occurrences was when I called regarding this instance. So I -- I can't speak to those offenses. I don't actually know anything about them. This occurrence was actually, near as I can tell, this was the most recent report that I filed for the PAC. All of my previous ones had been filed on time. This one I actually mailed further in advance then the previous one I mailed in on the 13th of -- let's see, I have it. I mailed it on the 13th due the 18th and apparently it arrived on the 20th, I'm not sure why. I deposited it at the post office and I was coming to see if it was possible to have the fee waived. I sent it in good faith and have not been late on any of them previously. And found out when I called the office that apparently the previous treasurer had not been as prompt.

CHAIRMAN BENNETT: Do we have any records about receipts?

MS. THOMPSON: She's looking to see.

BRENNIA MCDONALD: When I called the office, she -- Abigail spoke with me on the phone and told me that she had the envelopes.

MS. TAYLOR: We have the envelope. It's
post marked January 13th.

CHAIRMAN BENNETT: It was due when?

BRENNNA MCDONALD: January 18th. And I had previously sent all the reports, you know, two or three days in advance, so I thought this was plenty of time.

MEMBER KLUTZ: Where did you mail it from?

BRENNNA MCDONALD: Broad Ripple Post Office.

Yeah, they had all gotten there two or three days before. So I thought I was good.

CHAIRMAN BENNETT: Anything else you want to add?

BRENNNA MCDONALD: No, I'm honestly just asking -- it's a small PAC, that's why I'm trying be responsible with our resources.

CHAIRMAN BENNETT: I understand. I will move that under the circumstances one would reasonably expect that the mail would arrive within five days. So maybe we could waive this -- waive the penalty this time.

BRENNNA MCDONALD: I would greatly appreciate that.

CHAIRMAN BENNETT: But based on your history of -- oops history of violations, we'll have to look at things in the future very
carefully.

BRENNNA MCDONALD: I will as well.

CHAIRMAN BENNETT: That's my motion.

MEMBER WILSON OVERHOLT: I will second that.

MS. CELESTINO-HORSEMAN: And I would add that I never trust the mail. If I had something that had to be somewhere at a certain time, I make sure it gets there. So the staff said you can fax it, you can file it online.

BRENNNA MCDONALD: Really?

MS. CELESTINO-HORSEMAN: You don't have to rely on mail.

BRENNNA MCDONALD: So who should I call to find out more about that?

MEMBER NUSSMEYER: Michelle or Abby Taylor.

BRENNNA MCDONALD: So I'll just call the office?

MS. TAYLOR: Yeah.

BRENNNA MCDONALD: Great, that would be wonderful.

CHAIRMAN BENNETT: We have a motion and a second. All in favor of the motion to waive the fine say aye.

MEMBER KLUTZ: Aye.
MEMBER WILSON OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

CHAIRMAN BENNETT: All opposed say nay.

Motion carried. You're free to go.

BRENNNA MCDONALD: Thank you very much.

CHAIRMAN BENNETT: Okay. Lady in the white sweater in the front row.

WITNESS: I'm just here to support friends.

CHAIRMAN BENNETT: Oh, very good. Okay.

Moving across the room here. Ma'am, do you wish --

WITNESS: I'm just a Republican.

CHAIRMAN BENNETT: Okay. Who --

RICK GILL: Rick Gill, R-I-C-K, G-I-L-L, cause number is 2016-6546-75.

MS. THOMPSON: Here it is. Mr. Chairman and members of the commission, page 8. Rick Gill for State Representative, cause number 2016-6546-75, has never been before the commission before, has a civil penalty of 1,000.47 cents.

MEMBER KLUTZ: What does the --

MS. THOMPSON: 2015 annual, he had -- at the last meeting asked for a motion to -- a motion to reconsider. So this was being brought
back before the commission.

CHAIRMAN BENNETT: So we already listened
to this once?

MS. THOMPSON: He was already proposed the
full fine. Apparently, he wasn't at the last
meeting and we're bringing it back and he's
asked for a motion to reconsider this fine for
the 2015 annual report.

CHAIRMAN BENNETT: The commission has
already decided to impose 100 percent of the
fine?

MS. THOMPSON: Correct.

CHAIRMAN BENNETT: This is today's motion?

To reconsider?

MS. THOMPSON: Yes.

CHAIRMAN BENNETT: All right. What's the
basis for your motion to reconsider?

RICK GILL: Yeah, the last time I was not
able to get here, my daughter had a stroke and
was in the hospital. And so I wasn't able to
get here then. So I had to re-- down for
today. And I would just ask to have the fine
reconsidered. I did -- it was late. It was my
fault. It was not -- my daughter has since had
blood clots in her lungs two weeks ago. She's
living with us, and a $1,000.00 fine would put us in hardship.

MEMBER KLUTZ: What type of notice did the provide the commission?

RICK GILL: I called.

MEMBER KLUTZ: Before the hearing?

RICK GILL: The day of the hearing. There was a lot going on and it just --

MS. CELESTINO-HORSEMAN: I have a question.

If he had shown up here for the hearing, since he had no prior would he have qualified for the 25 percent?

CHAIRMAN BENNETT: Yes, if it was the first offense.

MS. CELESTINO-HORSEMAN: And you say you were unable to be here because your daughter -- she had a stroke that day?

RICK GILL: She was in the hospital, and we were dealing with her. She had it two days before.

