Indiana Election Commission
Minutes
August 18, 2017

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

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

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

Others Attending: Dr. Jay Bagga and Dr. Bryan Byers, Voting System Technical Oversight Program (VSTOP); Mr. Dan Ball; Ms. Leslie Barnes; Mr. Philip Bennett; Mr. Dan Cruz; Mr. Evan Demaree; Mr. Robert Deppert; Mr. Daniel Douglass; Mr. William M. Ehret; Mr. Jeff Embry; Mr. Graham Fishell; Mr. Rick Gill; The Hon. Randy Head, Indiana State Senator; Ms. Lacy Hollings; Ms. Brenna McDonald; Mr. Bradford Moulton; Mr. Jeff Murray; Mr. Dale Nowlin; Mr. Matt Owen; Ms. Rebecca Philps; Ms. Tracy Phillips; Mr. Andy Pickell; Mr. Ian Piper; Mr. Kevin Rogers; The Hon. John Ruckelshaus, Indiana State Representative; Mr. Roy Saenz; Mr. Michael Scott; Mr. James Shelton; Mr. Lawrence Shouse; Mr. Don Shuler; Mr. Farley Smith; Ms. Vicky Sorensen; Mr. Matthew Swenkofiske; Ms. Danielle Taylor; The Hon. Greg Taylor, Indiana State Senator; Mr. Andy Talarzyk; Ms. Aurea Torres; Mr. Franklyn Voorhies; Mr. Scott Willis; Ms. Corinne Youngs; Mr. Shane Zoellner.

1. Call to Order:

The Chair called the August 18, 2017 meeting of the Commission to order at 1:33 p.m. EDT in the Indiana Government Center South Conference Center, Room B, 402 West Washington Street, Indianapolis, Indiana.

2. Transaction of Commission Business:

The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Elizabeth Summers Long of Connor Reporting.

The Commission corrected the following scrivener’s errors in this document:

Page 1, delete lines 9 through 9, and insert “2017, in the Indiana Government Center South Conference Center, Room B, 402 West Washington Street, Indianapolis, Indiana.”

Page 6, line 11, replace “IEC11” with “IEC-11”.
Page 6, line 15, replace “SE861” with “SEA 61”.

Page 6, line 21, replace “IC11” with “IEC-11”.

Page 10, line 21, replace “refusal” with “recusal”.

Page 10, line 23, replace “refusal” with “recusal”.

Page 31, line 17, replace “NUSSMEYER” with “OVERHOLT”.

Page 39, line 5, replace “date” with “pay”.

Page 52, line 16, replace “MEMBER” with “CO-DIRECTOR”.

Page 52, line 16, replace “Abby” with “Abbey”.

Page 56, line 22, replace “Barns” with “Barnes”.

Page 56, line 24, replace “Barns” with “Barnes”.

Page 57, line 9, replace “BARNS” with “BARNES”.

Page 57, line 12, replace “BARNS” with “BARNES”.

Page 57, line 15, replace “BARNS” with “BARNES”.

Page 58, line 5, replace “BARNS” with “BARNES”.

Page 58, line 8, replace “BARNS” with “BARNES”.

Page 58, line 11, replace ’23-1-729” with “23-1-7-29”.

Page 59, line 17, replace ’Prazel” with “Frizzell”.

Page 60, line 18, replace “BARNS” with “BARNES”.

Page 61, line 11, replace ’352-37” with “3-5-2-37”.

Page 61, line 24, replace ”Razel” with “Frizzell”.

Page 62, line 2, replace “BARNS” with “BARNES”.

Page 62, line 11, replace “BARNS” with “BARNES”.

Page 62, line 16, replace “BARNS” with “BARNES”.
Page 29, line 12, replace “IECA” with “IEC-8”.

Page 29, line 13, replace “pay role” with “payroll”.

Page 32, line 16, replace “instability” with “accessibility”.

Page 35, line 21, replace “DERNULC” with “GABRIONE”.

Page 38, line 17, replace “one” with “off”.

Page 40, line 14, replace “2016” with “2017”.

Page 41, line 9, after “Republican” insert “members of the”.

Page 45, line 7, replace “336511210” with “IC 3-6-5.2-10”.

Page 46, line 7, replace “3-11-1.54” with “3-11-1.5-4”.

Page 48, line 1, replace “legislation” with “commission”.

Page 51, line 8, replace “February” with “January”.

Page 56, line 3, replace “CO-COUNSEL KOCHEVAR” with “CO-DIRECTOR KING”.

This document is incorporated by reference into these minutes. The Commission adjourned this meeting at 3:15 p.m.

Respectfully submitted,

J. Bradley King  
Co-Director

Angela M. Nussmeyer  
Co-Director

APPROVED:

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

INDIANA ELECTION COMMISSION HEARING

TRANSCRIPT OF HEARING

August 18, 2017
BEFORE THE INDIANA ELECTION COMMISSION

TRANSCRIPT OF HEARING

Hearing held on the 18th day of August, 2017, in the offices of Indiana State House, 200 West Washington Street, Room 431, Indianapolis, Indiana.

A STENOGRAPHIC RECORD

By: Elizabeth Summers Long
   Notary Public
   Stenographic Reporter
APPEARANCES

INDIANA ELECTION COMMISSION:

Bryce H. Bennett, Jr. - Chairman
Karen Celestino-Horseman - Proxy Vice-Chairman
Suzannah Wilson Overholt - Member
Zachary E. Klutz - Member

INDIANA ELECTION DIVISION STAFF:

Bradley King - Co-Director
Angela M. Nussmeyer - Co-Director
Matthew R. Kochevar - Co-Legal Counsel

ALSO PRESENT:

Stephanie Beckley - Proxy Chairwoman
(Time Noted: 1:33 p.m.)

