

Indiana Election Commission Minutes October 10, 2019

Members Present: Paul Okeson, Chairman of the Indiana Election Commission (“Commission”); Karen Celestino-Horseman, Proxy for S. Anthony Long, Vice Chairman of the Commission; Suzannah Wilson Overholt, member; Zachary E. Klutz, member.

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

Staff Attending: J. Bradley King, Co-Director, Indiana Election Division of the Office of the Secretary of State (Election Division); Angela M. Nussmeyer, Co-Director of the Election Division; Matthew Kochevar, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division; Abbey Taylor, Election Division campaign finance director; Michelle Thompson, Election Division campaign finance director.

Others Attending: Ms. Janet Buchanan; Dr. Bryan Byers; Mr. Sylvester Edwards; Mr. Jeremy Heath; Mr. George Howard; Mr. Jordan Jarnigan; Fr. Mark Kurowski; Mr. Joseph Lehman; Mr. Tom Linkmeyer; Ms. Lisa Seng Shadday. Mr. Allen K. Smith, II; The Hon. Karen Tallien, Indiana State Senator; Mr. Kevin Warren.

1. **Call to Order:**

The Chair called the October 10, 2019 meeting of the Commission to order at 1:30 p.m. EDT in State House Room 233, 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 Lisa C. Pierce of Connor Reporting, which is incorporated by reference into these minutes.

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

Page 5, line 8, replace “Simmons” with “Simmons’s”.

Page 6, line 18, replace “go” with “going”.

Page 9, line 24, replace “Secretary” with “Mr. Simmons”.

Page 14, line 22, replace “decision” with “decisions”.

Page 16, line 7, replace “Miss” with “Ms.” in both instances where it occurs.

Page 17, line 1, replace “Miss” with “Ms.”

Page 17, line 2, replace “Miss” with “Ms.”

Page 19, line 24, replace “The purpose of this arrangement and” with “For purposes of this arrangement, any”.

Page 23, line 13, replace “MS. NUSSMEYER” with “MS. CELESTINO-HORSEMAN”.

Page 24, line 2, replace “before” with “for”.

Page 27, line 2, replace “has been accepted” with “has accepted the agreement”.

Page 34, line 22, delete "as".

Page 35, line 5, replace "my" with "may".

Page 49, replace lines 13 through 14 with "CHAIRMAN OKESON: So it was his declaration of candidacy that triggered the requirement to file."

Page 57, line 24, replace "has" with "she said she has".

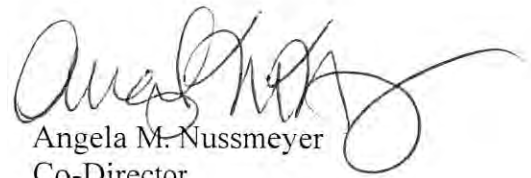
Page 64, line 1, replace "(unintelligible)" with "assess".

The Commission adjourned its meeting at 2:46 p.m. EDT.

Respectfully submitted,



J. Bradley King
Co-Director



Angela M. Nussmeyer
Co-Director

APPROVED:


Paul Okeson, Chairman

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INDIANA ELECTION COMMISSION
COMMITTEE MEETING

Conducted on: October 10, 2019

Conducted at: The Indiana Statehouse
200 West Washington Street
Conference Room 233
Indianapolis, Indiana 46204

A Stenographic Record By:
Lisa C. Pierce

A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

- Mr. Paul Okeson - Chairman
- Ms. Karen Celestino-Horseman; Proxy for
Vice Chairman Mr. S. Anthony Long
- Mr. Zachary Klutz - Member
- Ms. Suzannah Overholt - Member

INDIANA ELECTION DIVISION STAFF:

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

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1 CHAIRMAN OKESON: I'd like to call the Indiana
2 Election Commission Meeting Public Session to order
3 for Thursday, October 10th, 2019. The following
4 members of the commissioner are currently present:
5 Member Suzannah Wilson Overholt, Zach Klutz and
6 myself, Chairman Paul Okeson. Karen
7 Celestino-Horseman will be running a few minutes
8 late, and she'll be here shortly. And we'll move
9 some of the items on the agenda around to
10 accommodate the need for all four of us to be here.

11 Also from the Indiana Election Division,
12 Co-Director Brad King and Co-Director Angie.
13 Nussmeyer, along with Co-Counsels Matthew Kochevar
14 and Dale Simmons. And I believe court reporter
15 Lisa C. Pierce is here from Connor Reporting.

16 Before we continue the meeting, I want to
17 remind everyone, on behalf of the court reporter,
18 if you're going to speak in front of this body,
19 we'd like you to identify yourselves when you begin
20 to speak by saying and spelling your name for the
21 record. Speak clearly and, please, do not speak at
22 the same time as other members.

23 With that I'd like to -- to move on in the
24 agenda for the compliance with Open Door Law. I
25 request the co-directors confirm that the

1 commission meeting has been properly notified as
2 required under the Open Door Law.

3 MR. KING: Mr. Chairman, members of the
4 commission, Co-Director Nussmeyer and myself
5 confirm that the meeting was properly posted in
6 accordance with the Open Door Law.

7 MS. NUSSMEYER: (Nods head.)

8 CHAIRMAN OKESON: With that I'd like to move
9 to the approval of our July 26th commission
10 meeting's meeting minutes. I recognize the
11 co-directors to present the minutes of the
12 July 26th meeting. We'll receive them now.

13 MR. KING: Thank you, Mr. Chairman, members of
14 the commission. Co-Director Nussmeyer and myself
15 present the minutes of the July 26th meeting to you
16 with our recommendation they be approved.

17 CHAIRMAN OKESON: Is there a motion to
18 approve -- approve the meeting minutes as
19 presented?

20 MR. KLUTZ: So moved.

21 CHAIRMAN OKESON: Is there a second?

22 MS. OVERHOLT: Second.

23 CHAIRMAN OKESON: Any discussion? Hearing
24 none, all in favor say aye.

25 THE COMMISSION: Aye.

1 CHAIRMAN OKESON: Those opposed? The ayes
2 have it, and the motion is to approve minutes as
3 adopted.

4 Again, as we wait on our fourth member to
5 appear, we're gonna skip campaign finance. We'll
6 move though -- we will do an administration of the
7 oath. So anyone here who plans on testifying will
8 need to -- to comply with Mr. Simmons' request to
9 take the oath. And I recognize Mr. Simmons to do
10 so now.

11 MR. SIMMONS: If you're going to testify at
12 today's meeting, please stand, raise your right
13 hand, and say "I do" after the administration of
14 the oath.

15 (The oath was administered by Mr. Simmons.)

16 ALL PARTIES: I do.

17 MR. SIMMONS: Thank you.

18 CHAIRMAN OKESON: So we will move to the order
19 regarding the voting system technical oversight
20 program. I will recognize Dr. Byers from Ball
21 State. Please come forward.

22 MR. BYERS: Good afternoon, everyone. My name
23 is Bryan Byers, B-r-y-a-n, B-y-e-r-s. And I'm
24 co-director of the voting system technical
25 oversight program.

1 MR. JARNAGIN: I am Jordan Jarnagin,
2 J-o-r-d-a-n, J-a-r-n-a-g-i-n. I am the
3 certification specialist for VSTOP.

4 CHAIRMAN OKESON: So as I understand, the
5 commission has received a report from VSTOP filed
6 October 3rd, 2019, with recommendation regarding
7 proposed engineering change order 17011 for two
8 versions of a Unisyn Voting Solutions system.

9 Report is included in your binders behind the
10 VSTOP tab. The report gives a summary
11 recommendation for VSTOP concerning each proposed
12 engineering change order. And I now recognize
13 Dr. Byers, Ball State, administ -- administrators
14 from the voting system technical oversight program
15 for a presentation concerning its recommendation
16 regarding this engineering change order.

17 MR. BYERS: Thank you, Mr. Chairman. And I'm
18 go to defer to Jordan to begin the presentation
19 since he's our certification specialist.

20 CHAIRMAN OKESON: Thank you.

21 MR. BYERS: Thank you.

22 MR. JARNAGIN: Okay. So Unisyn has formally
23 requested the ECOs specific certain -- for specific
24 voting systems that are certified in Indiana be
25 approved. This ECO's presented in the following

1 table and has been evaluated by the VSTOP team in
2 accordance with the requirements for the policies
3 and procedures of managing changes in Indiana,
4 certified voting systems approved by the Indiana
5 Election Commission on June 27th, 2011.

6 So on August 22nd, 2019 the ECO 17011 was
7 submitted by Unisyn for OpenElect 1.3.4 and
8 OpenElect 2.0.A.1. The components involved the
9 ballot box. Essentially the change is a static
10 brush has been -- been added internally to the
11 ballot box in order to dissipate electrostatic
12 buildup which resulted in the degradation of
13 performance. This caused the ballots to hang and
14 not fall into the box properly.

15 Members of the VSTOP team have reviewed the
16 ECO documentation. So attachments one through five
17 submitted are all the details that we need for the
18 ECO, including the letter to the IED, the
19 engineering change orders, diagrams, part numbers,
20 everything the company uses. Effectivity testing,
21 the initial (unintelligible) --

22 THE REPORTER: The initial what?

23 MR. JARNAGIN: -- release documentation, and
24 then the test suite identification.

25 The VSTL report and e-mail regarding the

1 effected systems is attachment six and seven. And
2 VSTOP finds that this ECO is in compliance with the
3 requirements for a de minimis change to hardware
4 components. The ECO only applies to specific
5 Unisyn Systems noted in the table above. The
6 Unisyn Voting Systems OpenElect 1.3.4 and 2.0.A.1
7 are EAC certified. And the ECO was approved by the
8 EAC, which you'll find on attachment eight.

9 CHAIRMAN OKESON: Is there anyone from Unisyn
10 that's present?

11 MS. BUCHANAN: I'm Janet Buchanan from RBM
12 Consulting, representative from Unisyn.

13 CHAIRMAN OKESON: Okay. Is there anything
14 you'd like to state or submit for the record on
15 this matter?

16 MS. BUCHANAN: No.

17 (Ms. Celestino-Horseman entered the meeting.)

18 CHAIRMAN OKESON: Chair recognizes that Karen
19 Celestino-Horseman has arrived.

20 MS. CELESTINO-HORSEMAN: Finally.

21 CHAIRMAN OKESON: No, you're fine. We're
22 just -- we skipped past findings. We went to the
23 VSTOP report, which they have just provided
24 testimony on their -- there's a representative from
25 Unisyn here. But that's -- that's not relied on to

1 offer any further testimony at this time.

2 Yes. Chair also recognizes that Karen
3 Celestino-Horseman is serving as a proxy for Vice
4 Chair Anthony Long, for the record.

5 So at this point, before we go into
6 discussion, is there a motion to adopt VSTOP's
7 recommendation for approval of engineering change
8 order 17011 described in VSTOP's report as
9 modification to the OpenElect 1.3.4 and 2.0.A.1.1
10 [sic] voting systems with this approval being
11 effective immediately?

12 MR. KLUTZ: So moved.

13 CHAIRMAN OKESON: Do I have a second?

14 MS. CELESTINO-HORSEMAN: Second.

15 CHAIRMAN OKESON: Any discussion?

16 MS. OVERHOLT: Other than it seems crazy that
17 we have to approve this. But other than that,
18 sorry, that's just --

19 MR. KLUTZ: Can I --

20 MS. OVERHOLT: I said other than it seems
21 crazy that we have to approve this. But I
22 understand under the law that we have to approve
23 this.

24 MR. KLUTZ: Secretary, last year we discussed
25 perhaps alternative processes for de minimis

1 changes.

2 MR. SIMMONS: Yes.

3 MR. KLUTZ: Was anything ever moved forward
4 with that?

5 MR. SIMMONS: Well, Mr. Chairman, members of
6 the commission, I examined the -- the statutes,
7 applicable statutes on behalf of Mr. King. And
8 including in that the statutes apply to all the --
9 it requires the commission to approve all, you
10 know, improvements, modifications, change. And
11 they sort of use those words -- improve,
12 modification, change -- interchangeably with
13 de minimis changes, which -- which these ECOs are.

14 So my analysis is the statute still requires
15 commission approval. Certainly the legislature
16 could consider, you know, adopting some more
17 informal process for doing that. But they haven't
18 to date.

19 MR. KLUTZ: Thank you.

20 CHAIRMAN OKESON: Any further discussion?

21 MR. KOCHEVAR: I -- I would like to add, I --
22 I concur with Mr. Simmons in his reading of the
23 law. But I will say that everything that has to do
24 with the ECOs that lead up to the commission's
25 final approval is done through a policy that was

1 approved by the Indiana Election Commission back in
2 2011. It's actually referenced in every ECO that's
3 included in your agenda.

4 Now, certainly, if the commission wished to
5 make changes, they certain -- most certainly can,
6 in determining such things as may be requiring
7 VSTOP to package something together so you can take
8 a look at them. And maybe a quarterly basis or
9 when there is, you know, a number of ECOs that are
10 done by one vendor, just as an example.

11 And I believe that certainly would be in your
12 prerogative. The commission established that first
13 policy. And certainly I believe that since it was
14 established that it can be amended. But that would
15 be something that would be entirely up to you.

16 CHAIRMAN OKESON: Was that a policy or
17 procedure that was voted on by the commission?

18 MR. KOICHEVAR: Yes. Based on my -- I wasn't
19 here at the time in 2011. But based on my reading
20 of the minutes, that was approved. Though I will
21 note that at least one commission member at that
22 meeting did raise the matter of if, in fact, that
23 policy needed actually be voted on. But
24 nonetheless it was voted on. And so it was
25 approved by the election commission, at least in my

1 view.

2 CHAIRMAN OKESON: Co-Director King, is this
3 something that we can -- that we can have some
4 policy recommendation made by staff to the
5 commission at a date to this nature?