MS. CELESTINO-HORSEMAN: Okay. I will move his fine be reduced to 25 percent. Would that be --

RICK GILL: That would still put us -- it's her and she has two daughters that we're taking
1 care of.
2 MS. CELESTINO-HORSEMAN: So you're saying
3 that you have no money personally to pay for
4 this if you do get a fine?
5 RICK GILL: I could come up with it, yes.
6 MEMBER KLUTZ: There's a motion on the
7 table, I'll second that motion.
8 CHAIRMAN BENNETT: We have a motion and a
9 second. What would -- any further discussion?
10 All in favor of the motion say aye.
11 MEMBER KLUTZ: Aye.
12 MEMBER WILSON OVERHOLT: Aye.
13 MS. CELESTINO-HORSEMAN: Aye.
14 CHAIRMAN BENNETT: All opposed say nay?
15 Motion carries. 25 percent.
16 RICK GILL: What would that be? $250.00?
17 MS. CELESTINO-HORSEMAN: Yes.
18 RICK GILL: Thank you.
19 CHAIRMAN BENNETT: Thank you.
20 LESLIE BARNES: Thank you, Mr. Chairman and
21 members of the commission. My name is Leslie
22 Barns --
23 MS. CELESTINO-HORSEMAN: Oh, one moment.
24 Before we begin, by way of disclosure, Ms. Barns
25 and I are co-counsel currently on an employment
case, and we've been co-counsel before on a
couple of other cases, none of which have been
involved in election. And I wanted to disclose
that.

CHAIRMAN BENNETT: I appreciate the
disclosure.

You may proceed.

LESLIE BARNES: Thank you. I'm here
representing --

CHAIRMAN BENNETT: Do you have a cause
number?

LESLIE BARNES: I do not believe -- is there
a cause number?

MS. THOMPSON: Yep.

LESLIE BARNES: Oh, thank you. Can you --

MS. THOMPSON: Mr. Chairman, this is your
blue tab again. It's with the Indiana
Association of Nurse and Anesthetics PAC, Inc.,
cause number 2017-150, contributing to Indiana
house and Indiana state candidates in the amount
of $2,550.00 in the year 2015.

This commission -- corporation has never
been before the commission before, and also this
corporation self-reported the excess
corporations to us -- excuse me, contributions
CHAIRMAN BENNETT: What was the amount been re-paid?

MS. THOMPSON: Has the amount been repaid?

LESLIE BARNES: Mr. Chairman, the --

CHAIRMAN BENNETT: Okay. We'll hear from the witness.

LESLIE BARNES: Thank you. You all should have a letter of my appearance representing the corporation. They were in 2014, formed under Indiana Law 23-1-729, which applies to corporations. Short of PAC being in their name, the IANA PAC, Inc., they've acted as a entirely as a corporation for their entire existence, they filed business entity reports with the Secretary of State. They've held board meetings, they appointed officers, they've raised funds, they've attended national and state conferences, they've engaged in issue advocacy, they've made contributions to candidates, and then they've also monitored legislation and policies. In mid-2016, middle of last year, my client and then their sister organization the IANA, the Indiana Association of Nurse Anesthetists, which is a professional
association, those two groups, they hired the courting group as a professional manager, and it was at that time in the middle of 2016 that they discovered they had engaged in excessive corporate contributions. So in the middle of 2016, the one contribution in 2016, which put them over the limit, they did refund. And so if you look beyond the letter that we sent self-reporting, you'll see a list of the corporate contributions that they made in 2015 and 2016 that exceeded the corporate -- you'll see all the contributions they made as well as on the right-hand column, the amount that's over the corporate contribution limits for state senate and state representatives. So when they caught this in mid-2016, they had just given a donation to representative, Dave Prael, and they did ask to receive that back.

So in 2016 they did not have any excessive corporate contributions, so the only excessive contributions they had were in the two-year period was 2015. We did self-report to the Indiana Election Commission. We -- they have taken steps to engage both legal counsel and professional management counsels. They would
like to dissolve this corporation, but not
before resolving this issue. And they have
opened a new PAC -- well, they have opened a PAC
under a new name and they did that in March. I
don't know if -- so their hope is to get this
resolved, dissolve -- you know, pay the fine,
dissolve the corporation and then begin
operating as a Political Action Committee, and
so I have exhibits for the commission members.
They have opened a PAC called Indiana CRME Dream
PAC, these anesthetists. And -- let's see, so
so we are -- let's see, I believe -- do you have
in your pack the certificate of incorporation,
and a copy of the business entity reports, if
you need those.
MS. THOMPSON: Mr. Chairman, the paperclip
with all the paperwork behind it.
LESLIE BARNES: And then one item that you
may not have is a document from the Secretary of
State's website, if I may approach, showing that
they have been filing our business entity
reports. They did not file one last year.
They're hoping to resolve this, and then
dissolve the corporation.
So if you look at the definition -- so the
issue before you is, are they a PAC or are they a corporation. We contend they're a corporation. They've acted like a corporation. They've been organized as a corporation. And so short of their name being IANA PAC, Inc., they've acted in all regards under the Indiana state and federal laws as a corporation. They've paid federal and state income taxes. They file their tax returns.

And so if you look at the definition of a PAC under 352-37, there is a subsection B, which says, "A corporation or labor organization that makes a contribution in accordance with Indiana Law, or makes an expenditure is not considered a PAC."

So we're asking you to treat the entity as a corporation and to waive or reduce the penalty. This is their first time before you. They did not return the excess -- or ask for the return of excessive contribution in 2015 due to the delay in time, these candidates have spent that money. But as soon as they realized it, they asked for, sought and received a return of contribution from Representative Razel.

MEMBER KLUTZ: What is this corporation's
business enterprise? What do they do?

LESLIE BARNES: Certainly. So they raise funds, they engage issue advocacy, they lobby, they attend conferences, member -- member education, community education, issue advocacy. They are not -- they do not produce or manufacture goods. It is a service organization.

CHAIRMAN BENNETT: Where do the revenues come from?

LESLIE BARNES: They raise funds. They solicit donations. They do not come from dues, they come from outside.

MEMBER WILSON OVERHOLT: So what code are they categorized under?

