CROSSLEY: Don Crossley,
8 C-R-O-S-S-L-E-Y, Cause is 6073-91.

9 MS. A. TAYLOR: It's a Page 56. Mr.
10 Chairman and Members of the Commission, this is
11 Don Crossley for State Senate. This is first
12 time before the board, Cause No. 2012-6073-91.

13 VICE CHAIR A. LONG: What's the page?

14 MS. A. TAYLOR: 56.

15 VICE CHAIR A. LONG: Oh, I thought you said
16 66.

17 MS. A. TAYLOR: Proposed fine of \$350.44
18 and the committee is closed.

19 MR. D. CROSSLEY: I'm asking for
20 forgiveness on the penalty. In January '11, I
21 intended to close, and I inadvertently checked
22 the wrong box and checked annual instead of
23 disband and -- because I called and talked to
24 the girls, which have been very good, and they
25 made sure I had all three bottom lines zeroed,

1 and I did, and I sent it and I checked the wrong
2 box. As soon as I got the letter, I immediately
3 corrected it and sent a fax in.

4 CHAIRMAN D. DUMEZICH: And it's now closed;
5 right?

6 MR. D. CROSSLEY: Yes.

7 MS. A. TAYLOR: Yes.

8 CHAIRMAN D. DUMEZICH: Close the record.

9 VICE CHAIR A. LONG: Motion to waive.

10 CHAIRMAN D. DUMEZICH: Motion on the floor
11 to waive.

12 COMMISSION MEMBER B. BENNETT: Second.

13 CHAIRMAN D. DUMEZICH: Hearing a second,
14 any discussion?

15 (No response.)

16 CHAIRMAN D. DUMEZICH: All in favor of
17 waiving it, indicate by saying aye?

18 THE COMMISSION: Aye.

19 CHAIRMAN D. DUMEZICH: All opposed, nay?

20 (No response.)

21 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
22 it.

23 MR. D. CROSSLEY: Have a good evening.

24 Thank you.

25 CHAIRMAN D. DUMEZICH: You, too.

1 MS. A. TAYLOR: We have got several
2 committees who have asked for continuances.
3 What order do you want to do these in?

4 CHAIRMAN D. DUMEZICH: Let's do any
5 administrative dissolutions and continuances and
6 let's do them all at once.

7 MS. A. TAYLOR: Okay. We've got several
8 committees asking for a continuance.

9 VICE CHAIR A. LONG: Are they all first
10 time requests?

11 MS. A. TAYLOR: Yes.

12 CHAIRMAN D. DUMEZICH: And how many?

13 MS. A. TAYLOR: Ten.

14 CHAIRMAN D. DUMEZICH: All I can say is
15 thank, God, they didn't show up today.

16 MS. A. TAYLOR: One of them was here this
17 morning but has since left to go to work.

18 VICE CHAIR A. LONG: I would move -- if you
19 would read them in the record, I would make the
20 motion of continuance.

21 COMMISSION MEMBER B. BENNETT: I second the
22 motion.

23 CHAIRMAN D. DUMEZICH: Hearing a motion and
24 seconded for continuances, any discussion?

25 (No response.)

1 CHAIRMAN D. DUMEZICH: Hearing none, all in
2 favor of continuing the following cause numbers,
3 indicate by saying aye?

4 THE COMMISSION: Aye.

5 MS. A. TAYLOR: The Cause numbers are
6 2012-4381-29; 2012-5624-350; 2012-6009, missing
7 the last number; 2012-6010-79; 2012-6117-95;
8 2012-6070-90; 2012-5398-41; 2012-6123-98;
9 2012-6123-124; 2012-5715-55; and 2012-5952-72.

10 CHAIRMAN D. DUMEZICH: Okay. So now we
11 have dissolutions; correct?

12 MS. A. TAYLOR: We have several
13 dissolutions, and we also have two committees
14 that Michelle and I would like to ask you to
15 dismiss because they were errors on our part.

16 CHAIRMAN D. DUMEZICH: I am shocked to hear
17 that.

18 VICE CHAIR A. LONG: All these years you
19 finally made a mistake.

20 MS. A. TAYLOR: Well, it took us long
21 enough, didn't it?

22 CHAIRMAN D. DUMEZICH: That's the first
23 time I remember that happening. Two times in
24 five years.

25 MS. A. TAYLOR: What do you want to do

1 first, where we screwed up?