6 MR. KING: Yes. Mr. Chairman, members of the
7 commission, yes, it certainly is possible for the
8 commission to ask staff to provide any future
9 meeting recommendations for improvements to the
10 engineering change order approval process. The
11 commission in the past, the adopted advisory
12 opinion, has also made recommendations to the
13 generally assembly --

14 CHAIRMAN OKESON: Okay.

15 MR. KING: -- for clarifications of law, which
16 it sometimes met.

17 CHAIRMAN OKESON: And my presumption is we
18 don't need to vote on asking staff to do that; is
19 that correct?

20 MR. KING: No, Mr. Chairman.

21 MS. CELESTINO-HORSEMAN: May I ask a question?

22 CHAIRMAN OKESON: Sure.

23 MS. CELESTINO-HORSEMAN: Can I ask, when you
24 all come today to present something like this, do
25 you bill the State hourly for your time, which I

1 would not blame you for. It is your time.

2 MR. BYERS: Do we what?

3 MS. CELESTINO-HORSEMAN: Do you bill the State
4 for your time for coming -- having to come here? I
5 wouldn't blame you (unintelligible) and that has
6 value. I'm just --

7 MR. BYERS: Right.

8 MS. CELESTINO-HORSEMAN: -- curious --

9 MR. BYERS: For myself, since I'm a faculty
10 member. The only time I would -- it would involve
11 any kind of direct billing would probably be in the
12 summer. But for Jordan and our other professional
13 staff, this is part of his work, so he's
14 compensated --

15 MS. CELESTINO-HORSEMAN: Okay.

16 MR. BYERS: -- for that. So, yes, there would
17 be bill -- but for right -- for this particular
18 meeting, there wouldn't be for me. Because this is
19 just part of my work as a faculty member based on
20 the time that the university gives me to devote to
21 VSTOP.

22 MS. CELESTINO-HORSEMAN: That's good
23 incentive. Saves some money.

24 CHAIRMAN OKESON: Let's -- let's -- so you put
25 forward that, any recommendation? Yes, I do. So

1 any further discussion on the motion? First and a
2 second. All those in favor say aye.

3 THE COMMISSION: Aye.

4 CHAIRMAN OKESON: Those opposed? The ayes
5 have it.

6 MR. BYERS: Thank you, Mr. Chairman, members
7 of the commission.

8 CHAIRMAN OKESON: Thank you. Thank you for
9 your testimony.

10 Moving back to campaign finance. I recognize
11 the co-directors to present campaign finance
12 enforcement orders prepared for adoption by the
13 commission.

14 MR. KING: Mr. Chairman, members of the
15 commission, Ms. Nussmeyer and our staff -- and our
16 staffs have worked to -- to prepare orders for your
17 consideration. Numbers 2019-25 through 2019-186
18 with the exception -- and I'll ask Michelle to
19 confirm the number of number 137; is that correct?

20 MS. THOMPSON: 173.

21 MR. KING: Reversed, 173, that reflect the
22 decision made by the commission at the last
23 meeting. And upon your approval these will be
24 mailed out to the parties for further action --

25 CHAIRMAN OKESON: Is there a motion --

1 Co-Director Nussmeyer, do you have anything else to
2 add?

3 MS. NUSSMEYER: Mr. Chairman, I do. I believe
4 that the commissioners need to affix their
5 signatures to the orders. And so I don't know if
6 you need a second -- second motion (unintelligible)
7 by stamp okay.

8 MR. KING: (Nods head.)

9 CHAIRMAN OKESON: Okay. So is there a motion
10 to adopt the orders 2019-25 through 2019-172 and
11 orders 2019-174 through 2019-186 and authorize the
12 election division staff to use our signature stamps
13 to indicate the adoption?

14 MR. KLUTZ: So moved.

15 CHAIRMAN OKESON: Is there a second?

16 MS. OVERHOLT: Second.

17 CHAIRMAN OKESON: Any discussion on the
18 matter?

19 MS. CELESTINO-HORSEMAN: Are any of these
20 folks here on any of those orders? No.

21 CHAIRMAN OKESON: That'll be something -- this
22 is different.

23 MS. CELESTINO-HORSEMAN: Different, okay. All
24 right.

25 CHAIRMAN OKESON: Having a motion and a

1 second, hearing no further discussion, all those in
2 favor say aye.

3 THE COMMISSION: Aye.

4 CHAIRMAN OKESON: Any opposed? The ayes have
5 it. Motion to approve is adopted.

6 I recognize the election division's campaign
7 finance staff, Miss Taylor and Miss Thompson, to
8 present information concerning at least one
9 campaign finance settlement agreement and then two
10 on behalf of the commission.

11 MS. THOMPSON: Mr. Chairman, these committees
12 in your folders are committees who ratified and
13 agreed to pay a settlement agreement and waive a
14 hearing. But, Mr. Chairman, the Lawrence County
15 Democrat Central Committee was missed at the last
16 meeting. So, if ratified, then they would ask that
17 the fine imposed at the last meeting be dismissed.

18 CHAIRMAN OKESON: So --

19 MS. OVERHOLT: Was that in the orders that we
20 just approved?

21 MS. TAYLOR: That was the 173.

22 CHAIRMAN OKESON: It's the exception.

23 MS. OVERHOLT: Okay. All right. That's.

24 CHAIRMAN OKESON: So I just want to --

25 (Off-the-record discussion.)

1 CHAIRMAN OKESON: Thank you, Miss Taylor,
2 Miss Thompson. Is there a motion to ratify the
3 campaign finance settlement agreements as they are
4 presented?

5 MR. KLUTZ: So moved.

6 CHAIRMAN OKESON: Is there a second?

7 MS. OVERHOLT: Second.

8 CHAIRMAN OKESON: Any discussion? Hearing
9 none, all those in favor signify with aye.

10 THE COMMISSION: Aye.

11 CHAIRMAN OKESON: Opposed? The ayes have it.

12 So this particular matter with the Lawrence
13 County Democrat Central Committee, I understand
14 that you've asked that this be waived?

15 MS. THOMPSON: Be dismissed.

16 CHAIRMAN OKESON: Dismissed.

17 MS. THOMPSON: Yes.

18 CHAIRMAN OKESON: Okay. So we need a motion
19 on that, correct? So is there a motion to dismiss
20 the Lawrence County Democrat Central Committee
21 Builders PAC?

22 MS. THOMPSON: Lawrence County Democrat
23 Central Committee.

24 CHAIRMAN OKESON: Oh, there's two separate --

25 MS. THOMPSON: Yeah.

1 CHAIRMAN OKESON: Okay. So is there a motion
2 to dismiss the Lawrence County Democrat Central
3 Committee of its imposed fine of \$200?

4 MS. THOMPSON: Yes.

5 MR. KLUTZ: I'll make that motion.

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

8 MS. CELESTINO-HORSEMAN: Second.

9 CHAIRMAN OKESON: Any discussion? Hearing
10 none, all those in favor signify aye.

11 THE COMMISSION: Aye.

12 CHAIRMAN OKESON: The ayes have it. The next
13 matter of business.

14 You've already done the oaths, correct?

15 MR. SIMMONS: Uh-huh.

16 CHAIRMAN OKESON: We're good there.

17 MS. TAYLOR: I was not here for the oaths.

18 CHAIRMAN OKESON: Go ahead, please.

19 (The oath was administered by Mr. Simmons.)

20 MS. TAYLOR: I do.

21 CHAIRMAN OKESON: So before we proceed, I'm
22 sorry, is there anybody else that's arrived after
23 we've given the oath? Does anyone need to take the
24 oath? Just -- it was just you.

25 MS. TAYLOR: Just me.

1 CHAIRMAN OKESON: Good. Okay.

2 Before proceeding with campaign finance
3 enforcement actions, we want to give any committee
4 present final opportunity to pay reduced civil
5 penalty by waiving the right to present evidence
6 and arguments to the commission.

7 Any committee is welcome to present evidence
8 and arguments for the proposed penalty be waived.
9 But this is an opportunity for those who want to
10 waive that presentation and accept the reduced
11 penalty without making any argument or presentation
12 whatsoever. And I would move to adopt the
13 following arrangements.

14 If this is the committee's first violation,
15 the arrangement is for the committee to agree to
16 pay 25 percent of the proposed fine plus mailing
17 costs. If this is the committee's second
18 violation, the arrangement is for the committee to
19 agree to pay 50 percent of the proposed fine plus
20 filing costs. And if this is the committee's third
21 violation, the committee would therefore agree to
22 pay 75 percent of the proposed violation plus
23 mailing cost.

24 The purpose of this arrangement and previous
25 settlement agreement entered into by the committee

1 will be counted as one violation. Likewise, if
2 more than one alleged violation occurred on the
3 same calendar day, that group of violations shall
4 be counted as one violation.

5 Is there a second to this motion that I've
6 offered?

7 MR. KLUTZ: Second.

8 CHAIRMAN OKESON: Any discussion? Yes.

9 MS. CELESTINO-HORSEMAN: Can I say something
10 to the group? All right.

11 All right. We've been through many of these
12 before, so let me give you all a piece of advice.
13 Coming up here and saying that you didn't know the
14 law, that you didn't understand the law, that you
15 forgot because the dog ate your copy of the
16 campaign finance rules, none of that gets you a
17 break.

18 What you're being offered right now is a sure
19 thing of only having to pay half of what you are
20 assessed with. You come forward and what you're
21 doing is rolling the dice on being charged the
22 entire amount. So I just want to make sure
23 everybody understands that. It might sound harsh.
24 But, think about it, people have all kinds of
25 reasons.

1 So unless it's just absolutely, you know,
2 someone died and you couldn't get to the post
3 office, or whatever, and you've got a copy of their
4 death certificate, something like that, then we
5 might listen. But otherwise -- and, you know, I
6 just want to make sure you know so that you're not
7 surprised if you get hit with the full amount.
8 Okay.

9 CHAIRMAN OKESON: Thank you.

10 MS. CELESTINO-HORSEMAN: Yes.

11 MR. EDWARDS: What is the penalty for the
12 first time that you reduce it to 25 percent?

13 MS. THOMPSON: Depends on your fine.

14 MS. OVERHOLT: We need to adopt this.

15 CHAIRMAN OKESON: Yeah.

16 MS. CELESTINO-HORSEMAN: We'll go ahead and
17 pass the motion.

18 CHAIRMAN OKESON: Before you go -- so we
19 haven't established those rules. There's a motion
20 to enact those rules. Let us get through that
21 first, and then I'll be happy to answer your
22 question.

23 So I have a motion and second. Any further
24 discussion? Hearing none, all those in favor
25 signify by saying aye.

1 THE COMMISSION: Aye.

2 CHAIRMAN OKESON: The ayes have it.

3 Sir, if you'd like to ask a question, I'm fine
4 with that.

5 MR. EDWARDS: Yes. I -- I have been here in
6 the past. And I was asked --

7 CHAIRMAN OKESON: Before -- before you do
8 that, will you please just take a quick seat.
9 State your full name and spell it for the record,
10 please.

11 MR. EDWARDS: My name is Sylvester Edwards.
12 That's S-y-l-v-e-s-t-e-r, Edwards, E-d-w-a-r-d-s.
13 I have been here once before. And because of
14 certain circumstances, they asked me to leave and
15 bring -- they sent me information for finance
16 where -- campaign finances. And so that's why I'm
17 here for a second time. I did send the information
18 in.

19 CHAIRMAN OKESON: So is your question whether
20 you --

21 MS. TAYLOR: Mr. Edwards --

22 MR. EDWARDS: Yes.

23 MS. TAYLOR: -- you're gonna want to wait.
24 You don't want to take this plea.

25 MR. EDWARDS: Okay.

1 CHAIRMAN OKESON: Do you want to present his
2 case?

3 MS. TAYLOR: Sure. We can.

4 MS. CELESTINO-HORSEMAN: I have another
5 question.

6 MS. THOMPSON: Do you want us to do it now?
7 Okay. This is Edwards for State Representative,
8 Cause Number 2018-153-15 and --

9 MS. TAYLOR: -- and 2018-7153-151. These are
10 on Pages 1 and 9. Mr. Sylvester was continued to
11 close at the August 2018 hearing. You closed his
12 committee. And here we are.

13 MS. NUSSMEYER: Can you remind me if the
14 commission agreed to --

15 MS. TAYLOR: At the time the commission agreed
16 that they would -- agreed that they would waive the
17 penalty if he closed his committee.

18 CHAIRMAN OKESON: And he has since done that?

19 MS. TAYLOR: He has since closed his
20 committee. Yes, it's closed.

21 CHAIRMAN OKESON: Okay.

22 MS. CELESTINO-HORSEMAN: Move to waive the
23 penalty.

24 CHAIRMAN OKESON: So we have a motion to waive
25 the penalty for Edwards for State Representative

1 Committee.

2 MR. KLUTZ: Second before discussion.

3 CHAIRMAN OKESON: I have a motion and a
4 second. Is there discussion?

5 MR. KLUTZ: Mr. Chairman, just to confirm with
6 the staff -- so whatever the contingencies were at
7 the last meeting for the purposes of waiving, those
8 have all been met?

9 MS. TAYLOR: Yes.

10 MR. KLUTZ: Okay.

11 CHAIRMAN OKESON: Any other discussion?
12 Hearing none, all those in favor of the motion
13 signify by saying aye.

14 THE COMMISSION: Aye.

15 CHAIRMAN OKESON: Those opposed? The ayes
16 have it. Dismissed.

17 MR. EDWARDS: Thank you very much.

18 MS. CELESTINO-HORSEMAN: So anybody else want
19 to --

20 FR. KUROWSKI: Question, Mr. Chairman.

21 CHAIRMAN OKESON: Yeah. So -- so before --
22 before I grant any questions, we -- we've read into
23 the record the rules and the procedures. So if you
24 want to accept that penalty, we'll -- we'll start
25 at the front of the room, working from left to

1 right, in no particular order. And when you get an
2 opportunity to speak, you can do so on the record.

3 MS. CELESTINO-HORSEMAN: But if you have --
4 like Mr. Edwards, were instructed at the last
5 meeting --

6 MS. TAYLOR: There's nobody like that.

7 FR. KUROWSKI: I have a procedural question.

8 MS. TAYLOR: Okay.

9 FR. KUROWSKI: And the question was, you had
10 mentioned that this needed to be voted on, the
11 terms needed to be voted on. And I -- I wondered
12 did I miss that? Because I'm not -- I can't hear
13 very well.

