

Indiana Election Commission
Minutes
July 27, 2016

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

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

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

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

1. Call to Order:

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

2. Transaction of Commission Business:

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

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

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

Page 4, line 11, replace “confirmed” with “confirm”.

Page 4, line 14, replace "HEARING CHAIR" with "CHAIRMAN".

Page 4, line 20, replace "HEARING CHAIR" with "CHAIRMAN".

Page 4, line 25, replace "HEARING CHAIR" with "CHAIRMAN".

Page 5, line 3, replace "HEARING CHAIR" with "CHAIRMAN".

Page 5, line 6, replace "HEARING CHAIR" with "CHAIRMAN".

Page 38, line 12, replace "co-director" with "co-directors".

Page 56, line 13, replace "THE WITNESS" with "MR. WITWER".

Page 56, line 17, replace "THE WITNESS" with "MR. WITWER".

Page 57, line 25, replace "THE WITNESS" with "MR. WITWER".

Page 71, line 18, replace "Reardon" with "Riordan".

Page 72, line 2, replace "Reardon" with "Riordan".

Page 72, line 11, replace "a" with "an".

Page 72, line 12, replace "pending" with "opinion".

Page 74, line 9, replace "accident" with "account".

Page 74, line 22, replace "Reardon" with "Riordan".

Page 92, line 12, replace "THE COMMISSION" with "COMMISSIONER KLUTZ".

Page 118, line 1, replace "THE WITNESS" with "MS. MUSGRAVE".

Page 132, line 25, replace "MR." with "CO-DIRECTOR".

Page 133, line 23, replace "UNIDENTIFIED FEMALE" with "MS. WARREN".

Page 138, line 11, replace "THE WITNESS" with "MS. FINLEY".

Page 151, line 15, replace "MR." with "CO-DIRECTOR".

Page 153, line 4, replace "Hersh" with "Hirsch".

Page 156, line 11, replace "unity" with "Unity".

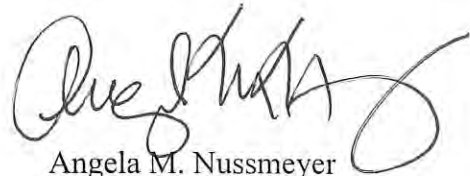
Page 163, line 5, replace "Senate" with "cynical".

Page 168, line 13, replace "wheres" with "whereas".

Respectfully submitted,

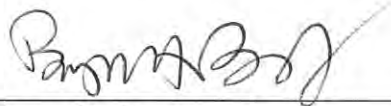


J. Bradley King
Co-Director



Angela M. Nussmeyer
Co-Director

APPROVED:



Bryce H. Bennett, Jr.
Chairman

In the Matter Of:

INDIANA ELECTION COMMISSION HEARING

TRANSCRIPT OF PROCEEDINGS

July 27, 2016



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Transcript of Proceedings
July 27, 2016

1 INDIANA ELECTION COMMISSION
2 PUBLIC SESSION AGENDA

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

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

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

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A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

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

INDIANA ELECTION DIVISION STAFF:

Mr. Bradley King - Co-Director
Ms. Angela Nussmeyer - Co-Director
Mr. Dale Simmons - Co-Legal Counsel
Ms. Michelle Thompson - Campaign Finance
Coordinator
Ms. Abbey Taylor - Campaign Finance
Coordinator

1 At 1:00 P.M., on Wednesday, July 27, 2016,
2 the following proceedings occurred:

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

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

19 CO-DIRECTOR NUSSMEYER: He's absent today.

20 HEARING CHAIR BENNETT: He's absent today.
21 And Dale Simmons, who is present. Our court
22 reporter today is Kelly Horsley from Connor
23 Reporting. Before we begin I want to remind
24 everyone on behalf of the court reporter to
25 identify yourself when you begin to speak, spell

1 your name when you identify yourself. Speak
2 clearly and do not speak at the same time as
3 others. Obviously the court reporter can only
4 record one person at a time, so do not interrupt
5 and speak at the same time as others.

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

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

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

19 MR. CLAYTOR: So moved.

20 HEARING CHAIR BENNETT: Is there a second?

21 MR. KLUTZ: Second.

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

24 (No response.)

25 HEARING CHAIR BENNETT: Hearing none, all

1 in favor say "Aye."

2 THE COMMISSION: Aye.

3 HEARING CHAIR BENNETT: All opposed say
4 "Nay."

5 (No Response.)

6 HEARING CHAIR BENNETT: The ayes have it.
7 The motion to approve the minutes is adopted.
8 And I have now affixed my signature to the
9 minutes.

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

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

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

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

25 CHAIRMAN BENNETT: Is there a second?

1 MR. KLUTZ: Second.

2 CHAIRMAN BENNETT: Any discussion?

3 (No response.)

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

6 THE COMMISSION: Aye.

7 CHAIRMAN BENNETT: All opposed say "Nay."

8 (No response.)

9 CHAIRMAN BENNETT: The ayes have it, and
10 the motion to ratify the agreements is adopted.
11 I understand there are referrals of committees
12 to the Attorney General for collection of fines.

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

18 CHAIRMAN BENNETT: Okay. And those are
19 located --

20 MS. THOMPSON: Under the -- the --

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

23 MS. THOMPSON: Correct.

24 MR. CLAYTOR: Mr. Chairman, may I ask a
25 question? There's one that has a mark beside it

1 of "MR." Is that --

2 CHAIRMAN BENNETT: On the first page?

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

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

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

12 MS. THOMPSON: Yeah.

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

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

17 MS. THOMPSON: Correct.

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

24 (All parties intending to testify were
25 sworn in.)

1 CHAIRMAN BENNETT: Now, before proceeding
2 with the lengthy hearing of campaign finance
3 enforcement actions, we want to give the
4 committees present a final opportunity to pay a
5 reduced civil penalty by waiving the right to
6 present evidence and arguments to the
7 commission.

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

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

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

21 UNIDENTIFIED AUDIENCE MEMBER: Yes,
22 Mr. Chairman. We're having a little trouble
23 hearing back here. Who is this for?

24 CHAIRMAN BENNETT: This is for all those
25 committees who wish to avoid a hearing and waive

1 their right to that hearing and accept a
2 penalty.

3 UNIDENTIFIED AUDIENCE MEMBER: Who would
4 the committee be?

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

9 UNIDENTIFIED AUDIENCE MEMBER: Question:
10 What reduction would that be?

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

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

19 I move the following -- I move for the
20 adoption of the following arrangements: If this
21 is the committee's first violation, the
22 arrangement is for the committee to agree to pay
23 25 percent of the proposed fine plus mailing
24 costs.

25 If this is the committee's second

1 violation, the arrangement is for the committee
2 to agree to pay 50 percent of the proposed fine
3 plus mailing costs.

4 If this is the committee's third violation,
5 the committee will agree to pay 75 percent of
6 the proposed violation plus mailing costs.

7 Is there a second to this motion?

8 MR. CLAYTOR: Second.

9 CHAIRMAN BENNETT: We have a motion and a
10 second. Any discussion?

11 (No response.)

12 CHAIRMAN BENNETT: If there is no
13 discussion, all in favor say "Aye."

14 THE COMMISSION: Aye.

15 CHAIRMAN BENNETT: All opposed say "Nay."

16 (No response.)

17 CHAIRMAN BENNETT: The ayes have it, and
18 the motion is adopted. Are there any committees
19 who want to accept this arrangement?

20 UNIDENTIFIED AUDIENCE MEMBER: Yes.

21 CHAIRMAN BENNETT: If so, come forward,
22 state your name, the committee's name, and the
23 cause number -- which is found on your hearing
24 notice -- and indicate that you are willing to
25 accept the applicable penalty without further

1 discussions.

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

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

10 MR. COMPTON: My name is Leonard Richard
11 Compton, and the administrative cause number is
12 2016-6361-68.

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

16 MS. THOMPSON: Page 41.

17 MS. TAYLOR: Page 41.

18 CHAIRMAN BENNETT: And what committee are
19 you representing?

20 MR. COMPTON: Compton for State
21 Representative.

22 CO-DIRECTOR NUSSMEYER: Thank you. Would
23 you mind for audience participation.

24 UNIDENTIFIED AUDIENCE MEMBER: Putting it
25 over here?

1 CO-DIRECTOR NUSSMEYER: Yeah. Thank you
2 very much. Audience participation.

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

6 MR. COMPTON: First.

7 MS. THOMPSON: First.

8 CHAIRMAN BENNETT: First violation. Are
9 you willing to accept the agreement to pay
10 25 percent of the proposed fine?

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

13 CHAIRMAN BENNETT: Thank you very much.

14 MR. COMPTON: I'm sorry.

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

18 MR. COMPTON: Where do we go from here?

19 CHAIRMAN BENNETT: You --

20 MS. TAYLOR: Home.

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

23 MS. THOMPSON: No.

24 CHAIRMAN BENNETT: Pardon? Oh. I'm sorry.
25 Thank you. The fine has been reduced to

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1 25 percent of the proposed fine, and there will
2 be a --

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

5 MS. THOMPSON: Yes. The proposed fine is
6 \$500.49.

7 MR. COMPTON: \$500.49?

8 MS. THOMPSON: Yes.

9 MR. COMPTON: Thank you.

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

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

14 CHAIRMAN BENNETT: And you will be mailed
15 an order.

16 MR. COMPTON: The fine is stated on there?

17 MS. THOMPSON: Yeah.

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

20 MR. COMPTON: That's it?

21 MS. THOMPSON: That's it.

22 CHAIRMAN BENNETT: Thank you.

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

25 CHAIRMAN BENNETT: Thank you. Who is next?

1 MS. DRAGOO: I'm Billie Dragoo. I'm the
2 chairman of the Indiana Women's Business Owner
3 Political Action Committee.

4 CHAIRMAN BENNETT: Your cause number,
5 please?

6 MS. DRAGOO: I don't have a cause number on
7 here.

8 MS. TAYLOR: Give us a second.

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

11 MS. DRAGOO: Several what?

12 MS. THOMPSON: Filings.

13 MS. DRAGOO: This is just a filing.

14 MS. THOMPSON: Right.

15 MS. DRAGOO: There's several. There's,
16 like, four.

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

19 MS. DRAGOO: I think it's \$3,000.49.

20 MS. TAYLOR: The first one is on page 25.
21 The second is on page 58. And the third is on
22 page 72. Each has a proposed civil penalty of
23 \$1,000, and this is their third set of
24 violations.

25 MS. DRAGOO: Can I can speak to that?

1 CHAIRMAN BENNETT: Well, unless you're
2 willing to accept the deal for 75 percent of the
3 fine, then you have to wait --

4 MS. DRAGOO: You mean the 25 percent fine?

5 CHAIRMAN BENNETT: This is the third
6 violation.

7 MS. DRAGOO: Okay.

8 CHAIRMAN BENNETT: You want to think about
9 it?

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

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

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

19 CHAIRMAN BENNETT: Do we even know what
20 that --

21 MS. OVERHOLT: I'm trying real fast.

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

23 MS. DRAGOO: That's fine. I'll accept it.
24 I just want it taken care of because it wasn't
25 filed not on my -- I had no knowledge of it.

1 The secretary was not doing the filings.

2 CHAIRMAN BENNETT: Okay. So you waive the
3 right to a hearing and you will pay the
4 75 percent?

5 MS. DRAGOO: Yeah.

6 CHAIRMAN BENNETT: Okay. Very good.

7 MS. DRAGOO: Okay?

8 CHAIRMAN BENNETT: And you're free to go.
9 We'll be sending you notice with regard to the
10 amount. Thank you.

11 MS. TIBBETT: My name is Nancy Tibbett.
12 The cause number is 2016-6717-85. The Committee
13 name is Tibbett for State Representative.

14 MS. THOMPSON: Page 49. Page 49.

15 CHAIRMAN BENNETT: And what number
16 violation is this?

17 MS. TIBBETT: It's my first.

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

21 MS. TIBBETT: Yes.

22 CHAIRMAN BENNETT: Very well.

23 MS. TIBBETT: Thank you.

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

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

5 MS. TAYLOR: Do you know what was late?
6 Was it preprimary?

7 MR. LEICH: Preelection.

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

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

13 MR. LEICH: Yes.

14 MR. CLAYTOR: This will be their fourth
15 time.

16 MS. TAYLOR: I think seventh, maybe.

17 MR. CLAYTOR: Oh.

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

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

24 MR. KLUTZ: Are you willing to accept the
25 full amount of the fine?

1 MR. LEICH: Yeah, it's the only opportunity
2 so ...

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

6 MR. LEICH: Yes, I agree.

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

9 MR. LEICH: Thank you.

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

14 CHAIRMAN BENNETT: Do you have a cause
15 number?

16 MS. BLANCHARD: Cause No. 2016-6864-20.

17 MS. TAYLOR: It's on page 3.

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

21 MS. TAYLOR: First.

22 MS. BLANCHARD: It is our first.

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

25 MS. BLANCHARD: Yes.

1 CHAIRMAN BENNETT: -- of the fine?

2 MS. BLANCHARD: Um-hum.

3 CHAIRMAN BENNETT: Okay. Very well.

4 MS. BLANCHARD: Thank you.

5 MR. SMITH: Hi. My name is Matthew Smith,

6 M-a-t-t-h-e-w, S-m-i-t-h, here for the

7 Matthew Smith for State Representative, Cause

8 No. 6720-86.

9 MS. THOMPSON: Page 49.

10 MS. TAYLOR: This is the first violation.

11 CHAIRMAN BENNETT: First violation. Are

12 you willing to accept the reduction to

13 25 percent the fine?

14 MR. SMITH: Yes, sir.

15 CHAIRMAN BENNETT: Very well. You're free

16 to go.

17 MR. SMITH: Thank you very much.

18 Hello everyone. I'm Curtis Nash,

19 C-u-r-t-i-s, N-a-s-h, representing Curtis Nash

20 for State Representative, Cause

21 No. 2016-6862-19.

22 MS. TAYLOR: Page 2, first violation.

23 CHAIRMAN BENNETT: Which is it?

24 MS. TAYLOR: First.

25 CHAIRMAN BENNETT: First violation. Are

1 you willing to accept the 25 percent of the
2 proposed fine?

3 MR. NASH: Yes, sir.

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

6 MR. NASH: Have a good day.

7 MR. STINFER: Mr. Chairman, my name is
8 Michael Stinfer, M-i-c-h-a-e-l, S-t-i-n-f-e-r.
9 Friends to Elect Michael Stinfer. I do not have
10 a cause number, but my case number is 6653. And
11 my --

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

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

16 CHAIRMAN BENNETT: Yes.

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

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

25 CHAIRMAN BENNETT: First violation. Are

1 you willing to accept the reduction of the fine
2 to 25 percent of the proposed fine?

3 MR. STINFER: Yes, I am.

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

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

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

13 MR. STINFER: Yes, we did.

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

16 MR. STINFER: Thank you.

17 CHAIRMAN BENNETT: Thank you.

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

20 CHAIRMAN BENNETT: You may be seated if you
21 prefer.

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

1 that letter. I do have a file number, though.

2 Will that help? It is 6790.

3 MS. TAYLOR: What was filed late?

4 MR. MATHIS: My preprimary report.

5 MS. TAYLOR: Okay.

6 MR. MATHIS: Sorry to be difficult.

7 MS. TAYLOR: Page 82.

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

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

11 CHAIRMAN BENNETT: First violation. Are
12 you willing to accept the reduction to
13 25 percent of the proposed fine?

14 MR. MATHIS: Yes, with one question. What
15 was the proposed fine? Do you have that?

16 MS. TAYLOR: \$400.

17 MR. MATHIS: Okay. So that'd be a hundred
18 bucks; right.

19 MS. TAYLOR: Yep.

20 MR. MATHIS: Very well. I accept that.

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

23 MR. HEAD: Randy Head representing the
24 Committee to Elect Randy Head Attorney General,
25 file No. 99-6874. I wish to accept the

1 proposed --

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

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

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

9 MR. HEAD: Yes, Mr. Chairman.

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

12 MR. HEAD: Thank you.

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

18 MS. THOMPSON: Page 35.

19 MS. TAYLOR: This is the second violation.

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

22 MS. METZGER: Yes, sir.

23 CHAIRMAN BENNETT: -- in the proposed fine?
24 Very well. You're free to go.

25 CO-DIRECTOR KING: Michelle, was that 35,

1 page 35?

2 MS. THOMPSON: Yes, page 35.

3 MR. GRANQUIST: Good afternoon,
4 Dan Granquist, G-r-a-n-q-u-i-s-t, Committee to
5 Elect Dan Granquist, Cause No. 2016-6297-64.
6 Annual report, first violation.

7 MS. TAYLOR: Page 39, first violation.

8 CHAIRMAN BENNETT: Are you willing to
9 accept the reduction to 25 percent of the fine?

10 MR. GRANQUIST: Yes.

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

13 MR. LACY: I have a question. I'm
14 Jeff Lacy with the Muncie Police Department PAC.
15 My cause number is 2015-3924-10. I'm not sure
16 how many violations we have.

17 MS. THOMPSON: Three today.

18 MR. LACY: And what would the total cost of
19 that be?

20 CHAIRMAN BENNETT: Give us a minute. We'll
21 get on the same page here.

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

23 MS. TAYLOR: This is your third time and
24 there are three today. The first one is \$1,000.
25 The second one is \$1,000. And I think they're

1 all \$1,000. Let me check the third real fast.

2 MR. LACY: Okay.

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

4 MR. LACY: Okay. We'll waive.

5 CHAIRMAN BENNETT: So you're not accepting
6 the --

7 MR. LACY: Correct. We would like to
8 discuss it with you, if we may.

9 CHAIRMAN BENNETT: Okay. Next? Anyone
10 else who wants to accept the deal that's been
11 offered for reduction of the fines in exchange
12 for a waiver of the hearing?

13 (No response.)

14 CHAIRMAN BENNETT: Seeing none, we'll now
15 take up the Jim Banks matter. And at this time,
16 we want to bring in -- at this time I think it's
17 appropriate to read the adoption of the campaign
18 finance hearing procedures so everyone
19 understands how these matters will proceed.

20 In the past the commission has followed
21 certain procedures for conducting campaign
22 finance hearing. And I move that the commission
23 use the following procedures today: A, when
24 each campaign finance matter is called, the
25 hearing will begin with recognizing the campaign

1 finance staff to provide information about the
2 documents in this matter provided to commission
3 members, including letters from committees and
4 the notice given to the campaign committee.