LESLIE BARNES: That, I do not know.

MEMBER WILSON OVERHOLT: Because that would kind of a -- I mean, you said they file tax returns. So they have to declare some sort of purpose status on that, so I'm just curious from what you've said. If they're -- I mean, are they 501(c)(4)? Are they --

LESLIE BARNES: No, no, they're not -- they're not non-profit. They're a support profit corporation organized under --
MEMBER KLUTZ: How does the -- I'm sorry.
MEMBER WILSON OVERHOLT: No, go ahead.
MEMBER KLUTZ: What is the significance for purposes of this fine as to whether it's a corporation or a PAC?

LESLIE BARNES: If they were treated as a PAC, then they've never opened and filed their statement of organization. They've never filed the 2015 and 2016 annual reports.

MEMBER KLUTZ: But the fine derives from the excess contribution, correct?

LESLIE BARNES: If they're a corporation, which we --

MS. CELESTINO-HORSEMAN: So then does that mean that --

LESLIE BARNES: They owe a fine either way.

MS. CELESTINO-HORSEMAN: So is that like on the last time, the last one we just had? The prior -- and you've -- and you waive it?

MEMBER KLUTZ: Not only that, but I don't think there's any allegation being waived -- or alleged that you haven't properly filed documents for purposes of a PAC.

LESLIE BARNES: No, no, there isn't.

MEMBER KLUTZ: So I --
MS. CELESTINO-HORSEMAN: I agree. I move we waive the fee.

MEMBER KLUTZ: I'll second it.

CHAIRMAN BENNETT: All right. We have a motion and a second. Any further discussion?

MEMBER KLUTZ: I second it because you've -- this entity, whether it's a corporation, you say it's a corporation, I disagree based on how it operates. But it's never been before the corporation, it self-reported. It sounds like it's taken steps to avoid this situation as soon as this is resolved they're going the dissolve the corporation. So that's why I support the motion.

CHAIRMAN BENNETT: The only difference is they haven't returned the funds.

MEMBER KLUTZ: I thought the excess contribution have been returned?

LESLIE BARNES: They --

CHAIRMAN BENNETT: Well --

LESLIE BARNES: -- returned the funds in 2016, that put them over the limit. They have not attempted to seek the return of contributions that they made in 2015.
MEMBER KLUTZ: And how much was that?

LESLIE BARNES: That is the --

MEMBER WILSON OVERHOLT: $2,500.00?

LESLIE BARNES: $2,550.00.

MS. CELESTINO-HORSEMAN: (Inaudible.)

COURT REPORTER: I'm sorry, ma'am. Could you say that again?

CHAIRMAN BENNETT: She said they didn't get it back because the candidates had already spent it.

MEMBER KLUTZ: You just -- you're here because of a self-reporting, though?

LESLIE BARNES: Yes. Hoping to resolve this.

CHAIRMAN BENNETT: Does anybody want to amend the motion or should we continue?

Okay. So all in favor say aye.

MEMBER KLUTZ: Aye.

MEMBER WILSON OVERHOLT: Aye.

CHAIRMAN BENNETT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

CHAIRMAN BENNETT: All opposed say nay.

Motion carried.

LESLIE BARNES: Thank you very much.

CHAIRMAN BENNETT: Okay. Next.
CORNINE YOUNGS: Good afternoon. My name is Corrine Youngs, that's C-O-R-R-I-N-E, Y-O-U-N-G-S. I filed an appearance on behalf of my client, the Ninth District Republican committee, cause number 2017-3434-88.

MS. THOMPSON: There's also another one. Do you know the other cause number?

CORNINE YOUNGS: Oh, okay. 3434-96.

MS. THOMPSON: 96? Okay.

CORNINE YOUNGS: Yes.

MS. THOMPSON: So the first one is cause number 2017-3434-88, and 2017-3434-96. Both of these have a proposed civil penalty of $1,000.00 and this one has been before the board several times as well. One, two, three, four -- at least four times.

CHAIRMAN BENNETT: For both?

MS. THOMPSON: Yeah.

CHAIRMAN BENNETT: There's two of them.

MEMBER KLUTZ: For clarification we're on page 52 of --

MS. TAYLOR: 57.

MS. THOMPSON: 57.

CHAIRMAN BENNETT: And what is this fine being assessed for? What was the allegation?
MS. THOMPSON: The first one was for an
annual report of 2016 annual, and the second one
was for the --

MS. TAYLOR: 2016 pre-elect.

MEMBER KLUTZ: Because they were late?

MEMBER WILSON OVERHOLT: One wasn't even
filed.

MS. THOMPSON: One says not filed, but
since we've ran this, they have filed those
reports.

MS. TAYLOR: Wednesday.

MEMBER WILSON OVERHOLT: Wednesday of this
week?

MS. THOMPSON: Yes.

CORRINE YOUNGS: Once we learned of the
violation we filed the report. In good faith,
we didn't know that it wasn't filed. So --

CHAIRMAN BENNETT: Go ahead and tell us
what you --

CORRINE YOUNGS: Okay. So today I
represent Matt Owen, and that's M-A-T-T,
O-W-E-N. And he was the interim treasurer of
this committee. In 2015 their elected treasurer
unexpectedly passed away. And Matt was
appointed. And he is no longer the treasurer at
this time, since they've elected a new
treasurer. At the beginning of his appointment
as interim treasurer someone else filed the
report, he did not file it. And also, this week
we filed the pre-election report, discovered
that Matt did not know that he could file
online, informed him to file it via email, and
so it has been filed.

These failures to file reports are
completely an oversight, and so we're doing our
best to remedy the situations moving forward.
If you'll see that both of those reports that
were filed, there's no activity reports. There
were no expenditures or contributions made last
year, and so -- so the committee is not trying
to hide anything whatsoever, these are just
mistakes as that committee was transitioning
members.