2 CHAIRMAN D. DUMEZICH: Your choice.

3 MS. A. TAYLOR: Let's do where we screwed
4 up.

5 CHAIRMAN D. DUMEZICH: Okay, let's do your
6 screw ups.

7 MS. A. TAYLOR: American Party of Indiana,
8 Cause No. 2012-372-104 and Crawfordsville
9 Professional FireFighters PAC, Cause No.
10 2012-5467-117.

11 VICE CHAIR A. LONG: What are these?

12 MS. A. TAYLOR: These are the ones where we
13 screwed up. They filed their report likely on
14 time, but it was deposited in the mail with
15 voter registration applications. Voter
16 registration applications at that time were at
17 the time after the deadline so campaign finance
18 got put in with voter registration and we just
19 found it a week after our deadline.

20 VICE CHAIR A. LONG: Move to dismiss.

21 CHAIRMAN D. DUMEZICH: Motion to dismiss,
22 second?

23 COMMISSION MEMBER B. BENNETT: Second.

24 CHAIRMAN D. DUMEZICH: Any discussion?

25 (No response.)

1 CHAIRMAN D. DUMEZICH: Hearing none, all in
2 favor of dismissing the two causes of action
3 where they were previously injured by our staff,
4 indicate by saying aye?

5 VICE CHAIR A. LONG: Before we vote, should
6 we dismiss those or expunge those? Somebody's
7 going to see that down the road and think they
8 had a violation filed and it was dismissed, then
9 that would get them kicked out of...

10 MS. A. TAYLOR: Yeah, probably. One of
11 them is late all...

12 CHAIRMAN D. DUMEZICH: Well, let's just
13 dismiss and then say expunge for the record.

14 VICE CHAIR A. LONG: Motion to dismiss.

15 CHAIRMAN D. DUMEZICH: Okay, motion to
16 dismiss, all in favor say aye?

17 THE COMMISSION: Aye.

18 CHAIRMAN D. DUMEZICH: All opposed, nay?

19 (No response.)

20 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
21 it.

22 VICE CHAIR A. LONG: I move we expunge it
23 from the records just for administrative
24 purposes.

25 CHAIRMAN D. DUMEZICH: Motion to expunge

1 for administrative purpose.

2 COMMISSION MEMBER B. BENNETT: Second.

3 CHAIRMAN D. DUMEZICH: Seconded, any
4 discussion?

5 (No response.)

6 CHAIRMAN D. DUMEZICH: Hearing none, all in
7 favor of the motion to expunge, indicate by
8 saying aye?

9 THE COMMISSION: Aye..

10 CHAIRMAN D. DUMEZICH: Nay -- all those
11 opposed, say nay?

12 (No response.)

13 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
14 it. Please expunge those. Don't ever do it
15 again.

16 COMMISSION MEMBER S. RIORDAN: Shouldn't it
17 always be expunged every time it's dismissed or
18 do those -- because we dismissed one today, and
19 then they come up later, does...

20 MS. A. TAYLOR: It still shows it.

21 CHAIRMAN D. DUMEZICH: The ones that we're
22 dismissing are people that have closed their
23 campaign, or when we're dismissing it, they're
24 not there anymore.

25 COMMISSION MEMBER S. RIORDAN: Or what

1 about the guy with the wrong fax number or fax
2 date, sometimes there's still -- is he still
3 operational or not?

4 CHAIRMAN D. DUMEZICH: Yeah, he wasn't
5 operational.

6 COMMISSION MEMBER S. RIORDAN: It seems to
7 me if they're dismissed, then they shouldn't
8 be...

9 CHAIRMAN D. DUMEZICH: Well, but sometimes
10 we just cut people breaks by dismissing those,
11 so you know, those guys, we want to have a
12 record.

13 VICE CHAIR A. LONG: I'm thinking in my
14 mind, instead of dismissing them, we wait ten
15 days before they're dismissed, and wait until
16 the next meeting, then let that one go away,
17 period, and then if we waive it, then it would
18 be...

19 CHAIRMAN D. DUMEZICH: After ten years of
20 doing this, you just decide?

21 VICE CHAIR A. LONG: Yeah, 15, I think.

22 COMMISSION MEMBER B. BENNETT: Let's not go
23 back and correct them all. Let's move forward.

24 CHAIRMAN D. DUMEZICH: Okay. Anybody else
25 for campaign finance report?

1 MS. M. THOMPSON: Mr. Chairman, the list I
2 just gave you are committees that can be
3 administratively dissolved and have not filed a
4 report in three years and have a balance of less
5 than \$1,000.