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

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

18 If the presenter offers additional
19 documents or other physical evidence not
20 previously received by the commission, then the
21 original must be provided to the election
22 division -- that would be Mr. Simmons -- to
23 preserve the record. If the commission finds
24 that a committee has violated the campaign
25 finance statutes, state law requires a unanimous

1 vote of all four commissioners to waive or
2 reduce the amount of the penalty set by state
3 law.

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

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

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

24 MR. CLAYTOR: Second.

25 CHAIRMAN BENNETT: Is there any discussion?

1 (No response.)

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

4 THE COMMISSION: Aye.

5 CHAIRMAN BENNETT: All opposed say "nay."

6 (No response.)

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

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

13 (Commission Member Klutz left the room.)

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

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

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

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

24 MS. THOMPSON: Mr. Chairman, this is
25 Friends of Jim Banks, Cause No. 2015-5910-119.

1 He has a proposed civil penalty of \$1,000.49.
2 Under your blue tab there on the very first one,
3 there's a letter from Jim Banks. It's just a
4 tab like this one (indicating), a sticky tab.

5 CO-DIRECTOR KING: See?

6 CHAIRMAN BENNETT: Oh, okay. Got it.

7 MS. TAYLOR: Got it?

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

10 MS. THOMPSON: No.

11 CHAIRMAN BENNETT: Okay. Yes, sir.

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

23 During that time, his wife was taken
24 over -- had taken over the role of the Senate
25 campaign finances, thought we had everything,

1 you know, up to speed, you know, three kids,
2 managing the family stuff while Jim was away.

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

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

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

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

18 MR. ZAPFE: Yes, yes. In fact, he was
19 unopposed. So while on the ballot he didn't
20 have a contested race so -- and that thing came
21 in, you know, late in October. And it was
22 just -- it got lost in -- they did, you know,
23 two of the three things they were supposed to
24 but just -- just failed being -- Amanda being
25 new to the campaign finance laws, she just had

1 forgot to do that final part. But they caught
2 it and self-reported.

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

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

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

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

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

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

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

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

24 CHAIRMAN BENNETT: Is there a motion --
25 well, at this point, if there's no other

1 questions, I declare the hearing on the matter
2 closed and ask if there's any motion.

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

10 CHAIRMAN BENNETT: Is there a second?

11 MS. BECKLEY: I will second.

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

14 (No response.)

15 CHAIRMAN BENNETT: All in favor say "Aye"?

16 THE COMMISSION: Aye.

17 CHAIRMAN BENNETT: All opposed say "Nay."

18 (No response.)

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

22 MR. ZAPFE: Thank you.

23 CHAIRMAN BENNETT: We would like to bring
24 the Big Red matter up at this point in time.
25 Commissioner Klutz remains recused, and

1 Ms. Beckley will be his proxy.

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

4 MS. TAYLOR: Yeah.

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

7 MS. THOMPSON: Yes. Mr. Chairman, it's Big
8 Red Liquors, Cause No. 2016-174. Big Red PAC
9 and Indiana Associated Beverage Retailers, they
10 contributed to those two committees in the
11 amount of \$46,844.93. And they've never been
12 before the commission before. And Big Red PAC
13 returned \$24,862 to Big Red Liquors on June
14 15th -- or June 20th, 2015.

15 CHAIRMAN BENNETT: And is there a proposed
16 civil penalty?

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

19 CHAIRMAN BENNETT: Is that a statutory
20 penalty?

21 MS. THOMPSON: Yes, it is.

22 CHAIRMAN BENNETT: Okay. You may present.

23 MR. BELL: Thank you, Mr. Chairman and the
24 committee. My name is Matthew Bell,
25 M-a-t-t-h-e-w, B-e-l-l. I serve as the

1 treasurer of the Big Red Liquors PAC. And I'm
2 here today on behalf of Big Red Liquors with our
3 apologies and very humbly to be in the front of
4 the committee.

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

14 Those were received from eight different
15 campaign committees with the last returned
16 contribution being received on July 20th of
17 2015.

18 Upon the receipt of a final returned
19 contribution, a check was issued from Big Red
20 PAC to Big Red Liquors in the amount of \$24,850.

21 Big Red Liquors has a strong desire to be
22 in compliance with all Indiana state laws and
23 certainly regrets that an inadvertent overage
24 was made. The PAC is bipartisan in its nature.
25 It is not intended to unduly sway one side or

1 another of the political aisle. It's a
2 reputable company who wants very much to be
3 active in the political process, but to do so
4 appropriately and within the bounds of the law.

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

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

13 MR. BELL: -- \$24,850 to Big Red Liquors.

14 CHAIRMAN BENNETT: To Big Red Liquors.

15 MR. BELL: And those were based on return
16 contributions from campaign committees to whom
17 contributions had been made by the PAC, the
18 eight different committees.

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

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

25 MS. TAYLOR: This is the difference between

1 the -- and they asked for --

2 THE COURT REPORTER: Do you want what
3 you're saying on the record? Because I can't
4 hear you.

5 CHAIRMAN BENNETT: I'm thinking not.

6 MS. THOMPSON: We are doing the math here.

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

9 MR. BELL: Yes, sir.

10 CHAIRMAN BENNETT: Who was it given to you
11 by?

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

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

19 MR. BELL: We were informed by letter from
20 Michelle Thompson at the election division on
21 June -- pardon me -- first on March 4th, 2014,
22 that it had been -- that in a routine audit,
23 that the PAC had received contributions from Big
24 Red Liquors in excess of limits set forth in
25 3924.

1 CHAIRMAN BENNETT: And the money was
2 returned about a year and four months later; is
3 that -- am I calculating that correctly?

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

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

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

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

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

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

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

19 CHAIRMAN BENNETT: Okay. Good.

20 MR. BELL: And that's --

21 MS. THOMPSON: Yeah.

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

24 MS. TAYLOR: Yeah.

25 MR. BELL: So it was four months.

1 CHAIRMAN BENNETT: All right. Any further
2 questions? Any further testimony or
3 documentation?

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

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

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

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

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

21 CHAIRMAN BENNETT: Okay. I am corrected.
22 It takes official action by the commission to
23 enforce the fine. So with that understanding,
24 given that the matter was corrected when it was
25 brought to the attention, I guess I would move

1 that the fine be reduced by 90 percent to a
2 10 percent fine.

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

5 CHAIRMAN BENNETT: 10 percent.

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

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

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

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

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

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

24 MR. BELL: Mr. Chairman, may I?

25 CHAIRMAN BENNETT: Yes.

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

3 MS. OVERHOLT: This is the first violation?

4 MS. THOMPSON: Correct.

5 MS. TAYLOR: Yes.

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

11 MR. CLAYTOR: Correct.

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

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

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

23 MS. THOMPSON: No.

24 MS. TAYLOR: We didn't send a settlement
25 agreement?

1 MR. BELL: No, ma'am, not to my knowledge.

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

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

10 MS. TAYLOR: Yes, yes.

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

13 MS. THOMPSON: The \$24,000.

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

15 MS. TAYLOR: Yes.

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

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

20 MR. CLAYTOR: Okay. I'm good at typos.
21 Twenty-five percent of that amount is just under
22 \$6,500.

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

25 MR. CLAYTOR: I think you made a motion,

1 Mr. Chairman. If you would withdraw that
2 motion, I will make a motion.

3 MR. BELL: May I pose a question? If
4 25 percent of the statutory penalty is the
5 question, that would be 25 percent of the civil
6 penalty, not the violative amount; correct? So
7 you would be talking about 25 percent of \$74,000
8 at that point.

9 MR. CLAYTOR: I would not be but --

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

11 MR. CLAYTOR: That is the math.

12 CHAIRMAN BENNETT: Let me withdraw that
13 motion and make it clear. I guess my motion is
14 25 percent of the violative amount as a penalty.

15 MS. BECKLEY: So for clarification,
16 25 percent of the \$24,850?

17 CHAIRMAN BENNETT: Correct.

18 MR. CLAYTOR: Which, I believe, is
19 \$6,462.50.

20 CHAIRMAN BENNETT: Is there a second?

21 MS. BECKLEY: I will second it.

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

24 (No response.)

25 CHAIRMAN BENNETT: All in favor say "Aye."

1 THE COMMISSION: Aye.

2 CHAIRMAN BENNETT: All opposed say "Nay."

3 (No response.)

4 CHAIRMAN BENNETT: The ayes have it.

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

7 CHAIRMAN BENNETT: Thank you. Who is next?
8 At this time, Commissioner Klutz will replace
9 Commissioner Beckley. Thank you for your
10 service, Commissioner.

11 MS. BECKLEY: No problem.

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

14 CHAIRMAN BENNETT: You may.

15 MR. LACY: May I remain standing?

16 CHAIRMAN BENNETT: You may.

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

23 First and foremost, thank you for this
24 opportunity to plead our case before you and I
25 apologize for your time. This is embarrassing

1 to us, and I regret that we have to be here.
2 I'm nervous as I've ever been, and I've been in
3 federal court and everywhere.

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

9 MS. THOMPSON: 66.

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

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

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

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

21 During that course of time there was
22 confusion from the previous treasurer in
23 turnover of documents and things like that, is
24 my understanding. And by the time that he had
25 turned that information over to us, our mailbox

1 that we received, our post office box had no
2 longer been paid for -- correct me I'm wrong,
3 Larry; is that right?

4 MR. ROBINS: Right.

5 MR. LACY: It had no longer been paid for.
6 And I believe some of the mail that we were
7 receiving was sent back. And if it -- and so we
8 never received notification that we were late on
9 these, the preliminary, the other two
10 violations. I'm basically arguing all three at
11 once, I guess.

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

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

1 looking into what was required out of us.

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

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

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

14 I would -- once again, on the annual
15 reporting, that is our fault 100 percent. We
16 didn't -- we -- that was an oversight on our
17 behalf. On the other two, it was kind of a
18 perfect storm of chaos through the election as
19 well as the fact that our mailbox had not been
20 kept up to date and we were not informed that
21 these -- from the prior people that were running
22 the PAC that this was a requirement. We
23 apologize, and we ask for a waiver of those two
24 and a reduction of fee -- fine on the annual
25 reporting. And I appreciate your time.

1 CHAIRMAN BENNETT: Okay. Anything else you
2 want to present?

3 MR. LACY: No, sir. That's as close to the
4 best explanation as I can give. I mean, it was
5 a lot of oversight and a lot of confusion when
6 the election occurred as to who was taking over.

7 Subsequently the previous treasurer is no
8 longer with us. He has retired. And when Larry
9 took over -- Mr. Robins took over, he was quick
10 to act is my understanding.

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

21 CHAIRMAN BENNETT: Any comments from the
22 division on this?

23 MS. THOMPSON: No, Mr. Chairman. These are
24 all \$1,000 proposed civil penalties for all
25 three of these violations.

1 CHAIRMAN BENNETT: Have the three reports
2 been filed?

3 MS. THOMPSON: They have, yes.

4 MS. TAYLOR: Yes.

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

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

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

1 to us.

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

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

14 CHAIRMAN BENNETT: Any other questions?

15 MS. OVERHOLT: When did you come in?

16 MR. LACY: I believe it January 2015.

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

21 MR. LACY: I was just going to say these
22 are hard working men and women in the police
23 department that entrusted us with their money.
24 And unfortunately, I think I have let them down
25 when it comes to this. And I ask that you not

1 penalize them for an error that's on my behalf
2 and my current treasurer. I think their total
3 dues month are, like, \$200.

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

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

8 CHAIRMAN BENNETT: Okay. Any motions?

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

15 MR. LACY: We weren't sure.

16 MR. KLUTZ: -- you thought. But some of
17 that appears to be a transitional factor when
18 you came in in January of 2015. At the same
19 time you did admit and state that you just
20 missed some -- you weren't properly educated on
21 the filings, and so I don't feel like a
22 25 percent reduction would be appropriate
23 either. My recommendation would be a 50 percent
24 reduction on all three proposed fines.

25 CHAIRMAN BENNETT: Is that a motion?

1 MR. KLUTZ: It is.

2 MR. CLAYTOR: I'll second the motion.

3 CHAIRMAN BENNETT: Any discussion?

4 (No response.)

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

7 THE COMMISSION: Aye.

8 CHAIRMAN BENNETT: All opposed say "Nay."

9 (No response.)

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

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

14 MS. TAYLOR: \$1,500.

15 MR. LACY: Thank you.

16 CHAIRMAN BENNETT: Thank you.

17 MR. WITWER: I'm George Witwer and founder
18 of the Opportunity Project to Political Action
19 Committee. And it's been dormant for over a
20 decade. We kept it open from the standpoint
21 that we might someday make it active again. I'm
22 here on behalf of Martha Coleen, who is in
23 charge of the political action committee. She
24 works up in Bluffton, Indiana, where I'm from.
25 She has a calendar to fill her report out

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

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

18 CHAIRMAN BENNETT: Have we found --

19 MS. THOMPSON: Yes, page 71, Mr. Chairman.
20 This committee has never been before the
21 commission before and has a proposed civil
22 penalty of \$200.47.

23 CHAIRMAN BENNETT: That's the full penalty?

24 MS. THOMPSON: Yes.

25 CHAIRMAN BENNETT: \$200. And I'm curious,

1 Mr. Witwer, why you didn't take the 25 percent
2 reduction?

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

10 MR. CLAYTOR: He just got here.

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

14 CHAIRMAN BENNETT: Okay.

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

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

19 MR. WITWER: No, I wasn't here. I'm sorry.
20 Am I no --

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

25 MR. WITWER: I solemnly swear.

1 CHAIRMAN BENNETT: Okay. Anything else you
2 want to present?

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

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

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

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

25 MR. CLAYTOR: Second.

1 CHAIRMAN BENNETT: Motion and a second?

2 Any discussion?

3 (No response.)

4 CHAIRMAN BENNETT: All in favor say "Aye."

5 THE COMMISSION: Aye.

6 CHAIRMAN BENNETT: All opposed say "Nay."

7 (No response.)

8 CHAIRMAN BENNETT: The motion carries.

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

10 THE WITNESS: I appreciate it very much.

11 MS. TAYLOR: Mr. Witwer also has a

12 candidates' committee, a long-standing committee

13 that's been around as long as the PAC committee.

14 The candidates' committee also missed the same

15 filing deadline as the candidate for statewide

16 office. The report was due April 15th. It was

17 filed April 18th. It's another -- it's

18 different committee, Hoosiers for Witwer. It's

19 on page 87.

20 MR. WITWER: Same situation, I guess.

21 MS. THOMPSON: Yes. Filed at the same

22 time, wrote a letter for both delinquencies.

23 This one also has a proposed civil penalty of

24 \$200.47.

25 CHAIRMAN BENNETT: Okay. Mr. Witwer, can

1 you address that one as well or do you wish,
2 since we're --

3 THE WITNESS: Same facts. Same facts.
4 She's responsible for that. She had it
5 calendared, I guess it was due the same day.
6 She was sick. As soon as she got in the office,
7 she sent that one in as well.

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

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

12 CHAIRMAN BENNETT: Third.

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

16 CHAIRMAN BENNETT: It's not been dissolved?

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

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

23 MR. WITWER: No.

24 CHAIRMAN BENNETT: Any other questions from
25 the commissioners?

1 (No response.)

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

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

9 CHAIRMAN BENNETT: Is there a second?

10 MR. KLUTZ: Second.

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

13 (No response.)

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

16 THE COMMISSION: Aye.

17 CHAIRMAN BENNETT: All opposed say "Nay."

18 (No response.)

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

22 MR. WITWER: Okay.

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

25 THE WITNESS: Advice taken.

1 CHAIRMAN BENNETT: Thank you.

2 MR. WITWER: Thank you. You bet.

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

6 MR. BREEDEN: We've been here since before
7 1:00, but there weren't any seats when we got
8 here.

9 CHAIRMAN BENNETT: I think you should come
10 forward.

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

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

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

17 MS. TAYLOR: When was it due?

18 MR. BREEDEN: Primary.

19 MS. TAYLOR: Of this year?

20 MR. BREEDEN: Yes, yes.

21 MS. TAYLOR: Okay.

22 MR. BREEDEN: We would have -- we live in a
23 three-room cabin. My wife's father died and
24 she's gone and I'm not sure of our filing system
25 in our three-room cabin so I need --

1 MS. TAYLOR: It's on page 84. It's the
2 Committee to Elect Bill Breeden, Cause
3 No. 2016-6849-159. This is the first penalty
4 and proposed civil penalty of \$600.47.

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

7 THE COURT REPORTER: Thank you.

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

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

18 I have a copy here of the fax that I sent
19 two days before the deadline. And I didn't hear
20 that it was late until weeks later. And I
21 called the office and explained that I had faxed
22 it and I had a copy of that. And she said bring
23 that copy here to this meeting and she called
24 and said I want to stop the fine, because at
25 that time I think it was nearing \$700. And

1 that's the first time I ever --

2 CHAIRMAN BENNETT: You want to give that to
3 paper to Mr. Simmons?

4 MR. BREEDEN: Sure.

5 CHAIRMAN BENNETT: Anything else you want
6 to tell us any or documents you want to make
7 part of the record?

8 MR. BREEDEN: No. You know, I faxed it in.
9 I don't know why it wasn't filed, but I thought
10 the fax number was fine. I think I talked to
11 Michelle.

12 MS. THOMPSON: 15, April 15.

13 MR. KLUTZ: It appears to be file stamped
14 April 13th.

15 MR. BREEDEN: She told me that she didn't
16 think it would be a problem, but I did have to
17 show up here. I'm glad to meet you all. I'm
18 glad you're doing your job.

19 CHAIRMAN BENNETT: Anything else on your
20 part?

21 MR. BREEDEN: No.

22 CHAIRMAN BENNETT: Any questions from the
23 commissioners? Anything from the division? Any
24 motion from the other commissioners?

25 MR. KLUTZ: What he's presented is --

1 appears to be a fax that's sent to the Indiana
2 Election Division on April 13th, 2016. And what
3 I'm told is that the report was due April --

4 MS. TAYLOR: 15th.

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

7 MR. CLAYTOR: Second.

8 CHAIRMAN BENNETT: Any discussion?

9 (No response.)

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

12 THE COMMISSION: Aye.

13 CHAIRMAN BENNETT: All opposed say "Nay."

14 (No response.)

15 CHAIRMAN BENNETT: Ayes have it.

16 MR. BREEDEN: Thank you very much. I hope
17 I never see you again except outside this room.
18 Have a good day.

19 MR. MAHERN: I don't have a cause number.
20 Indiana Southern District Democratic Committee.
21 I have a file number.

22 THE COURT REPORTER: Your name, sir.

23 MR. MAHERN: I'm sorry. My name is Louis,
24 L-o-u-i-s; Mahern, M-a-h-e-r-n. I have a copy
25 of my remarks if you would like them. In the

1 summer of 2008 the then Marion County Democratic
2 Chairman appointed me to be treasurer of the
3 Indiana Seventh District Democratic Committee.