14 CHAIRMAN OKESON: The motion for rules have
15 been voted on and adopted, yes. Sorry.

16 FR. KUROWSKI: Thank you.

17 CHAIRMAN OKESON: Yes, sir.

18 MR. HEATH: I just don't know what my
19 (unintelligible) would be to repair --

20 CHAIRMAN OKESON: Come forward, take a seat,
21 say your name, spell it for the record, please.

22 MR. HEATH: My name is Jeremy Heath,
23 J-e-r-e-m-y, last name, H-e-a-t-h. I was actually
24 slotted for July but -- to come in for a hearing.
25 But you guys gave me an extension because my father

1 passed.

2 MS. CELESTINO-HORSEMAN: So what would this --

3 MS. TAYLOR: \$150.

4 MS. CELESTINO-HORSEMAN: Is that --

5 CHAIRMAN OKESON: What page?

6 MS. TAYLOR: He's on the top of Page 10.

7 MR. KLUTZ: Can you give us the full report,
8 please.

9 MS. TAYLOR: Yes. This is Heath for Hoosiers,
10 Cause Number 2019-7184-112, for the proposed civil
11 penalty of \$100 [sic] with mail cost of 49 cents.
12 So a total of \$150.49. This is the first
13 delinquency.

14 MS. CELESTINO-HORSEMAN: So if he were to
15 accept the deal, he'd have to pay 25 percent?

16 MS. TAYLOR: Correct.

17 MS. CELESTINO-HORSEMAN: So you can avoid all
18 this and just pay 25 percent of 150.49.

19 MS. OVERHOLT: \$37.50 plus mailing costs.

20 MR. HEATH: I'm sorry?

21 MS. OVERHOLT: Be \$37.50 plus mailing costs.

22 MR. HEATH: Sold. Thank you for your time.

23 Was I supposed to sign anything?

24 MS. THOMPSON: No.

25 (Off-the-record discussion.)

1 CHAIRMAN OKESON: For the record, Mr. Heath
2 has been accepted.

3 MS. TAYLOR: Yes.

4 CHAIRMAN OKESON: Sir, please state your name
5 and spell it for the record.

6 MR. LINKMEYER: Tom Linkmeyer. T-o-m, last
7 name Linkmeyer, L-i-n-k-m-e-y-e-r.

8 MS. TAYLOR: Mr. Chairman, this is on Page 3,
9 Committee to Elect Linkmeyer. 2018-6836-90 has a
10 proposed civil penalty of \$400.47. And he has not
11 been before the commission before.

12 MS. CELESTINO-HORSEMAN: So 25 percent again?

13 MS. THOMPSON: Uh-huh.

14 MS. TAYLOR: Yes.

15 MS. CELESTINO-HORSEMAN: So what --

16 MS. OVERHOLT: \$100.

17 MR. LINKMEYER: Yes, sir. Yes, sir.

18 CHAIRMAN OKESON: So the chair recognizes that
19 Mr. Linkmeyer has accepted the agreement for
20 25 percent of the fine. Dismissed. Thank you.

21 MR. LINKMEYER: Thank you.

22 CHAIRMAN OKESON: Plus mailing costs.

23 FR. KUROWSKI: Good afternoon.

24 CHAIRMAN OKESON: Good afternoon, Father.
25 Please state your name.

1 FR. KUROWSKI: I'm Father Mark Kurowski. My
2 first name is M-a-r-k. Last name is
3 K-u-r-o-w-s-k-i. Number 2018-7117-148 and
4 2018-7117-159.

5 MS. TAYLOR: This is on two, on Page 8 and
6 Page 10. Cause Number 2018-7117-148 and Cause
7 Number 2018-7117-159. This is the first time
8 before the committee. The first one has a proposed
9 civil penalty of \$50.50, and the second has a
10 proposed civil of \$1,000.50. And the committee's
11 closed.

12 FR. KUROWSKI: I'm sorry. What was that?

13 MS. TAYLOR: 1,000.

14 FR. KUROWSKI: Yeah. I -- i caught that.

15 MS. TAYLOR: And the committee's closed.

16 MS. CELESTINO-HORSEMAN: So if you were to
17 accept the 25 percent, which he's eligible for --

18 MS. TAYLOR: Yes.

19 MS. CELESTINO-HORSEMAN: -- it would be
20 \$262.50 plus the cost of mailing.

21 FR. KUROWSKI: Great deal. I'll take it.

22 CHAIRMAN OKESON: So chair recognizes that
23 Committee to Elect Mark Kurowski --

24 FR. KUROWSKI: Kurowski.

25 CHAIRMAN OKESON: -- Mark Kurowski has

1 accepted the agreement.

2 FR. KUROWSKI: All right. Thank you.

3 CHAIRMAN OKESON: Thank you.

4 FR. KUROWSKI: Left or right?

5 CHAIRMAN OKESON: Sorry. I made it up that
6 way.

7 MS. SENG SHADDAY: My name is Lisa Seng
8 Shadday, L-i-s-a, S-e-n-g, S-h-a-d-d-a-y.

9 MS. TAYLOR: It's on Page 5. It's Cause
10 Number 2019-6565-36, a proposed civil penalty of
11 \$1,000.50. And this is the second time before the
12 commission.

13 MS. CELESTINO-HORSEMAN: So what would she be
14 eligible --

15 MS. TAYLOR: 50 percent.

16 MS. CELESTINO-HORSEMAN: 50 percent, 500.

17 MS. SENG SHADDAY: Okay.

18 MS. CELESTINO-HORSEMAN: Do you want to take
19 that?

20 MS. SENG SHADDAY: Just because I have a
21 reason doesn't mean it's a legal excuse.

22 CHAIRMAN OKESON: And this was on -- I'm
23 sorry. Which number was this?

24 MS. TAYLOR: Page 5.

25 MS. CELESTINO-HORSEMAN: Page 5.

1 MS. TAYLOR: Seng Shadday.

2 CHAIRMAN OKESON: Okay. Chair recognizes that
3 Lisa Seng Shadday has accepted the agreement.
4 Thank you.

5 MS. CELESTINO-HORSEMAN: Thank you.

6 MS. TALLIAN: Are you taking cases? I'm
7 not --

8 MS. CELESTINO-HORSEMAN: No. This is for the
9 people who are interested in cutting a deal.

10 MR. HOWARD: My name is George Howard,
11 G-e-o-r-g-e, H-o-w-a-r-d. I'm in the Hoosiers for
12 Action Political Action Committee.

13 MS. TAYLOR: Page 4, Hoosiers for Action PAC,
14 Cause Number 2018-6945-105. Has a proposed civil
15 penalty of \$500.47. And this is the first time
16 before the commission.

17 MS. CELESTINO-HORSEMAN: Twenty-five percent
18 of 500. You interested?

19 MR. HOWARD: Yes, please.

20 CHAIRMAN OKESON: Chair recognizes Hoosiers
21 for Action PAC has accepted the plea.

22 MR. HOWARD: Thank you very much.

23 MR. LEHMAN: This is my first trip here.

24 Good -- good afternoon, folks. My name is Joseph
25 Lehman, J-o-s-e-p-h, L-e-h-m-a-n. I'm here for my

1 first appearance on Cause Number 2018-7156-17. And
2 I have sent down a number of months ago complete
3 explanation of probably just exactly what I'm
4 gonna --

5 MS. CELESTINO-HORSEMAN: What page is this?

6 MS. TAYLOR: Page 1.

7 MS. CELESTINO-HORSEMAN: How much is the --

8 MS. OVERHOLT: Thousand dollars.

9 MS. CELESTINO-HORSEMAN: One thousand? Okay.
10 Are you interested in accepting 25 percent,
11 correct?

12 MR. LEHMAN: I wasn't aware that I had been
13 assessed any penalty.

14 MS. CELESTINO-HORSEMAN: You have a penalty
15 that's pending now. What we're offering you is
16 this.

17 MR. LEHMAN: Sure.

18 MS. CELESTINO-HORSEMAN: You can present your
19 case and then we can assess you \$1,000.47.

20 MR. LEHMAN: Right.

21 MS. CELESTINO-HORSEMAN: That amount. Or you
22 can cut your losses and go for sure for -- go for
23 broke for \$250 plus the cost of change.

24 MR. LEHMAN: Could there be a possibility of
25 talking with the counsel before I go in front of

1 you? Because I -- I think I have a -- a case that
2 should be amenable to understanding my position or
3 not assessing anything. But, yet, I -- I'm not
4 familiar with the procedures here, whether I would
5 have a case.

6 CHAIRMAN OKESON: So before you proceed, we're
7 -- we're not hearing presentation of cases at this
8 moment. We're simply taking people who are
9 interest in --

10 MR. LEHMAN: Oh, I'm sorry.

11 CHAIRMAN OKESON: You're perfectly fine.

12 MR. LEHMAN: Oh, okay.

13 CHAIRMAN OKESON: Please be patient.

14 MR. LEHMAN: I'll pass then. I'll wait my
15 turn then. Thank you.

16 MR. SMITH: Afternoon.

17 CHAIRMAN OKESON: Afternoon.

18 MR. SMITH: My name is Allen K. Smith, II;
19 A-l-l-e-n, K., S-m-i-t-h, abbreviation second.

20 MS. TAYLOR: It's on Page 6, Committee to
21 Elect Allen K. Smith for State Representative.
22 Cause Number 2019-7105-70. A proposed civil
23 penalty of \$1,000.50. And this is the first time
24 before the commission.

25 CHAIRMAN OKESON: You're interested in taking

1 the --

2 MR. SMITH: I would like to accept.

3 CHAIRMAN OKESON: Chair recognizes the
4 Committee to Elect Allen K. Smith has accepted the
5 proposal.

6 MR. SMITH: Thank you for your time.

7 CHAIRMAN OKESON: Thank you.

8 MR. WARREN: Hello. My name is Kevin Warren,
9 K-e-v-i-n, W-a-r-r-e-n. And I'm with Pence Must
10 Go.

11 CHAIRMAN OKESON: Page 7, is that what you
12 said?

13 MS. TAYLOR: Page 7. There are two of them,
14 Page 7 and Page 12. The first is Cause Number
15 2019-6696-96 with the proposed civil penalty of
16 \$50.49. The second is Cause Number 2019-6696-164
17 with the proposed civil penalty of \$200.55. And
18 this is his second time before the commission.

19 MS. CELESTINO-HORSEMAN: So it'd be 50 percent
20 of approximately \$250.

21 MS. TAYLOR: Yes.

22 MR. WARREN: Perfect.

23 CHAIRMAN OKESON: The chair recognizes that
24 the committee under the name Pence Must Go has
25 accepted.

1 MR. WARREN: Thank you.

2 (Off-the-record discussion.)

3 CHAIRMAN OKESON: So those remaining, I
4 believe, are interested in proceeding with the
5 hearing. I'd like to take a moment to outline some
6 procedures, the adoption of those procedures. So
7 the remaining committees will be called to permit
8 the presentation of evidence in these matters but
9 before doing so I would note that in the past the
10 commission has followed certain procedures for
11 conducting campaign finance hearings. And I now
12 move that the commission use the following
13 procedures today.

14 When each campaign finance matter is called,
15 the hearing will begin with recognizing campaign
16 finance staff to provide information about the
17 documents in this matter provided to the commission
18 members, including letters from the committees and
19 any notice given to the campaign committee. Unless
20 there's objection, documents provided to the
21 commission by the election division will be entered
22 into the record as of this meeting.

23 After campaign finance staff completes the
24 presentation, the representative of the committee
25 will be recognized first and may present their case

1 for no more than five minutes. Commission members
2 may ask questions during the presentation, but the
3 time spent answering these questions will not be
4 counted against the presenter's time. The election
5 division may signal the chair when the presenter's
6 time is up.

7 If the presenter offers additional documents
8 or other physical evidence not previously received
9 by the commission, then the original must be
10 provided to the election division, Mr. Dale Simmons
11 co-counsel first, to preserve for the record. If
12 the commission finds that a committee has violated
13 the campaign statutes, state law requires the
14 (unintelligible) of all four commissioners to waive
15 or reduce the amount of the penalties set by state
16 law.

17 If the commission makes a decision at this
18 meeting, either fine the committee or dismiss the
19 case against the committee, then the election --
20 excuse me -- the election division will prepare a
21 final order for the commission to approve a letter
22 at a later meeting. If a committee is fined today,
23 the committee will receive a notice from the
24 election division to pay the fine after the
25 commission adopts the final order. So it may be

1 some time after today before the committee will be
2 required to pay the fine.

3 The committee generally begins at the front of
4 the room. There's only two of you. So it will be
5 very helpful if we just take you in the order that
6 you're seated. Is there a section to this motion?

7 MR. KLUTZ: Second.

8 CHAIRMAN OKESON: Any -- any discussion on the
9 motion? All those in favor signify by aye.

10 THE COMMISSION: Aye.

11 CHAIRMAN OKESON: Those opposed? The ayes
12 have it. Go ahead, please.

13 And everybody's taken the oath, correct?

14 MR. SIMMONS: As far as I know, yes.

15 MS. TALLIAN: Karen, K-a-r-e-n, last name,
16 T-a-l-l-i-a-n, Tallian. And --

17 CHAIRMAN OKESON: Hold on a second.

18 MS. TAYLOR: On Page 4. It's Tallian for
19 Senate Election Committee, Cause Number
20 2019-5301-15 with the proposed penalty of \$350.50.
21 And this is her first time before the commission.

22 MS. CELESTINO-HORSEMAN: You don't want to do
23 25 percent?

24 MS. TAYLOR: No.

25 MS. TALLIAN: I have a reason. Do I speak?

1 CHAIRMAN OKESON: Please, go ahead.

2 MS. TALLIAN: Thank you. And I -- I know I
3 have a reason for doing this. I think that this
4 was done in error because -- and I want to bring
5 this to your attention. I actually filed my
6 campaign report electronically on January 1st of
7 2019 in my sweatpants while hanging out in my
8 living room. I did -- I mean, I've done that for
9 several years in a row.