CHAIRMAN BENNETT: This meeting of the Indiana Election Commission is called to order. The following members of the commission are present; myself, Chairman Bryce Bennett, our vice-chairman Anthony Long is represented today by proxy, Karen Horseman, and member, Suzannah Wilson Overholt is with us today. Member Zachary Klutz, and Stephanie Beckley is proxy for me on certain campaign finance matters that the commission will consider. Indiana Election Division staff, co-director Brad King is not yet with us, but will be soon, and co-director Angie Nussmeyer. The co-general counsel are Matthew Kochevar who is here, and Dale Simmons, who is absent, taking a well-deserved vacation. Our court reporter today is Elizabeth Long. She has asked me to remind everyone that there are no microphones here in this room. And therefore we ask that you speak loudly and clearly so the court reporter can hear you and take down your testimony.

And if my voice starts to fail, those who can't hear me wave or raise your hand and I'll
see if I got anything left in the tank.

Before we begin I want to remind everyone
on behalf of the court reporter to identify
yourself when you're beginning to speak, spell
your name when identifying yourself, speak
clearly, and do not speak at the same time as
others.

And at this time I would request that the
co-directors confirm that the commission meeting
has been properly noticed as required by the
open door laws.

CO-DIRECTOR KING: Mr. Chairman and members
of the commission, this meeting has been
properly noticed by being posted under the open
doors law. And I'll add that the members of the
Ball State Voting System Technical Oversight
Program are now present.

CHAIRMAN BENNETT: Very good. The gang is
all here. Thank you. Very good.

I now ask that everyone present who plans
to testify regarding any matter coming before
the commission today, if you would please stand
for the administration of the oath. I recognize
Mr. Kochevan to administer the oath.

MR. KOCHEVAR: Please raise your right hand
and say I do after recitation of the oath.

Do you solemnly swear or affirm under the penalties of perjury that the testimony you are about to give to the Indiana Election Commission is the truth, the whole truth and nothing but the truth, say I do.

THE WITNESSES: I do.

CHAIRMAN BENNETT: Our first order of business is the presentation by VSTOP concerning Dominion Voting System's application for recertification of current voting system. I now recognize Dr. Jay Bagga and Dr. Brian Byers, of Ball State University, which administers the Voting System Technical Oversight Program, for a presentation concerning those -- that voting system. At the August 8th meeting, the commission approved the Dominion Voting System report from Pro V&V laboratories, and Dominion Voting System's implementation plan to permit recertification of its current system by the commission.

The binders for today's meeting include a report from VSTOP and information regarding Dominion's compliance with the implementation plan and VSTOP's recommendations regarding the
recertification of the Dominion Voting GEMS 1.18.24D1 system.

I would now ask for the VSTOP presentation.

DR. BAGGA: Thank you. Mr. Chairman and members of the commission. My name is Jay Bagga, J-A-Y, B-A-G-G-A. I'm a co-director of VSTOP, and with me is Dr. Bryan Byers, B-R-Y-A-N, B-Y-E-R-S, co-director of VSTOP.

We wish to present our report on Dominion Voting System. Dominion Voting System submitted the IEC11 application, which is in Appendix E of your report, along with all of the supporting documentation for previously approved system GEMS 1.8.2014. This system was modified to accommodate SE861 changes. The IEC approved this modification and this modification was implemented in 18 Dominion counties between August 9th and August 17th. Please see Appendix C for the implementation report of Dominion's implementation in the 18 counties.

VSTOP has reviewed the IC11 application. Also the supporting documentation and attestation from Dominion, which is included in your Appendix D, that the system is identical to the systems certified except for the SE61
modification, which has been approved by the
commision.

We also have evidence that Dominion has
escrowed the software to the third party,
escrowed, approved by the State of Indiana.

VSTOP finds that this system meets all the
requirements of the Indiana Code for the use in
the State of Indiana, and as stated in the
attached attestation, is identical to what the
election approved earlier by the Indiana
Election Commission except for the modification.
And VSTOP recommends the renewal of the
application for GEMS 1.18.24D1.0.

CHAIRMAN BENNETT: Thank you. Is there a
representative of Dominion or other persons
present who wishes to testify regarding this
matter?

MR. PIPER: Ian Piper, I-A-N, P-I-P-E-R,
with Dominion Voting. I have nothing further to
say at this time.

CHAIRMAN BENNETT: Thank you. Are there
any questions or discussion from commission
members?

Is there a motion to adopt findings that
the Dominion Voting System GEMS 1.18.24D1.0
voting system complies with the standards prescribed for voting systems under the Indiana law, has worked effectively where the system has been used, and has been adequately supported by the vendor, and therefore, to recertify this voting system for marketing, sale, lease, installation, and implementation in Indiana for a the four-year term beginning October 1, 2017.

MEMBER KLUTZ: So moved.

CHAIRMAN BENNETT: We have a motion. Is there a second?

MS. CELESTINO-HORSEMAN: Second.

CHAIRMAN BENNETT: Motion and a second.

Any discussion? All in favor say aye?

MEMBER WILSON OVERHOLT: Aye.

MEMBER KLUTZ: Aye.

MS. CELESTINO-HORSEMAN: Aye.

CHAIRMAN BENNETT: All opposed say nay.

The ayes have it. The motion it adopted. Thank you very much.

DR. BAGGA: Thank you, Mr. Chair.

DR. BYERS: Thank you, Mr. Chair.

CHAIRMAN BENNETT: Thank you for all your attention to this issue.

We now turn to ratification of any finance
settlement agreements and I ask for a
presentation by Ms. Taylor and Ms. Thompson in
front of the commission.

MS. THOMPSON: We're ready to take this
forward.

CHAIRMAN BENNETT: Okay. Very well. After
that -- I have designated Stephanie Beckley to
act as my proxy for consideration in voting on
one of these agreements. Before she takes the
gavel, is there a motion to ratify the campaign
finance settlement agreements as presented with
the exception of the Steve Carter committee
matter.