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

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

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

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

25 About three weeks later I received a notice

1 from the commission offering a proposed
2 settlement of a campaign finance penalty. I
3 called the commission staff and requested a
4 hearing on the matter. As far as I know, that
5 is where the matter stands today. The Indiana
6 Seventh District Democratic Committee has no
7 funds and has not had any funds for nearly five
8 years.

9 I would have availed myself of the
10 25 percent discount offer at the outset, but the
11 committee had no funds to pay that 25 percent.

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

14 CHAIRMAN BENNETT: Thank you. Any
15 questions?

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

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

22 MR. KLUTZ: Mr. Chairman, in the past have
23 we waived fines conditioned upon certain filing
24 such as the closing of a committee and the
25 waiver be contingent upon the filing of the

1 proper documents?

2 CHAIRMAN BENNETT: I think what we've done
3 in the past is to defer the matter pending the
4 closure and save it for the next hearing. The
5 committee is inactive? There's no money?

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

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

20 MR. MAHERN: Fair enough.

21 CHAIRMAN BENNETT: We need a second.

22 MR. CLAYTOR: Second.

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

25 (No response.)

1 CHAIRMAN BENNETT: All in favor say "Aye."

2 THE COMMISSION: Aye.

3 CHAIRMAN BENNETT: All opposed say "Nay."

4 (No response.)

5 CHAIRMAN BENNETT: The motion carries.

6 MR. MAHERN: Thank you, Mr. Chairman.

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

9 MR. MAHERN: All right.

10 CHAIRMAN BENNETT: Next?

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

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

21 MS. COOK: Yes. There are two for each
22 PAC, so there are four cause numbers. For the
23 ICOM PAC it's 2015-614-145, 2015-147-112. For
24 the Democrat Mayors PAC it's 2015-6126-144,
25 2016-6124-111.

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1 MS. TAYLOR: These are on pages 61, 62, and
2 67.

3 MR. CLAYTOR: These are two separate --

4 MS. TAYLOR: These are two separate --

5 MS. COOK: Does that go to you?

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

9 CHAIRMAN BENNETT: Okay.

10 MS. COOK: For both PACs, they're very
11 similar circumstances so I can kind of speak to
12 them all together. I realized that we missed
13 the filings for the preprimary and preelection
14 2015 on October 20th, 2015. I was reading a
15 political newsletter, and they had listed some
16 important dates and deadlines. And I thought
17 surely not because I haven't received anything
18 from the election commission stating that we had
19 any problems or any delinquencies. So
20 immediately I called the election commission and
21 was told to speak to Abbey Taylor.

22 She called me back the next morning. And
23 she said that both PACs had missed the filings
24 for the preprimary and the preelection reports
25 and we did not respond to the commission's

1 request to appear. And the commission had
2 already ruled that we owed \$1,000 on each -- for
3 each PAC, although today I haven't received
4 notice of that delinquency or a right to appear
5 or the ruling of the commission imposing the
6 fine, we have never received those documents.
7 This information was provided to me verbally,
8 though, by Abbey when I spoke to her on
9 October 21st.

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

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

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

1 delinquencies or notice of right to appear.

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

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

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

18 CHAIRMAN BENNETT: Anything else?

19 MS. COOK: That's it. No.

20 CHAIRMAN BENNETT: Any response from the
21 division on this?

22 MS. TAYLOR: We'll fall on that. They
23 checked the box and updated their address, and
24 we just didn't catch it. It's our fault. We
25 didn't catch the updated address, so we didn't

1 change it in the system. So any mail we sent
2 out went to the old address, because we didn't
3 catch the new address.

4 CHAIRMAN BENNETT: Even though it was
5 properly presented?

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

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

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

13 (No response.)

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

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

24 CHAIRMAN BENNETT: Is there a second?

25 MR. CLAYTOR: Second.

1 CHAIRMAN BENNETT: Motion and a second.

2 Any discussion?

3 (No response.)

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

6 THE COMMISSION: Aye.

7 CHAIRMAN BENNETT: All opposed say "Nay."

8 (No response.)

9 CHAIRMAN BENNETT: Ayes have it. Fine
10 waived.

11 MS. COOK: Appreciate it. Thank you.

12 CHAIRMAN BENNETT: Who is next? Second
13 row? Anybody in the first row, still in the
14 first row, come forward. Thank you.

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

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

1 objection to my hearing this matter.

2 CHAIRMAN BENNETT: Is that going to affect
3 your impartiality?

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

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

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

9 MS. TAYLOR: 13.

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

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

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

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

24 The conclusion of the -- conclusion of the
25 hearing resulted in a motion, as I read from the

1 minutes, that said, "I wonder if we can hold
2 this matter in abeyance and ask Ms. Reardon to
3 work with our co-directors and co-counsel to put
4 together a proposal in this matter which may
5 include both of these current pending orders and
6 the other matters that were turned over to the
7 AG's office for collection."

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

23 MR. KING: Yes, Mr. Chairman. In
24 consulting with Mr. Simmons, we determined that
25 it is entirely possible.

1 CHAIRMAN BENNETT: Okay.

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

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

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

20 We went ahead and took the proactive
21 historically, as I think was mentioned just a
22 couple moments ago -- historically the method of
23 handling those sort of things if there's a
24 commitment to close the committee -- and there
25 has been no activity in the committee -- is for

1 a waiver and trying to pull this back.

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

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

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

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

20 MR. WHEELER: Well, there was a
21 conversation. There were conversations. I know
22 Ms. Reardon had a conversation, I think, with
23 her predecessor. I've had a conversation with
24 Mr. King as well since she left our office. And
25 I got -- I picked this up as the commission

1 directed. The commission directed us to work
2 with the counsel in doing this, and that's why I
3 closed it out. We've taken no activity, closed
4 it out. We've confirmed that the AG's office
5 can pull these back.

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

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

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

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

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

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

21 CHAIRMAN BENNETT: Any questions?

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

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

1 CHAIRMAN BENNETT: Where did the money go?

2 MR. WHEELER: It was reimbursed -- the
3 remaining money in the account was reimbursed to
4 the chiropractor's association for their legal
5 fees because they were paying the legal fees out
6 of the association.

7 CHAIRMAN BENNETT: Okay. Any questions?

8 (No response.)

9 CHAIRMAN BENNETT: We'll close the hearing
10 portion and ask if there is any motions.

11 MR. CLAYTOR: Mr. Chairman, I would move
12 that we dismiss the current matter before us and
13 request the attorney general to return the
14 matter that has been referred to them.

15 CHAIRMAN BENNETT: Is there a second?

16 MR. KLUTZ: Second.

17 CHAIRMAN BENNETT: Motion and a second.

18 Any discussion?

19 (No response.)

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

22 THE COMMISSION: Aye.

23 CHAIRMAN BENNETT: All opposed say "Nay."

24 (No response.)

25 CHAIRMAN BENNETT: The motion carries.

1 MR. WHEELER: Thank you.

2 CHAIRMAN BENNETT: Case dismissed and we'll
3 recall -- call off the dogs.

4 MR. WHEELER: Thank you.

5 CHAIRMAN BENNETT: Who is next? We've got
6 one more in the front row. Are you waiting?

7 MS. BELL: I've been here since before
8 12:30. That's why I moved up because I didn't
9 know you sat in the front to go sooner. I sat
10 in the back like a dummy so --

11 CHAIRMAN BENNETT: Anybody sitting closer
12 than her longer? Go ahead.

13 MS. BELL: My name is Renda Bell, and I'm
14 executive officer for Home Builders of Howard
15 County. And I received a letter dated -- I
16 don't see the date on it. Here we go, on the
17 envelope. June 16th, that -- it's for a notice
18 of hearing, that they did not receive my
19 financial report for the end of the year.

20 And so I pulled my file out and I called
21 the election department and explained to them
22 that it showed -- and this is the only way I
23 have to show because we have a very old fax
24 machine and it doesn't spit out a receipt. It
25 just has a little digital readout that it went

1 successful.

2 MS. THOMPSON: Mr. Chairman, it's on
3 page 29.

4 CHAIRMAN BENNETT: Thank you.

5 MS. BELL: Oh, I'm sorry. But according to
6 my records, I did fax that -- that on January
7 the 7th at 10:35 A.M. So when I received the
8 letter, the summons, I did call the election
9 department. And I do not have record of who I
10 spoke to, but they said, well, to fax that right
11 away.

12 So on March 22nd -- yeah, March 22nd, I
13 re-faxed it at 10:52 A.M. with a cover letter
14 that I faxed it previously on the 7th of
15 January.

16 CHAIRMAN BENNETT: Can you present that
17 written evidence to Mr. Simmons to put that in
18 the record?

19 MS. BELL: Sure. I didn't make copies of
20 the paperwork so I might keep the paperwork
21 unless you need it.

22 MR. SIMMONS: We can make copies for you
23 and send it to you.

24 MS. BELL: Okay. That would be great.

25 MR. SIMMONS: You want to submit that?

1 MS. BELL: Sure, sure.

2 CHAIRMAN BENNETT: Any further oral
3 testimony that you would like to present?

4 MS. BELL: No, that's all I have. I mean,
5 I've done this for four years now. And the
6 first couple times I used the old fax machine I
7 would call even though I had the, you know, it
8 told me that it was sent and make sure they
9 received it; and there was no problems. So this
10 time, you know, from there on I just assumed it
11 was going through.

12 CHAIRMAN BENNETT: Any response to that
13 testimony from the division?

14 MS. THOMPSON: No.

15 CHAIRMAN BENNETT: Do you have any reason
16 to believe this wasn't originally faxed on
17 January 7th at 10:30 A.M.?

18 MS. THOMPSON: We didn't receive it.

19 CHAIRMAN BENNETT: When did you put this
20 sticker on there with the --

21 MS. BELL: The date I sent it. See, if you
22 look at the bottom there, it's dated when I
23 filled the paperwork out.

24 CHAIRMAN BENNETT: That was your habit
25 of -- you did that because your fax machine

1 didn't automatically --

2 MS. BELL: Right. Every one I do have has
3 a Post It note on it just like that.

4 CHAIRMAN BENNETT: Further questions from
5 the commissioners? What was the deadline date
6 for that report?

7 MS. TAYLOR: January 20th.

8 CHAIRMAN BENNETT: It was after the 7th?

9 MS. THOMPSON: Yes, yes.

10 MS. BELL: January 20th, yeah.

11 CHAIRMAN BENNETT: Okay. Any further
12 questions?

13 MS. TAYLOR: January 20th.

14 CHAIRMAN BENNETT: Okay. Hearing no
15 further questions, I'll declare the hearing in
16 the matter closed and ask if there are any
17 motions -- any motions to be made by one of the
18 commissioners. You were here and under oath?

19 MS. BELL: Yes, yes, yes.

20 MR. CLAYTOR: Mr. Chairman, I move that we
21 waive the fine in this matter.

22 CHAIRMAN BENNETT: Is there a second?

23 MR. KLUTZ: Second.

24 CHAIRMAN BENNETT: Motion and a second.
25 Any discussion?

1 (No response.)

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

4 THE COMMISSION: Aye.

5 CHAIRMAN BENNETT: All opposed say "Nay."

6 (No response.)

7 CHAIRMAN BENNETT: The fine is waived.

8 MS. BELL: Thank you very much.

9 CHAIRMAN BENNETT: I guess this is the
10 feeding system now. Good afternoon.

11 MR. DOADES: Good afternoon. My name's
12 Corbin Doades, C-o-r-b-i-n, last name
13 D-o-a-d-e-s. We are here for the Indiana
14 Veterans Party of America, Cause
15 No. 2016-6690-95.

16 CHAIRMAN BENNETT: Thank you. Be seated.

17 MS. TAYLOR: On page 53. Indiana Veterans
18 Party of America, Cause No. 2016-6690-95,
19 proposed civil penalties of \$1,000.49, and has
20 not been before the commission before.

21 CHAIRMAN BENNETT: Okay. Very well. You
22 may proceed.

23 MR. DOADES: This is for the annual report
24 that was due on March 1st of 2016. For this
25 report our state treasurer, who was unable to

1 attend today due to a medical issue, he suffered
2 a family emergency around the time of the filing
3 and he was not able to get the report to me to
4 be faxed in in a timely manner. I'm not really
5 sure exactly how late we were. I think we were
6 only a day or two late.

7 We also want to bring up the fact that the
8 April filing we were also late on filing that as
9 well; but we do not have a notice for that yet.

10 CHAIRMAN BENNETT: Is that matter before
11 the commission today?

12 MS. TAYLOR: I'm going to pull his file.
13 This one gets a little tricky.

14 We checked in a report that we received
15 March 22nd. Okay. The report we received
16 March 28th we checked in as the preprimary
17 report, which may be our fault. And then we
18 received a report on April 18th and checked that
19 one in as the annual. So what we've done in the
20 system, they only have the one delinquency and
21 looking at it after the fact, they actually have
22 two delinquencies. We only caught the one. It
23 might be that we were being nice at the time. I
24 don't know where to start. There's two reports
25 this one was received March 28th.

1 MR. KLUTZ: The report's received
2 March 28th, but when was it due?

3 MS. TAYLOR: This one was due March 1st.

4 MR. KLUTZ: Okay.

5 MS. TAYLOR: We checked it in as the one --
6 yeah, as the one due April 15th. And then the
7 one filed one April 18th, and we took that as
8 the one due March 1st. We just -- we got them
9 crossed.

10 CHAIRMAN BENNETT: But they were both
11 delinquent?

12 MS. TAYLOR: They were both delinquent, but
13 we didn't catch it at the time because we
14 flipped which one was which. So I guess we were
15 being nice. This one was filed March 28th
16 should have been filed March 1st. And then was
17 filed April 18th, it should have been
18 April 15th.

19 CHAIRMAN BENNETT: Okay.

20 MS. TAYLOR: This was their annual on
21 March 28th.

22 MR. DOADES: They both occurred about the
23 same time. His son got into -- it was a
24 domestic issue between him and his son. And
25 because of that incident, he had to go to family

1 court to get his son evicted out of Treasurer's
2 house that his son was renting. And because of
3 that, he missed the deadline.

4 CHAIRMAN BENNETT: Because he was in court?

5 MR. DOADES: Correct, but I don't have any
6 documentation at the present to show that; but
7 we ask the board, because of the -- because of
8 that incident, that any penalties be forgiven
9 since this is our first offense.

10 CHAIRMAN BENNETT: What is the total
11 penalty then for both -- there's two or just
12 one?

13 MS. THOMPSON: Just one is what we have in
14 the system, and that's \$1,000.49.

15 CHAIRMAN BENNETT: So we're not dealing
16 with the second one?

17 MS. THOMPSON: We are not dealing with the
18 second one.

19 CHAIRMAN BENNETT: Just dealing with the
20 first one?

21 MS. THOMPSON: Right. Correct.

22 MR. BOHANON: May I chime in?
23 Bradford Bohanon, vice chairman for Veterans
24 Party of America.

25 Kind of when this situation popped we found

1 out about it, my honest comment to him was
2 "heads will roll," because I didn't want to come
3 to this. But we have manifested a way to be
4 more efficient. We have a crosscheck system
5 we're going use in the future emails.

6 And Pete Waller, the secretary -- I'm
7 sorry -- the treasurer is no longer going to be
8 the secretary or treasurer. He moved to
9 Georgia, so we are going to be making a staff
10 switch as well. So I want you guys to know
11 we're trying to make some kind of adjustments so
12 that we don't have this problem again.

13 CHAIRMAN BENNETT: Any other questions?

14 MR. CLAYTOR: I'm not sure I followed how
15 being in court caused this to be 28 days late.

16 MR. DOADES: It was kind of an oversight on
17 the filing date. He was kind of wrapped up in
18 the whole situation. He forgot to check his
19 calendar, and I forgot to the doublecheck it as
20 well. So it's both on us. And we've made --
21 made corrections, like my vice chairman has
22 stated.

23 I do have a printed copy of the filing
24 dates now. I've got it posted up next to my
25 personal computer. I also have it saved on my

1 phone, so it has reminders so we won't be late
2 again.

3 CHAIRMAN BENNETT: Anything else?

4 MR. CLAYTOR: No.

5 CHAIRMAN BENNETT: I'm going to declare the
6 hearing closed and see if there are any motions.
7 As a practicing trial lawyer, I can't really
8 excuse people for not getting their work done
9 because they have to be in court. It's just one
10 of those things we all have to schedule around.

11 But my thought is that it should be a
12 reduction to 25 percent. That would be
13 appropriate had the deal been taken; but since
14 it wasn't, I'm not sure there's a lot of reason
15 to reduce it at all. I guess with those
16 comments, I ask if anyone has a motion.

17 MR. KLUTZ: Mr. Chairman, I would agree. I
18 think the circumstances you described were the
19 circumstances that that reduction and that
20 settlement offer are meant for.

21 The penalties you've seen reduced recently
22 are for our mistakes, documentation where they
23 show they faxed it and we didn't receive the
24 documentation or evidence submitted that we
25 didn't -- we didn't change the address when the

1 committee did that.

2 This is -- this is tailored -- that
3 settlement that we offered at the beginning was
4 tailor made for this situation. So I agree. I
5 don't have -- I don't think a reduction of
6 25 percent is appropriate. I would reduce it to
7 50 percent and that would be my motion, that the
8 fine be reduced to 50 percent of the proposal
9 amount.

10 CHAIRMAN BENNETT: I will second that. Any
11 discussion?

12 (No response.)

13 CHAIRMAN BENNETT: Hearing no discussion,
14 we have a motion and a second. All in favor of
15 a 50 percent reduction say "Aye."

16 THE COMMISSION: Aye.

17 CHAIRMAN BENNETT: All opposed say "Nay."

18 (No response.)

19 CHAIRMAN BENNETT: The fine is reduced by
20 50 percent. Tell them to schedule around those
21 court hearings the next time.

22 MR. DOADES: We will.

23 MR. GARRETT: My name is William Billy D.
24 Garrett. And my committee's name, Committee to
25 elect William Billy D. Garrett. And we had

1 filed a report on the correct date, and I had
2 talked to Mr. King.

3 CHAIRMAN BENNETT: Do you have a cause
4 number?

5 MR. GARRETT: 2016-6740-153.

6 MS. TAYLOR: It's on page 81. Cause
7 No. 2016-6740-153, proposed civil penalty of
8 \$550.47. And this is their first violation.