So we respectfully request that you waive
the penalty.

CHAIRMAN BENNETT: Were you associated with
this organization for the four other violations?

CORRINE YOUNGS: No. I was -- I have just
been retained for this -- for these incidents.

I don't regularly --
CHAIRMAN BENNETT: And Matt was not with
the organization?

MATT OWEN: No, sir. I was appointed as
the interim between the time of Mr. Flitz's
passing, and then the elections for officers
this past spring. I didn't serve the district
in any capacity prior to that. I was just a
matter of convenience. I think my being the
interim. In my oversight on the pre-election
report, and the annual report was filed prior to
your notice, however, it was late again, because
I didn't realize we could file those online.
That was filed in March -- or the same month
that it was due, just got it up here late.

CORRINE YOUNGS: This committee is from
Jeffersonville, Indiana, which is way down
south. So if you -- so filing online is more
convenient than driving all the way to
Indianapolis.

MS. CELESTINO-HORSEMAN: Yes. I have a
question for the staff. On the other times that
they've appeared in front of the board it says
there's no settlement agreement, does that mean
that it's been waived all other times as well?

MS. TAYLOR: The settlement agreement is
when the committee agrees to pay the proposed
civil penalty in full and waive the hearing. So
that's only -- that doesn't -- isn't the same as
the time before the board. They're not the
same. Come before the board, you're asking for
a waiver or a reduction or the full fine. The
settlement agreement is you just accept it and
pay it.

MS. CELESTINO-HORSEMAN: Oh, okay. So that
means that they came before the board the other
times?

MS. TAYLOR: Yes.

MEMBER KLUTZ: Do we know historically
what -- whether there has been prior reductions?

MS. TAYLOR: I have no idea.

CORRINE YOUNGS: Can we ask what those
prior instances were? I think this was prior to
this.

MATT OWEN: Or the date of the incidents.

CORRINE YOUNGS: I don't think that current
members of this committee are aware of those
violations.

MEMBER KLUTZ: It appears to be, perhaps

CORRINE YOUNGS: Okay.
MS. TAYLOR: That's as far back as we can go.

CHAIRMAN BENNETT: Anything else that you would like to present?

CORRINE YOUNGS: No.

CHAIRMAN BENNETT: Any motion?

MEMBER KLUTZ: I'll just say that, you know, you accepted true appointments when you walk into an organization that has problems, you inherit those problems. And we show compassion when it's the first or second time, but this is -- these are multiple times. I do recognize the difficulty of interim positions and catching yourself up to speed and kind of trying to hold the office for an amount of time. But I'm certainly not supportive of waiving all these fines. And I'm not supportive of waiving or providing much of a reduction so that your organization will understand that there are laws on when to file, and how to file, and where to file. Again, I do understand the difficulty of interim. I do understand that it sounds like with respect to one of them you did file before you were noticed, but at the same time this organization has a history of problems. So I
guess my motion, I'd be happy to hear discussion, is that the fines be reduced only by
25 percent in respect to both fines.

CHAIRMAN BENNETT: So your motion would be
75 and 75 percent of the fines?

MEMBER KLUTZ: Correct.

CHAIRMAN BENNETT: Is there a second?

MS. CELESTINO-HORSEMAN: I have a question.

May I ask a question?

CHAIRMAN BENNETT: We have a motion, we
need a second before we have discussion.

MS. CELESTINO-HORSEMAN: Okay. I'll second it.

CHAIRMAN BENNETT: We have a motion and a
second.

Any discussion?

MS. CELESTINO-HORSEMAN: So your -- I mean,
your organization, does it -- I'm just curious,
does it have money? You said you didn't spend anything.

MATT OWEN: No, ma'am. If you see our report, we have approximately $3,500.00,
$3,541.20.

CORRINE YOUNGS: $3,541.27.

MATT OWEN: That has been constant since
beginning interim treasurer. We typically don't raise and spend money. We perform mostly as an organizational entity for the structure of a party.

CHAIRMAN BENNETT: Any further discussion?

We have a motion and a second, all in favor of the motion, say aye.

MEMBER KLUTZ: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MEMBER WILSON OVERHOLT: Aye.

CHAIRMAN BENNETT: All opposed say nay.

Motion carries. The fine is reduced by 25 percent.

MATT OWEN: Thank you very much.


MS. TAYLOR: It's on page 62. It's Democratic Womens Political Action Committee, cause number 2017-6060-105, this is the committee's fourth time before the commission, with a proposed civil penalty of $1,000.47.

CHAIRMAN BENNETT: Yes, ma'am. Your presentation.

VICKY SORENSEN: Okay. I became the new
treasurer in 2016. And the former treasurer had
left town, and when she returned, she sat down
with me, I think it was in -- the 1st of April.
We did a filing of the report that was due, and
I take responsibility, I didn't ask anymore
questions. I put everything aside. I didn't
know I was supposed to file another one in
October. I didn't have a key to the P.O. box
for the political action committee. Some -- I
don't live in Bloomington, and so one of the
members said that she would check the mailbox,
so I was trusting that she was checking the
mailbox. And then toward the end of the year
she said, "Oh, I'll just give you the key back."
So I went to the mailbox and I saw all this
documents in there, realizing mail had been sent
since March, and I immediately called up here.
And I left a message on 12/27, 12/28, 12/29, 1/3
and then I spoke to Michelle on 1/4 on what had
happened. I said, "I'm not for sure what I'm
supposed to do." I felt like it was my
responsibility, not the Democratic Womens
Political Action Committee, and so I'm taking
full responsibility for filing the report late.
I immediately filed the report with -- along
with the one that was due at the end of the year. I've also gone now to the election division in Monroe County to confirm when I'm supposed to file the next report. I go every week into Bloomington to check the mailbox, so I don't ever miss anything again. So I just come to you with the honest truth of I just didn't know I was supposed to be filing that report.