10 And this year, because I had closed my law
11 office in December, I also filed a change of
12 address, something, okay. And I hit submit. And I
13 got something back that says, You're -- you're
14 submitted. To make matters worse, I then went
15 back, session started. And I went back to my
16 caucus. And every day for two weeks I said, Do you
17 have your campaign reports in? So I was very,
18 totally surprised when I got a note that -- on the
19 day after the deadline that said you weren't
20 submitted.

21 I immediately called Abbey and said, What is
22 up with that? And I don't actually know what
23 happened. But from my discussion with her, it
24 appears that when I did a change of address
25 submission that that generated a separate report,

1 and that when I hit submit, it took the change of
2 address but it didn't change -- didn't take the
3 campaign report. So I think that you needed to
4 know that. That's my case.

5 MS. CELESTINO-HORSEMAN: Abbey?

6 MS. TAYLOR: Okay. So January 1st at
7 12:41 p.m., Senator Tallian changed her address and
8 changed her treasurer, which triggered an outgoing
9 treasurer's report, which put that as a first
10 report due. She filed the outgoing treasurer's
11 report at 12:41 on January 1st. The outgoing
12 treasurer's report is not the annual report. The
13 annual report was then filed January 22nd.

14 She did file a report on January 1st. It was
15 just a different report that was triggered when she
16 changed the treasurer.

17 MS. CELESTINO-HORSEMAN: What was -- what
18 was -- okay. What was the filing date she was
19 required to meet that she --

20 MS. TAYLOR: The filing deadline was
21 January 16th? Sorry, seven --

22 MS. THOMPSON: Sixteenth?

23 MS. TAYLOR: Yeah, January 16th.

24 MS. CELESTINO-HORSEMAN: So you're saying the
25 report that was due on January 16th --

1 MS. TAYLOR: -- was not filed until
2 January 22nd.

3 MS. CELESTINO-HORSEMAN: So January 22nd. And
4 that is a different report than what she filed on
5 January 1st.

6 MS. TAYLOR: Yes.

7 MS. CELESTINO-HORSEMAN: Okay. The report she
8 filed on January 1st was what again?

9 MS. TAYLOR: An outgoing treasurer's report.

10 MS. CELESTINO-HORSEMAN: All right.

11 MS. TAYLOR: Which was auto generated by the
12 system.

13 MS. CELESTINO-HORSEMAN: And you're saying
14 that you filed a campaign finance report?

15 MS. TALLIAN: I'm saying that I did all of
16 that on January 1st. I hit submit one time. I
17 didn't know that I was filing two or three
18 different submissions. I thought it was all
19 together. So what the actual filing happened, when
20 I got this message and I called Abbey and we walked
21 through it. And she said, Oh, yeah, that part
22 wasn't submitted. So when I was on the phone we
23 hit submit and did it right then.

24 But what I'm saying is that -- that there's
25 certainly confusion. Because I thought that this

1 was all one report, and I didn't know that I was
 2 doing two or three. I hit submit one time.
 3 And -- and just also for several years,
 4 whenever I did this electronically, because I never
 5 felt very comfortable with it, I would call Abbey
 6 afterwards and say, Did everything go in? Did it
 7 all get in right? This year I didn't do that. I
 8 thought, you know, you are just a pain in her neck
 9 and -- and it's submitted.
 10 But I think there's some confusion in -- in
 11 the way that this whole thing is -- is happening.
 12 And that's why I came here today. Also because I
 13 really don't want to have a ding on my record.
 14 MS. CELESTINO-HORSEMAN: If you filed -- so
 15 when you file a change of treasurer --
 16 MS. TAYLOR: Uh-huh.
 17 MS. CELESTINO-HORSEMAN: -- and a change of
 18 address, you said that sends out a new --
 19 MS. TAYLOR: It creates a new report in the
 20 reports due section of the online system.
 21 MS. CELESTINO-HORSEMAN: So it's like getting
 22 a new -- like new file folder, and that file folder
 23 says the next thing that's due is on the 16th?
 24 MS. TAYLOR: Well, this time it said the next
 25 thing that was due was due January -- I don't know

1 what day it would have put on there. January --
2 probably January -- before the January 15th
3 deadline so -- 16th deadline.

4 MS. OVERHOLT: Okay.

5 MS. TAYLOR: I don't put it in first.

6 MS. OVERHOLT: Am I correct in understanding
7 that if Senator Tallian had done this on paper that
8 the -- that on the paper forms, that a treasurer --
9 an outgoing treasurer's report and an annual report
10 could actually be the same --

11 MS. TAYLOR: Yes.

12 MS. OVERHOLT: -- report?

13 MS. TALLIAN: Yes. Uh-huh.

14 MS. OVERHOLT: But the online system
15 doesn't --

16 MS. TAYLOR: You can do -- you can do them as
17 the same report, but you have to pick the annual
18 report and make it double as the outgoing
19 treasurer's report. You cannot make the outgoing
20 treasurer's report double as the annual report. It
21 seems to not make any sense, but that's just how
22 the computer works.

23 MS. CELESTINO-HORSEMAN: So in the system if
24 you file a change of treasurer, file a change of
25 address in the system will not accept something

1 that is being filed simultaneously under a
2 different address?

3 MS. TAYLOR: The change of address doesn't
4 matter; doesn't trigger anything.

5 MS. CELESTINO-HORSEMAN: I'm trying to figure
6 out why it kicked it out or didn't accept it.

7 MS. TAYLOR: She had changed a treasurer,
8 (unintelligible) somebody new, which then requires
9 an outgoing treasurer's report which put in front
10 of the annual online. The address didn't change
11 anything, didn't have any effect on dates. There's
12 no deadline for changing your address.

13 MS. CELESTINO-HORSEMAN: And you didn't get
14 any notification until afterwards.

15 MS. TALLIAN: Well, I got notification on --
16 like, two days after the deadline that I hadn't
17 filed my annual report.

18 MS. CELESTINO-HORSEMAN: I will say that I
19 have -- using the Tiger Host Filing System for
20 court filings, I've had a system where I filed it,
21 and it didn't file it with the court. And I had to
22 call Tyler who couldn't find it. The Court didn't
23 have it. And for some reason it didn't notify me.
24 Tyler says, You filed it but it didn't send
25 anything out.

1 CHAIRMAN OKESON: So I -- I just want to make
2 sure I understand kind of the chronology. You have
3 your campaign finance report up --

4 MS. TALLIAN: Yes.

5 CHAIRMAN OKESON: -- populating with the
6 intention of submitting it.

7 MS. TALLIAN: (Nods head.)

8 CHAIRMAN OKESON: But while doing so I
9 understand you say you then submitted a change of
10 address?

11 THE WITNESS: I -- I -- it's been a few
12 months.

13 CHAIRMAN OKESON: Sure. I just want to --

14 MS. TALLIAN: I clicked a couple of things.

15 CHAIRMAN OKESON: Make sure I understand.

16 MS. TALLIAN: Do you want to change anything
17 else? Yes. Change my address from my office to my
18 house. And then change the treasurer from the old
19 one to the new one. And -- and I thought it was
20 all in the same form. Because, as you say, if you
21 get that -- if you have a paper form, you do it all
22 on the same page. At least that's my --

23 CHAIRMAN OKESON: I'm unfamiliar with this. I
24 haven't looked at the --

25 MS. TAYLOR: Uh-huh. Uh-huh.

1 CHAIRMAN OKESON: So -- but I can visualize
2 something similar in my head. And so as you're
3 going through making the report, you are asked if
4 you want to change anything. And she clicks yes;
5 is that correct?

6 MS. TAYLOR: It's in three different sections.
7 You add contributions on one page. You add
8 expenditures on another page. Your filings are on
9 another page. And that's where you can file your
10 report, change your address, change your treasurer,
11 change your committee information. All of the
12 filing is on the same page.

13 CHAIRMAN OKESON: So if she had clicks on a
14 change of address, request separate --

15 MS. TAYLOR: That's over here and instead of
16 the filings which are over there. Like --

17 CHAIRMAN OKESON: And it doesn't bring you
18 back to the filing itself after you're done?

19 MS. TAYLOR: No. It just creates a new one if
20 you change your treasurer.

21 MS. CELESTINO-HORSEMAN: So we don't --
22 there's no warning on there that if you --

23 MS. TAYLOR: There is now. We have since --

24 MS. TALLIAN: Ah ha.

25 (Crosstalk between all parties.)

1 MS. OVERHOLT: There we go.

2 MS. TAYLOR: -- change the law and now they
3 all have to file electronically. So as of July 1st
4 the committee now gets an e-mail that says, This is
5 the report that was filed, this is the -- like, you
6 file the outgoing treasurer's report on this date,
7 and it was due on whatever date. So if you did it,
8 if it said outgoing treasure, it's annual, that
9 should be -- trigger something to -- but that
10 didn't exist before July 1st.

11 CHAIRMAN OKESON: And there is -- there is
12 electronic evidence that she did attempt to file
13 something on --

14 MS. TAYLOR: She did file a report on
15 January 1st.

16 CHAIRMAN OKESON: So we want to make a motion?

17 MS. CELESTINO-HORSEMAN: I move that we
18 dismiss the fee, dismiss the fine, violation,
19 whatever it is.

20 CHAIRMAN OKESON: Is there a second?

21 MR. KLUTZ: Second.

22 CHAIRMAN OKESON: Any discussion? Hearing
23 none, all those in favor dismiss penalty against
24 Senator Tallian's committee, please signify by
25 saying aye.

1 THE COMMISSION: Aye.

2 CHAIRMAN OKESON: Those opposed? The ayes
3 have it. Case is dismissed.

4 MS. TALLIAN: Thank you. So this is fixed
5 now?

6 MS. CELESTINO-HORSEMAN: Yes. Your record is
7 clean.

8 MS. TALLIAN: Thank you.

9 CHAIRMAN OKESON: We'll take -- and I know you
10 have once before, but please have a seat and say
11 your name and spell it for the record. And
12 we'll -- we'll move to find your record and your
13 document.

14 MR. LEHMAN: Joseph C. Lehman, J-o-s-e-p-h, C.
15 is the middle, L-e-h-m-a-n.

16 CHAIRMAN OKESON: Okay.

17 MS. THOMPSON: Mr. Chairman, it is on Page 1,
18 Lehman for State Representative Committee.

19 CHAIRMAN OKESON: Page 1?

20 MS. THOMPSON: Page 1. It's 2018-7 -- 7156-17
21 and a proposed civil penalty of \$1,000. He's never
22 been before the commission, and it was for a
23 statement of organization, and he's never filed it.

24 CHAIRMAN OKESON: He needed to file statement
25 of organization --

1 MS. THOMPSON: And he has not.

2 MS. CELESTINO-HORSEMAN: What's this mean,
3 continued to close? And it says --

4 MS. TAYLOR: That's the one below that.
5 That's not what you're --

6 MS. CELESTINO-HORSEMAN: Okay.

7 MS. TAYLOR: I'm sorry.

8 CHAIRMAN OKESON: We continued it to July.

9 MS. TAYLOR: He asked for a continuance.

10 MR. LEHMAN: That's correct. I asked for it
11 and I was granted a continuance.

12 MS. OVERHOLT: What was the motion to
13 reconsider?

14 MS. TAYLOR: This is the motion to reconsider.

15 MS. OVERHOLT: Oh, that's -- okay.

16 CHAIRMAN OKESON: So go ahead, Mr. Lehman.

17 MS. TAYLOR: Fine was imposed at the August of
18 '18 (unintelligible) hearing. Or was it in July?
19 I'm not sure. Hold on. 2018 --

20 CHAIRMAN OKESON: Says July here, correct?

21 MS. TAYLOR: No, that's different. Sorry. It
22 was -- the original hearing was held August 24th,
23 2018.

24 CHAIRMAN OKESON: Okay.

25 MS. TAYLOR: And this is a motion to

1 reconsider fine to impose at that hearing.

2 CHAIRMAN OKESON: Okay. You may proceed.

3 MR. LEHMAN: I -- I would have appeared
4 earlier if I had been aware of the dispository
5 hearing of some kind, essentially. And I was here,
6 would have been I think two calendar years ago. I
7 was hoping to run for state representative from my
8 district in Elkhart County, District 49. And it
9 ended up that I was not allowed on the primary
10 ballot. So it was kind of like a default, that
11 everything came to me a year or so later, and I was
12 very surprised. But I never formed a committee.

13 And, as I stated in the letter I sent down a
14 number of months ago, I don't know if it's in your
15 file, I neither received any money nor spent any
16 money. And so I -- I just figured that since I
17 wasn't even on the primary ballot that -- it just
18 went out of my mind that any kind of possible
19 deadline 'cause I never had a committee.

20 CHAIRMAN OKESON: Is -- is there a letter
21 that's on our record? Thank you.

22 MS. CELESTINO-HORSEMAN: May I ask a question
23 too. So when he appeared the first time --

24 MS. OVERHOLT: Did he appear?

25 MS. CELESTINO-HORSEMAN: -- was the penalty

1 imposed and he wasn't here?

2 MS. TAYLOR: Correct.

3 MS. OVERHOLT: He wasn't here.

4 MS. CELESTINO-HORSEMAN: So he got a letter
5 telling him that had he to open a committee and
6 close it. Or open it, I guess.

7 MS. THOMPSON: His statement --

8 MS. TAYLOR: -- statement of organization was
9 due February 16th of 2018 because he filed his
10 declaration of candidacy to run in the primary of
11 2018.

12 MS. CELESTINO-HORSEMAN: Okay.

13 CHAIRMAN OKESON: So it was his declaration to
14 cancel that triggered the requirement to file.

15 MS. TAYLOR: Yes.

16 CHAIRMAN OKESON: I got you.

17 MS. TAYLOR: I believe -- I believe Mr. Lehman
18 was challenged and removed from the ballot at a
19 hearing that would have been in, I think it was
20 February of '18. But I don't remember when the
21 challenge hearing was. But sometimes, as happens,
22 the filing deadline for the CFA-1 happens before
23 the challenge deadline. So the report was due
24 before he was kicked off the ballot.

25 MR. KLUTZ: So you were removed from the

1 ballot by -- by this commission.