MEMBER KLUTZ: So moved.
CHAIRMAN BENNETT: Is there a second?
Any discussion?
MEMBER WILSON OVERHOLT: Did you have a
second?
CHAIRMAN BENNETT: We have a motion and a
second -- did we have a second?
MEMBER WILSON OVERHOLT: I don't think we
did. I'll second.
CHAIRMAN BENNETT: Okay. A motion and a
second.
Any discussion?
1 Hearing none, all in favor say aye.
2 MEMBER WILSON OVERHOLT: Aye.
3 MEMBER KLUTZ: Aye.
4 MS. CELESTINO-HORSEMAN: Aye.
5 CHAIRMAN BENNETT: Ayes have it.
6 We have -- the motion to ratify the
7 agreements is adopted.
8 At this time I will ask Stephanie to assume
9 the chair.
10 MS. BECKLEY: Is there a motion to ratify
11 the campaign finance settlement concerning
12 the --
13 MEMBER KLUTZ: Can we clarify what's on
14 your settlement list?
15 MS. THOMPSON: Yes, Mr. Chairman and
16 members, it's on the green tab.
17 COURT REPORTER: Ma'am, I'm sorry. What's
18 your name?
19 MS. THOMPSON: Michelle Thompson.
20 MEMBER KLUTZ: This is the settlement
21 agreement based upon the refusal or --
22 MS. THOMPSON: I don't understand --
23 MS. TAYLOR: We don't know what the refusal
24 was for.
25 MEMBER WILSON OVERHOLT: What we just
approved were the ones -- the settlement
agreements on the green tab as well.

MS. THOMPSON: Right.

MEMBER KLUTZ: Modify the next --

MS. CELESTINO-HORSEMAN: Steve Carter would
have been -- what happened to Steve Carter? Is
there an enforcement action for Steve Carter?

MS. THOMPSON: I don't know. I don't know.

MS. BECKLEY: All right. So I want to note
that no further commission action is necessary
at this time, and I will yield the chair back to
Chairman Bennett.

CHAIRMAN BENNETT: We will now turn our
attention to campaign finance referrals to the
attorney general for collection. I understand
there are referrals of the committee's to the
attorney general for collection of the
following, and that campaign finances staff can
provide information regarding those referrals.
And ask that --

MS. THOMPSON: Yes, Mr. Chairman, under
your red tab are two separate lists of
committees that have not paid the fines, and our
recommendation is to turn them over to the
attorney general.
CHAIRMAN BENNETT: I note that -- is there anything further in your presentation?

MS. THOMPSON: No.

CHAIRMAN BENNETT: I note that no further commission action is necessary for those referrals to be made.

So we will turn our attention to the opportunity for committees, or committees with representatives, present today to accept a reduced penalty. Before proceeding with the campaign finance enforcement actions, we want to give any committee present here today a final opportunity to pay a reduced civil penalty by waiving the right to present evidence and arguments to the commission.

Any committee is welcome to present evidence and arguments for the proposed penalty to be waived.

This is an opportunity for those who want to waive that presentation and accept a reduced penalty without making any arguments or presentations.

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

If this the committee's second violation,
the arrangement is for the committee to agree to
pay 50 percent of the proposed fine plus mailing
costs.

If this the committee's third violation,
the committee would agree to pay 75 percent of
the proposed violation plus mailing cost.

Is there a second to this motion?
MEMBER KLUTZ: Second.
CHAIRMAN BENNETT: Any discussion?
There is no discussion.
All in favor say aye.
MEMBER KLUTZ: Aye.
MS. CELESTINO-HORSEMAN: Aye.
MEMBER WILSON OVERHOLT: Aye.
CHAIRMAN BENNETT: All opposed say nay.
The ayes have it, and the motion is
adopted.

Are there any committees who want to accept
this arrangement?
Yes, sir, in the front row.

LAWRENCE SHOUSE: Lawrence Shouse with the
CHAIRMAN BENNETT: And cause number? Do you have your cause number?

LAWRENCE SHOUSE: No, I didn't bring it.

CHAIRMAN BENNETT: Give us a minute, sir, so we can get the cause number.

MS. THOMPSON: Chairman, that's on page 38 of the spreadsheet. It's Lawrence B. Shouse for State Representative 100, Cause Number 2017-6773-59. Has never been before the commission before, and has a civil penalty of $150.47.

LAWRENCE SHOUSE: I was three days off the mark.

CHAIRMAN BENNETT: Are you willing to accept the 25 percent penalty?

LAWRENCE SHOUSE: Absolutely.

CHAIRMAN BENNETT: If you can hang on one moment -- the arrangement is accepted. You're free to go. Thank you very much.

LAWRENCE SHOUSE: Who do I mail the --

CHAIRMAN BENNETT: You will be receiving an invoice in the mail for the 25 percent. It may take a little bit of time to get through the system, but you'll get that.

AUREA TORRES: Good afternoon, sorry, this
is my first time. I'm here to answer for these
-- to this hearing for these cause numbers. I
have them, if you want me to read them if that's
easier for you --

CHAIRMAN BENNETT: Yes.

AUREA TORRES: -- or I could just give you
the --

CHAIRMAN BENNETT: Are there several cause
numbers?

AUREA TORRES: There's three, I believe.

CHAIRMAN BENNETT: Go ahead and read them
into the record.

AUREA TORRES: Okay. Administrative cause
number 2017-6923-4. Administrative cause
2017-6923-148. And Administrative cause number
2017-6923-117.

CHAIRMAN BENNETT: And your name?

AUREA TORRES: My name is Aurea Torres. My
committee was Torres for State Representative
Committee. I ran for a state office, much to my
regret at this point. I came from La Porte,
Indiana, to answer for this. I know that you
motioned that we pay 25 percent, I believe the
fine for these is $250.00 or $200.00. I'm not
even sure.
CHAIRMAN BENNETT: What is the fine on these?

MS. TAYLOR: We --

CHAIRMAN BENNETT: We're talking about the first cause number?

AUREA TORRES: Any of them. Because -- basically, I'm a single mom. I ran for office. My campaign only --

CHAIRMAN BENNETT: You don't have to make any argument.

AUREA TORRES: Oh, okay.

CHAIRMAN BENNETT: We're just trying to find the right --

AUREA TORRES: The percentages, yeah. I think I collected $450.00 total. So I think --

MS. THOMPSON: $1,400.00.