6 CHAIRMAN D. DUMEZICH: Great Lakes
7 Community Investment PAC, Tim Stewart
8 Libertarian Campaign, Campbell for Senate,
9 Sweeney for State Representative Committee,
10 Jordan for State Senator Committee, Northern
11 Indiana College Democrats, Committee to Elect
12 Fletcher 2008 and Beeles for State Senator
13 Committee; correct?

14 MS. M. THOMPSON: Yes.

15 VICE CHAIR A. LONG: Move to disband those
16 committees.

17 CHAIRMAN D. DUMEZICH: Motion on the floor
18 to dissolve those committee?

19 VICE CHAIR A. LONG: Oh, dissolve, I'm
20 sorry. I said disband.

21 COMMISSION MEMBER B. BENNETT: Second, but
22 I have a question, I guess, for discussion; what
23 happens to the money in those campaigns if it's
24 dissolved?

25 MS. M. THOMPSON: Nothing. It's less than

1 a thousand bucks.

2 CHAIRMAN D. DUMEZICH: Less than a thousand
3 bucks that's out there and they're not coming in
4 and they're not filing.

5 MS. A. TAYLOR: I would safely say most of
6 these seven have reported zeros since the
7 beginning of time, if they have ever filed
8 anything. I believe one of them has \$56 in it
9 and that's the highest.

10 CHAIRMAN D. DUMEZICH: So when you said a
11 thousand, that was just a...

12 MS. M. THOMPSON: That's by law.

13 MS. A. TAYLOR: That's by law. So it's got
14 to be less a thousand.

15 CHAIRMAN D. DUMEZICH: And so in these
16 instances, we're talking zero?

17 MS. A. TAYLOR: Yeah, we're talking mostly
18 zeros. One, I think, had \$56 and some change.

19 CHAIRMAN D. DUMEZICH: If there's no more
20 discussion...

21 VICE CHAIR A. LONG: How much are you going
22 to get?

23 MS. A. TAYLOR: What?

24 CHAIRMAN D. DUMEZICH: Send the attorney
25 general out after him?

1 MS. A. TAYLOR: I've been trying.

2 CHAIRMAN D. DUMEZICH: There's a motion,
3 all in favor of dissolving these seven
4 committees, indicate by -- indicate so by voting
5 aye?

6 THE COMMISSION: Aye.

7 CHAIRMAN D. DUMEZICH: All opposed, nay?

8 (No response.)

9 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
10 it. The committees are dissolved.

11 VICE CHAIR A. LONG: What about all the
12 other committees?

13 CHAIRMAN D. DUMEZICH: What about our
14 defaults?

15 VICE CHAIR A. LONG: Our defaults. Do you
16 want to do them one at a time or do you just
17 want to make a blanket motion that they get the
18 proposed fines if they didn't show up today?

19 CHAIRMAN D. DUMEZICH: Yeah, anybody that
20 didn't show up today -- I'll entertain a motion
21 for anybody that did not show up today and get a
22 continuance that the proposed fine be imposed?

23 VICE CHAIR A. LONG: So moved.

24 COMMISSION MEMBER B. BENNETT: Second.

25 CHAIRMAN D. DUMEZICH: Any discussion?

1 (No response.)

2 CHAIRMAN D. DUMEZICH: Hearing none,
3 anybody who did not show up today and did not
4 have a motion to continue, all in favor of
5 proposing the standard fine on those parties,
6 indicate by saying aye?

7 THE COMMISSION: Aye.

8 CHAIRMAN D. DUMEZICH: All opposed, nay?

9 (No response.)

10 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
11 it, and we propose fines on anyone who did not
12 show today. And the highlight of our day, just
13 because you're last, VSTOP. Tell us all about
14 it.

15 VICE CHAIR A. LONG: You lost one
16 somewhere. Did you send him back?

17 MR. R. SCHEELE: There's an old saying
18 about professors, some of them have to teach, so
19 Dr. Bagga had to go back to go class. Mr.
20 Chairman and Commissioners, our report for today
21 from the VSTOP program, you should have the
22 materials in your packet. I think we can come
23 to the end of a couple of long roads here today.