2 MR. LEHMAN: Yes, correct.

3 MR. KLUTZ: And you were not -- there was not
4 a committee before that --

5 MR. LEHMAN: Correct. I was not on the
6 primary ballot.

7 CHAIRMAN OKESON: But what I hear you saying
8 is, the requirement for him to file with --
9 preceded that outcome.

10 MS. TAYLOR: Yes.

11 CHAIRMAN OKESON: So he was late before he was
12 removed from the ballot.

13 MS. THOMPSON: Yes.

14 MS. CELESTINO-HORSEMAN: So after he was late,
15 for that kind of infraction, do you come before the
16 commission then?

17 MS. TAYLOR: Yes. That's what everyone here
18 is for today.

19 MS. CELESTINO-HORSEMAN: Okay. So this is his
20 first time to come here.

21 MS. TAYLOR: Yes.

22 MS. CELESTINO-HORSEMAN: So why was there a
23 motion to reconsider?

24 MS. TAYLOR: He is reconsidering because he
25 did not attend the hearing in August of 2018.

1 MS. CELESTINO-HORSEMAN: So we already imposed
2 it then?

3 MS. OVERHOLT: Right. So this is essentially
4 sort of an appeal. But --

5 CHAIRMAN OKESON: Is there any past precedent
6 of any -- other than motions considered of this
7 nature in the past before -- that you can recall,
8 co-counsel.

9 MR. KING: Yes, Mr. Chairman, I can speak
10 generally. And perhaps Mr. Simmons can as well.
11 There have certainly been cases where candidates
12 were subject to penalties by orders adopted by the
13 commission, and the commission subsequently
14 considered a motion to reconsider and dismiss those
15 -- those penalties upon consideration of the
16 evidence presented.

17 So, yes, it is -- there was a situation where
18 in one case I recall there was a series of orders
19 covering a period of several years where the person
20 was not reachable but then he heard about the
21 proceedings, then moved to reconsider.

22 CHAIRMAN OKESON: And -- and the outcome of
23 those --

24 MR. KING: -- was to grant the motion to
25 dismiss.

1 CHAIRMAN OKESON: Counsel, do you have
2 anything else to offer?

3 MR. KOCHEVAR: I can tell you that the
4 commission hearing to deal with challenges for
5 which Mr. Lehman was removed from the ballot was
6 conducted on February the 23rd, 2018. Knowing
7 where that is in the calendar, State law would have
8 attached to his filing of his declaration of
9 candidacy, which means that he was required to file
10 the CFA-1 before the challenge hearing was
11 conducted. So just add that onto there.

12 CHAIRMAN OKESON: What was the exact space of
13 time between those two events?

14 MS. TAYLOR: The CFA-1 was due February 16th,
15 and the challenge hearing, as you said, was
16 February 23rd. So a week.

17 CHAIRMAN OKESON: So is it safe for me to
18 say -- and I guess I'm gonna direct this to you,
19 Dale. What I'm hearing is: Whether or not he was
20 permitted to be on the ballot, he was late on
21 filing a statement of organization, full stop.

22 MR. SIMMONS: Yes, Mr. Chairman, members of
23 the commission, that -- that would be right. At
24 the time the violation occurred, the strict --
25 strict application of the law would have been the

1 report was owed. That report was triggered by the
2 filing of the declaration of candidacy. And so
3 that's how they calculate the -- the fine because
4 the deadline -- they just start on the deadline
5 date for \$50 a day. And that -- that all happened
6 before the challenge hearing apparently. So --

7 CHAIRMAN OKESON: And were you in attendance
8 for the hearing that kept you from the ballot?

9 MR. LEHMAN: Yes, sir.

10 CHAIRMAN OKESON: And was your intention to
11 run for at that office?

12 MR. LEHMAN: Yes, it was. And I was very
13 disappointed. If I can, very briefly. I've always
14 been, well, for one party. I guess it doesn't help
15 to talk about dynamics and personal dynamics of the
16 reason 'cause the county chairman had no problem
17 with me being on the ballot. I asked before I
18 registered. And then a very powerful person in my
19 party put his thumb on the process. That's just --

20 CHAIRMAN OKESON: Well, I can't -- I
21 understand and I'm not speaking to the outcome of
22 whether you were on the ballot not.

23 MR. LEHMAN: Oh.

24 CHAIRMAN OKESON: My -- where I'm struggling,
25 I'll just say it out loud, is had you been on the

1 ballot, you still would have been late for this
2 report and you still been before this body for this
3 very infraction.

4 MR. LEHMAN: Well, if I may --

5 CHAIRMAN OKESON: Right?

6 MR. LEHMAN: Sure. I knew a number of weeks
7 before the hearing that I was being challenged and
8 that the chances for me of being on the ballot were
9 -- were lowered because of the letter sent down or
10 a paper sent down by the county chairman. So I
11 didn't expect to be on the ballot when I came down.
12 But I understand your -- what you're saying.

13 MS. CELESTINO-HORSEMAN: So you decided to
14 take your chances on filing.

15 MR. LEHMAN: Excuse me?

16 MS. CELESTINO-HORSEMAN: So you decided -- you
17 didn't think you were going to make the challenge,
18 so you decided to take your chances on filing when
19 you -- when you thought, okay --

20 MR. LEHMAN: Well, that was -- more what was
21 going on in my mind was finding somebody to be my
22 treasurer or other officials for my campaign, which
23 does not probably meet your very decisive question.

24 MR. KLUTZ: Question, if I may. The -- the
25 thousand dollars is the cap.

1 MS. TAYLOR: Yes.

2 MR. KLUTZ: Correct. And that's based on \$50
3 a day.

4 MS. TAYLOR: Yes.

5 MR. KLUTZ: And he was removed from the ballot
6 seven days after --

7 MS. TAYLOR: Yes.

8 (A discussion was held off the record.)

9 MR. KLUTZ: You know, I -- if -- if I could,
10 I'd like to make a motion. I -- I don't like the
11 fact that the filing deadline was before the
12 challenge, or -- or not -- not before the
13 challenge, before this body removed you from the
14 ballot. But you were technically a candidate for
15 appears to be seven days.

16 I would make a motion that we fine him \$50 per
17 day during the seven-day period, that he be --

18 CHAIRMAN OKESON: Total \$350 plus mailing
19 costs. I have a motion. Is there a second? I'll
20 second it. Discussion?

21 MS. CELESTINO-HORSEMAN: It would be cheaper
22 to take the 25 percent.

23 MR. KOICHEVAR: Mr. Chair, if -- if I may,
24 since there has been a request for reconsider, is
25 Commissioner Klutz' motion to reconsider the fine

1 and then reset it at the amount that you made in
2 your motion?

3 CHAIRMAN OKESON: Do you want to restate your
4 motion.

5 MR. KLUTZ: Make the motion that we -- are we
6 granting the motion to reconsider the
7 thousand-dollar fine, and I would propose that the
8 fine be \$350 plus mailing costs.

9 CHAIRMAN OKESON: Recognize the motion. Is
10 there a second? Okay, my second. Any further
11 discussion?

12 All those in favor signify by aye.

13 THE COMMISSION: Aye.

14 CHAIRMAN OKESON: Those opposed? Hearing
15 done. The ayes have it.

16 MR. LEHMAN: Who do I speak to about payment
17 or --

18 MS. TAYLOR: We will mail orders once we have
19 them.

20 CHAIRMAN OKESON: As I stated earlier, yeah,
21 might be some time before you receive that.

22 MR. LEHMAN: All right.

23 CHAIRMAN OKESON: Thank you.

24 Okay. Would the campaign finance staff
25 identify any matters for which any motion for

1 continuance would receive for today's meeting.

2 MS. TAYLOR: We have two requests for a
3 continuance. The first is by Fuller for State
4 Representative, Cause Number 2018-6612-62. It's on
5 Page 3. And the second is Miami County Republican
6 Central Committee, Cause Number 2019-6494-162. And
7 that's on Page 11.

8 CHAIRMAN OKESON: Okay. These -- am I reading
9 this correctly? These have been requested for
10 continuance before?

11 MS. TAYLOR: Yes. This is Mr. Fuller's third
12 request for continuance and Miami County's second.

13 MS. CELESTINO-HORSEMAN: Seventh?

14 MS. TAYLOR: Second, two, sorry.

15 MS. CELESTINO-HORSEMAN: I thought you said
16 seven. Geez.

17 CHAIRMAN OKESON: Did they sign a reason for
18 request to continue?

19 MS. TAYLOR: They're in the back under your
20 purple tab. Mr. Fuller's is the second page. And
21 I don't think we printed the Miami County. But
22 it's under -- I know that Miami County was sick,
23 and she was asking for a telephonic hearing. She
24 has a hearing tomorrow and I'm ill. I don't really
25 want to postpone it any longer. I also don't want

1 to get anyone else sick. If a phone hearing is an
2 option, that would be great. We said no. We don't
3 to telephonic hearings. So --

4 MS. CELESTINO-HORSEMAN: Is there any rules
5 regarding the number of continuances they can
6 request?

7 CHAIRMAN OKESON: Yeah.

8 MR. KING: Mr. Chairman, commissioner, there
9 was a decision made at the last meeting that when
10 committees had requested a large number of
11 continuances that the continuance be granted but
12 that the order contain a statement saying no
13 further continuances will be approved.

14 MS. CELESTINO-HORSEMAN: That's right. That's
15 right.

16 MS. TAYLOR: Organization that -- like,
17 imposed that rule had asked for four hearing --
18 four continuances.

19 MS. CELESTINO-HORSEMAN: I think that the
20 commission has discretion to do that on any
21 continuance so. I would propose that we use that
22 language on say --

23 MS. OVERHOLT: Mr. Fuller?

24 MS. CELESTINO-HORSEMAN: Mr. Fuller's had
25 three. This is his third?

1 MS. TAYLOR: Yes.

2 MS. CELESTINO-HORSEMAN: Okay. And then --

3 CHAIRMAN OKESON: Well, so is there a motion
4 to grant?

5 MR. KING: I'm sorry.

6 CHAIRMAN OKESON: Go ahead.

7 Yes. Yeah, so let's take Mr. Fuller first,
8 second.

9 MS. CELESTINO-HORSEMAN: Yeah, yeah.

10 CHAIRMAN OKESON: So is there a motion to
11 grant his continuance?

12 MS. CELESTINO-HORSEMAN: I'd like to grant
13 Mr. Fuller's continuance with the provision that we
14 also inform him that this was the last continuance
15 that would be granted.

16 CHAIRMAN OKESON: Is there a second?

17 MR. KLUTZ: Second.

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

20 THE COMMISSION: Aye.

21 CHAIRMAN OKESON: Those opposed? The ayes
22 have it. So we will grant the continuance --
23 request for continuance with the stipulations --

24 MS. TAYLOR: Okay.

25 CHAIRMAN OKESON: -- stated. And then --

1 MS. CELESTINO-HORSEMAN: Is this the third
2 continuance for Miss Brooks [sic] if we grant --

3 MS. TAYLOR: Miss Brooks did not ask for a
4 continuance. She sent a letter.

5 MS. THOMPSON: She just wanted the letter in
6 for the record.

7 MS. CELESTINO-HORSEMAN: So is this --

8 MS. TAYLOR: This is just her letter that's in
9 the -- the record. She didn't -- oh, no. That's
10 not it.

11 MS. CELESTINO-HORSEMAN: She didn't request --

12 MS. TAYLOR: She just -- she's not coming.
13 She did not ask for a continuance. She just wanted
14 you to know that she was not going to be here. She
15 didn't want to just not show up.

16 CHAIRMAN OKESON: Is this the only thing you
17 have from her?

18 MS. TAYLOR: Yes.

19 MR. KOICHEVAR: Yes.

20 CHAIRMAN OKESON: And this does not request a
21 continuance.

22 MS. TAYLOR: The other Miami County Republican
23 Central Committee is on Page 11.

24 MS. CELESTINO-HORSEMAN: Miss Brook, did she
25 request a continuance?

1 MS. TAYLOR: She had a continuance in the
2 August hearing.

3 MS. CELESTINO-HORSEMAN: I beg your pardon?

4 MS. TAYLOR: She had a continuance granted at
5 the August hearing. She's not asking for a
6 continuance. She just wanted you to know that she
7 was unable to attend the hearing. She didn't want
8 to be rude and not let people know she wasn't going
9 to be here. So that was all that is.

10 MS. CELESTINO-HORSEMAN: Okay.

11 CHAIRMAN OKESON: So is there a motion for
12 default judgment in the Linda Brooks [sic] matter?

13 MS. OVERHOLT: I would move for a default
14 judgment.

15 CHAIRMAN OKESON: Second?

16 MS. CELESTINO-HORSEMAN: Second. Second.

17 CHAIRMAN OKESON: All those in favor signify
18 by aye. Woops, sorry. Any discussion? Hearing
19 none, all those in favor signify by aye.

20 THE COMMISSION: Aye.

21 CHAIRMAN OKESON: Those opposed? The ayes
22 have it. So the chair recognizes that a default
23 judgment will be entered --

24 MS. TAYLOR: Okay. And the continuance for
25 Miami County Republican Central Committee?

1 CHAIRMAN OKESON: And there isn't anything --
2 how did they request their continuance --

3 MS. TAYLOR: She e-mailed. That was the
4 e-mail address that she was -- the one that wanted
5 a telephonic hearing.

6 CHAIRMAN OKESON: And this was --

7 MS. TAYLOR: We only have two continuances,
8 Maurice Fuller and --

9 CHAIRMAN OKESON: I got you.

10 MS. TAYLOR: -- Miami County.

11 CHAIRMAN OKESON: And this is --

12 MS. TAYLOR: This is her second.

13 CHAIRMAN OKESON: This is her second.

14 MS. TAYLOR: Yes.

15 MS. CELESTINO-HORSEMAN: So we don't require
16 them to request their continuances in writing or
17 e-mail?

18 MS. TAYLOR: I have it in writing; I just
19 didn't put it in your packet.

20 MS. CELESTINO-HORSEMAN: Okay.

21 MS. TAYLOR: It came today. And I just --

22 CHAIRMAN OKESON: -- one way or the other.

23 MS. CELESTINO-HORSEMAN: Have they requested a
24 continuance before?

25 MS. TAYLOR: One other. This is their second.

1 CHAIRMAN OKESON: Got you. So is there a
2 motion to grant that request?

3 MS. OVERHOLT: So moved.

4 CHAIRMAN OKESON: Which one?

5 MS. OVERHOLT: Miami County, right?

6 CHAIRMAN OKESON: No, no.

7 MS. OVERHOLT: Miami County. We're granting
8 the request for a continuance on behalf of Miami
9 County, who is the Miami County Republic --
10 whatever it is.