CHAIRMAN BENNETT: For all three?

MS. THOMPSON: Yes.

MS. TAYLOR: Yes.

CHAIRMAN BENNETT: That's the 25 percent?

MS. THOMPSON: That's her total fine. It would be 25 percent --

CHAIRMAN BENNETT: 25 percent of that?

MS. THOMPSON: Yes.

AUREA TORRES: Which would be -- sorry, I'm
not good of math.

CHAIRMAN BENNETT: Are you willing to accept the 25 percent?

AUREA TORRES: I would ask that it would be reduced further.

CHAIRMAN BENNETT: You will have to wait in line because this is the chance to come forward --

AUREA TORRES: To accept the --

CHAIRMAN BENNETT: -- to accept the 25 percent.

AUREA TORRES: Okay. What is --

MEMBER WILSON OVERHOLT: $350.00.

AUREA TORRES: Okay. No, I will wait. I'll come back again.

CHAIRMAN BENNETT: Anybody in line who is not here to accept the arrangements that we have proposed needs to get out of line and sit back down.

AUREA TORRES: And come back.

KEVIN ROGERS: I don't know how much owe.

I just got a letter.

CHAIRMAN BENNETT: Well, are you willing to accept the fine?

KEVIN ROGERS: Yes, yes.
CHAIRMAN BENNETT: Come forward and state your name and the cause number.


CHAIRMAN BENNETT: Just a minute --

KEVIN ROGERS: My campaign was Kevin Rogers for State Senate.

MS. THOMPSON: Page 48. This is Kevin Rogers for State Senate, cause number 2017-6879-79, has never been before the commission before and has a civil penalty of $350.47.

CHAIRMAN BENNETT: Are you willing to accept the 25 percent of that?

KEVIN ROGERS: Yes.

CHAIRMAN BENNETT: Very well. You're free to go. We'll send you an invoice for 25 percent.

KEVIN ROGERS: Thank you.

CHAIRMAN BENNETT: Thank you.


MS. TAYLOR: It's on page 74. Mr. Chairman and members of the commission, this is committee to elect Randy Head attorney general. This is
his third time before the commission, and a
proposed civil penalty of $50.47.

CHAIRMAN BENNETT: Are you willing to
accept 75 percent of that amount --

RANDY HEAD: Yes.

CHAIRMAN BENNETT: -- to resolve this
matter?

Very well. You're free to go.

RANDY HEAD: Thank you.

JOHN RUCKELSHAUS: Good afternoon. John
Ruckelhaus, R-U-C-K-E-L-S-H-A-U-S, cause number
2017-6828-132.

MS. THOMPSON: Mr. Chairman, that's on page
76. Hoosiers for Ruckelhaus, cause number
2017-6828-132, has never been before the
commission before, has a civil penalty of
$1,000.47.

CHAIRMAN BENNETT: Are you willing to
accept the arrangement to pay 25 percent of that
amount?

JOHN RUCKELSHAUS: Yes.

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

JOHN RUCKELSHAUS: Thank you.

GREG TAYLOR: Greg Taylor, T-A-Y-L-O-R,
last name. Cause number 2017-5688-142. And for summary cause 2017-5688-143. Two separate ones.

CHAIRMAN BENNETT: Okay.

MS. THOMPSON: Page 82 and page 83. This is Greg Taylor from State Senate Committee, cause number 2017-8688-142, and 143. He has one, two, three -- this is his fourth before the commission.

GREG TAYLOR: Is it?

MS. THOMPSON: Yeah, you had a couple back in 2008 and 2012.

He has a civil penalty on one of $1,000.47 and on the other one is $1,000.47.

CHAIRMAN BENNETT: Based on our arrangements, there is no opportunity for a reduction. Are you willing to accept the full amount of the fine?

GREG TAYLOR: Before I answer that, can I ask one question?

CHAIRMAN BENNETT: Okay.

GREG TAYLOR: It was the same report, but I got two different -- it was because it was two different donations is that why it's two different cause numbers? It's on the same report.
CHAIRMAN BENNETT: Ask the staff to explain that to us.

MS. THOMPSON: Mr. Chairman, this was a large contribution. He had two separate large contributions. One was due on 11/7/2016 and -- they were both due on 11/7/2016 from two different contributions.

GREG TAYLOR: But it's on the same filing for the same period of time. I've never --

MS. TAYLOR: Each large contribution requires a separate CFA!

CHAIRMAN BENNETT: Okay. We're in the mode now of accepting deals and I don't see the eligibility. So, I guess, you could come back and talk about it when it's your turn or accept your full amount of that.

MS. CELESTINO-HORSEMAN: He --

COURT REPORTER: I'm sorry, what?

MS. CELESTINO-HORSEMAN: My question was, eligibility was contingent upon what?

CHAIRMAN BENNETT: The procedures allow for a reduction of the fine without a hearing if there is first, second, or third offenses. We don't have any eligibility for waiving the
hearing for a fourth offense.

MEMBER WILSON OVERHOLT: Right. Just so you understand. You can come back -- this is for people who are automatically, kind of, basically entering a settlement agreement with the counties. But people who don't want to do that, at the end of these, there's a hearing opportunity.

GREG TAYLOR: Okay. So this would count as two separate violations?

MEMBER WILSON OVERHOLT: Yes.

GREG TAYLOR: So this would be three and four; am I right?

MS. THOMPSON: Four and five.

GREG TAYLOR: Four and five?

MS. THOMPSON: Correct.

CHAIRMAN BENNETT: So are you accepting the fine?

GREG TAYLOR: I mean, yeah. I guess, I --

MS. CELESTINO-HORSEMAN: Well, you can --

CHAIRMAN BENNETT: You could wait and come back --

GREG TAYLOR: All right. I'll wait and come back.

CHAIRMAN BENNETT: Is there anyone else who
has more than three violations to address? If not, next please.

SCOTT WILLIS: Scott Willis, cause number 2017-6755-58.

MS. TAYLOR: On page 38. This is Friends for Scott Willis. Cause number 2017-6755-58. It's the first violation and a proposed civil penalty of $1,000.47.