24 The first one that we'd like to take up is the
25 ES&S System, which is the Unity 3.2.1.0. This is

1 the new certification that we have been discussing
2 for not quite a year.

3 We first tested this in May of 2011 on campus
4 and then we -- there were some difficulties with
5 that system with a particular component of it which
6 was the DS200, which we've been monitoring for the
7 ensuing months, and finally, as you may recall, at
8 our last IEC meeting, when this was discussed,
9 there was a request by ES&S to go ahead and certify
10 the entire system, but we were not quite ready to
11 do that because of the problems that the DS200
12 caused.

13 We have been monitoring this ever since. We
14 have been in touch, and they've been very
15 cooperative with ES&S, and today, we are finding
16 that without the DS200, using only the M100
17 counter, that we find that -- our research finding
18 is that all of the terms of the State requirements
19 are met by this particular system, that's the
20 3.2.1.0 with only the M100 component.

21 We've checked with all the other states that
22 use this system so our research on this has been
23 pretty extensive. We have been in touch
24 continually with the Election Assistance Commission
25 in Washington. They agree with this. The fact is

1 they think this is a way of handling this problem
2 with the DS200. ES&S is also very, I think,
3 satisfied with this approach.

4 We talked extensively with the election
5 co-directors about the nomenclature on this. What
6 we wanted to avoid on this particular system was a
7 special Indiana designation that somehow this would
8 be a different number than ES&S in other states.
9 We've rectified that simply with a stipulation that
10 it's still going to be the 3.2.1.0, and that will
11 be the vendors' numbers for all these units across
12 the country that they market, and the only
13 stipulation is that it would not be with the DS200
14 in Indiana. We'll answer any questions.

15 VICE CHAIR A. LONG: I'll savor this for a
16 little bit.

17 MR. R. SCHEELE: Sure.

18 CHAIRMAN D. DUMEZICH: Staff comments?

19 MR. T. DECKARD: Mr. Chairman and Mr. Vice
20 Chair and Members of the Commission, I
21 appreciate VSTOP for their work on this
22 (indiscernible), and I feel comfortable with the
23 recommendation, and we certainly appreciate...

24 MR. B. KING: Mr. Chairman and Members of
25 the Commission, I'd just like to add that we

1 appreciate all the efforts the VSTOP has made,
2 and particularly, keeping the co-directors
3 informed of progress on a regular basis, and I
4 do join in that recommendation.

5 VICE CHAIR A. LONG: You're recommending
6 this application, and I'm not sure I'm referring
7 to it properly.

8 MR. R. SCHEELE: It's this report on
9 Application for Voting System Certification.

10 VICE CHAIR A. LONG: That's what I'm
11 looking at?

12 MR. R. SCHEELE: Yeah, this is the one.

13 VICE CHAIR A. LONG: You're recommending
14 that that be approved?

15 MR. R. SCHEELE: Correct.

16 VICE CHAIR A. LONG: That system as
17 described therein be certified?

18 MR. R. SCHEELE: Correct.

19 VICE CHAIR A. LONG: With the identities
20 and special provisions as provided therein?

21 MR. R. SCHEELE: Correct.

22 VICE CHAIR A. LONG: I'll make that motion.

23 COMMISSION MEMBER B. BENNETT: Second.

24 CHAIRMAN D. DUMEZICH: I have a second, any
25 discussion?

1 (No response.)

2 VICE CHAIR A. LONG: Just so I'm clear,
3 this is the new system they were...

4 MR. R. SCHEELE: This is a new system,
5 correct, that's never been sold in Indiana
6 before.

7 VICE CHAIR A. LONG: And this will -- okay.

8 CHAIRMAN D. DUMEZICH: There's a motion on
9 the floor to approve the application for the...

10 VICE CHAIR A. LONG: New certification.

11 CHAIRMAN D. DUMEZICH: New certification,
12 date of the application is December 27th, 2011,
13 and it's the Unity 3.2.1.0 System?

14 MR. R. SCHEELE: Correct.

15 VICE CHAIR A. LONG: Incorporating all
16 the -- whatever staff gave us, the numbers and
17 the references in the motion?

18 MR. R. SCHEELE: Correct. The hardware,
19 software and firmware on this sheet is identical
20 to the application that is on file with the
21 Indiana Election Division.