9 MR. GARRETT: I had faxed them a copy of
10 the copy that we had. And my treasurer brought
11 it to me, and this says official certified copy
12 true and complete. So we had no reason to
13 understand that -- to suspect that, in fact,
14 this was the right note, because when we faxed
15 it, they told us that it was all we had to do.

16 And we was assuming it was going to be
17 forwarded to where it needed to go, but we was
18 on time. And the one before that we was on
19 time, but I don't know how -- they were telling
20 us to fax it to the local clerk, and we took it
21 there. And I have a copy of that, and it's
22 stamped by the clerk.

23 CHAIRMAN BENNETT: Can you give that to
24 Mr. Simmons?

25 MR. GARRETT: Well, this is my original. I

1 gave them a copy -- I faxed them a copy of it.

2 CHAIRMAN BENNETT: Do we have a copy in our
3 records?

4 MR. GARRETT: And I faxed a letter with it
5 to Mr. King.

6 CHAIRMAN BENNETT: Do we have it in our
7 books?

8 MR. GARRETT: Yeah, I faxed it to him.
9 This has the red stamp on it from the clerk's
10 office, the original.

11 CHAIRMAN BENNETT: Can we look at it?

12 MR. GARRETT: Has the date it was stamped
13 and completed and ...

14 CHAIRMAN BENNETT: Is there any response to
15 the testimony by the division? Have you seen
16 the document he just provided to us?

17 MS. TAYLOR: Yes.

18 CHAIRMAN BENNETT: Can you explain why the
19 division didn't get it on April 15th?

20 MS. TAYLOR: The county is not at all
21 required to send us a copy, nor do they
22 typically send us a copy. It looks like
23 Mr. Garrett filed it with his county clerk on
24 April 15th, the due date; but we did not receive
25 that copy.

1 CHAIRMAN BENNETT: It wasn't filed?

2 MS. TAYLOR: It was not filed with the
3 division.

4 CHAIRMAN BENNETT: Okay.

5 MR. GARRETT: We had asked them, "Is that
6 all we need to do?"

7 They said, "That's all you need to do."

8 I wasn't made aware of ten days -- but if
9 you can look on there, there is very little
10 money. And so I want to -- I didn't want to let
11 it go to \$500.

12 That's why I called Mr. King because what
13 he told us the first time we filed -- this is
14 how the confusion came about.

15 The first time we filed the first report
16 was on time. They said, "Well, our fax machines
17 are busy," clerk's office. They said file in
18 Indianapolis.

19 CHAIRMAN BENNETT: Who is "they"?

20 MR. GARRETT: At the clerk's office. We
21 went to two offices. We went to the election
22 office and the clerk's office.

23 CHAIRMAN BENNETT: The county clerk's
24 office?

25 MR. GARRETT: Right. And they said their

1 fax machine was busy both places. On time, my
2 treasurer went there on time. I'm running all
3 over the place. So they say fax it to
4 Indianapolis because their fax machines are
5 busy. We said okay, we'll fax this to
6 Indianapolis.

7 Then they came back the second time -- we
8 faxed it with them. They didn't tell us to fax
9 it here. We had assumed that since the fax
10 machine was not busy the second time, it was
11 okay. And they stamped it showing complete.

12 CHAIRMAN BENNETT: I don't know who "they"
13 are.

14 MR. GARRETT: The clerk's office. It's on
15 there. She stamped it.

16 CHAIRMAN BENNETT: The county clerk's
17 office?

18 MR. GARRETT: Right.

19 CHAIRMAN BENNETT: You're talking to the
20 county clerk's office?

21 MR. GARRETT: We went to the county clerk's
22 office and the election office. We went to both
23 offices to make sure that we did everything
24 completely. And they said, "You don't to do
25 anything else."

1 CHAIRMAN BENNETT: Who said that? What
2 office?

3 MR. GARRETT: Both offices, the clerk's
4 office and the election office. We went to both
5 of them. I went to both of them. They said
6 that's all we need to do, and they stamped it
7 complete.

8 CHAIRMAN BENNETT: Well, you -- I believe
9 you're testifying that both the county clerk's
10 office and the election division office told
11 you --

12 THE COMMISSION: No, no. He's saying the
13 county election board.

14 MS. OVERHOLT: Can I see the form again?

15 CHAIRMAN BENNETT: Sure.

16 MR. GARRETT: It was just an honest
17 mistake, because we was just faxing it on time.
18 No one told me we had to fax it -- and we kind
19 of assumed that if we faxed it there and it
20 needed to go somewhere else, they would send us
21 somewhere else. But they never told us they
22 needed to go in one of these things. Just bring
23 it down by 12:00 noon, and we did that. We took
24 it down there that day before 12:00 noon, faxed
25 it and filed it and they stamped it.

1 As a matter of fact, she hand delivered it.
2 She didn't fax it. I mean, she left work to do
3 that for me.

4 CHAIRMAN BENNETT: Okay. Anything else?
5 Any other testimony you would like to provide?

6 MS. OVERHOLT: Well, just out of curiosity,
7 we don't have the back -- I'm sorry. You can
8 finish your question for the staff. Sorry.

9 CHAIRMAN BENNETT: No. Go ahead.

10 MS. OVERHOLT: Well, I was just -- I was
11 wondering if we had the -- I'm just curious
12 about that because we've heard a lot today about
13 people not knowing about deadlines and where to
14 send things and all this staff, so the front of
15 the form references instructions on the back of
16 the form for filing. We have the front page,
17 and I don't -- we don't have the back page. So
18 I'm wondering if staff have --

19 MR. GARRETT: That's another thing. On the
20 form it doesn't have --

21 MS. OVERHOLT: On the very bottom. So I'm
22 wondering if the staff have the -- the way the
23 form actually looks.

24 CO-DIRECTOR NUSSMEYER: You want a blank
25 copy of the form?

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1 MS. OVERHOLT: Yes. That's another way to
2 put it, yes, a blank copy of the form. Do we
3 have --

4 MS. THOMPSON: I don't have a blank copy.

5 MR. GARRETT: I have the front page. It
6 doesn't have a fax number on it nowhere.

7 MS. OVERHOLT: Yeah. I know there's not a
8 fax number on the front.

9 CHAIRMAN BENNETT: The question is: Are
10 there instructions on the back?

11 MS. OVERHOLT: Right, right. Because I
12 think we need to hold people to at least reading
13 the instructions and following them. I just --
14 I don't know. I'm getting a little --

15 CHAIRMAN BENNETT: This is why you should
16 take the deal early.

17 MR. CLAYTOR: Yeah, that's true.

18 MS. OVERHOLT: And I thought actually we
19 had one in here that had the -- okay. Thank
20 you.

21 MS. THOMPSON: It's double sided.

22 MS. OVERHOLT: Yes, it is double sided. So
23 it does on the back -- I mean, it does say this
24 form must be filed electronically with the
25 election division. Contact the division at --

1 and there's an 800 number for more information.

2 CHAIRMAN BENNETT: All right. I do think
3 if the laws in our ruling are to have any
4 effect, we need to expect that people are going
5 to read the forms and file them in the
6 appropriate places. Unless there's any other
7 questions, I want to declare the hearing on this
8 matter closed and ask if there is a motion from
9 any of the commissioners. Any motions?

10 MS. OVERHOLT: Well, could I ask you one
11 more question? I'm sorry.

12 CHAIRMAN BENNETT: Ask your question.

13 MS. OVERHOLT: So is this committee still
14 active?

15 MR. GARRETT: Yes. The account is still
16 open, yeah. And he told us that we have to keep
17 on filing the forms until the -- as long as the
18 account is open. But I guarantee they'll be
19 faxed to Indianapolis from now on now that we
20 are clear with that. Because I want to -- I
21 wouldn't have let it went ten days. I would
22 have did it immediately if I would have known.

23 CHAIRMAN BENNETT: I'm going to make a
24 motion that we would reduce the fine to
25 50 percent. It appears to have been a good

1 faith mistake, but it was a mistake that could
2 have been avoided by reading the form. So I
3 don't think that it's appropriate to waive the
4 fine.

5 MR. GARRETT: Does say on there to fax it
6 that number? I don't have a back copy of that.

7 CHAIRMAN BENNETT: The original would have
8 that on it.

9 MR. GARRETT: Okay.

10 CHAIRMAN BENNETT: So that's my motion,
11 that the fine be reduced by 50 percent.

12 MR. CLAYTOR: I'll second.

13 CHAIRMAN BENNETT: We have a motion and a
14 second. All in favor say "Aye."

15 THE COMMISSION: Aye.

16 CHAIRMAN BENNETT: All opposed say "Nay."

17 (No response.)

18 CHAIRMAN BENNETT: The motion carries.
19 Fine reduced to 50 percent.

20 MR. GARRETT: That would be \$250; right? I
21 want to make sure I get it right.

22 MS. OVERHOLT: \$275.

23 CHAIRMAN BENNETT: You'll get a notice in
24 the mail.

25 MR. GARRETT: I'll get a notice in the

1 mail? Okay. I appreciate that.

2 MR. PEEBLES: My name is David Peebles,
3 P-e-e-b-l-e-s. And with me is Nellie Thompson.
4 And we are with 6455-145, Montgomery County
5 Democrats for Progressive Action.

6 MS. TAYLOR: Page 79, Cause
7 No. 2016-6455-145.

8 MR. PEEBLES: And we're here for a
9 delinquent filing of a preprimary, but we'd like
10 to call the commission's attention -- and I
11 handed Mr. Simmons there -- in January we filed
12 an annual that had the box checked off "final
13 disbanded." And in there the certified mail was
14 not signed by the commission but had a
15 commission -- or a division stamp on the green
16 card. So we'd ask -- or what we're asking for
17 then is that the fine for not filing preprimary,
18 because the account was closed at the end of --
19 the end of '15, we're asking that the 2016
20 preprimary be --

21 MS. TAYLOR: This is their first
22 delinquency, and the committee is closed.

23 MR. PEEBLES: That was the exhibit we
24 showed closed in January. And I guess it didn't
25 register with the commission then. That's why

1 we're here today. Or the division. Sorry.

2 CHAIRMAN BENNETT: Closed in January and
3 you got a notice that you had missed what
4 deadline?

5 MR. PEEBLES: The preprimary for this year.

6 CHAIRMAN BENNETT: Which would have been
7 when?

8 MR. PEEBLES: April 15th. And we did
9 file -- we shouldn't have had to, but just to
10 protect ourselves we filed a preprimary.

11 CHAIRMAN BENNETT: Any response from the
12 division on that?

13 MS. TAYLOR: Their annual report filed
14 January 19th, 2016, had all zeros; but they did
15 not close the committee.

16 MS. THOMPSON: Then there was an amended
17 copy.

18 MR. PEEBLES: I think the one we presented
19 Mr. Simmons was an amended dated --

20 MS. TAYLOR: We have an amendment received
21 April 21st where they checked the box, but we
22 did not receive that until after the preprimary
23 report was due.

24 CHAIRMAN BENNETT: Okay. Any reply?

25 MS. THOMPSON: Pardon?

1 CHAIRMAN BENNETT: Any reply to that?
2 They're saying that the box was not checked to
3 close the committee until April 21st, and the
4 form was due on April 15th.

5 MS. THOMPSON: Well, when you discover an
6 error, you amend the report.

7 CHAIRMAN BENNETT: And you anticipated that
8 amendment would relate somehow to before the
9 filing deadline.

10 MS. THOMPSON: Pardon? I'm sorry. I
11 talked with Abbey Taylor. I went ahead and sent
12 the first one in so that it wouldn't be late,
13 the year end. And then by the time I got the
14 answer to my question, that that was what you
15 had to do to close it out, it was the -- it was
16 mailed the very next day then.

17 CHAIRMAN BENNETT: Anything else that you
18 want to present or any testimony you want to
19 offer?

20 MR. PEEBLES: No. I guess in the
21 alternative, if the commission doesn't waive the
22 fine, we'd ask for 25 percent. It's only \$350
23 fine, but we would ask for 25 percent.

24 CHAIRMAN BENNETT: Okay. Any questions by
25 the commission?

1 MR. KLUTZ: When was the amendment
2 received?

3 MS. TAYLOR: April 21st.

4 MR. KLUTZ: And what was the date that it
5 was signed?

6 MS. TAYLOR: January 14th.

7 MR. KLUTZ: So you signed it January 14th
8 and then filed it.

9 MS. THOMPSON: There's the certified mail
10 things that shows it was stamped the 15th at the
11 post office in Crawfordsville.

12 MR. PEEBLES: There is a clarification.
13 Nellie, you signed that dated January 2015. It
14 should be 2016, which is clear from the
15 reporting period.

16 MS. THOMPSON: I know someone said they
17 couldn't find that. Is that --

18 MS. TAYLOR: We -- the one we have is from
19 April 21st. We never got an amendment in
20 January.

21 MS. THOMPSON: Oh, okay.

22 MS. TAYLOR: So the report filed in January
23 and on time had all zeros, but it did not have
24 the box checked closing the committee. We never
25 received an amendment until April 21 after the

1 preprimary report was due.

2 MS. THOMPSON: Well, that we just emailed
3 or faxed -- emailed, I think. But yeah, the
4 copy that we had sent in with the postal proof
5 and it was received here. No one had signed
6 that green card, but it had the stamp on it
7 saying Indiana Election Board or whatever.

8 I went to the post office and asked them
9 how that happened, you know, that they let it go
10 through without it being signed; but they did.

11 And it just happened like that.

12 CHAIRMAN BENNETT: Anything else? Anybody
13 have any other questions or comments? I will
14 declare the hearing closed and asked if there is
15 any motion by any of the commissioners.

16 MR. CLAYTOR: Mr. Chairman?

17 MR. KLUTZ: Mr. Chairman?

18 MR. CLAYTOR: I'm sorry. Go ahead.

19 MR. KLUTZ: It looks like they appear to
20 have closed the committee but just simply did
21 not do it either timely or properly so they
22 tried to comply, but they did not. To me this
23 would be something that they should have availed
24 themselves of for the 25 percent penalty, so I
25 would recommend a penalty of 50 percent of the

1 proposal.

2 MS. THOMPSON: Could I make one more
3 statement or have you closed the hearing?

4 CHAIRMAN BENNETT: The hearing is closed,
5 but I'm going to second the motion and open it
6 up for discussion by the commission. And if you
7 have something omitted that you would like to
8 say, go ahead.

9 MS. THOMPSON: I know a couple years ago I
10 had the same situation where I was contacted.
11 This report wasn't filed. And then they said
12 they couldn't find it, although I sent them
13 copies of it. And it was discovered at that
14 time that it was the county party whose report
15 was late because of change in -- in treasurers,
16 I think. And so we got that cleared up, because
17 it was here and I had the proof it was here.

18 CHAIRMAN BENNETT: Well, we have a motion
19 and a second. Any discussion on the motion for
20 50 percent reduction for the fine?

21 (No response.)

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

24 THE COMMISSION: Aye.

25 CHAIRMAN BENNETT: All opposed say "Nay."

1 (No response.)

2 CHAIRMAN BENNETT: Motion carries.

3 MS. THOMPSON: Thank you.

4 UNIDENTIFIED MALE: They were here first,
5 Mr. Chairman. I'm happy to let most of that
6 side go, to be honest. Most of them were here
7 before I was.

8 MR. MELCHER: Yes, my name is Stephen,
9 S-t-e-p-h-e-n, middle initial R, last name
10 Melcher, M-e-l-c-h-e-r. This is my wife Anna,
11 A-n-n-a. Her name, of course, is Melcher. I've
12 got four in front of me. So I don't know which
13 case number you want. But --

14 MS. TAYLOR: 8, 9, 17.

15 MR. MELCHER: What happened is I've been
16 before you before on October 16th, 2014. And we
17 came in at that time when we found out what the
18 mistake was. I had a heart coronary -- or my
19 heart stopped. What was it September 20th?

20 MRS. MELCHER: Yes.

21 MR. MELCHER: September 20th, so I didn't
22 even get back out on the election -- election
23 thing at that year until two days before the
24 election. So my wife had to pick up all --
25 never did this stuff before, so she was just

1 trying to copy from other ones on what to do.

2 And she used the date of the check that she
3 got in, not the date that she received it. And
4 I think that was all taken care of. The ladies
5 over here helped her a lot. So we filed
6 everything, and we came before you then on three
7 of these. And we was asking for forgiveness in
8 that because she just did it wrong, which was --
9 I'm glad she did it trying to watch out for me,
10 but the only thing she did was she used the date
11 that was on the check. And we know most of
12 those checks are later.

13 Well, when we got here, we found out there
14 was another one that same day. So I asked the
15 board to vote on it and they said no, they want
16 to vote them all the same time.

17 MS. TAYLOR: Yep.

18 MR. MELCHER: So I said, well, tomorrow
19 morning you'll have the revised one, the one
20 they just gave us of the meeting. And we did
21 that. The very next morning we sent that in and
22 they received it, because she always called them
23 and faxed.

24 So as far as I know as of, I guess that
25 would be the 17th of October this was settled,

1 so it was just a matter of voting. And I ran
2 into Tony Long and I said, "They never called me
3 back up here again. Can you find out what's
4 going on here?"

5 The next thing I know I got a letter from
6 them. I don't know if it's because of him or we
7 haven't had one since then, so I don't know.

8 MS. TAYLOR: You haven't had one since
9 then?

10 MR. MELCHER: Well, or we'd of this done a
11 long time ago, because it was just a matter of a
12 date that threw all this off.

13 MS. THOMPSON: Mr. Chairman, these were
14 tabled at the last meeting for Mr. Melcher to
15 get these filed and close his committee; and he
16 has done that.

17 CHAIRMAN BENNETT: Okay. Anything else?

18 MR. MELCHER: I'm just asking for
19 forgiveness. The committee, like she said, is
20 closed. She knows what to do now, but hopefully
21 I won't be there anymore.

22 CHAIRMAN BENNETT: Okay. Any questions by
23 the commissioners?

24 (No response.)

25 CHAIRMAN BENNETT: Declare the hearing on

1 the matter closed. I'll ask if there are any
2 motions. I'll move to dismiss this matter.

3 MR. MELCHER: Thank you.

4 CHAIRMAN BENNETT: We need a second,
5 though.

6 MR. CLAYTOR: Second.

7 CHAIRMAN BENNETT: We have a motion and a
8 second. All in favor say "Aye."

9 THE COMMISSION: Aye.

10 CHAIRMAN BENNETT: All opposed say "Nay."

11 (No response.)

12 CHAIRMAN BENNETT: Motion carries.

13 MR. MELCHER: Thank you very much.

14 Mr. Chairman, members of the committee, my name
15 is Parvin Gillim. That is P-a-r-v-i-n, G -- as
16 in "golf" -- i-l-l-i-m as in "Mike." I'm here
17 representing the Parvin for 32 Committee,
18 Administrative Cause No. 2015-6599-94.