CHAIRMAN BENNETT: Are you accepting the 25 percent?

SCOTT WILLIS: Yes, sir.

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


COURT REPORTER: Can you spell your name?


MS. THOMPSON: Mr. Chairman, it's on page 32. This is Committee to Elect Andy Talarzyk, cause number 2017-6592-48, has never been before the commission before, has a civil penalty of $1,000.47.

CHAIRMAN BENNETT: And are you willing to accept the 25 percent fine?

ANDY TALARZYK: Sure.
CHAIRMAN BENNETT: Very well. Thank you very much.

ANDY TALARZYK: Thank you.

DANIEL DOUGLASS: My name is Daniel Douglass, D-A-N-I-E-L, D-O-U-G-L-A-S-S. I'm here on behalf of the Committee to Elect Rose Ryan. I have --

CHAIRMAN BENNETT: Do you have a cause number?

DANIEL DOUGLASS: My cause numbers are 2017-6819-140. The other one is 2017-6819-66.

CHAIRMAN BENNETT: Give us a minute to look that up.

DANIEL DOUGLASS: I also have the paper here allowing me to speak on behalf of the Committee to Elect Rose Ryan.

CHAIRMAN BENNETT: Okay. Very good. Why don't you hand that paper to me for the record?

This is a letter to whom it may concern, authorizing Daniel Douglass to appear on behalf of Rose Ryan, dated August 18, 2017; is that --

DANIEL DOUGLASS: Yes.

MS. THOMPSON: What's the other cause number? I have 140.

DANIEL DOUGLASS: 66.
MS. THOMPSON: Thank you.

Mr. Chairman, one is on page -- at the bottom of page 80. And the other one is on page 66. It's Committee to Elect Rose Ryan -- excuse me, 41. Cause number 2017-6819-66, and 2017-6819-140. This committee has never been before the commission before, has a civil penalty of $300.47 cents and $1,000.47.

CHAIRMAN BENNETT: Are you willing to accept the 25 percent penalty?

DANIEL DOUGLASS: Yes.

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

DANIEL DOUGLASS: Thank you.

Also, I would like to check to make sure we have the proper address. On the paper it has the 224 East Canal Street. Our address has changed. Is that something I need to do at a later time?

CHAIRMAN BENNETT: You need to file an amended statement of organization with the Michelle.

DANIEL DOUGLASS: Can I do that today?

MS. THOMPSON: We have the Canal Street address.
CHAIRMAN BENNETT: Yes.

MS. THOMPSON: So yes, you will need to change that.

CHAIRMAN BENNETT: Next.

REBECCA PHIPPS: Hello. I'm Rebecca Phipps, R-E-B-E-C-C-A, P-H-I-P-P-S. I'm here about cause number 2017-6868-76.

MS. THOMPSON: Mr. Chairman, that's on page 46.

REBECCA PHIPPS: And I have a letter authorizing me to speak on behalf of the Oshman Campaign.

COURT REPORTER: Speak for the what?


MS. THOMPSON: This is cause number 2017-6868-76, has a civil penalty of $350.47 cents.

CHAIRMAN BENNETT: I have a letter from Stephen Oshman, Campaign Chair, July 19, 2017, authorizing Rebecca --

REBECCA PHIPPS: Phipps.

CHAIRMAN BENNETT: -- Phipps to represent the campaign today.

Hand that exhibit over to Mr. King.
Are you willing to accept the 25 percent fine?

REBECCA PHIPPS: Yes, sir.

CHAIRMAN BENNETT: Very well, you're free to go.

REBECCA PHIPPS: Thank you.


MS. THOMPSON: Mr. Chairman, that's on page 43, cause number 2017-6857-71, has been before -- has been before the commission one other time -- nope. Okay, has been before the commission one other time, has a civil penalty of $1,000.47.

CHAIRMAN BENNETT: Is that accurate?

PHILIP BENNETT: I've never been here before.

MS. THOMPSON: In 2016 pre-primary was -- on the past --

PHILIP BENNETT: Okay.

MS. THOMPSON: Was late.

PHILIP BENNETT: Got it. So there's two --

MS. THOMPSON: So you've been here one other time. Yeah, so this is your second.
PHILIP BENNETT: Okay.

CHAIRMAN BENNETT: So this is the second?

MS. THOMPSON: Right.

CHAIRMAN BENNETT: Okay. So are you willing to accept the 50 percent --

PHILIP BENNETT: 50 percent, yeah.

CHAIRMAN BENNETT: Very well.

PHILIP BENNETT: Thank you.

CHAIRMAN BENNETT: You're free to go.


MS. THOMPSON: Mr. Chairman, that's on the top of page 76, cause number 2017-6795-131, has been before the commission. This is the second offense and has a total civil penalty of $1,000.00.

CHAIRMAN BENNETT: Are you willing to accept --

DALE NOWLIN: So no, I didn't know this was my second offense.

MS. THOMPSON: So in 2016 --

DALE NOWLIN: I realize how you recorded that now. But, I mean, it was late by three hours so the penalty -- but 50 percent I can't
CHAIRMAN BENNETT: Okay. Next.

DALE NOWLIN: Sorry.


MS. THOMPSON: That's on page 83. It's cause number 2017-6780-144. Has not been before the commission before, has a civil penalty of $1,000.47.

CHAIRMAN BENNETT: Are you willing to accept the 25 percent?

LACY HOLLINGS: Yes.

CHAIRMAN BENNETT: Very well, you're free to go.

LACY HOLLINGS: Thank you.


Here on behalf of Committee to Elect Joe Taylor III, cause number 2017-6794-137.

MS. THOMPSON: It's on page 79. Cause number 2017-6794-137, and 138. Has a civil penalty of $1,000.47 on both, and this is his first time before the commission.

CHAIRMAN BENNETT: Are you willing to
accept the 25 percent penalty for both?

GRAHAM FISHELL: Yes.

CHAIRMAN BENNETT: Very well. Thank you.