CHAIRMAN BENNETT: Any questions?

MS. CELESTINO-HORSEMAN: So how -- so which reports, exactly, did file late or --

MS. TAYLOR: This is the 2016 pre-elect report.

MS. CELESTINO-HORSEMAN: So that would have been due in --

MS. TAYLOR: It was due October --

VICKY SORENSEN: 21st.

MS. TAYLOR: 21st.

VICKY SORENSEN: And I didn't file it until January because I didn't get information --

MS. CELESTINO-HORSEMAN: And then year end was due when?

MS. TAYLOR: January 18th.

VICKY SORENSEN: And that was filed --

MS. CELESTINO-HORSEMAN: That was filed on
time, right?

VICKY SORENSEN: That was filed on time.

MS. CELESTINO-HORSEMAN: Okay. And so the only other problems were back in 2012?

MS. TAYLOR: Yes.

MS. CELESTINO-HORSEMAN: And things went fine '13, '14, '15, and then we had the change.

MEMBER WILSON OVERHOLT: What -- do you have -- is there money, actually, in the account?

VICKY SORENSEN: Yes. And I have everything up to date. I provide a financial statement to the committee each month. We -- we've take in fund raisers on dues on sportsmanship. I have a list of expenditures. So I keep everything up to date to the penny.

MEMBER WILSON OVERHOLT: What's the approximate balance in the --

VICKY SORENSEN: I believe about $10,000.00.

CHAIRMAN BENNETT: I think a lot of the same principles apply to this case as the last one we just heard --

MEMBER WILSON OVERHOLT: Right.

CHAIRMAN BENNETT: -- in terms of new
people coming in the organization with a history
problems. These laws -- or rules are put in
place for a reason and we have to enforce them.

VICKY SORENSEN: Sure.

CHAIRMAN BENNETT: Recognizing some
leniency, I suppose, for your situation. I
would propose the 75 percent penalty knocking
off 25 percent. Is there another motion?

MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: There has been a motion
and second.

Any further discussion?

All in favor say aye.

MEMBER KLUTZ: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MEMBER WILSON OVERHOLT: Aye.

CHAIRMAN BENNETT: All opposed say nay.

VICKY SORENSEN: Thank you.

CHAIRMAN BENNETT: 75 percent of the fine.

Thank you.

MICHAEL SCOTT: My name is Michael Scott,
S-C-O-T-T. Number 2017-6357-40. And there's
also another one that I believe that --

MS. THOMPSON: Mr. Chairman, one of them is
on page 28. We're checking on the other one.
And one on page 6 -- 7.

MEMBER WILSON OVERHOLT: Did you say 67?

MS. THOMPSON: Page 7.

We've got Committee to Elect Michael S. Scott, 2016-6357-67 and cause number 2017-6357-40. There's a proposed settlement penalty, this first one is for the 2015 annual, has been before the commission two other times, has a civil penalty of $1,000.49 on the first one. And the second one has been before the board two other times, and has a civil penalty of $300.47.

CHAIRMAN BENNETT: Yes, sir. What can you tell us about this?

MICHAEL SCOTT: My treasurer got into some health issues with her mother and wasn't able to take care of -- and my wife and daughter was trying to help me out. But I'm just asking for mercy. Help me out any way you can. I understand I'm responsible for it. I understand the laws and reasons, and I accept the responsibility. I'm just asking for any help I can get.

CHAIRMAN BENNETT: You said your wife and daughter are treasurer; is that right?
MICHAEL SCOTT: The treasurer was a friend of the family, and she lived in North California. Her mother lives here, she was from here and a close friend of the family. She was helping me out and her mother became ill, which -- hospice care, so she was not able to help us out. And what had happened was, I think it was in '14, we had to amend the -- do an amendment which she did, and when she did that amendment she actually put the wrong numbers in. In other words, she took, I think it was $2,500.00 out. But what she entered in the right place, she entered $5,000.00. So that messed our numbers up, and my wife and daughter at the time was not able to find that. And it was not until I was able to set down with them and figured out the mistake, and then it was either my wife or daughter called and asked how we correct that.

We got it corrected and filed and then -- right now the account is at 0.00. I was under the understanding that you couldn't close an account out as long as this was pending, but that previous case, he did close it out and it was pending, so I'm not for sure if I'll
continue or not. But I just need to get this
taken care of and asking for whatever help I
can.

CHAIRMAN BENNETT: So I'm trying to

understand the settlement agreement. I don't
see any previous settlement, and it says here
previous times before the board, but I see a
list of four different delinquent reports.

MS. TAYLOR: We have to just chalk this up
to computer bugs that we didn't notice. The
blank spaces under "time before the board," the
list is at the bottom beneath that box of the
proposed fine, there's a list of --

CHAIRMAN BENNETT: I see that.

MS. TAYLOR: -- prior delinquencies.

CHAIRMAN BENNETT: So that's what we should
rely on then?

MS. TAYLOR: Yes.

CHAIRMAN BENNETT: There has been a fifth,
this would be the fifth?

MS. TAYLOR: This is the third and fourth.

MICHAEL SCOTT: And I did pay the
25 percent, and then I paid the 50 percent. So
I knew this --

CHAIRMAN BENNETT: I move we bump it up to
50 -- 75 percent.

MEMBER KLUTZ: Second. We have a motion and a second.

Any discussion?

MEMBER WILSON OVERHOLT: I guess -- I guess I'll second for the purposes of discussion --

CHAIRMAN BENNETT: I moved, and he seconded.