22 CHAIRMAN D. DUMEZICH: There's a motion on
23 the floor to approve the system, indicate by
24 saying aye?

25 THE COMMISSION: Aye.

1 CHAIRMAN D. DUMEZICH: All opposed, nay?

2 (No response.)

3 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
4 it, and the ES&S system is hereby approved,
5 okay.

6 MR. R. SCHEELE: Secondly, we have some
7 ECOs, those are engineering change orders, on
8 the system of Unisyn. If you recall how we do
9 this, we simply have the formal document on
10 front and then we give you a description of each
11 of the change orders.

12 These are changes to the previously certified
13 Unisyn system, and we follow our ECO protocol that
14 the IEC has passed and certified in the past and
15 coming to you then with our recommendation that we
16 have researched each of these, according to the
17 protocol, and find that they are either diminimus
18 or non-diminimus, and if they are non-diminimus,
19 that is a major change, then indeed, we go even
20 further into the research.

21 But we would further recommend that the IEC go
22 ahead and approve these three for the Unisyn
23 OpenElect System 1.0.1, the long one there, and
24 then the two other ones the bottom. Some of these
25 are very minimal. It's like a plastic ballot box

1 instead of a metal ballot box so they really don't
2 go to the functionality of the system.

3 VICE CHAIR A. LONG: I would move we
4 approve the engineering change orders for the
5 Unisyn OpenElect 1.0.1, CFAC 1001, and ECO,
6 that's an engineering change order, 16877; is
7 that the proper reference?

8 MR. R. SCHEELE: Correct.

9 CHAIRMAN D. DUMEZICH: Motion on the floor
10 to approve ECO Unisyn OpenElect 1.0.1, CFAC 1001
11 and ECO 16877, is there a second?

12 COMMISSION MEMBER B. BENNETT: Second on
13 the motion.

14 CHAIRMAN D. DUMEZICH: Any discussion?

15 (No response.)

16 CHAIRMAN D. DUMEZICH: Hearing none, all in
17 favor of bringing the motion to approve these
18 ECOs, indicate by saying aye?

19

20 THE COMMISSION: Aye.

21 CHAIRMAN D. DUMEZICH: Opposed, nay?

22 (No response.)

23 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
24 it. The ECOs are approved.

25 MR. R. SCHEELE: Thank you. And finally,

1 the MicroVote system that we've been discussing
2 many months as well. What we have done here is
3 provided you with a report that has the
4 timeline, again, that has been updated since the
5 last time line you received, which I believe was
6 the December 5th meeting, and also we have
7 provided you -- you'll recall what was at stake
8 here with the MicroVote system, were these
9 receptor panels that they wanted place and
10 market on their existing equipment and the new
11 machines that they were going to market, and we
12 consequently asked MicroVote to provide us with
13 those panels that they have in inventory and to
14 test them against any existing panel because
15 they said that they were identical.

16 And it's not that we didn't trust them -- in
17 fact, we trust what the vendors tell us, but
18 there's that old line about trust but verify, and
19 that's our job to verify some of these facts.
20 MicroVote was very cooperative and they sent two of
21 their inventory panels to Wyle Lab after we had
22 touched base with the lab.

23 The county clerk of Delaware County, Muncie,
24 Indiana, which is a MicroVote county, took an
25 existing random selection panel off of one of their

1 machines and shipped it to Wyle, and that's the
2 test reports that you have here.

3 And if you'll go at the top of the pages,
4 there's page numbers, but if you'll go to Page No.
5 7 of 7, which is the last -- where they report test
6 findings and results. The previous six pages
7 describe the tests that they underwent.

8 These are VP-1 Infinity Voting panels, as
9 you'll recall, and you'll see in the first
10 paragraph there under the test findings and results
11 that the voting panels submitted by MicroVote do
12 appear physically identical to the VP-1 Infinity
13 voting panels submitted by Delaware County, except
14 for the one following noted de minimis difference.

15 CHAIRMAN D. DUMEZICH: We're on the edge of
16 our seats.

17 MR. R. SCHEELE: The de minimis is that the
18 panel in the field had a 16-bit memory card and
19 the inventory ones that they sent had an 8-bit
20 card. Now consequently, Wyle looked at those
21 cards -- these are the ones that store the
22 information, okay, and there's two main types,
23 but the number of votes that have ever been cast
24 on that panel and then the number of votes in
25 that particular election.