GRAHAM FISHELL: I'm here for two other people, do you want me to go to the back of the line or --

CHAIRMAN BENNETT: Go ahead.

GRAHAM FISHELL: Okay. I got a Citizens for Mara Candelaria Reardon, 2017-5378-100.

MS. THOMPSON: Mr. Chairman, that is on page 59, cause number 2017-5378-100, has been before the commission one other time, has a civil penalty of $50.47. This is the second.

CHAIRMAN BENNETT: Are you willing to accept the 50 percent?

GRAHAM FISHELL: Yes.

CHAIRMAN BENNETT: Very good.

GRAHAM FISHELL: And the last one is Citizens for Chuck Committee 2017-5575-134.

MS. THOMPSON: Page 77. Cause number 2017-5575-134. Has never been before the commission before and has a civil penalty of $200.47.

CHAIRMAN BENNETT: There's a settlement agreement on there?
MS. THOMPSON: We don't have it on the spreadsheet. So -- Mr. Chairman, there has not been a settlement agreement on this one. We just checked.

CHAIRMAN BENNETT: Okay. Very well. Are you willing to accept the 25 percent penalty?

GRAHAM FISHELL: Yes.

CHAIRMAN BENNETT: Thank you.

GRAHAM FISHELL: Thank you.

WILLIAM EHRET: Hello, William M. Ehret, E-H-R-E-T. And I do not have the cause number.

MS. THOMPSON: Last name was Ehret?

WILLIAM EHRET: Ehret, E-H-R-E-T. It was a State Senate campaign and I don't know the amount.

MEMBER NUSSMEYER: Do you recall the year or which report?

WILLIAM EHRET: Yes, this past year. So it would have been January.

MS. THOMPSON: The annual report?

WILLIAM EHRET: Yes.

MS. THOMPSON: Mr. Chairman, that's on page 39. Cause number 2017-6788-61, has never been before the commission before, and has a civil
penalty of $450.47.

CHAIRMAN BENNETT: Are you willing to accept the 25 percent?

WILLIAM EHRET: Yes.

CHAIRMAN BENNETT: Thank you very much.

WILLIAM EHRET: Uh-huh, thank you.

JEFF EMBRY: Jeff Embry, E-M-B-R-Y, cause number 2017-6837-91.

MS. TAYLOR: It's on page 54. This is Jeff Embry for State Representative of District 54. Cause number 2017-6837-91. This is the first time before the commission a proposed civil penalty of $700.47.

CHAIRMAN BENNETT: Are you willing to accept the 25 percent penalty?

JEFF EMBRY: I have a question. I received a letter from a Secretary of State Office the 1st of August 2016 that I have not filed the end reports financial statements. I said, "Well, I never did receive a financial manual." And on August 17th I finally received the manual August 17, 2016.

CHAIRMAN BENNETT: This is your opportunity to accept the 25 percent discount -- or the 75 percent discount for a first time offense.
If you want to try the case and talk about it
some more, you'll have to go back and sit down
and come back up.

JEFF EMBRY: I'll take it.
CHAIRMAN BENNETT: Okay. Thank you.

SHANE ZOELLNER: My name is Shane Zoellner,
is 2017-6880-80.

MS. TAYLOR: On page 48, Mr. Chairman and
members of the commission, this is Friends of
Shane Zoellner, cause number 2017-6880-80. It's
the first time before the commission a proposed
civil penalty of $50.47.

CHAIRMAN BENNETT: Are you willing to
accept the 25 percent penalty?

SHANE ZOELLNER: I am, yes.

CHAIRMAN BENNETT: Thank you. You're free
to go.

SHANE ZOELLNER: I also am here with -- on
behalf of John Pickerill. I have a form here
that --

CHAIRMAN BENNETT: Okay. A letter dated
August 18th, 2017, from John Pickerill,
authorizing Shane Zoellner to act as the
representative; is that correct?
SHANE ZOELLNER: Yes.

CHAIRMAN BENNETT: The cause number is on here.


MS. TAYLOR: On page 83 and top of 84, Committee for Pickerill, cause number 2017-6827-145. It's first time before the commission, a proposed civil penalty of $200.45.

CHAIRMAN BENNETT: On behalf of Mr. Pickerill are you accepting the 25 percent penalty?

SHANE ZOELLNER: I am, yes.

CHAIRMAN BENNETT: Very well.

SHANE ZOELLNER: That's all.

CHAIRMAN BENNETT: Thank you.

SHANE ZOELLNER: Thank you very much.

CHAIRMAN BENNETT: Yes, sir.

JAMES SHELTON: My name is James Shelton, J-A-M-E-S, S-H-E-L-T-O-N, and cause number is 2017-6602-49.

MS. THOMPSON: Mr. Chairman, it's on page 33. Cause number 2017-6602-49. This is his second time before the commission, has a civil penalty of $300.47.
CHAIRMAN BENNETT: Are you willing --

JAMES SHELTON: Who was financially liable

for this? Is it me or is it the committee?

CHAIRMAN BENNETT: Are you representing the

committee? Do you have a representation --

JAMES SHELTON: Yes. Well, I'm the

chairman -- or the only person involved.

Because I've disbanded the committee is why I'm

asking.

CHAIRMAN BENNETT: I think that would be a

legal conclusion that you would have to resolve

yourself.

JAMES SHELTON: Well, everything has been

addressed to this committee of, it's not to me

personally.

CHAIRMAN BENNETT: Mr. King, can you

respond that question?

CO-DIRECTOR KING: Yeah. Mr. Chairman and

members of the commission, I'll -- and when I

finish up I'll ask Mr. Kochevar to add anything

to my analysis.

The Indiana Court of Appeals has ruled that

when a committee is unable to pay any debt, that

the members of the committee, which include

chairman or treasurer are personally liable for
the committee's debt.

JAMES SHELTON: Okay.

CHAIRMAN BENNETT: Mr. Kochevar, anything to add?

MR. KOCHEVAR: I have nothing further to add, Mr. Chairman.

CHAIRMAN BENNETT: Thank you, Mr. King and Mr. Kochevar.

Does that answer your question?