MEMBER WILSON OVERHOLT: Okay. I guess just for discussion purposes I'm going to -- I think as someone who has run for office a few times, and I think it is important that everyone who is -- I think we've, you know, talked to political action committees who aren't actually running for office, and obviously there are rules they need to follow. And I just have to say I'm a little more sympathetic to the folks like that. Once you're running for office, once you're an elected official, you really need to be. Because part of running for office is you're agreeing that you're going to be responsible for upholding these laws and actually offering laws, and so I do -- I always find it quite troubling when candidates and their committees come in and start talking
about, "Well, my treasurer had an issue," or, "My family members had an issue." Because you are the person running for office, and you're responsible for making sure everyone working on your committee understands the rules and is playing by the rules and if they aren't, you need to follow-up and make sure everything gets done.

That is just my comment on this. And so I -- I don't actually view this as being on par with the others that we've been looking at today. But I know there's a motion out there. I think this is one where I would -- these types of situations, I would be inclined, especially because he's already paid the penalties and the fines, and that hasn't changed behavior. I'm inclined to impose the full amount.

MICHAEL SCOTT: Could I ask that the 2016 one, had I had the numbers correct, I would have paid the 75 percent on that one, and paid the 100 percent on the 2017. So really --

MEMBER KLUTZ: We have a motion pending. And you got to see where the road is going.

MICHAEL SCOTT: Sure, I --

MEMBER KLUTZ: First one is 25 percent, and
you would have got 50 percent -- proposing 75, I
don't know if it's going to pass --
MICHAEAL SCOTT: Sure.
MEMBER KLUTZ: If it does pass, you need to
see what your next time around here is going to
look like.
MICHAEAL SCOTT: Sure.
MEMBER KLUTZ: Okay.
CHAIRMAN BENNETT: Any further discussion?
All in favor of the motion say aye.
MEMBER KLUTZ: Aye.
MEMBER WILSON OVERHOLT: Aye.
MS. CELESTINO-HORSEMAN: Aye.
CHAIRMAN BENNETT: All opposed say nay.
Motion carried at 75 percent.
And if you run for office, keep this --
please take the comments here today to heart.
MICHAEAL SCOTT: I will. Thank you.
ROY SAENZ: Roy Saenz, S-A-E-N-Z, cause
number 2017-6630-51.
MS. THOMPSON: Mr. Chairman, it's on page
34. Committee to Elect Roy Saenz, cause number
2017-6620-51, has never been before the
commission before, has a civil penalty of
1,000.47 and he did get the report filed
yesterday.

CHAIRMAN BENNETT: Okay. Would you like to present any evidence or testimony?

ROY SAENZ: Yes, Mr. Chairman. On my pre-primary, I also indicated that I had a change of treasurer because of a work conflict. So my treasurer then in January moved, I assumed that she had been taking care of all of the paperwork, when I went over that and walked her through that back in April. Then during that moving process, it's apparent she did not file. Then she was sent the notice of this hearing on July 13, and it finally reached her because of the change of address, August 4th. I was out of town and did not get notice until August 9th. I immediately started contacting her and following up with her to confirm the accuracy of the information in the account.

So the account currently has a balance of $14.15 in it. The intent is to dissolve this committee as soon as possible upon conclusion and remedy of the results of this hearing.

So I would ask that the committee either waive the fine or assess a fine no more than $14.15 to allow for a 0.00 balance of the
account so we can dissolve this committee within the next 30 days.

CHAIRMAN BENNETT: My thought is this may be a situation where we put this on the next agenda and see if the committee is dissolved.

MEMBER KLUTZ: I think that's what we've done in the past.

MS. CELESTINO-HORSEMAN: Do you understand what he's saying?

ROY SAENZ: This is my first time here. So I'm trying to take it all in.

CHAIRMAN BENNETT: What has been said, and the key here is to see that that committee is dissolved.

ROY SAENZ: Okay.

CHAIRMAN BENNETT: And before we reach a verdict on this issue, we'd like to see the committee dissolved. So my motion is to give you 30 days to dissolve the committee and we'll take this up at our next meeting, if the committee is dissolved then the case will be closed.

MEMBER WILSON OVERHOLT: And you can talk to staff if you have questions about how to do that.
CHAIRMAN BENNETT: We have a motion. Is there a second?
MS. CELESTINO-HORSEMAN: Second.
CHAIRMAN BENNETT: All in favor say aye.
MS. CELESTINO-HORSEMAN: Aye.
MEMBER KLUTZ: Aye.
MEMBER WILSON OVERHOLT: Aye.
CHAIRMAN BENNETT: All opposed say nay.
Motion carries. We would ask that you get your committee dissolved in 30 days and we'll look at this at our next meeting when we address the issues then.
ROY SAENZ: Excellent. Thank you.
MS. CELESTINO-HORSEMAN: Do you need to return that?
ROY SAENZ: Yes, ma'am.
AUREA TORRES: Good afternoon. Again, my A-U-R-E-A, T-O-R-R-E-S. Do you need my cause numbers again?
COURT REPORTER: Yes.
AUREA TORRES: Cause numbers are 2017-6923-4, 2017-6923-148 and 2017-6923-117.
CHAIRMAN BENNETT: Page 3, 68 and what was the last one?

MS. THOMPSON: 85.

First one has a civil penalty of $1,000.47.

This committee has not been before the commission. All three of these are new on this spreadsheet. And the committee is closed. The second one is a $200.47 proposed fine. And the last one is $200.47.

CHAIRMAN BENNETT: Okay. What evidence and testimony would you like to present?

AUREA TORRES: Good afternoon. Thank you for your time. I apologize for coming before you too early, I didn't know what was going on. But I decided to run for state office to put my name on the ballot to give voters a choice besides Democrat and Republican. It was my first time and I didn't have a whole lot of guidance. I did get the campaign manual, which is, you know, easy reading, if you guys have ever looked at that, I'm sure you have.