11 CHAIRMAN OKESON: Committee.

12 MS. NUSSMEYER: Republican Central Committee.

13 CHAIRMAN OKESON: Okay. Whatever she said.
14 Is there a second?

15 MR. KLUTZ: Second.

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

18 THE COMMISSION: Aye.

19 CHAIRMAN OKESON: Those opposed? The ayes
20 have it.

21 I should say that anyway. Is anyone present
22 to testify on any remaining campaign finance
23 hearings scheduled for today? No. I declare the
24 hearings on all campaign finance matters scheduled
25 for today closed.

1 Is there a motion to (unintelligible) the
2 entire amount of the proposed penalty plus mailing
3 costs on all the remaining campaign finance
4 enforcement actions?

5 MR. KLUTZ: So moved.

6 CHAIRMAN OKESON: Is there a second? Second.
7 Any discussion? Hearing none, all those in favor
8 indicate by aye.

9 THE COMMISSION: Aye.

10 CHAIRMAN OKESON: Those opposed? The ayes
11 have it. The motion to impose the penalty is
12 adopted.

13 An adjournment, I suppose?

14 MS. OVERHOLT: Well, sorry. There were -- so
15 there committees last -- at the last meeting that
16 we had asked -- that we asked to come back. And
17 not all of them came back. So what do we do about
18 those? Do we --

19 MS. CELESTINO-HORSEMAN: We just --

20 CHAIRMAN OKESON: Those were just -- we just
21 adopted and voted to impose default judgments on
22 those --

23 MS. OVERHOLT: Okay. So they were all in this
24 book?

25 CHAIRMAN OKESON: So if they weren't here --

1 MS. OVERHOLT: All right. Just checking.

2 CHAIRMAN OKESON: So the Indiana Election
3 Commission has finished its business for today. Is
4 there a motion for the election commission to
5 adjourn?

6 MR. KLUTZ: So moved.

7 CHAIRMAN OKESON: Second?

8 MS. OVERHOLT: Second.

9 CHAIRMAN OKESON: Being no discussion, all
10 those in favor signify by aye.

11 THE COMMISSION: Aye.

12 CHAIRMAN OKESON: We're adjourned.

13

14 (Time Noted: 2:46 p.m.)

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1 STATE OF INDIANA)
2) SS:
3 COUNTY OF HAMILTON)
4

5 I, Lisa C. Pierce, a Notary Public in and for
6 the County of Hamilton, State of Indiana at large,
7 do hereby certify that the foregoing hearing was
8 taken on behalf of the Indiana Election Commission
9 at The Indiana Statehouse, 200 West Washington
10 Street, Conference Room 233, Indianapolis, Marion
11 County, Indiana, on October 10, 2019, commencing at
12 the hour of 1:30 p.m., pursuant to Rules of
13 Applicable Procedure;

14 That said hearing was taken down in
15 stenographic notes and afterwards reduced to
16 typewriting under my direction, and that the
17 typewritten transcript is a true record of the
18 testimony given by said participants;

19 That the parties were represented by their
20 aforementioned counsel.

21 I do further certify that I am a disinterested
22 person in this cause of action; that I am not a
23 relative or attorney of any party, or otherwise
24 interested in the event of this action, and am not
25 in the employ of the attorneys for any party.

<p>1</p> <p>1 23:10 31:6 46:17 46:19,20 49:22 52:10,14 1,000 28:13 46:21 1,000.47. 31:19 1,000.50. 28:10 29:11 32:23 1.3.4 7:7 8:6 9:9 10 1:8 26:6 28:6 66:11 100 26:11 27:16 10th 3:3 11 57:7 60:23 12 33:14 12:41 38:7,11 137 14:19 14 67:12 150 26:3 150.49. 26:12,18 15th 41:2 16th 38:21,23,25 40:23 41:3 49:9 52:14 67:2 17011 6:7 7:6 9:8 173 14:20,21 16:21 18 47:18 49:20 1:30 66:12 1st 37:6 38:6,11,14 39:5,8,16 45:3,10 45:15</p>	<p>50:25 52:6 2018-153-15 23:8 2018-6612-62 57:4 2018-6836-90 27:9 2018-6945-105 30:14 2018-7 46:20 2018-7117-148 28:3,6 2018-7117-159 28:4,7 2018-7153-151 23:9 2018-7156-17 31:1 2019 1:8 3:3 6:6 7:6 37:7 66:11 67:3 2019-172 15:10 2019-174 15:11 2019-186 14:17 15:11 2019-25 14:17 15:10 2019-5301-15 36:20 2019-6494-162 57:6 2019-6565-36 29:10 2019-6696-164 33:16 2019-6696-96 33:15 2019-7105-70 32:22 2019-7184-112 26:10 2021 67:12 21173 67:8 22nd 7:6 38:13 39:2,3</p>	<p>233 1:13 66:10 23rd 52:6,16 24th 47:22 25 19:16 21:12 26:15,18 27:12,20 28:17 31:10 36:23 55:22 250 31:23 33:20 262.50 28:20 26th 4:9,12,15 27th 7:5 2:46 65:14</p> <p>3</p> <p>3 27:8 57:5 350 55:18 56:8 350.50. 36:20 37.50 26:19,21 3rd 6:6</p> <p>4</p> <p>4 30:13 36:18 400.47. 27:10 46204 1:13 49 26:11 48:8</p> <p>5</p> <p>5 29:9,24,25 50 19:19 29:15,16 33:19 53:5 55:2 55:16 50.49. 33:16 50.50 28:9 500 29:16 30:18 500.47. 30:15</p> <p>6</p> <p>6 32:20</p> <p>7</p> <p>7 33:11,13,14 7156-17 46:20 75 19:22</p>	<p>8</p> <p>8 28:5</p> <p>9</p> <p>9 23:10</p> <p>a</p> <p>abbey 2:10 37:21 38:5 39:20 40:5 abbreviation 32:19 absolutely 21:1 accept 19:10 24:24 26:15 28:17 33:2 41:25 42:6 accepted 27:2,19 29:1 30:3,21 33:4 33:25 accepting 31:10 accommodate 3:10 action 14:24 30:12 30:12,13,21 66:22 66:24 actions 19:3 64:4 actual 39:19 add 10:21 15:2 44:7,7 52:11 added 7:10 additional 35:7 address 37:12,24 38:2,7 40:18 41:25 42:2,3,10,12 43:10,17 44:10,14 62:4 adjourn 65:5 adjourned 65:12 adjournment 64:13 administ 6:13 administered 5:15 18:19</p>
<p>2</p> <p>2.0.a.1 8:6 2.0.a.1. 7:8 2.0.a.1.1 9:9 200 1:12 18:3 66:9 200.55. 33:17 2011 7:5 11:2,19 2018 23:11 47:19 47:23 49:9,11</p>			

<p>administration 5:6,13 administrators 6:13 adopt 9:6 15:10 19:12 21:14 adopted 5:3 12:11 16:5 25:15 51:12 64:12,21 adopting 10:16 adoption 14:12 15:13 34:6 adopts 35:25 advice 20:12 advisory 12:11 affix 15:4 affixed 67:2 mentioned 66:20 afternoon 5:22 27:23,24 30:24 32:16,17 agenda 3:9,24 11:3 ago 31:2 48:6,14 agree 19:15,19,21 agreed 16:13 23:14,15,16 agreement 16:9,13 19:25 27:19 29:1 30:3 agreements 17:3 ah 44:24 ahead 18:18 21:16 36:12 37:1 47:16 59:6 alleged 20:2 allen 32:18,21 33:4 allowed 48:9</p>	<p>alternative 9:25 amenable 32:2 amended 11:14 amount 20:22 21:7 31:21 35:15 56:1 64:2 analysis 10:14 angela 2:8 angie 3:12 annual 38:12,13 41:9,17,20 42:10 42:17 45:8 answer 21:21 answering 35:3 anthony 2:4 9:4 anybody 18:22 24:18 anyway 63:21 apparently 53:6 appeal 51:4 appear 5:5 48:24 appearance 31:1 appeared 48:3,23 appears 37:24 55:15 applicable 10:7 66:13 application 52:25 applies 8:4 apply 10:8 approval 4:9 9:7 9:10 10:15,25 12:10 14:23 approve 4:18,18 5:2 9:17,21,22 10:9 16:5 35:21 approved 4:16 6:25 7:4 8:7 11:1 11:20,25 16:20 58:13</p>	<p>approximately 33:20 argument 19:11 arguments 19:6,8 arrangement 19:15,18,24 arrangements 19:13 arrived 8:19 18:22 asked 17:14 22:6 22:14 44:3 47:9 47:10 53:17 58:17 64:16,16 asking 12:18 57:23 61:5 assembly 12:13 assess 31:19 assessed 20:20 31:13 assessing 32:3 ate 20:15 attached 52:8 attachment 8:1,8 attachments 7:16 attempt 45:12 attend 50:25 61:7 attendance 53:7 attention 37:5 attorney 66:23 attorneys 66:25 august 7:6 23:11 47:17,22 50:25 61:2,5 authorize 15:11 auto 39:11 avoid 26:17 aware 31:12 48:4 aye 4:24,25 14:2,3 16:2,3 17:9,10 18:10,11 21:25 22:1 24:13,14</p>	<p>36:9,10 45:25 46:1 56:12,13 59:19,20 61:18,19 61:20 63:17,18 64:8,9 65:10,11 ayes 5:1 14:4 16:4 17:11 18:12 22:2 24:15 36:11 46:2 56:15 59:21 61:21 63:19 64:10</p>
b			
<p>b 5:23,23 67:9 back 11:1 14:10 37:13,15,15 44:18 57:19 64:16,17 ball 5:20 6:13 ballot 7:9,11 48:10 48:17 49:18,24 50:1,6,12 52:5,20 53:8,17,22 54:1,8 54:11 55:5,14 ballots 7:13 based 11:18,19 13:19 55:2 basis 11:8 beg 61:3 begins 36:3 behalf 3:17 10:7 16:10 63:8 66:8 believe 3:14 11:11 11:13 15:3 34:4 49:17,17 bill 12:25 13:3,17 billing 13:11 binders 6:9 blame 13:1,5 body 3:18 54:2 55:13 book 64:24 box 7:9,11,14</p>			

<p>brad 3:12 bradley 2:8 break 20:17 briefly 53:13 bring 22:15 37:4 44:17 broke 31:23 brook 60:24 brooks 60:2,3 61:12 brush 7:10 bryan 5:23 buchanan 8:11,11 8:16 builders 17:21 buildup 7:12 business 18:13 65:3 byers 5:20,22,23 6:13,17,21 13:2,7 13:9,16 14:6</p>	<p>cancel 49:14 candidacy 49:10 52:9 53:2 candidate 55:14 candidates 51:11 cap 54:25 case 23:2 31:19 32:1,5 34:25 35:19 38:4 46:3 51:18 cases 30:6 32:7 51:11 caucus 37:16 caught 28:14 cause 23:8 26:10 28:6,6 29:9 30:14 31:1 32:22 33:14 33:16 36:19 48:19 53:16 57:4,6 66:22 caused 7:13 celestino 2:4 3:7 8:17,19,20 9:3,14 12:21,23 13:3,8,15 13:22 15:19,23 18:8 20:9 21:10 21:16 23:4,22 24:18 25:3 26:2,4 26:14,17 27:12,15 28:16,19 29:13,16 29:18,25 30:5,8,17 31:5,7,9,14,18,21 33:19 36:22 38:5 38:17,24 39:3,7,10 39:13 40:14,17,21 41:23 42:5,13,18 44:21 45:17 46:6 47:2,6 48:22,25 49:4,12 50:14,19 50:22 51:1 54:13 54:16 55:21 57:13</p>	<p>57:15 58:4,14,19 58:24 59:2,9,12 60:1,7,11,24 61:3 61:10,16 62:15,20 62:23 64:19 central 16:15 17:13,20,23 18:2 57:6 60:23 61:25 63:12 cents 26:11 certain 6:23 11:5 22:14 34:10 certainly 10:15 11:4,5,11,13 12:7 39:25 51:11 certificate 21:4 certification 6:3 6:19 certified 6:24 7:4 8:7 certify 66:7,21 cfa 49:22 52:10,14 chair 8:18 9:2,4 27:18 28:22 30:2 30:20 33:3,23 35:5 55:23 61:22 chairman 2:3,4 3:1,6 4:3,8,13,17 4:21,23 5:1,18 6:4 6:17,20 8:9,13,18 8:21 9:13,15 10:5 10:20 11:16 12:2 12:6,14,17,20,22 13:24 14:4,6,8,14 14:25 15:3,9,15,17 15:21,25 16:4,11 16:14,18,22,24 17:1,6,8,11,16,18 17:24 18:1,6,9,12 18:16,18,21 19:1 20:8 21:9,15,18</p>	<p>22:2,7,19 23:1,18 23:21,24 24:3,5,11 24:15,20,21 25:14 25:17,20 26:5 27:1,4,8,18,22,24 28:22,25 29:3,5,22 30:2,20 32:6,11,13 32:17,25 33:3,7,11 33:23 34:3 36:8 36:11,17 37:1 43:1,5,8,13,15,23 44:1,13,17 45:11 45:16,20,22 46:2,9 46:16,17,19,24 47:8,16,20,24 48:2 48:20 49:13,16 50:7,11 51:5,9,22 52:1,12,17,22 53:7 53:10,16,20,24 54:5,10 55:18 56:3,9,14,20,23 57:8,17 58:7,8 59:3,6,10,16,18,21 59:25 60:16,20 61:11,15,17,21 62:1,6,9,11,13,22 63:1,4,6,11,13,16 63:19 64:6,10,20 64:25 65:2,7,9,12 challenge 49:21,23 52:10,15 53:6 54:17 55:12,13 challenged 49:18 54:7 challenges 52:4 chances 54:8,14 54:18 change 6:7,12,16 7:9,19 8:3 9:7 10:10,12 12:10 31:23 37:11,24</p>
<p>c</p>			
<p>c 1:23 2:1 3:15 46:14,14 66:5 67:9 calculate 53:3 calendar 20:3 48:6 52:7 call 3:1 40:5 42:22 called 34:7,14 37:21 39:20 campaign 2:10,10 5:5 14:10,11 16:6 16:9 17:3 19:2 20:16 22:16 34:11 34:14,15,19,23 35:13 37:6,17 38:3 39:14 43:3 54:22 56:24 63:22 63:24 64:3</p>			