JAMES SHELTON: Yep.

CHAIRMAN BENNETT: Are you willing to accept the --

MS. TAYLOR: This is his second.

CHAIRMAN BENNETT: 50 percent -- 50 percent --

JAMES SHELTON: When did I have a first?

MS. THOMPSON: In the 2016 pre-primary.

MS. TAYLOR: You paid a settlement agreement.

JAMES SHELTON: How much was that?

MS. TAYLOR: $50.00.

JAMES SHELTON: Oh, okay. I think I know what you're talking about.

Okay, yes, I'll take it.

MS. TAYLOR: And I will add that your
committee is still open.

JAMES SHELTON: It is?

MS. TAYLOR: Oh, nope, we missed the box.

It's closed. It's closed.

CHAIRMAN BENNETT: Okay. 50 percent, right?

JAMES SHELTON: Yep.

CHAIRMAN BENNETT: Very good.

Anyone else that would like to accept the arrangement?

Very well. The remaining committees will be called to present evidence in these matters. Before doing so, I want to note that in the past the commission has followed certain procedures for conducting campaign finance hearings, and I move that the commission use the following procedures today.

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

B. Unless there is an objection, the
documents provided to the commission by the
Election Division will be entered into the
record at this meeting.

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

D. Commission members may ask questions
during the presentation, but the time spent
answering these questions will not be counted
against the presenter's time. The Election
Division may signal the Chair when the
presenter's time is up. If the presenter offers
additional documents, or other physical evidence
not previously received by the commission, then
the original must be provided to the Election
Division to preserve for the record.

If the commission finds that a committee
has violated the campaign finance statutes,
state law requires a unanimous vote of all four
commissioners to waive or reduce the amount of
the penalty by state law.

If the commission makes a decision at this
meeting to either fine a committee, or dismiss
the case against the committee, then the
Election Division will prepare a final order for the commission to approve at a later meeting. If a committee is fined today, the committee will receive a notice from the Election Division to date the fine after the commission adopts the final order.

So it may be some time after today before a committee will be required to pay the fine.

The commission generally begins at the front of a room and asks those persons present to come forward to have their matter heard. It is very helpful if you can speak up and say the cause on your hearing material so the commission and staff can quickly look it up on the spreadsheet.

Remember to identify yourself when you start speaking.

Is there a second to this motion?

MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: Motion and a second.

Any discussion?

Hearing none, all in favor say aye.

CHAIRMAN BENNETT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MEMBER WILSON OVERHOLT: Aye.
MEMBER KLUTZ: Aye.
CHAIRMAN BENNETT: All opposed say nay.
Ayes have it, motion carries.
The commission will now proceed to open its
hearings on campaign finance enforcement action.
I have designated Stephanie Beckley to act
as my proxy for presiding over the hearing and
voting on these matters Associated General
Contractors of Indiana PAC, Pence Must Go
Political Action, PLS Corporation, Excess
Corporate Contribution.
At this time, I would ask that Stephanie
assume the chair.
MS. BECKLEY: The first cause to be
considered concerns the Associated General
Contractors of Indiana PAC. Is there a
presenter to speak on behalf of this committee?
Anyone? In that case, I declare the
hearing on this matter closed.
I ask commission members if there are any
further discussions or motions in this matter?
MS. CELESTINO-HORSEMAN: I have a question.
So if they haven't shown, does that mean that
they waived their hearing and the penalty just
gets imposed?
MEMBER KLUTZ: Yes, it's --

CO-DIRECTOR KING: Madame Chair, yeah, if I could respond, and again, I'll yield to Mr. Kochevar to add any additional information.

Yes, the failure of a committee to appear has been treated by the commission as default. But it takes an affirmative vote from the commission to impose the penalty. As a result of that --

MS. CELESTINO-HORSEMAN: Do we have the papers for this one in here?

MS. THOMPSON: We're looking for it.

MS. TAYLOR: They paid settlement agreement, they're not on the agenda.

MS. BECKLEY: Okay. In that case --

MS. THOMPSON: I think that was a past settlement agreement that we --

MS. BECKLEY: So I will consider that matter closed. Hearing no objections.

MS. CELESTINO-HORSEMAN: So was it a past settlement agreement or a --

MS. TAYLOR: Past settlement agreement that has already been approved by the commission.

MS. CELESTINO-HORSEMAN: Okay. So we don't have to worry about it.
MS. BECKLEY: No problem. All right. Then we will go to the Pence must Go PAC. Is there a presenter to speak on behalf of this committee?

MS. CELESTINO-HORSEMAN: Let me -- on the other one, if we want to talk about our case --

MEMBER KLUTZ: Sir, will you please identify yourself for the record?

RICK GILL: Yep, Rick Gill, R-I-C-K, G-I-L-L. On the first one, is that the one we get up and present our case?

MS. BECKLEY: Yes -- are you here for the Associated General Contractors --

RICK GILL: No.

MS. BECKLEY: Then we are going onto the Pence Must Go PAC.

RICK GILL: Okay.

MS. BECKLEY: Is there a presenter to speak on behalf of Pence Must Go to the committee?

MS. CELESTINO-HORSEMAN: Do we have the materials --

MS. THOMPSON: This one is on the spreadsheet. It's on page 65, the top of 65.