19 MS. THOMPSON: Mr. Chairman, these are on
20 page 14 and 15.

21 CHAIRMAN BENNETT: Thank you.

22 MS. THOMPSON: Mr. Chairman, these were
23 also tabled from the last meeting for him to
24 file these supplemental reports and close his
25 committee -- and close his committee. And he

1 has done that.

2 CHAIRMAN BENNETT: Very well. Anything
3 else you would like -- you would like to say?

4 MR. GILLIM: Mr. Chairman, I have listened
5 this committee. And I understand you have to,
6 you know, you have very strict rules to abide
7 by. And I appreciate what you must go through
8 to -- to handle this.

9 And I thought I was following the book
10 correctly, but I missed that one report. And
11 for that I apologize, but I ask for -- that the
12 penalty be waived and to dismiss this cause.

13 CHAIRMAN BENNETT: And your committee is
14 closed?

15 MR. GILLIM: The committee is closed.

16 CHAIRMAN BENNETT: All right. Any
17 questions?

18 MR. KLUTZ: Mr. Chairman, just so -- we
19 heard this in a prior meeting and --

20 MS. TAYLOR: Yes.

21 MR. KLUTZ: -- said was there a conditional
22 waiver. I just don't remember.

23 MR. GILLIM: My understanding was, at the
24 time -- and I was told that was not the case.
25 My understanding at the time was if I filed the

1 report, that the case would be closed; but that
2 was, I guess, not the case after speaking to
3 staff here. That was -- they thought it was and
4 then said it's not.

5 MS. THOMPSON: When we went back and
6 checked, the question was did he have to come
7 back today if he took care of the paperwork and
8 closed his committee. We did not, at the last
9 meeting, say they did not have to come back. So
10 I told him that he ought to be here today.

11 MR. KLUTZ: My recollection of it would be
12 that it was likely if we made the waiver
13 conditional upon him taking certain action, and
14 it sounds like he did it.

15 MS. THOMPSON: Yes, he did.

16 MR. KLUTZ: I make a motion to waive the
17 penalty.

18 MR. CLAYTOR: Section.

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

21 (No response.)

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

24 THE COMMISSION: Aye.

25 CHAIRMAN BENNETT: All opposed "Nay."

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1 (No response.)

2 CHAIRMAN BENNETT: Motion granted.

3 MR. GILLIM: Thank you.

4 MS. BOYCE-CANFIELD: Hello. I'm here on

5 the committee for Tim Canfield,

6 No. 2016-6722-88. My name is Jennifer

7 Boyce-Canfield, B-o-y-c-e-C-a-n-f-i-e-l-d.

8 MS. TAYLOR: Mr. Chairman, page 49.

9 CHAIRMAN BENNETT: Um-hum.

10 MS. TAYLOR: Committee to Elect Timothy

11 Canfield, Cause No. 2016-6722-88, first time

12 before the commission; and the committee is

13 closed with a proposed civil penalty of \$300.49.

14 CHAIRMAN BENNETT: \$350?

15 MS. TAYLOR: \$300.49.

16 MS. THOMPSON: It's on page 50. I'm sorry.

17 CHAIRMAN BENNETT: Okay.

18 MS. BOYCE-CANFIELD: We got the notice that

19 we were delinquent. Apparently the state had

20 had Timothy running as state treasurer. He did

21 not run for state treasurer. He ran for the

22 clerk treasurer of Burns Harbor, which is in

23 Porter County. We filed all of our documents

24 with the county on time, and I have copies of

25 all this information.

1 Apparently when I did the application, the
2 original CFA form online, there was a drop-down
3 for the position. And the only thing that
4 looked similar to what he was running for was
5 state treasurer because the only options are
6 governor, lieutenant governor, secretary of
7 state, attorney general, the auditor, state
8 treasurer, clerk of the Supreme Court,
9 superintendent of public instruction, state
10 senator, and state representative.

11 When we gave the form to our county. She
12 asked me to correct it, which we did. I did not
13 know that the state still had him running as
14 state treasurer, which was in 2014, not in 2015.

15 So there was no committee, and there is no
16 money. And we did file the reports that -- was
17 it Taylor? I think it was you that I talked to
18 on the phone. She asked me to file it anyway,
19 showing 0, which we did. So I don't know
20 exactly what else to do, but our report with the
21 county was filed on time.

22 CHAIRMAN BENNETT: Okay. The committee is
23 closed now?

24 MS. BOYCE-CANFIELD: It's closed.

25 CHAIRMAN BENNETT: Anything else you would

1 like to say?

2 MS. BOYCE-CANFIELD: No.

3 CHAIRMAN BENNETT: Anything from the
4 division?

5 MS. TAYLOR: I think that they -- I mean,
6 they were running for a local office. And
7 our -- our online system is only -- only used by
8 state candidates, so statewide candidates or
9 state legislative candidates. I think they
10 intended to run for local treasurer and that's
11 not an option on our system, but treasurer is an
12 option on our system. I think it was just a big
13 mistake that wasn't corrected until it was too
14 late for us.

15 MS. BOYCE-CANFIELD: I was just looking for
16 a form online to type it in rather than
17 handwriting it, using a typewriter. That's when
18 I came across the form. So I was like, oh, this
19 is a good form. So I just filled out online.

20 CHAIRMAN BENNETT: Any questions?

21 (No response.)

22 CHAIRMAN BENNETT: Hearing none, we'll
23 close the hearing and ask for a motion from the
24 commissioners.

25 MR. CLAYTOR: Mr. Chairman, I move we

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1 dismiss this action.

2 CHAIRMAN BENNETT: Is there a second?

3 MR. KLUTZ: Second.

4 CHAIRMAN BENNETT: Motion and second. Any
5 discussion?

6 (No response.)

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

9 THE COMMISSION: Aye.

10 CHAIRMAN BENNETT: All opposed, "Nay."

11 MS. BOYCE-CANFIELD: Thank you so much.

12 CHAIRMAN BENNETT: Case dismissed. Thank
13 your co-counsel for his fine work.

14 MS. BOYCE-CANFIELD: He's learning a lesson
15 today too. Thank you.

16 MS. MUSGRAVE: Hello. I am
17 Cheryl Musgrave, C-h-e-r-y-l, M-u-s-g-r-a-v-e.
18 The cause number is 2016-5904-44. I am
19 unfamiliar with the workings of this board. And
20 had I understood your offer of 25 percent at the
21 beginning, I would have taken it. I apologize
22 for wasting your time. My committee and I
23 simply did not comprehend that we had to
24 close -- close an account and file a report that
25 was final.

1 The interpretation at our level was that
2 because the campaign account bank account still
3 existed and there was a transformation to a
4 different office, that -- that a final report
5 wasn't required. After multiple conversations
6 with your staff, multiple emails over a period
7 of this, the fact was finally pounded home.

8 So we apologize for the complete lack of
9 understanding that a final report at the state
10 level was required so that your computer could
11 drop this. And we ask that we be treated no
12 worse than if we had we come up with the
13 25 percent deal.

14 CHAIRMAN BENNETT: Do we have a page number
15 on this?

16 MS. THOMPSON: I'm sorry. Page 29.

17 CHAIRMAN BENNETT: Were you any -- well,
18 let me ask you this: Were you here when I gave
19 the instructions about the 25 percent deal?

20 MS. MUSGRAVE: But I didn't really
21 understand. This is my first time at your
22 board. I was here, but I didn't understand the
23 rules that you were applying. I've never
24 studied your board's actions. I didn't know
25 what you -- what you would be doing. And I

1 thought that, I guess, I would be no worse off
2 in the case; but having listened to the
3 testimony, I understand that you get penalized
4 for it. So I apologize for that.

5 CHAIRMAN BENNETT: Okay. Any questions
6 from anyone?

7 (No response.)

8 CHAIRMAN BENNETT: Okay. I declare the
9 hearing closed, and I'll make a motion that --

10 MS. OVERHOLT: I'm sorry. I've got a
11 question for staff. It looks like this is a
12 third --

13 MS. THOMPSON: Yes.

14 MS. OVERHOLT: This is the third violation.

15 MS. MUSGRAVE: This is the first time I've
16 ever been here. I was not aware there was any
17 violation.

18 MS. TAYLOR: Looks like the 2010 annual was
19 late and the 2014 annual was late as well.

20 MS. MUSGRAVE: In 2014 -- 2014 was filed at
21 the local level on the same misunderstanding
22 that since there was no state office being
23 sought, no state report was required.

24 I did not receive any notices about that.
25 The P.O. Box that had been used for 2010

1 campaign had long since been closed. The
2 forwarding thing for the P.O. Box has long since
3 expired. The post office simply didn't send it.
4 No one -- I never got it.

5 When I began to run for commissioner having
6 started a campaign at the end of 2015 for local
7 commissioner, I opened up a new P.O. Box with a
8 new P.O. Box number. And the post office stuck
9 the notice for this hearing in the new P.O. Box,
10 but they -- I don't know what they did with the
11 one they received before. I never got it. I
12 wasn't aware.

13 MS. THOMPSON: The 2010 she paid a
14 settlement agreement.

15 MS. TAYLOR: The 2010 annual.

16 MS. MUSGRAVE: And I think that was --
17 somebody told me, "Here. You have to pay this,"
18 and sent me something in the mail; and I paid
19 it.

20 MS. THOMPSON: You got a settlement
21 agreement in the mail?

22 MS. MUSGRAVE: I would have paid a
23 settlement agreement in the mail had I got one
24 for this hearing.

25 MS. TAYLOR: There is the '14.

1 MS. MUSGRAVE: The reports were all filed
2 at the local level. There was no office being
3 sought.

4 Should anyone have been interested in the
5 amount that the account had, those records were
6 available with the clerk. No money essentially
7 came in, and no money essentially came out.
8 Maybe there was \$100 donation out of the account
9 to somebody else's campaign. But for all
10 intents and purposes it sat dormant this entire
11 time filing the required reports with the local
12 office; but I did not know I had to file
13 something that said final with a zero balance
14 because there was never actually a time that
15 there was zero balance in the account.

16 I understand that that's a requirement of
17 your computer system to, to get rid of it off
18 your records. Now I understand that after three
19 weeks of schooling from your staff, but I did
20 not.

21 MS. THOMPSON: I don't see that the 2014
22 annual was filed --

23 MS. MUSGRAVE: I can give you a copy.

24 MS. THOMPSON: -- with us. It might have
25 been at the local level, but I don't see it with

1 us.

2 MS. MUSGRAVE: I can give that to you now.

3 CHAIRMAN BENNETT: Based on the division's
4 records, there's two prior violations.

5 MS. THOMPSON: Correct.

6 MS. MUSGRAVE: My email correspondence with
7 your staff member -- and I can give this to you
8 now where I filed the required report for the
9 entity. I asked, "Does it take care of
10 everything?" And she said yes. She did not
11 alert me to a need to give you a 2014 filing.

12 CHAIRMAN BENNETT: All right. Any other --
13 any other questions? Any questions on this?

14 (No response.)

15 CHAIRMAN BENNETT: At this point I would --
16 does that raise any questions?

17 MR. CLAYTOR: This is just -- this is a
18 single committee, at the state-level committee.

19 MS. MUSGRAVE: Right.

20 MS. OVERHOLT: But there is another
21 committee too; right?

22 MS. MUSGRAVE: The Friends of Musgrave has
23 existed since 1994.

24 MS. OVERHOLT: But you have -- you have two
25 committees; right?

1 THE WITNESS: In your view, I have two
2 committees. In my view, I have one committee,
3 if that makes sense.

4 CHAIRMAN BENNETT: Okay. I'm going to
5 declare the hearing in the matter closed. It
6 appears there are two violations. And to the
7 extent that my instructions weren't clear, I
8 think it's not inappropriate to allow for the
9 same deal that would have been taken had my
10 instructions been abundantly clear, so I would
11 make a motion for a 50 percent reduction in the
12 fine.

13 MR. CLAYTOR: Mr. Chairman, before I so
14 appropriately second your motion, can I ask:
15 Has everything been filed now?

16 MS. THOMPSON: Yes. She has closed it out
17 on the state level and moved over down to the
18 local.

19 MR. CLAYTOR: So but all outstanding
20 reports have been filed?

21 MS. THOMPSON: Yes.

22 MR. CLAYTOR: Then I would second your
23 motion.

24 CHAIRMAN BENNETT: Okay. A motion and
25 second. Any discussion?

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1 (No response.)

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

4 (No response.)

5 CHAIRMAN BENNETT: All opposed say "Nay."

6 (No response.)

7 CHAIRMAN BENNETT: The ayes have it.
8 Reduction of the fine by 50 percent.

9 MR. CLAYTOR: And no one is still mad about
10 their property taxes going up?

11 MS. MUSGRAVE: They are extremely angry.
12 Officials are angry. Taxpayers are angry. You
13 can't win on taxes.

14 MR. CLAYTOR: All right.

15 MR. SKORDOS: Mr. Chairman, members of the
16 commission, my name is Christian Skordos,
17 C-h-r-i-s-t-i-a-n, S-k-o-r-d-o-s. I am here as
18 the chair, candidate, treasurer, and sole staff
19 member of Christian Skordos for State
20 Representative. Cause No. 2016-6853-161. I'll
21 give you a moment to find that.

22 MS. THOMPSON: Page 84.

23 MS. TAYLOR: Cause No. 2016-6853-161.
24 Proposed civil penalty of the \$400.47. And
25 this is their first delinquency.

1 MR. SKORDOS: Could you tell me what
2 document you have there? I haven't been here
3 very long but --

4 MS. TAYLOR: I can pull your file.

5 MR. SKORDOS: What happened was my
6 preprimary report I attempted to file it on the
7 15th via fax. And it sounds like I'm not the
8 only one who had this issue, but apparently it
9 didn't arrive. I did not discover the issue
10 until April 21st in the evening when I got home
11 from work, and I had a letter notifying me of
12 the delinquency.

13 The next morning, as soon as I had access
14 to fax machine, I promptly corrected the issue
15 and sent my preprimary report over. It wasn't
16 until May 3rd that I got confirmation it had
17 been received. I attempted to email and call
18 the election division. Eventually I got an
19 answer.

20 There was an issue of promptness. I did
21 not receive notice that I was delinquent until
22 seven days, well, six, seven days later, which
23 creates an issue of the extent of the fine. But
24 I would also like to add my report shows that I
25 accepted no contributions, I made no

1 expenditures. I don't believe I ever even
2 opened a campaign account of any sort.

3 And at this point, any fine that is levied
4 is going to be borne personally by myself. I
5 made the decision to withdraw from the race
6 because, quite frankly, I bit off more than I
7 could chew. I have a six-month-old child, and
8 you don't realize the time a child takes up
9 until you have one. So I'd appreciate if you
10 take all of that into consideration.

11 CHAIRMAN BENNETT: Okay. Thank you. Any
12 response from the division? Any additional
13 information that we should be aware of?

14 MS. THOMPSON: The report shows all zeros,
15 and the committee is not closed at this time.

16 CHAIRMAN BENNETT: Is there any reason why
17 you have not closed the committee?

18 MR. SKORDOS: I haven't decided whether I
19 am going to attempt to run again at some point,
20 but I anticipate I'll likely close that
21 committee in the near future.

22 CHAIRMAN BENNETT: Questions by the
23 commissioners?

24 MS. OVERHOLT: I'm just going to ask, you
25 said you tried to fax it and it didn't go

1 through. Do you have any transmittal receipt or
2 anything?

3 MR. SKORDOS: No. Our fax machine is
4 really on and off about that. It's old as can
5 be; but, quite frankly, I was relying on my
6 apartment complex's fax machine. And they're
7 not exactly shelling out the big bucks for
8 top-of-the-line technology so ...

9 CHAIRMAN BENNETT: Well, I'll declare the
10 hearing of the matter closed and ask if there
11 are any motions from any of the commissioners?

12 MR. KLUTZ: You should have taken the
13 settlement agreement because, again, this seems
14 tailor fit for your situation. I wish you could
15 show us a fax that shows a time stamp; and it
16 was our fault that we didn't receive it, but you
17 don't have any of that. I would propose that
18 the fine be reduced by 50 percent.

19 MR. CLAYTOR: Second.

20 CHAIRMAN BENNETT: Motion and a second.
21 Any discussion?

22 (No response.)

23 CHAIRMAN BENNETT: All in favor say "Aye."

24 THE COMMISSION: Aye.

25 CHAIRMAN BENNETT: All oppose say "Nay."

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1 (No response.)

2 CHAIRMAN BENNETT: Ayes have it. Fine
3 reduced.

4 MR. SKORDOS: Thank you.

5 MR. GIESLER: Cause No. 2016-6208-59. My
6 name is Bart Giesler, B-a-r-t, G-i-e-s-l-e-r,
7 with John Crick and Associates representing the
8 Motion Picture Association.

9 MS. THOMPSON: Mr. Chairman, page 36 at the
10 very bottom and top of 37. This is Motion
11 Picture Association of Indiana Illinois PAC,
12 Cause No. 2016-6208-59, has a proposed civil
13 penalty of \$1,000.49 and has not been before our
14 commission before.

15 CHAIRMAN BENNETT: Thank you. You may
16 proceed.

17 MR. GIESLER: Thank you. Before you is a
18 letter from the motion picture -- I'm here to
19 appear for them as well as an affidavit from
20 Sarah Walsh who faxed in the report. In the
21 affidavit, it includes the report and then,
22 under Exhibit B, the transmittal verification
23 report that the fax did go through of the three
24 pages. The fax was sent on January 15th. I
25 believe the report was due January 20th.

1 Upon notification from the election
2 division, the fax on March -- excuse me --
3 February 18th, the report -- and that report is
4 there. The fax numbers on the report are
5 consistent with each other; so, once again, we
6 faxed in the report and have -- that's the way
7 they have historically done so. Somewhere the
8 report must have gotten lost, so we request all
9 fees be waived.

10 CHAIRMAN BENNETT: Any response from the
11 division?

12 MS. THOMPSON: No.

13 CHAIRMAN BENNETT: Any questions by the
14 commissioners?

15 (No response.)

16 CHAIRMAN BENNETT: Hearing none, I'll
17 declare the hearing in the matter closed and ask
18 if there is a motion by any of the
19 commissioners.

20 MR. CLAYTOR: Mr. Chairman, I would move
21 that we waive the fine in this matter.

22 CHAIRMAN BENNETT: Is there a second?

23 MR. KLUTZ: Second.

24 CHAIRMAN BENNETT: Motion and a second.
25 Any discussion?

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1 (No response.)