<p>38:1,2 40:15,17 41:24,24 42:3,10 43:9,16,17,18 44:4 44:10,10,11,14,20 45:2 changed 38:7,8,16 42:7 changes 7:3 10:1 10:13 11:5 changing 42:12 charged 20:21 cheaper 55:21 checking 65:1 chronology 43:2 circumstances 22:14 civil 19:4 26:10 27:10 28:9,10 29:10 30:14 32:22 33:15,17 46:21 clarifications 12:15 clean 46:7 clearly 3:21 clicked 43:14 clicks 44:4,13 close 23:11 47:3 49:6 closed 23:11,17,19 23:20 28:11,15 37:10 63:25 come 5:21 12:24 13:4 20:20 25:20 25:24 50:15,20 64:16 comfortable 40:5 coming 13:4 20:13 60:12 commencing 66:11</p>	<p>commission 1:3 2:2 3:2 4:1,4,9,14 4:25 6:5 7:5 10:6 10:9,15 11:1,4,12 11:17,21,25 12:5,7 12:8,11 14:3,7,13 14:15,22 16:3,10 17:10 18:11 19:6 22:1 23:14,15 24:14 27:11 29:12 30:16 32:24 33:18 34:10,12,17,21 35:1,9,12,17,21,25 36:10,21 46:1,22 50:1,16 51:13,13 52:4,23 56:13 58:20 59:20 61:20 63:18 64:9 65:3,4 65:11 66:8 67:12 commission's 10:24 commissioner 3:4 55:25 58:8 commissioners 15:4 35:14 committee 1:3 16:15 17:13,20,23 18:3 19:3,7,15,18 19:21,25 23:12,17 23:20 24:1 27:9 28:8,23 30:12 32:20 33:4,24 34:19,24 35:12,18 35:19,22,23 36:1,3 36:19 44:11 45:4 45:24 46:18 48:12 48:19 49:5 50:4 57:6 60:23 61:25 63:11,12 committee's 19:14 19:17,20 28:10,15</p>	<p>committees 16:11 16:12 34:7,18 58:10 64:15 company 7:20 compensated 13:14 complete 31:2 completes 34:23 compliance 3:24 8:2 comply 5:8 components 7:8 8:4 computer 41:22 concerning 6:11 6:15 16:8 concur 10:22 conducted 1:8,12 52:6,11 conducting 34:11 conference 1:13 66:10 confirm 3:25 4:5 14:19 24:5 confusion 39:25 40:10 connor 3:15 consider 10:16 consideration 14:17 51:15 considered 51:6 51:14 consulting 8:12 contain 58:12 contingencies 24:6 continuance 47:9 47:11 57:1,3,10,12 58:11,21 59:11,13 59:14,22,23 60:2,4 60:13,21,25 61:1,4 61:6,24 62:2,24</p>	<p>63:8 continuances 58:5 58:11,13,18 62:7 62:16 continue 3:16 57:18 continued 23:10 47:3,8 contributions 44:7 copy 20:15 21:3 correct 12:19 14:19 17:19 18:14 26:16 31:11 36:13 41:6 44:5 47:10 47:20 49:2 50:2,5 55:2 correctly 57:9 cost 19:23 26:11 28:20 31:23 costs 19:17,20 26:19,21 27:22 55:19 56:8 64:3 counsel 2:9,9 31:25 35:11 51:8 52:1 66:20 counsels 3:13 counted 20:1,4 35:4 county 16:14 17:13,20,22 18:2 48:8 53:16 54:10 57:5,21,22 60:22 61:25 62:10 63:5 63:7,9,9 66:3,6,11 67:14 county's 57:12 couple 43:14 court 3:14,17 42:20,21,22 covering 51:19</p>
---	--	--	---

<p>crazy 9:16,21 creates 40:19 44:19 crosstalk 44:25 curious 13:8 currently 3:4 cut 31:22 cutting 30:9</p>	<p>defer 6:18 degradation 7:12 delinquency 26:13 democrat 16:15 17:13,20,22 18:2 depends 21:13 described 9:8 details 7:17 determining 11:6 devote 13:20 diagrams 7:19 dice 20:21 died 21:2 different 15:22,23 38:15 39:4,18 42:2 44:6 47:21 ding 40:13 direct 13:11 52:18 direction 66:16 director 2:8,8 3:12 3:12 4:4,14 5:24 12:2 15:1 directors 3:25 4:11 14:11 disappointed 53:13 discretion 58:20 discussed 9:24 discussion 4:23 9:6,15 10:20 14:1 15:17 16:1,25 17:8 18:9 20:8 21:24 24:2,4,11 26:25 34:2 36:8 37:23 45:22 55:8 55:20 56:11 59:18 61:18 63:16 64:7 65:9 disinterested 66:21</p>	<p>dismiss 17:19 18:2 35:18 45:18,18,23 51:14,25 dismissed 16:17 17:15,16 24:16 27:20 46:3 dispository 48:4 dissipate 7:11 district 48:8,8 division 2:7 3:11 15:12 34:21 35:5 35:10,20,24 division's 16:6 document 46:13 documentation 7:16,23 documents 34:17 34:20 35:7 dog 20:15 doing 10:17 20:21 34:9 37:3 40:2 43:8 dollar 56:7 dollars 31:8 54:25 door 3:24 4:2,6 double 41:18,20 dr 5:20 6:13 due 38:10,25 40:20,23,25,25 45:7 49:9,23 52:14 dynamics 53:15 53:15</p>	<p>eac 8:7,8 earlier 48:4 56:20 eco 7:6,16,18 8:2,4 8:7 11:2 eco's 6:25 ecos 6:23 10:13,24 11:9 edwards 21:11 22:5,11,11,12,21 22:22,25 23:7,25 24:17 25:4 effect 42:11 effected 8:1 effective 9:11 effectivity 7:20 eight 8:8 either 35:18 elect 27:9 28:23 32:21 33:4 election 1:3 2:2,7 3:2,11 7:5 11:1,25 15:12 16:6 34:21 35:4,10,19,20,24 36:19 65:2,4 66:8 electronic 45:12 electronically 37:6 40:4 45:3 electrostatic 7:11 eligible 28:17 29:14 elkhart 48:8 employ 66:25 enact 21:20 ended 48:9 enforcement 14:12 19:3 64:4 engineering 6:7,12 6:16 7:19 9:7 12:10 entered 8:17 19:25 34:21 61:23</p>
<p style="text-align: center;">d</p>			
<p>d 6:2 22:12,12 29:8,8 30:11 dale 2:9 3:14 35:10 52:19 date 10:18 12:5 38:18 45:6,7 53:5 dates 42:11 day 20:3 37:16,19 41:1 53:5 55:3,17 55:17 67:2 days 42:16 55:6,15 de 8:3 9:25 10:13 deadline 37:19 38:20 41:3,3 42:12,16 48:19 49:22,23 53:4,4 55:11 deal 26:15 28:21 30:9 52:4 death 21:4 december 37:11 decided 54:13,16 54:18 decision 14:22 35:17 58:9 decisive 54:23 declaration 49:10 49:13 52:8 53:2 declare 63:23 default 48:10 61:12,13,22 64:21</p>			
		<p style="text-align: center;">e</p>	
		<p>e 2:1,1 5:23 7:25 22:12,12,12 25:23 25:23,23 27:7,7 29:8 30:11,11,25 30:25 32:19 33:9 33:9 36:15 45:4 46:14,15 62:3,4,17</p>	

entire 20:22 64:2 entirely 11:15 error 37:4 essentially 7:9 48:5 51:3 established 11:12 11:14 21:19 evaluated 7:1 event 66:24 events 52:13 everybody 20:23 everybody's 36:13 evidence 19:5,7 34:8 35:8 45:12 51:16 exact 52:12 exactly 31:3 examined 10:6 example 11:10 exception 14:18 16:22 excuse 29:21 35:20 54:15 exist 45:10 expect 54:11 expenditures 44:8 expires 67:12 explanation 31:3 extension 25:25	61:17,19 63:17 64:7 65:10 february 49:9,20 52:6,14,16 fee 45:18 felt 40:5 figure 42:5 figured 48:16 file 38:14 40:15,22 40:22 41:24,24 42:21 44:9 45:3,6 45:12,14 46:24 48:15 49:14 50:8 52:9 filed 6:5 37:5,11 38:10,13 39:1,4,8 39:14 40:14 42:1 42:17,20,24 45:5 46:23 49:9 filing 19:20 38:18 38:20 39:17,19 42:19 44:12,18 49:22 52:8,21 53:2 54:14,18 55:11 filings 42:20 44:8 44:16 final 10:25 19:4 35:21,25 finally 8:20 finance 2:10,10 5:5 14:10,11 16:7 16:9 17:3 19:2 20:16 22:15 34:11 34:14,16,23 39:14 43:3 56:24 63:22 63:24 64:3 finances 22:16 find 8:8 42:22 46:12	finding 54:21 findings 8:22 finds 8:2 35:12 fine 8:21 16:17 18:3 19:16,19 21:13 22:3 27:20 32:11 35:18,24 36:2 45:18 47:17 48:1 53:3 55:16 55:25 56:7,8 fined 35:22 finished 65:3 first 11:12 14:1 19:14 21:12,21 26:12 28:2,7,8 30:15,23 31:1 32:23 33:14 34:25 35:11 36:21 38:9 41:5 48:23 50:20 57:3 59:7 five 7:16 30:17 35:1 fixed 46:4 folder 40:22,22 folders 16:12 folks 15:20 30:24 followed 34:10 following 3:3 6:25 19:13 34:12 foregoing 66:7 forgot 20:15 form 43:20,21 formally 6:22 formed 48:12 forms 41:8 forward 5:21 10:3 13:25 20:20 25:20 four 3:10 35:14 58:17,18 fourth 5:4	fr 24:20 25:7,9,16 27:23 28:1,12,14 28:21,24 29:2,4 front 3:18 24:25 31:25 36:3 42:9 full 21:7 22:9 26:7 52:21 fuller 57:3 58:23 59:7 62:8 fuller's 57:11,20 58:24 59:13 further 9:1 10:20 14:1,24 16:1 21:23 56:10 58:13 66:21 future 12:8
g			
g 6:2 29:8 30:11 30:11 geez 57:16 generally 12:13 36:3 51:10 generated 37:25 39:11 george 30:10 getting 40:21 give 19:3 20:12 26:7 given 18:23 34:19 66:18 gives 6:10 13:20 go 6:18 9:5 18:18 21:16,18 31:22,22 31:25 33:10,24 36:12 37:1 40:6 45:1 47:16 59:6 going 3:18 5:11 44:3 54:17,21 60:14 61:8 gonna 5:5 22:23 31:4 52:18			