I, basically, am just here to say I thought that I had filed this paperwork. I think these fees are late fines, or maybe I missed the one
that is $1,000.00, I'm not quite sure which, you know, I think the $200.00 were the late ones and then maybe I never filed the one that's $1,000.00, or I don't know why they're different amounts.

But basically I thought I was following the calendar that I got that had, like, you know, the dates on it. I think the State gave it to me, or somebody that worked for the State gave it to me. So I thought I was, you know, all on the up and up and then I think I knew that I did get one of my CFA forms in late. I think that might be cause number 148. But other than that, I wasn't expecting so many fines.

My entire campaign I think I raised under $500.00, which is more than I actually wanted to raise. I wasn't really seeking donations or taking donations. I just wanted an option for liberty on the ballot. And so I'm here to plead my case. Please reduce these as much as you see fit.

CHAIRMAN BENNETT: Okay. Any discussions?

Motions?

MS. CELESTINO-HORSEMAN: So you just decided to run and didn't go look at anything to
see what was required or what you had to --

AUREA TORRES: Oh, no, that's not true.

No, I did look at things that were required. I did -- I don't want to say I read the manual thoroughly, I was more focusing on the calender I received that had dates and which paperwork to file. Our former party chair of our county had moved to Florida, and he was kind of our guiding light, if you will, that would have probably helped me make sure that my paperwork was -- you know, he probably would have been like, "Hey, did you file this one," you know, and I probably would have caught them sooner, so that's --

MEMBER WILSON OVERHOLT: From what I've seen here, am I clear that you were filing to fill a vacancy? So were you --

AUREA TORRES: That's what --

MEMBER WILSON OVERHOLT: -- so -- after the primary -- is what --

AUREA TORRES: I'm not sure what that was.

Like that's what I'm saying, I don't fully understand --

MEMBER WILSON OVERHOLT: I'm asking about the process. Were you -- when you filed as a candidate, were you filing filling a vacancy
after -- did you file after the primary
post-primary?

AUREA TORRES: Well, as a Libertarian
candidate we don't participate in running --

MEMBER WILSON OVERHOLT: Right.

AUREA TORRES: So I'm a little unclear
on --

MS. CELESTINO-HORSEMAN: So --

AUREA TORRES: I'm the abnormal case, I
guess.

MS. CELESTINO-HORSEMAN: So do you
understand that if you run for office and you
have to get this and you have to have --

AUREA TORRES: I do.

MS. CELESTINO-HORSEMAN: -- and you --

AUREA TORRES: I do understand. And I
understand -- yes, ma'am, and I understand the
importance of the process because you do want to
keep track of who's giving money to who. I get
that we need this process.

I just didn't feel like -- I don't feel
like the -- you know, the people that are doing
it for the first time don't always know what
y they don't know. So yes, you should read the
manual thoroughly, two, three times if you need
to. But I'm a single mom. I work a full-time job. Like I said, this was more about pushing the Liberty agenda versus the left, right, back and forth system government that we have today.

CHAIRMAN BENNETT: I'm a little concerned as you sit here today before this commission that you're still not sure what you didn't do correctly.

AUREA TORRES: Well, I know I didn't file paperwork. I know I didn't file the CFA one candidate statement of organization report before July 12th. I know I did file that one, because I remember the CFA one, I think it was late. But that $1,000.00, I think she said. I'm not sure where the penalties are listed. But I know I did file my CFA -- I filed all my CFA forms. I filed the -- you know, the paper to close the committee.

What I don't understand is the one that you brought up, which was the pre-elect report. Oh, no, the vacancy. I think that's the one. And I think that's the one with the -- that's the only one that I'm unclear of. Because I don't know what vacancy there is if you're --

CHAIRMAN BENNETT: Have you talked to the
AUREA TORRES: I have talked to -- no, because I just got this letter not too long ago and I was going to see if I could get somebody to come and represent me, but then when I realized how much the fines were going to be, I just better show up and answer for myself.

CHAIRMAN BENNETT: Okay. Any motion or any discussions or motions?

MS. CELESTINO-HORSEMAN: Um --

AUREA TORRES: And I doubt that I will be running for state office.

MEMBER WILSON OVERHOLT: My thought is she closed -- you say the committee is closed?

AUREA TORRES: It is, yes.

MEMBER WILSON OVERHOLT: So she's already closed the committee. And, I mean, I guess my thought would be to, then, waive it based on the fact that it's been closed.

MS. CELESTINO-HORSEMAN: And I'll second that.

CHAIRMAN BENNETT: Any further discussion? So the point being that if you close your committee, you shouldn't have to pay anything?

MEMBER WILSON OVERHOLT: Well, I think
based on the situation -- I mean, I know there's
reports here. But it's all for one election.
So she had one candidacy, she tried it, she
didn't meet the filing deadlines, so it's
closed. So I think --

CHAIRMAN BENNETT: It's kind of like
Mulligan?

MS. CELESTINO-HORSEMAN: Yeah.

MEMBER WILSON OVERHOLT: I just kind of
view it as being similar to the last one where
we said that if you close your committee and
come back, we'll talk to you then. She's
already closed the committee.

MEMBER KLUTZ: She also -- this is not one
of the major two parties, the first time
running, it's not a major party, and you don't
have the support of a major party.

MEMBER WILSON OVERHOLT: Yeah.

MEMBER KLUTZ: Those are factors.

MEMBER WILSON OVERHOLT: Yeah, and I'm not
sure the calendar -- it's been a little while
since I looked at the calendar, but I think when
you're filing as not one of the major parties
when you come in post-primary, it's -- there are
different deadlines that apply --
AUREA TORRES: Yes.

MEMBER WILSON OVERHOLT: -- that are not necessarily set up as clearly on that calendar.