2 CHAIRMAN BENNETT: All in favor of the
3 motion say "Aye."

4 THE COMMISSION: Aye.

5 CHAIRMAN BENNETT: All opposed say "Nay."

6 (No response.)

7 CHAIRMAN BENNETT: Motion carried. Fine
8 waived.

9 MR. FEARS: Mr. Chairman and members of the
10 commission, I'm Ken Fears on behalf of Thompson
11 Thrift Development, Cause No. 2016-175.

12 MS. THOMPSON: Mr. Chairman, that would be
13 your little yellow tab.

14 MR. FEARS: My name is Ken Fears,
15 F-e-a-r-s. And I did file an appearance with
16 the commission last week --

17 MS. THOMPSON: He did.

18 MR. FEARS: -- so I should be on file.

19 MS. THOMPSON: Mr. Chairman, this is an
20 excess corporation, Thompson Thrift Development
21 contributed to Bob Heaton for State
22 Representative in the amount of \$5,000 on
23 October 24th. Bob Heaton for State
24 Representative refunded the \$5,000 on
25 February 2nd when he caught it. This committee

1 has been -- or I'm sorry. This corporation has
2 never been before our commission before. And
3 the proposed civil penalty is three times the
4 excess amount, which is \$9,000.

5 CHAIRMAN BENNETT: Okay. Thank you.

6 MR. FEARS: Mr. Chairman, obviously this
7 was unintentional on behalf of the corporation
8 as well as, I believe, Representative Heaton.
9 He contacted one of the principals of the
10 company and asked for a donation. The company
11 is active in the community as well as the state
12 of Indiana and made the contribution, as staff
13 stated, in October of 2015.

14 It was self-corrected by Mr. Heaton and his
15 staff in February. At that point, the company
16 felt that there was no other action to be taken.
17 They received notice June of this year,
18 June 22nd is the date of the letter, indicating
19 that there was a corporation audit conducted by
20 the commission when they caught the error. We
21 responded immediately and said yes, we agree
22 that the check had been written, but that it had
23 been refunded or self-corrected by Mr. Heaton at
24 that time.

25 That's when the proposed settlement was

1 presented. Three times the amount seemed
2 excessive and almost punitive when the company
3 had no knowledge or information at the time they
4 wrote the check in 2015 of the contribution
5 limits.

6 Since that point, so within the last month,
7 we have informed the principals and the
8 accounting staff of the statute and the policy
9 on contribution limits. We've also implemented
10 a policy that no corporate checks will be
11 written for contributions without approval of
12 the principal and the CFO. So happy to answer
13 any questions at this point but would ask for
14 forgiveness for the first violation in the fact
15 it was unknown at the time and self-corrected
16 prior to any action by the commission.

17 CHAIRMAN BENNETT: Very good. Thank you.
18 Any rebuttal from the division? Any questions?

19 MS. THOMPSON: No.

20 CHAIRMAN BENNETT: Any questions from the
21 commissioners? So the excess was \$3,000?

22 MS. TAYLOR: Yes.

23 MR. CLAYTOR: Mr. Chairman, I believe that,
24 consistent with what we did previously, that we
25 could commit to \$750 which would be 25 percent

1 of the excess contribution.

2 CHAIRMAN BENNETT: Yes.

3 MR. CLAYTOR: And I would move -- I would
4 make that motion.

5 CHAIRMAN BENNETT: Okay. Is there a second
6 for that motion?

7 MR. KLUTZ: Second.

8 CHAIRMAN BENNETT: Motion and second. Any
9 discussion? I will just say that it is
10 consistent with what we've done before and seems
11 to be appropriate. So I will call for a vote.
12 All in favor say "Aye."

13 THE COMMISSION: Aye.

14 CHAIRMAN BENNETT: All opposed say "Nay."

15 (No response.)

16 CHAIRMAN BENNETT: The motion carries. The
17 fine is reduced to 25 percent of the \$3,000.

18 MR. FEARS: Thank you for your time.

19 CHAIRMAN BENNETT: Thank you. Is there
20 anyone else for campaign finance?

21 MS. BURKETT: My name is Linda Burkett. I
22 was not here for the oath at the beginning. So
23 I need to be sworn.

24 (All parties intending to testify were
25 sworn in.)

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1 MS. BURKETT: Linda Burkett, for the
2 Committee to Elect Bob Burkett for state senate.

3 CHAIRMAN BENNETT: Do you know the cause
4 number?

5 MS. BURKETT: The cause number is -- yes, I
6 do. The cause number is 2016-6638-76.

7 MS. THOMPSON: Page 45.

8 MS. TAYLOR: Mr. Chairman, Committee to
9 Elect Bob Burkett for state senate, Cause
10 No. 2016-6638-76, has a proposed civil penalty
11 of \$800.49. This committee has never been
12 before our commission before, and it's also
13 closed.

14 CHAIRMAN BENNETT: Thank you. You may
15 proceed.

16 MS. BURKETT: I have a written paper if you
17 want to see that. I just -- the only thing I
18 know is that I sent my final report on
19 January 15th, 2015, to Al Silver at IDEM.org.
20 I -- then we went and told the bank to close the
21 account.

22 I didn't receive any more statements from
23 them. There was \$1.41 left in it. I'm stupid.
24 I thought \$1.41 would go to processing fees
25 because other savings accounts we had had had

1 done the same thing. So when we received
2 nothing back from the bank, I just figured that
3 was closed.

4 Then I received notification that I was to
5 give a report for January. So I did so quickly,
6 but I sent it to the same email address.
7 Evidently that was no longer a valid address.

8 CHAIRMAN BENNETT: You said you sent it to
9 IDEM.

10 MS. BURKETT: Yeah, Al Silvers at IDEM.org.
11 And evidently that was no longer a valid email
12 because I could not even find the email in all
13 my mess of old emails. So I couldn't even find
14 it. I mean, I was looking for a bounce back, so
15 I could just copy it.

16 So we went ahead -- we went ahead and then
17 sent you the paper copy. That's probably what's
18 why it was so late.

19 CHAIRMAN BENNETT: Anything else?

20 MS. BURKETT: That's it. That's all I
21 know.

22 CHAIRMAN BENNETT: Any response from the
23 division? Were you here when I talked about the
24 deal we were offering?

25 MS. BURKETT: No, I wasn't.

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1 CHAIRMAN BENNETT: The 25 if you waive the
2 hearing?

3 MS. BURKETT: No, I wasn't in the room, I
4 guess.

5 CHAIRMAN BENNETT: Okay. Any --

6 MS. BURKETT: If I would have been, I would
7 have and left at that time --

8 CHAIRMAN BENNETT: Yeah.

9 MS. BURKETT: -- and not wasted anyone's
10 time.

11 CHAIRMAN BENNETT: You were late; right?

12 MS. BURKETT: I was here. I just couldn't
13 find a place to park, and then I went to the
14 wrong building.

15 CHAIRMAN BENNETT: But you weren't in the
16 room?

17 MS. BURKETT: I wasn't in the room. I was
18 walking to the room.

19 MR. KLUTZ: I would add that when I recused
20 myself for the first two, she was out there,
21 although I guess we had started; but it's not
22 like she came in an hour late. I was out there
23 standing with her, and I thought you were out
24 there because there wasn't room.

25 MS. BURKETT: No. I think I was five

1 minutes late and just about was having a heart
2 attack. I'm from a small, small town.

3 CHAIRMAN BENNETT: Okay. Any other
4 questions?

5 (No response.)

6 CHAIRMAN BENNETT: Hearing none, I would
7 declare the hearing in the matter closed and ask
8 if there are any motions from any of the
9 commissioners.

10 MR. CLAYTOR: Mr. Chairman, I'd move we
11 remit this to 25 percent.

12 CHAIRMAN BENNETT: Is there a second?

13 MR. KLUTZ: Second.

14 CHAIRMAN BENNETT: Any discussion?

15 (No response.)

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

18 THE COMMISSION: Aye.

19 CHAIRMAN BENNETT: All opposed say "Nay."

20 (No response.)

21 CHAIRMAN BENNETT: The motion carries. The
22 \$800.49 is remitted to 25 percent of that
23 amount. Thank you.

24 MS. BURKETT: Thank you.

25 MR. KING: I think we have one more.

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1 CHAIRMAN BENNETT: Okay. Could this be our
2 final hearing? Come on up, please.

3 MS. FINLEY: I haven't been sworn in.
4 Okay?

5 (All parties intending to testify were
6 sworn in.)

7 MS. FINLEY: I'm Phyllis Finley. I'm with
8 the Monroe County Republican Women. And I'm
9 from Monroe County, Indiana.

10 CHAIRMAN BENNETT: Do you have a cause
11 number for us?

12 MS. FINLEY: I'm sorry?

13 CHAIRMAN BENNETT: Do you have a cause
14 number?

15 MS. FINLEY: I don't know if I have it with
16 me or not.

17 CHAIRMAN BENNETT: Give us a minute, and
18 we'll find it. The division staff will -- if
19 you have it, you can tell us.

20 MS. FINLEY: If my secretary ...

21 MS. TAYLOR: What report was late? Do you
22 know?

23 UNIDENTIFIED FEMALE: The annual.

24 MS. TAYLOR: The annual?

25 MS. FINLEY: Yes, the annual report filing

1 that's due January 20 in 2016. And our
2 treasurer at that time --

3 CHAIRMAN BENNETT: Ma'am, can you introduce
4 yourself, please.

5 MS. WARREN: Yes. I'm Jean Warren, the
6 secretary. I was trying to get the information
7 so I didn't come for the pledge or the oath.

8 MS. FINLEY: Do you need the letter that
9 you sent to us? Is that what you need?

10 CHAIRMAN BENNETT: We just need to find
11 your cause number. We have several here, and
12 the cause number helps us identify your case.

13 MS. TAYLOR: It's on page 47.

14 MS. FINLEY: Here is the form that was not
15 filed.

16 CHAIRMAN BENNETT: Do you want to make this
17 a part of the record?

18 MS. FINLEY: Yes, sir.

19 CHAIRMAN BENNETT: Okay.

20 MS. FINLEY: Ann Collins was treasurer at
21 that time. And we were having difficulty with
22 her taking care of the financial business of the
23 club. Actually, here is a document.

24 CHAIRMAN BENNETT: When you say "the club,"
25 you're talking about the Monroe County

1 Republican Women?

2 MS. FINLEY: Yes. And here is a document
3 of the time line of events in 2015-2016 and also
4 documents confirming some of the activity that
5 she failed to perform.

6 CHAIRMAN BENNETT: These -- what you handed
7 me is --

8 MS. FINLEY: A timeline of activities that
9 the club incurred from about mid 2015 up until
10 April in 2016.

11 CHAIRMAN BENNETT: And also the minutes of
12 meetings of the club?

13 MS. FINLEY: Yes, yes.

14 CHAIRMAN BENNETT: And also some emails you
15 received?

16 MS. FINLEY: Yes.

17 CHAIRMAN BENNETT: Okay.

18 MS. FINLEY: Ann was not paying the bills
19 on time. I had confronted her several times
20 about paying the storage unit fee that she let
21 lapse six months. And I handed her, on
22 November 30, the bill for the post office box
23 where we received our mail and told her that it
24 needed to be paid.

25 She did not pay that, so I went to the post

1 office mid December to pick up the mail and
2 couldn't get into the box because she did not
3 pay for the post office box. And therefore, the
4 box was locked down.

5 I confronted her about it at a business
6 meeting, at a board meeting. And she acted like
7 she didn't know anything about it. I had given
8 her the bill. And the bill -- a copy of the
9 bill is actually in that paperwork.

10 CHAIRMAN BENNETT: What was your position
11 with the club?

12 MS. FINLEY: I am the president. I was the
13 president then.

14 CHAIRMAN BENNETT: And you are now?

15 MS. FINLEY: Yes. I've been the president
16 since 2014.

17 We had talked about how to file with the
18 state and how to file with the county as far as
19 physical financial things. And she understood
20 that.

21 In October on the 15th she filed with the
22 county and the state. In 2014, our county
23 actually declared that we were a PAC. We
24 weren't a PAC prior to that, but we had paid for
25 some brochures in 2014 that had state reps on

1 it, their bio. And so our county election board
2 said that because of that, we were a PAC and we
3 would have to file as a PAC. So from that time
4 on in 2014, we did.

5 And when Ann become treasurer in June of
6 2015, I described to her the forms we would need
7 to fill out. I showed her how to fill them out,
8 and she did so in October and sent it to the
9 opportunity and the state.

10 However, when she filed the January filing,
11 she only filed with the county. She did not
12 file with the state. I was unaware of that. At
13 the business meeting I asked her for hard
14 copies. And she said, well, she would send it
15 to me electronically; and she never did.

16 We were having some real difficulties with
17 her as I said before, because she was not paying
18 the bills on time. We actually had our -- our
19 equipment in the storage unit that we decorated
20 fairs and venues and parades with. And had it
21 not been for a wonderful Republican man who
22 owned the unit and let the bill lapse for six
23 months, I'm sure he would have sold everything
24 to pay the bill.

25 But finally in January, at the end of

1 January, I sent her an email -- and a copy of
2 the email is in those documents -- sent her an
3 email and told her the price, that it was
4 delinquent -- I think it was \$280 -- and please
5 send the owner of the storage unit a check for
6 \$280. She sent the gentleman a check for \$840,
7 which I was unaware of until I heard from him.

8 CHAIRMAN BENNETT: Let me just say we have
9 a five-minute limit on presentations. I get the
10 point. She's negligent.

11 THE WITNESS: She did finally pay the post
12 office box fee. The post office box was locked
13 down. She finally did pay that. She kept the
14 keys and would not give us the keys, so we had
15 no keys to the post office box.

16 I had no idea that the file had not been --
17 the form had not been filed with the state in
18 January until we went to file the preprimary
19 form.

20 By that time, she was no longer treasurer.
21 We had appointed a new treasurer for the club.
22 She would not return our checkbook. She would
23 not return our keys. She would not return any
24 of our records and still has not done so and has
25 no longer been treasurer of the club for months.

1 She did finally return the keys in April.

2 We -- I called up here to Brad King's
3 office, and I don't know which one of you are
4 Brad but I -- I talked to you on the phone.
5 Sorry, Brad. Anyway, that's been about a year
6 ago.

7 But we -- in filing the April form on the
8 14th, I called and talked to Michelle Thompson.
9 And she said, "Well, you didn't file the form in
10 January." I was unaware of that. I had no clue
11 that form had not been filed with the state.
12 Being president of the club, I would have
13 certainly seen to it.

14 We were having difficulty with our
15 treasurer at the time, and she was not complying
16 with the rules of the club. And the rules of
17 the club say 10 days after you're no longer
18 treasure, you turn in all records for the
19 treasury; and she had refused do that.

20 Anyway, we had no keys. She finally turned
21 in the keys to the post office box around -- a
22 little bit after April 4, I believe it was.

23 Anyway, when I called Michelle and talked
24 to her, I rushed to the post office. And there
25 was the letter from the election board saying

1 that we were delinquent and there would be a
2 fine.

3 And so I immediately, you know, tried to
4 resolve that situation. And I really apologize
5 that this ever happened. It's not something
6 that the club is used to dealing with. And we
7 pay our bills on time, and we try to be a
8 respectful club and represent the Republican
9 party. So we're proud of the work that we do in
10 Monroe County, and it's been an established club
11 for many years. But I really apologize that it
12 wasn't done.

13 When we did finally get the keys to the
14 box, as I say, I went and there were the
15 records. I -- I -- I just -- I was shocked. I
16 apologize the bill wasn't -- the file wasn't --
17 it wasn't filed, the form wasn't filed. And I
18 think I just handed it there. I don't know if
19 anyone has ever sent you a form for the filing
20 for the end of the fiscal year in 2015 or not.

21 CHAIRMAN BENNETT: Okay. Any response,
22 comments from the division?

23 MS. THOMPSON: No.

24 CHAIRMAN BENNETT: Any -- anything else?
25 Any other documents you want to give us?

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1 MS. FINLEY: We would like to get our -- we
2 would like to get our records and our checkbook
3 and our debit card back.

4 CHAIRMAN BENNETT: I'm not sure we can help
5 you with that.

6 MS. FINLEY: We had to change our bank
7 account. We had to change all of our
8 financial --

9 CHAIRMAN BENNETT: Was she bonded? Was she
10 bonded?

11 MS. OVERHOLT: What do you think?

12 MS. FINLEY: She is running for treasurer
13 in Monroe County this year, if that helps.

14 CHAIRMAN BENNETT: Any questions?

15 MR. CLAYTOR: Ms. Finley, if I could ask:
16 Were you here when the chairman made an offer of
17 a reduced fine for settlements?

18 MS. FINLEY: No. I don't know anything
19 about that.

20 MR. CLAYTOR: Okay.

21 MS. FINLEY: I've not heard -- no one has
22 contacted me about that at all.

23 MR. CLAYTOR: Well, we kept -- I know you
24 were not sworn in. I assume you were not in the
25 room when that offer was made.

1 MS. FINLEY: And I'm not real sure what
2 you're referring to.

3 CHAIRMAN BENNETT: Well, we have a practice
4 of offering, at the beginning of the
5 proceedings, for people, committees to take a
6 deal and not wait all afternoon for the hearing
7 and agree to accept 25 percent of the fine if
8 it's the first offense. And that deal would
9 have been open to you because this is a --

10 MR. CLAYTOR: This was their first.

11 CHAIRMAN BENNETT: This was the first
12 offense of the Monroe County Republican Women,
13 but you weren't here. So any other questions
14 from the commissioners?

15 (No response.)

16 CHAIRMAN BENNETT: I will declare the
17 hearing on the matter closed at this time and
18 ask if there is a motion from any of the
19 commissioners.

20 MR. CLAYTOR: Mr. Chairman, I would move
21 that we reduce the fine to 25 percent for this
22 particular instance.

23 CHAIRMAN BENNETT: Is there a second?

24 MR. KLUTZ: Second.

25 CHAIRMAN BENNETT: Any discussion? I will

1 offer this: I think it's appropriate because
2 you weren't aware that that deal could be taken.
3 On the other hand, you were late and I haven't
4 really asked you why you were late to the
5 hearing. You said parking problems. Was
6 that --

7 MS. FINLEY: I'm sorry?

8 MR. CLAYTOR: No, that was the previous
9 lady.

10 CHAIRMAN BENNETT: That was the previous
11 lady. I'm sorry.

12 MS. FINLEY: Oh, no, we -- there was road
13 construction between Bloomington and
14 Martinsville. And the traffic was almost at a
15 standstill for a long time, and we did have
16 parking problems also.