1 CHAIRMAN D. DUMEZICH: So they went from 8
2 to 16?

3 MR. R. SCHEELE: Correct.

4 CHAIRMAN D. DUMEZICH: They didn't go from
5 16 to 8?

6 MR. R. SCHEELE: No.

7 CHAIRMAN D. DUMEZICH: So it was an
8 enhancement?

9 MR. R. SCHEELE: It was an enhancement,
10 correct.

11 CHAIRMAN D. DUMEZICH: They made it
12 better -- perfect.

13 MR. R. SCHEELE: Correct. And we asked
14 MicroVote in an e-mail as to whether or not they
15 were going to market in Indiana just the 8 or
16 the 16 or both? The answer to us is they would
17 be marketing both. It's a de minimis change and
18 it's just a question of the capacity of the
19 cards, we see no problem and neither does Wyle
20 Lab.

21 CHAIRMAN D. DUMEZICH: We'll take your
22 recommendation. You don't know how happy we are
23 to hear this.

24 MR. R. SCHEELE: Well, we are, too.

25 CHAIRMAN D. DUMEZICH: Because my county

1 sent me a letter saying they needed these
2 machines, otherwise, I was going to be
3 responsible for disenfranchising the people.

4 VICE CHAIR A. LONG: That's the kindest
5 things that's been said about you today.

6 MR. R. SCHEELE: Yes. I know this is
7 important about half value of our counties.

8 VICE CHAIR A. LONG: What's the motion that
9 needs to be done?

10 MR. R. SCHEELE: The...

11 CHAIRMAN D. DUMEZICH: Go ahead and approve
12 the MicroVote...

13 MR. R. SCHEELE: Yeah, you approve these
14 VP-1 Infinity panels for MicroVote.

15 CHAIRMAN D. DUMEZICH: For distribution in
16 the State of Indiana?

17 MR. R. SCHEELE: Correct.

18 VICE CHAIR A. LONG: So moved.

19 CHAIRMAN D. DUMEZICH: Second?

20 COMMISSION MEMBER B. BENNETT: Second.

21 CHAIRMAN D. DUMEZICH: Motion on the floor
22 to approve the MicroVote distribution panels for
23 distribution in Indiana, all in favor of the
24 motion?

25 THE COMMISSION: Aye.

1 CHAIRMAN D. DUMEZICH: All opposed, nay?

2 (No response.)

3 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
4 it. MicroVote system can sell this system in
5 Indiana.

6 VICE CHAIR A. LONG: I just don't know how
7 you got this down without Dr. Bagga.

8 MR. R. SCHEELE: Neither do I.

9 CHAIRMAN D. DUMEZICH: Maybe it's been his
10 fault all along.

11 VICE CHAIR A. LONG: I blame him for all
12 this, that's right.

13 MR. R. SCHEELE: That's the end of our
14 report and thank you very much.

15 CHAIRMAN D. DUMEZICH: Thank you. That's
16 it.

17 VICE CHAIR A. LONG: Motion to adjourn.

18 CHAIRMAN D. DUMEZICH: Yeah, motion to
19 adjourn.

20 COMMISSION MEMBER S. RIORDAN: Second.

21 VICE CHAIR A. LONG: Second, third and
22 fourth.

23 CHAIRMAN D. DUMEZICH: There's a motion
24 adjourn, all in favor, indicate by saying aye?

25 THE COMMISSION: Aye.

1 CHAIRMAN D. DUMEZICH: All opposed?

2 (No response.)

3 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
4 it. The Indiana Election Commission meeting is
5 adjourned.

6 (Time noted: 3:18 p.m.)

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1 STATE OF INDIANA)
) SS:
2 COUNTY OF MARION)

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4 I, Rhonda J. Hobbs, RPR, and a Notary Public
5 and Stenographic Reporter within and for the County
6 of Hendricks, State of Indiana at large, do hereby
7 certify that on the 24th day of February, 2012, I
8 took down in stenograph notes the foregoing
9 proceedings;

10 That the transcript is a full, true and
11 correct transcript made from my stenograph notes.

12 IN WITNESS WHEREOF, I have hereunto set
13 my hand and affixed my notarial seal this _____
14 day of December, 2012.

15

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N O T A R Y P U B L I C

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19 My Commission Expires:
August 24, 2017
20 County of Residence:
Hendricks County

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