Assuming you're part of one of the major two parties and you're going to do a regular cycle of the reporting.

CHAIRMAN BENNETT: All right. Well, we have a motion and a second.

All in favor say aye.

MEMBER KLUTZ: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MEMBER WILSON OVERHOLT: Aye.

CHAIRMAN BENNETT: All opposed say nay.

Ayes have it. Motion carried.

AUREA TORRES: Thank you very much. And if I may, I just spoke with Carl directly on my way here. He wanted to be here, I know that his -- he didn't give me a letter or anything to speak for him, but he asked me to tell you that he does plan on coming to your next meeting to answer for his violations, if he has any.

CHAIRMAN BENNETT: Okay. Thank you.

DAN CRUZ: Quite a day. Dan Cruz, D-A-N, C-R-U-Z, cause number 2017-6779-60.

MS. THOMPSON: Mr. Chairman, it's at the
bottom of page 38. This is cause number 2017-6779-60. Has not been before the commission before, has a civil penalty of $1,000.47.

CHAIRMAN BENNETT: Yes, sir. What would you like to present?

DAN CRUZ: Okay. So currently I have a civil penalty for this? I really didn't know that. I just --

CHAIRMAN BENNETT: The fine has been imposed.

MS. THOMPSON: Proposed.

CHAIRMAN BENNETT: Proposed.

DAN CRUZ: Okay. Well then, what -- so it takes a lot to put this out here like this. But mostly this is the deal, my daughter suffered a traumatic brain injury 9 months ago -- 10 months ago, it was a mess back then. My wife was abusing prescription pills, which I didn't even know she was using, that was a mess back then, still is a little bit. Getting better, along multiple other issues that she's dealing with that she brings to the table which has caused me to not even really deal with this and get this filed, okay? So currently, this isn't filed
yet. So I believe this needs to be filed and
then we'll have another penalty for filing late?

MS. THOMPSON: This is your penalty for
filing late.

DAN CRUZ: Okay.

MS. CELESTINO-HORSEMAN: I have a question
for the staff. So if we give him a penalty
today, does he still have to come back and file
the report? Or, I mean --

MS. THOMPSON: I mean, none of this was --

MEMBER KLUTZ: He'll have to file.

MS. CELESTINO-HORSEMAN: He'll have to
file? Is he subject, then, to a second penalty
if he doesn't file?

DAN CRUZ: Okay.

MS. CELESTINO-HORSEMAN: So we penalize him
today and he never ever files the report there's
nothing we can do?

MEMBER KLUTZ: Isn't it the maximum fine
we're allowed to, and then we would turn it over
to attorney general for closure --

MS. THOMPSON: Correct.

MEMBER KLUTZ: -- or collection.

MS. THOMPSON: Correct.

MS. CELESTINO-HORSEMAN: So now, did he
have the opportunity to do the 25 percent?

MEMBER KLUTZ: Yeah, he was here.

MS. CELESTINO-HORSEMAN: He was here?

CHAIRMAN BENNETT: Yes.

MS. CELESTINO-HORSEMAN: Today? Okay. And you didn't come forward to take a reduced penalty?

DAN CRUZ: Well, my understanding reading this is that we were going discuss whether or not I was going to be assigned a penalty. So it says that, "The hearing attorney is to determine if you should be assessed a civil penalty."

MS. CELESTINO-HORSEMAN: Were you here at the beginning on the meeting?

DAN CRUZ: Yes, I was.

MS. CELESTINO-HORSEMAN: Okay. So at the beginning of the meeting, people could --

DAN CRUZ: Oh, I know.

MS. CELESTINO-HORSEMAN: Come forward and take the 25 percent.

DAN CRUZ: Right, but --

MS. CELESTINO-HORSEMAN: So what you're asking for is that the fine be waived?

DAN CRUZ: Well, ultimately that would be the best thing for me. But at this -- based
on -- the reason that I came today was to ask
for no penalty to be imposed. I had just now
found out that a penalty had been imposed or
else I may have come up --

MS. THOMPSON: Proposed.

DAN CRUZ: Proposed, yeah.

Okay. So based on my scenario, I would
like for the fine to be waived -- it would be
very helpful to me, and I have a lot on my
plate. And it takes a lot to even tell you
that. But if the best I can get is 25 percent
of $1,000.00 than that would be fine. So --

CHAIRMAN BENNETT: Well, I think what the
commissioner was trying to say is that we
encouraged people to come up and take the
25 percent --

DAN CRUZ: I understand that.

CHAIRMAN BENNETT: -- deal so we can move
this along faster for everybody else --

DAN CRUZ: Yeah, and I didn't know --

CHAIRMAN BENNETT: -- so it doesn't seem
fair to have someone reject that offer, come
back and expect better than the 25 percent or to
ask for the 25 percent.

DAN CRUZ: Well, I didn't know that the
25 -- I didn't know there was a $1,000.00 penalty. It says, "The hearing is called to determine if you should be assessed a civil penalty."

MS. CELESTINO-HORSEMAN: Does it give you an amount in there?

DAN CRUZ: No. So I did not know that I had been assessed a civil penalty. So I'm asking for no penalty to be assessed.

MEMBER WILSON OVERHOLT: Did you receive -- you should have received a settlement agreement.

DAN CRUZ: I haven't received anything other than this that I'm aware of. And so today I'm asking for no penalty to be assessed.

CHAIRMAN BENNETT: Well --

DAN CRUZ: However, I will take the 25 percent, because that's not a bad offer. So I'm not here to argue whatsoever.

CHAIRMAN BENNETT: So you didn't understand that you could have taken the 25 percent deal if --

DAN CRUZ: I understand that completely.

CHAIRMAN BENNETT: Now?

DAN CRUZ: No, I did then. But I didn't know that there was a penalty yet.