17 CHAIRMAN BENNETT: I know that route.
18 Okay. So we have a motion and a second. Any
19 further discussion?

20 (No response.)

21 CHAIRMAN BENNETT: All in favor say "Aye."

22 THE COMMISSION: Aye.

23 CHAIRMAN BENNETT: All opposed say "Nay."

24 (No response.)

25 CHAIRMAN BENNETT: Motion carries. Fine

1 will be reduced to 25 percent of the proposed
2 fine and you will be getting a notice in the
3 mail to that.

4 MS. FINLEY: Okay. Thank you.

5 CHAIRMAN BENNETT: Okay. All right. That
6 is that last of the hearings of those who are
7 present. Appreciate everyone's patience and
8 courtesy throughout that.

9 We can now move on to the continuances, and
10 I would ask the campaign finance staff to
11 identify any matters for which a motion for
12 continuance was received for today's meeting.

13 MS. TAYLOR: There are 10 committees that
14 asked for a continuance. I don't know if you
15 need their cause number or just the name of the
16 committee. What is best? I can give you
17 either.

18 CHAIRMAN BENNETT: They've all filed a --
19 timely filed motion for continuance?

20 MS. TAYLOR: Yes.

21 CHAIRMAN BENNETT: Do you believe any of
22 the requests are fraudulent or inappropriate?

23 MS. TAYLOR: No. I think -- I think all of
24 them were by email before 12:30 today.

25 CHAIRMAN BENNETT: So they're timely filed?

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1 MS. TAYLOR: Yes.

2 CHAIRMAN BENNETT: Okay. Well, as long as
3 you have the list, I guess does anyone have
4 any -- does anyone want to hear the list?

5 MR. CLAYTOR: No.

6 MS. TAYLOR: No.

7 CHAIRMAN BENNETT: Then I would ask if
8 there is a motion to grant the requests.

9 MR. CLAYTOR: So moved.

10 CHAIRMAN BENNETT: Is there a second?

11 MR. KLUTZ: Second.

12 CHAIRMAN BENNETT: Any discussion?

13 (No response.)

14 CHAIRMAN BENNETT: All in favor of the
15 motion say "Aye."

16 THE COMMISSION: Aye.

17 CHAIRMAN BENNETT: All opposed say "Nay."

18 (No response.)

19 CHAIRMAN BENNETT: Motion granted. The
20 continuances granted.

21 At this time I'd like to recognize Abbey
22 and Michelle to present information regarding
23 administrative dissolution of certain campaign
24 finance committees.

25 MS. THOMPSON: Mr. Chairman, the list under

1 your tab administratively dissolved there, these
2 committees will be administratively dissolved.
3 They have not filed a report in three years, and
4 they have a balance less than \$1,000. Of these
5 committees, both chairman and treasurer have
6 been notified of the -- of this hearing today.

7 CHAIRMAN BENNETT: Can the campaign finance
8 staff confirm that none of these committees
9 filed a report of expenditures during three
10 previous calendar years and last reported cash
11 on hand was in amount not and exceeding \$1,000?

12 MS. THOMPSON: Correct.

13 MS. TAYLOR: Correct.

14 CHAIRMAN BENNETT: Then I move the
15 commission do the following, No. 1., make a
16 finding that there's no evidence that any of
17 these committees continues to receive
18 contributions, make expenditures, or otherwise
19 function as a committee; 2, make a finding that
20 according to the best evidence available to the
21 commission, the dissolution of these committees
22 will not impair any contract or impede the
23 collection of any debt or judgment by any
24 person; 3, make a finding that the prudent use
25 of public resources makes further efforts to

1 collect any outstanding civil penalty imposed
2 against these committee wasteful or unjust, and
3 therefore that any such penalty be waived and
4 that these committees be administratively
5 dissolved. Is there a second for that motion?

6 MR. CLAYTOR: Second.

7 CHAIRMAN BENNETT: Any discussion?

8 (No response.)

9 CHAIRMAN BENNETT: Then all in favor of the
10 motion say "Aye."

11 THE COMMISSION: Aye.

12 CHAIRMAN BENNETT: All opposed say "Nay."

13 (No response.)

14 CHAIRMAN BENNETT: The motion carries. Is
15 anyone present to testify in any remaining
16 campaign finance hearings scheduled for today?
17 If not, I declare that the hearings on all
18 remaining campaign finance matters scheduled for
19 today are closed.

20 MS. TAYLOR: Time out. Time out.

21 MS. THOMPSON: Time out.

22 THE COMMISSION: We have two little
23 cleanups. First was page 54, Eighth District
24 Democrat Committee, Cause No. 2016-1782-97.
25 Michelle and I recommend that the commission

1 dismiss this fine. We found the report in the
2 late voter registration application tub. It was
3 missed as we were checking the mail, and we
4 didn't get it until two months later; but it was
5 in that tub. And we have every reason to
6 believe it was on time.

7 CHAIRMAN BENNETT: I would move to dismiss
8 that. Is there a second?

9 MR. KLUTZ: Second.

10 CHAIRMAN BENNETT: Motion and a second.
11 Any discussion?

12 (No response.)

13 CHAIRMAN BENNETT: All in favor say "Aye."

14 THE COMMISSION: Aye.

15 CHAIRMAN BENNETT: All opposed say "Nay."

16 (No response.)

17 CHAIRMAN BENNETT: Ayes have it. The
18 motion carries. They're dismissed.

19 MS. TAYLOR: Then one more on page 15 and
20 16, Gregory W. Porter for State Representative
21 District 96. He had three causes. These were
22 tabled at the hearing in June of last year to
23 give him a chance to file. They filed all of
24 those reports the next day. And I don't know if
25 the commission said at the time that they had to

1 appear again or not. We couldn't remember. We
2 didn't find it in the minutes, so it's up to
3 you.

4 CHAIRMAN BENNETT: I'll move that those be
5 dismissed as well.

6 MR. KLUTZ: Second.

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

9 (No response.)

10 CHAIRMAN BENNETT: All in favor say "Aye."

11 THE COMMISSION: Aye.

12 CHAIRMAN BENNETT: All opposed say "Nay."

13 (No response.)

14 CHAIRMAN BENNETT: The ayes have it.

15 Dismissed.

16 MS. TAYLOR: Now we're done.

17 CHAIRMAN BENNETT: Okay. No one else is
18 here to testify, so I have declared the hearings
19 closed. Is there a motion to impose the entire
20 amount of the proposed penalty plus mailing
21 costs in all remaining campaign finance
22 enforcement actions?

23 MR. CLAYTOR: So moved, Mr. Chairman.

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

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1 MR. KLUTZ: Second.

2 CHAIRMAN BENNETT: Any further discussion?

3 (No response.)

4 CHAIRMAN BENNETT: All in favor of the
5 motion say "Aye."

6 THE COMMISSION: Aye.

7 CHAIRMAN BENNETT: All opposed, "Nay."

8 (No response.)

9 CHAIRMAN BENNETT: The motion carries, and
10 the penalties are imposed.

11 We are surprisingly only 9 minutes past our
12 3:45 --

13 MR. KING: Six minutes.

14 CHAIRMAN BENNETT: Oh, my watch is fast.

15 MS. OVERHOLT: Six minutes.

16 CHAIRMAN BENNETT: So I think it's
17 appropriate to take a quick recess for the
18 commission. Is there any objection to that?

19 MS. OVERHOLT: No.

20 CHAIRMAN BENNETT: All right. Let's take a
21 five-minute recess and we'll be back for the
22 Voting System Technical Program report.

23 (A recess was taken between 3:51 P.M. and
24 3:59 P.M.)

25 CHAIRMAN BENNETT: We'll call the meeting

1 of the Indiana Election Commission back to order
2 again. Thank you all for your patience. We are
3 now moving to the item on the agenda for the
4 Voting System Technical Oversight Program
5 reports. And I now recognize Dr. Jay Bagga and
6 Dr. Joseph Losco of Ball State University, which
7 administer the Voting System Technical Oversight
8 Program, VSTOP, for presentation concerning
9 voting systems.

10 First Dr. Bagga and Dr. Losco, proceed with
11 your presentation regarding MicroVote and then
12 their request for engineering change orders to
13 implement a software modification to their
14 EMS 3.10 and EMS 4.1 voting systems.

15 MR. KING: At this time we should
16 administer the oath.

17 CHAIRMAN BENNETT: Yes, at this time we
18 will administer the oath. And anyone who is
19 planning to testify -- we did this earlier, but
20 I know we've got a new crowd here. So anyone
21 who plans to testify here today, please rise and
22 take the -- take the oath.

23 (All parties intending to testify were
24 sworn in.)

25 CHAIRMAN BENNETT: Thank you. You may

1 proceed.

2 DR. BAGGA: Mr. Chairman, members of the
3 commission, I am Jay Bagga, J-a-y, B-a-g-g-a,
4 program director of the VSTOP, Voting Systems
5 Technical Oversight Program. We'll present our
6 report for MicroVote first.

7 As a result of SEA 61 changes in Indiana
8 Election Code (now Public Law 21-2016),
9 MicroVote Voting Solutions submitted a software
10 modification to Indiana certified EMS 3.10 and
11 EMS 4.1 and voting systems and a test plan based
12 on IED approved test case scenarios for SEA 61.

13 The test plan was reviewed by VSTOP and
14 approved by the Indiana Election Division on
15 July 6, 2016. The testing was performed by
16 Pro V&V labs on July 12th, 2016. A final test
17 report is attached to the report submitted to
18 the commission and was received by Pro V&V on
19 July 2, 2016. The test from Pro V&V labs
20 indicate that the modified MicroVote EMS 3.10
21 and EMS 4.10 voting system comply with the
22 requirements of SEA 61, and VSTOP supports this
23 finding.

24 CHAIRMAN BENNETT: Very good. Thank you.
25 Is there a representative from MicroVote present

1 who wishes to testify regarding the matter?

2 MR. SHANNON: No need to testify. I'm
3 Steve Shannon with MicroVote, and this is
4 Bernie Hersh with MicroVote.

5 CHAIRMAN BENNETT: Okay. No need to
6 testify. For purposes of discussion, is there a
7 motion from the commission to approve the
8 MicroVote engineering change orders as
9 presented?

10 MR. CLAYTOR: So moved.

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

13 MR. KLUTZ: Second.

14 CHAIRMAN BENNETT: We have a motion and a
15 second. Is there any discussion?

16 (No response.)

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

19 THE COMMISSION: Aye.

20 CHAIRMAN BENNETT: All opposed say "Nay."

21 (No response.)

22 CHAIRMAN BENNETT: The motion is approved.
23 Thank you. Dr. Bagga and Dr. Losco, please
24 proceed with your presentation regarding
25 Dominion Voting Systems and their AccuVote/GEMS

1 Voting System.

2 DR. LOSCO: Mr. Chair and members of the
3 election commission, my name is Joseph Losco,
4 L-o-s-c-o, from the VSTOP program.

5 Following the June 29th, 2016, Indiana
6 Election Commission meeting and pursuant to the
7 June 30th, 2016, communication from the Indiana
8 Secretary of State to election administrators,
9 VSTOP requested that Dominion Voting Systems
10 submit a test plan for compliance with Public
11 Law 21-2016 including manual procedures for
12 IC 3-12-1-7(f) for the Dominion AccuVote/GEMS
13 Indiana certified voting system.

14 The plan was approved by VSTOP on
15 July 14th, 2016, based on the Indiana Election
16 Division approved test scenarios for SEA 61 as
17 well as an advisory prepared by Dominion for
18 handling manual procedures to tabulate and
19 adjudicated ballots for complying with
20 IC 3-12-1-7(f). Testing was done by Pro V&V
21 labs from July 18th to the 20th, 2016.

22 Pro V&V delivered their Dominion compliance
23 test report to VSTOP on July 23rd, 2016. The
24 report concludes, quote, "Based on the results
25 obtained during the test campaign, Pro V&V

1 determines that the Dominion Voting Systems
2 components, as presented for evaluation, meet
3 the requirements for voting systems of the state
4 of Indiana as prescribed in PL 21-2016 with
5 additional tests of the Dominion overvote manual
6 procedures for the Indiana Code Section
7 3-12-1-7(f) for tabulating and adjudicating
8 ballots properly met the expected results."

9 VSTOP concurs with the finding but
10 recommends that should IED approve these
11 procedures, that Dominion be required to take
12 additional steps: 1, to supply evidence that
13 election officials in all counties utilizing the
14 equipment have received all documented
15 procedures for properly tabulating ballots
16 pertaining to IC 3-12-1-7(f); and 2, provide
17 additional training and resources to the
18 counties upon their request; and 3, commit to
19 assisting the counties with any related issues
20 that may arise during the ballot counting; and
21 4, provide a plan to VSTOP for review and
22 Indiana Election Commission approval for
23 software modifications bringing all of their
24 voting systems into compliance with all sections
25 of the Indiana Election Code including

1 PL 21-2016 no later than September 30th, 2016.

2 The plan must provide for all necessary
3 testing and implementation of necessary
4 modifications no later than March 1st, 2017.

5 CHAIRMAN BENNETT: Are there any questions
6 or discussion from commission members?

7 (No response.)

8 CHAIRMAN BENNETT: I will now ask Dr. Bagga
9 and Dr. Losco to proceed with your presentation
10 regarding Election Systems & Software and their
11 unity voting systems.

12 DR. LOSCO: Mr. Chairman, members of the
13 election commission, following the June 29th,
14 2016, Indiana Election Commission meeting and
15 pursuant to the June 30th, 2016, communication
16 from the Indiana Secretary of State, VSTOP
17 requested that Election Systems & Software
18 submit a test plan for compliance with Public
19 Law 21-2016 including manual procedures for
20 Section 3-12-1-7(f) for all Indiana -- for ES&S
21 Indiana certified voting systems including Unity
22 3010 amendment, Unity 3400, Unity 3410, and EVS
23 5200.

24 The plan was approved by VSTOP on July 11,
25 2016, based on the Indiana Election Division

1 approved test scenarios for SEA 61 as well as an
2 advisory prepared by ES&S for handling manual
3 procedures to tabulate and adjudicate ballots
4 for complying with Section 3-12-1-7(f).

5 Testing was conducted by Pro V&V labs on
6 July 14th and 15th, 2016. Pro V&V delivered
7 their compliance test report to VSTOP on
8 July 20, 2016. Pro V&V found that all ES&S
9 Indiana certified voting systems complied with
10 all sections of SEA 61 utilizing automatic
11 processing except for Provision 3-12-1-7(f).

12 In testing manual procedures specified by
13 ES&S for properly tabulating IC 3-12-1-7(f),
14 Pro V&V attests that the procedures, when
15 applied in the manner prescribed, resulted in
16 the procedure tabulation of the ballots in
17 accord with the statute.

18 VSTOP concurs with the finding but makes
19 the following recommendations: 1, that ES&S
20 supply evidence that election official in all
21 counties utilizing these -- this equipment have
22 received all the documented procedures for
23 properly tabulating ballots pertaining to
24 3-12-1-7(f); and 2, provide additional training
25 and resources to the counties upon their

1 request; and 3, commit to assisting the counties
2 with any related issues that may arise during
3 ballot counting; and 4, provide a plan to VSTOP
4 for review and Indiana Election Commission
5 approval for software modifications bringing all
6 their voting systems into compliance with all
7 sections of the Indiana Election Code including
8 PL 21-2016 no later than September 30, 2016.

9 The plan must provide for all necessary
10 testing and implementation of necessary
11 modifications no later than March 1st, 2017.

12 Again, VSTOP concurs with the findings from
13 Pro V&V and makes those additional
14 recommendations should the IEC approve --
15 approve manual procedures.

16 CHAIRMAN BENNETT: Any -- is there a
17 representative of ES&S present who wishes to
18 testify regarding this matter?

19 MR. PEARSON: Yes. This is Steve Pearson
20 with ES&S, and we understand these
21 recommendations and are committed to -- we'll
22 make every effort to comply with these
23 guidelines.

24 CHAIRMAN BENNETT: Very well. Thank you.
25 Any questions from the commissioners?

1 (No response.)

2 CHAIRMAN BENNETT: Dr. Bagga and Dr. Losco,
3 please proceed with your recommendation -- or
4 I'm sorry -- your presentation regarding Hart
5 InterCivic, Inc. and their voting system.

6 DR. LOSCO: Chairman, members of the
7 Indiana Election Commission, on June 17th, 2016,
8 SLI Compliance reported to the Indiana Election
9 Division that testing of the Indiana Election
10 Division approved test scenarios indicated that
11 the Indiana certified Hart InterCivic HVS 6.2.1
12 complied with all sections of SEA 61 with the
13 exception of the IC 3-12-1-7(f).

14 Following the June 29th, 2016, Indiana
15 Election Commission meeting and pursuant to the
16 June 30th, 2016, communication from the Indiana
17 Secretary of State, VSTOP requested that Hart
18 InterCivic submit a test plan for compliance
19 with 3-12-1-7(f) using manual procedures.

20 A test plan based on the Indiana Election
21 Division approved test scenarios as well as an
22 advisory prepared by Hart for handling manual
23 procedures to tabulate and adjudicate ballots
24 for 3-12-1-7(f) was approved by VSTOP on
25 July 15th, 2016.

1 Testing was conducted by SLI Compliance
2 labs on July 18th, 2016.

3 SLI Compliance delivered their compliance
4 test report to VSTOP on July 19th, 2016.

5 SLI Compliance found that Hart, quote,
6 "Utilizing the prescribed Hart procedures for
7 adjudication of ballots meeting requirement
8 3-12-1-7(f), all ballots were able to be
9 resolved without issues -- without issue. All
10 totals were verified to match expected results,"
11 end quote.

12 VSTOP concurs with this finding but
13 recommends that should the Indiana Election
14 Commission approve these procedures, Hart be
15 required to: 1, supply evidence that election
16 officials in all county utilizing this equipment
17 have received all the documented procedures for
18 properly tabulating ballots pertaining to
19 3-12-1-7(f); and 2, provide additional training
20 and resources to the counties upon their
21 request; and 3, commit to assisting the counties
22 with any related issues that may arise during
23 ballot counting; and 4, provide a plan to VSTOP
24 for review and Indiana Election Commission
25 approval for software modifications bringing all

1 their voting systems into compliance with all
2 sections of the Indiana Election Code, including
3 PL 21-2016, no later than September 30th, 2016.

4 The plan must provide for all necessary
5 testing and implementation of necessary
6 modifications no later than March 12st, 2017.

7 CHAIRMAN BENNETT: Thank you. Is there any
8 representative of Hart InterCivic present who
9 wishes to testify regarding this matter?