MEMBER KLUTZ: I have a question for the staff. Do we have confirmation that they were properly served for this hearing?
MS. THOMPSON: Yes.
MEMBER KLUTZ: Can you describe for the commission the proposed penalty?
MS. THOMPSON: This is cause number 2017-6696-110. It has a -- has never been before the commission before, and has a civil penalty of $200.47.
MEMBER KLUTZ: Okay, I --
MS. BECKLEY: And I'd like to make one final call, is there anyone here who would like to present on behalf of the Pence Must Go plea?
All right.
MEMBER KLUTZ: Madam Chairman, based upon confirmation that notice was given for this hearing and no one is attending, I make a motion that we assess the full proposed penalty of $200.47.
MEMBER WILSON OVERHOLT: Second.
MS. BECKLEY: All right. All in favor say aye.
MEMBER KLUTZ: Aye.
MEMBER WILSON OVERHOLT: Aye.
MS. CELESTINO-HORSEMAN: Aye.
MS. BECKLEY: All opposed say nay.
The ayes have it, and the motion to
ratify -- is adopted.
I'm sorry. To impose the penalty is adopted.
I believe that's all. I'll yield the chair -- okay. And then -- ok, is there a presenter to speak on behalf of PLS Corporation?
MATTHEW SWENTKOFSTE: Yes.
MS. BECKLEY: All right. Please come before the committee.
MATTHEW SWENTKOFSTE: Hi, Matthew Swentkofsk, S-W-E-N-T-K-O-F-S-K-E. Thank you very much for your time, commissioners --
MEMBER KLUTZ: Sir, we're going to ask the staff to --
MATTHEW SWENTKOFSTE: Sure.
MS. THOMPSON: Mr. Chairman and members of the commission, it's here on blue tab. Blue tab in the back. It's the top PLS Financial Services, cause number 2017-149 contributed to the Mike Pence for Indiana in the amount of $5,906.50, never been before the commission before, and the Mike Pence for Indiana Committee has refunded PSL the $906.50. The proposed civil penalty is three times the excess amount.
MEMBER KLUTZ: Three times -- would the --
MS. THOMPSON: That would be the 2,000 --
MEMBER KLUTZ: That's the --
MS. THOMPSON: Yeah, that's the -- three

times.

MATTHEW SWENTKOFSTE: Commissioners, thanks for allowing me to speak. I'll just give you a quick background on this. Obviously, we -- the committee, PLS, presented the committee a check for $5,000.00, what happened was we then had an contribution that put us over the limit. I believe within a week to ten days, we rectified it with the campaign, they paid us back as was noted. And so we caught it very quickly before the reporting period was over. And the overage was repaid to PLS. We have addressed that, and put -- in place to not have that happen again. And I just want to re-emphasize it is our first offense, and that we obviously will accept whatever the commissioners recommend.

MEMBER KLUTZ: If I could ask a question.

MATTHEW SWENTKOFSTE: Sure.

MEMBER KLUTZ: The return contribution, was that made prior to the notice by our --

MATTHEW SWENTKOFSTE: Yes, yes --

MEMBER KLUTZ: -- staff --
MATTHEW SWENTKOPFSKE: -- I believe the event happened around November of 2015, I believe, and the check was caught within about three weeks. So it was before any notice from the division.

MEMBER KLUTZ: And PLS Financial has taken steps to monitor and track this --

MATTHEW SWENTKOPFSKE: Yes.

MEMBER KLUTZ: Commission members, my recollection in past events similar to this, that in the event that this is a first time over contribution and where the contribution is returned prior to notice from our office and there's evidence that steps have been taken to ensure this doesn't happen, this board in the past has waived penalties. And I would make a motion that we would do so.

MS. BECKLEY: Do we have a second motion? I'll make a second motion. All in favor say aye --

MEMBER WILSON OVERHOLT: Wait, wait --

MS. BECKLEY: I'm sorry.

MEMBER WILSON OVERHOLT: -- we have discussions.

MS. BECKLEY: I'm sorry, discussions. My
MEMBER WILSON OVERHOLT: Can staff confirm that that actually has been what we've done in the past?

MS. THOMPSON: I believe -- well, I believe that's what we've done in the past.

MS. TAYLOR: It's either been a waiver or a 10 -- reduced to 10 percent.

MEMBER WILSON OVERHOLT: I was going to say, I don't think we necessarily waive it.

MS. TAYLOR: Depends on the day.

MEMBER WILSON OVERHOLT: Yeah.

MEMBER KLUTZ: I think this is a situation that the gap in time is fairly narrow when the contribution was returned. That's the factor I was taking into consideration.

MS. BECKLEY: Is there any further discussion on the motion?

In that case we will vote on the motion to remove all penalty. All in favor say aye?

MEMBER KLUTZ: Aye.

MEMBER WILSON OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. BECKLEY: All opposed say nay.

Motion carried.
MATTHEW SWENTKOFSKY: Thank you very much.

MS. BECKLEY: I believe that is all I'm called upon. So I will now yield the chair back to Chairman Bennett.

CHAIRMAN BENNETT: Okay. We're going to start in the front row and work our way to the back. The next person in the front row on the left side, come forward.

BRENNNA MCDONALD: Hi. I'm Brenna McDonald, B-R-E-N-N-A, M-C-D-O-N-A-L-D. I am here on behalf of the Indiana Psychologist PAC. I'm a licensed clinical psychologist in Indiana and also the treasurer of the PAC.

MS. THOMPSON: Could you speak up a little bit?

BRENNNA MCDONALD: Sure, sorry.

CHAIRMAN BENNETT: Let us make sure we get to the right --

MS. THOMPSON: Cause number?

BRENNNA MCDONALD: Yeah, it's 2017-1543-9.

MS. THOMPSON: Mr. Chairman, on page 11. Indiana Psychology Political Action Committee, cause number 2017-1543-9. Has been before the commission four -- at least four times before, has a civil penalty of $150.47.
MEMBER KLUTZ: Let me ask a question. Four times before, and then does that include this settlement agreement as well? Or is this settlement agreement in addition to that?

MS. TAYLOR: Settlement agreements are included. It's been more than four times. We don't have an exact number.

MS. CELESTINO-HORSEMAN: Okay. So if it says three times on the spreadsheet; is that incorrect? Or is --

CHAIRMAN BENNETT: Today would be the fourth; is that correct?

MS. TAYLOR: Three times before the board and three settlement agreements. So this is at least a seventh time before the commission.

MS. CELESTINO-HORSEMAN: Okay.

MS. THOMPSON: Our spreadsheet, we just take it by four.

CHAIRMAN BENNETT: Well, what do you have to say?

BRENNA MCDONALD: I -- thank you for your time. So the first I learned of about it, I took over as treasurer of the PAC in 2015. All of those occurrences were before then. Actually, the first I learned of those