10 MR. LEACH: Yes. Lawrence Leach with Hart,
11 and we see no issues complying with the
12 recommended procedures.

13 CHAIRMAN BENNETT: Okay. Thank you. Are
14 there any questions or discussions from the
15 commission members at this point in time?

16 (No response.)

17 CHAIRMAN BENNETT: Hearing none, then we'll
18 move to consideration of voting system
19 compliance by the commission. We have received
20 letters and correspondence from a couple
21 different sources. And I want to thank everyone
22 in this room for their interest in this subject
23 and thank, in particular, the county clerks for
24 their input, the Association of Indiana
25 Counties, thank them for their letter and

1 correspondence on this issue and the Secretary
2 of State's office for the leadership that it has
3 provided in this matter.

4 We received timely and well-reasoned
5 correspondence from a number of sources. That
6 is helpful to the commission in handling its
7 business. So thank those -- those parties with
8 constituencies.

9 At this point I would open this matter up
10 for a general discussion amongst the commission
11 with regard to this issue.

12 MR. KLUTZ: Mr. Chairman, based upon the
13 testimony we received or that we heard on
14 June 29th as well as the letters that were
15 subsequently submitted to this commission, I
16 have prepared a few remarks that represent my
17 thoughts individually that I'd like to just
18 simply read into the record.

19 CHAIRMAN BENNETT: Very well.

20 MR. KLUTZ: It's unfortunate that the
21 failure of Election Systems & Software, Hart
22 InterCivic, and Dominion Voting Systems to
23 modify their voting system to comply with Public
24 Law 21-2016 formerly known as Senate Enrolled
25 Act 61 has required this amount of time and

1 attention, not only by this commission but by
2 the Secretary of State -- Secretary of State's
3 office and election administrators across the
4 state of Indiana.

5 The Senate might think that these three
6 vendors made an affirmative decision to simply
7 not comply with the newly enacted law knowing
8 that recertification would be required again in
9 2017 and that the upcoming November election
10 left this commission with limited options to
11 require compliance for this election cycle or
12 otherwise initiate decertification proceedings.
13 I hope this is not the case but agree with and
14 reiterate the Indiana Secretary of State's
15 comments in her correspondence dated June 30th
16 to Indiana's election administrators when she
17 said, "No vendor can pick and choose which state
18 election laws to comply with based on their
19 preferred business practices and substitute
20 their judgment for that of the persons elected
21 to pass laws on behalf of the voters."

22 During our June 29th meeting,
23 representatives of Election Systems & Software,
24 Hart InterCivic, and Dominion Voting Systems
25 explained to this commission that was simply not

1 adequate time to do the modifications work and
2 testing required to bring their voting systems
3 into compliance with Senate Enrolled Act 61
4 within the necessary deadline applicable to the
5 upcoming November general election.

6 However, this position, defense, or excuse
7 is severely undercut when two other vendors are
8 able to comply with the new law.

9 Like the Indiana Secretary of State, I
10 applaud MicroVote and Unisys for their
11 successful work to modify and test their voting
12 systems to bring them into compliance with
13 Indiana law. To again quote from correspondence
14 from our Secretary of State, "Such actions speak
15 to the focused, proactive, and responsible
16 approach in which MicroVote and Unisys have
17 acted." I agree.

18 I would note that the Association of
19 Indiana Counties has urged Indiana's county
20 election administrators who use voting systems
21 by Election Systems & Software, Hart InterCivic,
22 or Dominion Voting Systems review their
23 contracts with such vendors for noncompliance
24 penalties or contractual remedies. I believe
25 this is wise counsel.

1 While Indiana code provides this commission
2 and the Indiana Secretary of State a wide array
3 of options for addressing the noncompliant
4 voting system of Election Systems & Software,
5 Hart InterCivic, and Dominion Voting Systems, at
6 this time in the election cycle, many of these
7 options are simply impractical.

8 Decertification would impose collateral
9 hardships and penalties on our election
10 administrators across the state of Indiana,
11 Indiana's voters and Indiana's taxpayers and
12 jeopardize 38 Indiana counties' ability to have
13 accurate and efficient elections on
14 November 8th, 2016.

15 For these reasons I would like to present
16 the following resolution for my fellow
17 commissioners' first consideration. This
18 resolution will be read generally without
19 specific reference to Election Systems &
20 Software, Hart InterCivic, or Dominion Voting
21 Systems; however, I present it to apply to each
22 such vendor.

23 If there is a second to this motion and
24 following any discussion this resolution passes,
25 the reading of this resolution would constitute

1 a separate resolution applicable to each:
2 Election Systems & Software, Hart InterCivic,
3 and Dominion Voting Systems. In such vendor's
4 name, a voting system description would be
5 inserted into the body of the resolution as
6 applicable.

7 I do intend to read the resolution into the
8 record, but I do have copies if anyone would
9 like to follow along as I read through.

10 It appears they've all been passed out.
11 I'd like to read into the record and present to
12 my fellow commissioners the following
13 resolution. A resolution censuring the
14 applicable vendors for failing to comply with
15 Indiana election law whereas pursuant to Indiana
16 Code 3-11-7-17, the Voting Systems Technical
17 Oversight Program, also known as VSTOP, may
18 periodically examine a ballot card voting system
19 that the Indiana Election Commission has
20 previously approved to determine whether the
21 system is still in compliance with all statutory
22 requirements.

23 Whereas, VSTOP, in consultation with an
24 independent voting system testing laboratory
25 accredited by the United States Election

1 Assistance Commission, has advised the Indiana
2 Election Commission that the previously
3 certified voting systems of the applicable
4 vendor no longer complies with the Indiana Code
5 Section 3-12-1-7(f), specifically in that the
6 voting system does not properly function as an
7 automatic tabulating machine in counting ballot
8 card votes as required by Indiana Code 3-11-7-6
9 but instead requires manual procedures to be
10 employed by county election boards to count
11 ballot cards as a result of this failure;

12 Whereas, the vendor was notified of the
13 changes made to Indiana Code Section 3-12-1-7
14 prior to Public Law 21-2016, formally known as
15 Senate Enrolled Act 61, being signed into law
16 and taking effect on March 21, 2016;

17 Whereas, the vendor failed to take prompt
18 action to bring this voting system into
19 compliance putting its county customers in an
20 untenable situation;

21 Whereas, insufficient time now remains
22 before the November 8th, 2016, general election
23 for this voting system to be brought into
24 compliance with Indiana law, and the Indiana
25 Election Commission believes that the

1 commencement of the statutorily permitted
2 decertification of the voting systems at issue
3 will cause further hardship to the county
4 election boards utilizing this voting system and
5 would adversely affect the ability of such
6 county election boards to conduct an accurate
7 and efficient election on November 8th, 2016;

8 Whereas, the vendor has jeopardized both
9 the smooth administration of this election and
10 public confidence in the accuracy and integrity
11 of its voting systems as a result of the actions
12 or fail to act;

13 And wheres, the commission is keenly aware
14 of the difficult circumstances that this vendor
15 has placed on its county customers in conducting
16 the November 8th, 2016, general election, and
17 while the commission cannot sanction the use of
18 a voting system which does not comply with
19 Indiana law, the commission believes it should
20 take any action it can to reduce the hardships
21 faced by counties as a result of this vendor's
22 failure.

23 Be it resolved by the Indiana Election
24 Commission, Section 1, that for the reasons set
25 forth above, the applicable vendor is hereby

1 censured for its failure to comply with the
2 Indiana Election Law governing its voting
3 systems; Section 2, the commission hereby
4 determines that the public interest in the
5 smooth administration of the November 8, 2016,
6 general election makes it prudent for the
7 commission to defer the commencement of an
8 enforcement action in this matter against the
9 applicable vendor subject to the following: No
10 later than 5 P.M. Eastern Daylight Time Friday,
11 August 26th, 2016, such vendor shall submit a
12 written statement to the VSTOP committing to
13 supply evidence that election officials in all
14 counties utilizing this equipment have received
15 from the vendor all the documented procedures
16 for properly tabulating ballots pursuant to
17 Indiana Code 3-12-1-7(f) including without
18 limitation a mechanism to identify optical scan
19 ballots that trigger the IC 3-12-1-7(f)
20 scenario; provide additional training and
21 resources to these counties upon request as to
22 the county election board meetings referenced in
23 the next section of this resolution; and assist
24 these counties with any related issue that may
25 arise during ballot counting.

1 Subsection B of Section 2: No later than
2 5:00 P.M. Eastern Daylight Time Friday
3 September 30th, 2016, file a written plan with
4 VSTOP detailing the vendor's strategy and
5 timeline for implementing all software
6 modifications necessary to bring their voting
7 systems into compliance with all provisions of
8 Indiana Election Code including Public
9 Law 21-2016. The plan must provide all
10 necessary testing and implementation of
11 necessary modifications no later than -- no
12 later than March 1, 2015, and be reviewed by
13 VSTOP and submitted to the Indiana Election
14 Commission for approval;

15 Section 3, upon receipt of the information
16 detailed in Section 2A, the commission
17 recommends that the -- that each Indiana county
18 using this vendor's voting system conduct a
19 public meeting of its county election board to
20 provide voters, candidates, and political
21 parties with information regarding manual
22 procedures that the county election board will
23 follow to comply with the ballot tallying
24 requirements of IC 3-12-1-7(f) and urges the
25 county to provide for the presence of a

1 representative of the voting system vendor at
2 this meeting;

3 Section 4, that a copy of this resolution
4 to the -- I'm sorry -- by the Indiana Election
5 Division to each county election board in
6 Indiana to the United States Election Assistance
7 Commission and any other person or entity
8 requested by a member of the Indiana Election
9 Commission.

10 That contains the substance of the
11 resolution I presented.

12 CHAIRMAN BENNETT: Thank you,
13 Commission Klutz, for your well-considered
14 comments and presentation of the resolution. Is
15 there a motion to adopt the resolution presented
16 by Commissioner Klutz?

17 MR. CLAYTOR: I so move the adoption of
18 each of the three resolutions relating to each
19 of the three vendors.

20 CHAIRMAN BENNETT: Okay. I would second
21 that motion. Is there any discussion from the
22 commission?

23 (No response.)

24 CHAIRMAN BENNETT: Is there any discussion
25 from the -- the people here in this room?

1 MR. JOHN: Mr. Chairman, might I inquire on
2 a couple of issues for clarification?
3 Thomas John on behalf the ES&S. Really, two
4 questions I have just so we understand. When
5 you say "defer," that means -- the word can mean
6 various things. When I think of it in the
7 context of this, I think of frankly a speeding
8 ticket when it's differed and dismissed later.
9 Is that the intent of this? And if so,
10 typically when you see those sorts of
11 agreements, there is some sort of execution that
12 the matter is dismissed or concluded at some
13 later point when compliance is -- with whatever
14 the terms are is certified. Is there thought on
15 this?

16 MR. KLUTZ: My thought was to defer to
17 after September 30th, 2016, until we determine
18 whether the provisions and requirements of
19 Section 2 are complied with.

20 MR. JOHN: I guess my point is so let's
21 assume for a moment we meet those provisions.
22 Then is this dismissed or like -- what is the
23 conclusion? Do we have an open matter?

24 MR. KLUTZ: My thought in this and in
25 assisting to prepare this would be that we would

1 meet again at some time after September 30th to
2 determine whether those were complied with.

3 MR. JOHN: And if they are complied with --
4 I guess, I'm not trying to be obtuse; but if
5 they are complied with, then will the commission
6 then determine that this matter is closed or?

7 CHAIRMAN BENNETT: I think it's that the
8 entire discussion is deferred and that the
9 determination will be made at that time about
10 how to proceed.

11 MR. JOHN: Okay. So this is merely putting
12 this off past that time and so there's a
13 possibility of other sanctions associated with
14 this?

15 CHAIRMAN BENNETT: I don't know. That was
16 my thought.

17 MR. KLUTZ: I said I didn't contemplate
18 other sanctions and this is what we're asking to
19 happen. I mean, this is -- to me, this is the
20 sanction.

21 MR. JOHN: Okay. Okay. But so this
22 contemplates that the -- because the document
23 itself, let's face it, doesn't contemplate
24 further commission action nor does it self- --
25 does it have any sort of self-fulfilling

1 mechanisms inside of it. That's what I'm trying
2 to --

3 MR. KLUTZ: It does not, you're right.

4 MR. JOHN: And so that's what I would
5 request is whatever that might be, if we can
6 clarify what it is so at some point what that --
7 whatever it is it will be addressed in the
8 October meeting or whether upon its terms that
9 if the commission finds that -- what I would
10 ask, actually, would be that the commission
11 finds that we've complied with all of the terms
12 of the deferment, that, in fact, this matter be
13 closed with respect to the particular issue.
14 That's what we would seek from the commission on
15 that.

16 MS. OVERHOLT: If I can interject just a
17 second, I would just clarify that, I mean,
18 there's another -- there's a March 1st, 2017,
19 compliance --

20 CHAIRMAN BENNETT: Right.

21 MS. OVERHOLT: -- measure as well. So I
22 would think that, you know, that we couldn't
23 make any final -- any decision about final
24 action until after that March 21 -- March 1st of
25 2017 date has passed.

1 MR. JOHN: And frankly, Commissioner,
2 that's was what I was thinking is probably,
3 since that's actually our deadline under this is
4 probably after the March. But obviously we'll
5 be happy to help in September but then -- let's
6 see.

7 Oh. So it asks for filing of evidence.
8 What does the commission -- do they want some
9 sort of, like, letters from the clerks? Do they
10 simply want an affidavit from the vendor that
11 the -- it's been done? Just so that we're
12 clear, I just want to make sure that whatever we
13 do --

14 MR. CLAYTOR: I think VSTOP's
15 recommendation was those certifications that the
16 action was taken.

17 MR. JOHN: I'm sorry. Specifically I'm
18 referring to A1.

19 MR. CLAYTOR: I understand. Certification
20 is evidence. So they have -- VSTOP's
21 recommendation was for a certification that that
22 action has taken place.

23 MR. JOHN: Well, I'm referring to A1 that
24 says "Supply evidence that election officials in
25 all counties utilizing this equipment have

1 received from the vendor all the documented
2 procedures." And so what evidence would the
3 commission want so we can advise our client of
4 what that is?

5 CHAIRMAN BENNETT: Certified mail, return
6 receipt or affidavit.

7 MR. KLUTZ: Affidavit would be --

8 MR. JOHN: I mean, probably an affidavit is
9 the cleanest, if that's okay. I just to make
10 sure we do something that satisfies the
11 commission.

12 CHAIRMAN BENNETT: Something along those
13 lines.

14 MR. JOHN: Anything else?

15 CHAIRMAN BENNETT: Oral testimony if
16 necessary.

17 MR. JOHN: Okay. We just wanted to make
18 sure that we've got it. Okay. Thank you.

19 CHAIRMAN BENNETT: Any other questions?
20 Comments?

21 MS. HUDSON: Yes. Wendy Hudson, I'm the
22 clerk of Elkhart County and chair of the Clerks
23 Association Legislative Committee. And I'd like
24 to say on behalf of all the clerks that we
25 appreciate this document and the efforts put

1 forth to put it together to help us conduct our
2 elections.

3 CHAIRMAN BENNETT: Thank you. Anyone else?

4 (No response.)

5 CHAIRMAN BENNETT: Hearing no further
6 discussion, the motion to adopt the resolution
7 has been made and seconded. And I would ask for
8 a vote of the commissioners. All in favor of
9 the adoption of the resolution say "Aye."

10 THE COMMISSION: Aye.

11 CHAIRMAN BENNETT: All opposed say "Nay."

12 (No response.)

13 CHAIRMAN BENNETT: The ayes have it. The
14 motions have been -- the motion has been
15 adopted, the resolution. Thank you.

16 Before we adjourn, I would ask for
17 authority on behalf of the commission for staff
18 to use our signature stamps to enact the
19 resolution. Is there a motion to that?

20 MR. CLAYTOR: I so move, Mr. Chairman.

21 CHAIRMAN BENNETT: All right. We have a
22 motion. Is there a second?

23 MR. KLUTZ: Second.

24 CHAIRMAN BENNETT: Motion and a second.
25 Any discussion?

1 (No response.)

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

4 THE COMMISSION: Aye.

5 CHAIRMAN BENNETT: All opposed say "Nay."

6 (No response.)

7 CHAIRMAN BENNETT: The motion carries. The
8 staff is authorized to affix our signature
9 stamps to the resolution. And at this time, the
10 Indiana Election Commission has finished its
11 business for today. Is there a motion to
12 adjourn?

13 MR. CLAYTOR: So moved.

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

16 MR. KLUTZ: Second.

17 CHAIRMAN BENNETT: We have a motion and a
18 second. Any discussion?

19 (No response.)

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

22 THE COMMISSION: Aye.

23 CHAIRMAN BENNETT: All opposed say "Nay."

24 (No response.)

25 CHAIRMAN BENNETT: The hearing is

1 adjourned.

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3 (Time noted: 4:33 P.M.)

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Transcript of Proceedings
July 27, 2016

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

3 I, Kelly S. Horsley, RPR, CSR No. 98-R-3004, a
4 Notary Public in and for the County of Hendricks,
5 State of Indiana at large, do hereby certify that
6 the foregoing hearing was taken on behalf of the
7 Indiana Election Commission at the Indiana State
8 Capital, 200 West Washington Street, Room 125,
9 Indianapolis, Marion County, Indiana, on the 27th
10 day of July, 2016, commencing at the hour of
11 1:00 P.M., pursuant to the Indiana Rules of Trial
12 Procedure;

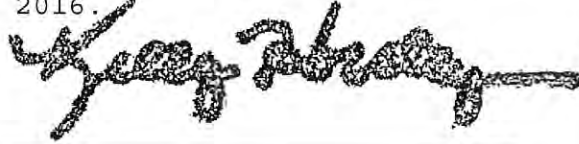
13 That said hearing was taken down in
14 stenographic notes and afterwards reduced to
15 English under my direction, and that transcript is
16 a true record of the testimony given by the said
17 participants;

18 That the parties were represented by their
19 counsel as aforementioned.

20 I do further certify that I am a disinterested
21 person in this cause of action; that I am not a
22 relative or attorney of either party, or otherwise
23 interested in the event of this action, and am not
24 in the employ of the attorneys for either party.

25 IN WITNESS WHEREOF, I have hereunto set my

1 hand and affixed my notarial seal this _____ day
2 of _____, 2016.

3 
4 _____

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

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7 My Commission Expires:
8 October 11, 2023

9 County of Residence:
10 Hendricks

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