<p>good 5:22 13:22 18:16 19:1 27:23 27:24 30:24,24 grant 24:22 51:24 59:4,11,12,22 60:2 63:2 granted 47:11 58:11 59:15 61:4 granting 56:6 63:7 great 28:21 58:2 group 20:3,10 guess 49:6 52:18 53:14 guys 25:25</p>	<p>47:22 48:1,5 49:19,21 50:25 52:4,10,15,19 53:6 53:8 54:7 56:14 57:23,24 58:1,17 61:2,5,7,18 62:5 64:7 66:7,14 hearings 34:11 58:3 63:23,24 heath 25:18,22,22 26:9,20,22 27:1 held 47:22 55:8 hello 33:8 help 53:14 helpful 36:5 hereunto 67:1 hit 21:7 37:12 38:1 39:16,23 40:2 hold 36:17 47:19 hoosiers 26:9 30:11,13,20 hoping 48:7 horseman 2:4 3:7 8:17,19,20 9:3,14 12:21,23 13:3,8,15 13:22 15:19,23 18:8 20:9 21:10 21:16 23:4,22 24:18 25:3 26:2,4 26:14,17 27:12,15 28:16,19 29:13,16 29:18,25 30:5,8,17 31:5,7,9,14,18,21 33:19 36:22 38:5 38:17,24 39:3,7,10 39:13 40:14,17,21 41:23 42:5,13,18 44:21 45:17 46:6 47:2,6 48:22,25 49:4,12 50:14,19 50:22 51:1 54:13</p>	<p>54:16 55:21 57:13 57:15 58:4,14,19 58:24 59:2,9,12 60:1,7,11,24 61:3 61:10,16 62:15,20 62:23 64:19 host 42:19 hour 66:12 hourly 12:25 house 43:18 howard 30:10,10 30:19,22 huh 18:15 27:13 40:16 41:13 43:25 43:25</p>	<p>indicate 15:13 64:8 inform 59:14 informal 10:17 information 16:8 22:15,17 34:16 44:11 infraction 50:15 54:3 initial 7:21,22 instructed 25:4 intention 43:6 53:10 interchangeably 10:12 interest 32:9 interested 30:9,18 31:10 32:25 34:4 66:24 internally 7:10 involve 13:10 involved 7:8 it'd 33:19 items 3:9</p>
<p>h</p>			
<p>h 25:23,23 29:8 30:11,25,25 32:19 46:14,15 ha 44:24 half 20:19 hamilton 66:3,6 67:14 hand 5:13 67:2 hang 7:13 hanging 37:7 happened 37:23 39:19 53:5 happening 40:11 happens 49:21,22 happy 21:21 hardware 8:3 harsh 20:23 head 4:7 15:8 43:7 44:2 hear 25:12 50:7 heard 51:20 hearing 4:23 16:1 16:14 17:8 18:9 21:24 23:11 24:12 25:24 32:7 34:5 34:15 45:22 47:18</p>	<p>hit 21:7 37:12 38:1 39:16,23 40:2 hold 36:17 47:19 hoosiers 26:9 30:11,13,20 hoping 48:7 horseman 2:4 3:7 8:17,19,20 9:3,14 12:21,23 13:3,8,15 13:22 15:19,23 18:8 20:9 21:10 21:16 23:4,22 24:18 25:3 26:2,4 26:14,17 27:12,15 28:16,19 29:13,16 29:18,25 30:5,8,17 31:5,7,9,14,18,21 33:19 36:22 38:5 38:17,24 39:3,7,10 39:13 40:14,17,21 41:23 42:5,13,18 44:21 45:17 46:6 47:2,6 48:22,25 49:4,12 50:14,19 50:22 51:1 54:13</p>	<p>i identification 7:24 identify 3:19 56:25 ied 7:18 ii 32:18 immediately 9:11 37:21 impose 48:1 64:11 64:21 imposed 16:17 18:3 47:17 49:1 51:1 58:17 improve 10:11 improvements 10:10 12:9 incentive 13:23 included 6:9 11:3 including 7:18 10:8 34:18 indiana 1:3,12,13 2:2,7 3:1,11 6:24 7:3,4 11:1 65:2 66:1,6,8,9,11 indianapolis 1:13 66:10</p>	<p>interest 32:9 interested 30:9,18 31:10 32:25 34:4 66:24 internally 7:10 involve 13:10 involved 7:8 it'd 33:19 items 3:9</p>
			<p>j</p>
<p>h 25:23,23 29:8 30:11,25,25 32:19 46:14,15 ha 44:24 half 20:19 hamilton 66:3,6 67:14 hand 5:13 67:2 hang 7:13 hanging 37:7 happened 37:23 39:19 53:5 happening 40:11 happens 49:21,22 happy 21:21 hardware 8:3 harsh 20:23 head 4:7 15:8 43:7 44:2 hear 25:12 50:7 heard 51:20 hearing 4:23 16:1 16:14 17:8 18:9 21:24 23:11 24:12 25:24 32:7 34:5 34:15 45:22 47:18</p>	<p>hit 21:7 37:12 38:1 39:16,23 40:2 hold 36:17 47:19 hoosiers 26:9 30:11,13,20 hoping 48:7 horseman 2:4 3:7 8:17,19,20 9:3,14 12:21,23 13:3,8,15 13:22 15:19,23 18:8 20:9 21:10 21:16 23:4,22 24:18 25:3 26:2,4 26:14,17 27:12,15 28:16,19 29:13,16 29:18,25 30:5,8,17 31:5,7,9,14,18,21 33:19 36:22 38:5 38:17,24 39:3,7,10 39:13 40:14,17,21 41:23 42:5,13,18 44:21 45:17 46:6 47:2,6 48:22,25 49:4,12 50:14,19 50:22 51:1 54:13</p>	<p>imposed 16:17 18:3 47:17 49:1 51:1 58:17 improve 10:11 improvements 10:10 12:9 incentive 13:23 included 6:9 11:3 including 7:18 10:8 34:18 indiana 1:3,12,13 2:2,7 3:1,11 6:24 7:3,4 11:1 65:2 66:1,6,8,9,11 indianapolis 1:13 66:10</p>	<p>j 2:8 6:2,2 25:23 30:25 46:14 janet 8:11 january 37:6 38:6 38:11,13,14,21,23 38:25 39:2,3,5,8 39:16 40:25 41:1 41:2,2 45:15 jarnagin 6:1,1,22 7:23 jeremy 25:22 jordan 6:1,18 13:12 joseph 30:24 46:14</p>

<p>judgment 61:12 61:14,23</p> <p>judgments 64:21</p> <p>july 4:9,12,15 25:24 45:3,10 47:8,18,20</p> <p>june 7:5</p>	<p>61:6,8</p> <p>knowing 52:6</p> <p>kochevar 2:9 3:13 10:21 11:18 52:3 55:23 60:19</p> <p>kurowski 24:20 25:7,9,16 27:23 28:1,1,12,14,21,23 28:24,24,25 29:2,4</p>	<p>letters 34:18</p> <p>likewise 20:1</p> <p>linda 61:12</p> <p>linkmeyer 27:6,6 27:7,9,17,19,21</p> <p>lisa 1:23 3:15 29:7 30:3 66:5</p> <p>listen 21:5</p> <p>living 37:8</p> <p>long 2:4 9:4</p> <p>longer 57:25</p> <p>look 11:8</p> <p>looked 43:24</p> <p>losses 31:22</p> <p>loud 53:25</p> <p>lowered 54:9</p>	<p>maurice 62:8</p> <p>mean 29:21 37:8 47:2</p> <p>means 52:9</p> <p>meet 38:19 54:23</p> <p>meeting 1:3 3:2,16 4:1,5,10,12,15,18 5:12 8:17 11:22 12:9 13:18 14:23 16:16,17 24:7 25:5 34:22 35:18 35:22 57:1 58:9 64:15</p> <p>meeting's 4:10</p> <p>member 2:5,5 3:5 5:4 11:21 13:10 13:19</p> <p>members 3:4,22 4:3,13 7:15 10:5 12:6 14:6,14 34:18 35:1 52:22</p> <p>mentioned 25:10</p> <p>message 39:20</p> <p>met 12:16 24:8</p> <p>miami 57:5,12,21 57:22 60:22 61:25 62:10 63:5,7,8,9</p> <p>michelle 2:10 14:18</p> <p>middle 46:15</p> <p>mind 48:18 54:21</p> <p>minimis 8:3 9:25 10:13</p> <p>minutes 3:7 4:10 4:11,15,18 5:2 11:20 35:1</p> <p>missed 16:15</p> <p>modification 9:9 10:12</p> <p>modifications 10:10</p>
<p>k</p>	<p>l</p>	<p>m</p>	
<p>k 27:7 28:2,3,3 32:18,19,21 33:4,9 36:15</p> <p>karen 2:4 3:6 8:18 9:2 36:15</p> <p>kept 53:8</p> <p>kevin 33:8</p> <p>kicked 42:6 49:24</p> <p>kind 13:11 43:2 48:5,10,18 50:15</p> <p>kinds 20:24</p> <p>king 2:8 3:12 4:3 4:13 10:7 12:2,6 12:15,20 14:14,21 15:8 51:9,24 58:8 59:5</p> <p>klutz 2:5 3:5 4:20 9:12,19,24 10:3,19 15:14 17:5 18:5 20:7 24:2,5,10 26:7 36:7 45:21 49:25 50:3 54:24 55:2,5,9,25 56:5 59:17 63:15 64:5 65:6</p> <p>knew 54:6</p> <p>know 10:10,16 11:9 15:5 20:13 21:1,5,6 25:18 36:14 37:2,22 38:4 39:17 40:1,8 40:25 46:9 48:14 55:9 57:22 60:14</p>	<p>l 22:12 27:7 29:8 30:25 32:19,19 36:16,16 46:15 67:9</p> <p>language 58:22</p> <p>large 58:10 66:6</p> <p>late 3:8 50:11,14 52:20 54:1</p> <p>law 3:24 4:2,6 9:22 10:23 12:15 20:14,14 35:13,16 37:10 45:2 52:7 52:25</p> <p>lawrence 16:14 17:12,20,22 18:2</p> <p>lead 10:24</p> <p>leave 22:14</p> <p>left 24:25 29:4</p> <p>legal 2:9,9 29:21</p> <p>legislature 10:15</p> <p>lehman 30:23,25 31:12,17,20,24 32:10,12,14 46:14 46:14,18 47:10,16 48:3 49:17 50:2,5 52:5 53:9,12,23 54:4,6,15,20 56:16 56:22</p> <p>letter 7:18 35:21 48:13,20 49:4 54:9 60:4,5,8</p>	<p>m 2:8 25:23 27:6,7 28:2 30:25 32:19 46:15</p> <p>mail 7:25 26:11 45:4 56:18 62:4 62:17</p> <p>mailed 14:24 62:3</p> <p>mailing 19:16,23 26:19,21 27:22 28:20 55:18 56:8 64:2</p> <p>making 19:11 44:3</p> <p>managing 7:3</p> <p>march 67:12</p> <p>marion 66:10</p> <p>mark 28:1,23,25</p> <p>matter 8:15 11:22 15:18 17:12 18:13 34:14,17 42:4 61:12</p> <p>matters 34:8 37:14 56:25 63:24</p> <p>matthew 2:9 3:13</p>	

<p>moment 32:8 34:5 money 13:23 48:15,16 months 31:2 43:12 48:14 motion 4:17 5:2 9:6 14:1,25 15:6,9 15:25 16:5 17:2 17:18,19 18:1,5,6 20:5 21:17,19,23 23:24 24:3,12 25:14 36:6,9 45:16 47:12,14,25 50:23 51:14,24 55:10,16,19,25 56:2,4,5,6,9,25 59:3,10 61:11 63:2 64:1,11 65:4 motions 51:6 move 3:8,23 4:8 5:6,18 19:12 23:22 34:12 45:17 46:12 61:13 moved 4:20 9:12 10:3 15:14 17:5 51:21 63:3 64:5 65:6 moving 14:10</p>	<p>nature 12:5 51:7 neck 40:8 need 3:10 5:8 7:17 12:18 15:4,6 17:18 18:23 21:14 needed 11:23 25:10,11 38:3 46:24 neither 48:15 never 40:4 46:21 46:23 48:12,19 new 40:18,19,22 40:22 42:8 43:19 44:19 nods 4:7 15:8 43:7 notarial 67:2 notary 66:5 note 11:21 34:9 37:18 noted 8:5 65:14 notes 66:15 notice 34:19 35:23 notification 42:14 42:15 notified 4:1 notify 42:23 number 11:9 14:19,19 23:8 26:10 28:3,6,7 29:10,23 30:14 31:1,2 32:22 33:14,16 36:19 48:14 54:6 57:4,6 58:5,10 numbers 7:19 14:17 nussmeyer 2:8 3:13 4:4,7,14 14:15 15:1,3 23:13 63:12</p>	<p style="text-align: center;">o</p> <p>o 6:2 27:6 28:3 30:11,11,25 46:14 67:9 oath 5:7,9,14,15 18:19,23,24 36:13 oaths 18:14,17 objection 34:20 occurred 20:2 52:24 october 1:8 3:3 6:6 66:11 67:3 offer 9:1 52:2 offered 20:6,18 offering 31:15 offers 35:7 office 21:3 37:11 43:17 53:11 officials 54:22 oh 17:24 32:10,12 39:21 47:15 53:23 60:9 okay 6:22 8:13 12:14 13:15 15:7 15:9,23 16:23 17:18 18:1 19:1 21:8 22:25 23:7 23:21 24:10 25:8 29:17 30:2 31:9 32:12 37:12 38:6 38:18 39:7 41:4 46:16 47:6,15,24 48:2 49:12 50:19 54:19 56:10,24 57:8 59:2,24 61:10,24 62:20 63:13 64:23 okeson 2:3 3:1,6 4:8,17,21,23 5:1 5:18 6:4,20 8:9,13 8:18,21 9:13,15</p>	<p>10:20 11:16 12:2 12:14,17,22 13:24 14:4,8,25 15:9,15 15:17,21,25 16:4 16:18,22,24 17:1,6 17:8,11,16,18,24 18:1,6,9,12,16,18 18:21 19:1 20:8 21:9,15,18 22:2,7 22:19 23:1,18,21 23:24 24:3,11,15 24:21 25:14,17,20 26:5 27:1,4,18,22 27:24 28:22,25 29:3,5,22 30:2,20 32:6,11,13,17,25 33:3,7,11,23 34:3 36:8,11,17 37:1 43:1,5,8,13,15,23 44:1,13,17 45:11 45:16,20,22 46:2,9 46:16,19,24 47:8 47:16,20,24 48:2 48:20 49:13,16 50:7,11 51:5,22 52:1,12,17 53:7,10 53:20,24 54:5 55:18 56:3,9,14,20 56:23 57:8,17 58:7 59:3,6,10,16 59:18,21,25 60:16 60:20 61:11,15,17 61:21 62:1,6,9,11 62:13,22 63:1,4,6 63:11,13,16,19 64:6,10,20,25 65:2 65:7,9,12 old 43:18 once 22:13 46:10 56:18</p>
<p style="text-align: center;">n</p> <p>n 2:1 5:23 6:2,2,2 27:7 29:8 30:25 32:19 33:9,9 36:15,16 46:15 67:9 name 3:20 5:22 22:9,11 25:21,22 25:23 27:4,7,25 28:2,2 29:7 30:10 30:24 32:18 33:8 33:24 36:15 46:11</p>			

<p>online 40:20 41:14 42:10 open 3:24 4:2,6 49:5,6 openelect 7:7,8 8:6 9:9 opinion 12:12 opportunity 19:4 19:9 25:2 opposed 5:1 14:4 16:4 17:11 24:15 36:11 46:2 56:14 59:21 61:21 63:19 64:10 option 58:2 order 3:2 5:18 6:7 6:12,16 7:11 9:8 12:10 25:1 35:21 35:25 36:5 58:12 orders 7:19 14:12 14:16 15:5,10,11 15:20 16:19 51:12 51:18 56:18 organization 46:23,25 49:8 52:21 58:16 original 35:9 47:22 outcome 50:9 51:22 53:21 outgoing 38:8,10 38:11 39:9 41:9 41:18,19 42:9 45:6,8 outline 34:5 overholt 2:5 3:5 4:22 9:16,20 15:16 16:19,23 17:7 21:14 26:19 26:21 27:16 31:8 41:4,6,12,14 45:1</p>	<p>47:12,15 48:24 49:3 51:3 58:23 61:13 63:3,5,7 64:14,23 65:1,8 oversight 5:19,25 6:14 owed 53:1</p> <hr/> <p style="text-align: center;">p</p> <hr/> <p>p 2:1,1 30:25 46:14 67:9 p.m. 38:7 65:14 66:12 pac 17:21 30:13,21 package 11:7 packet 62:19 page 26:5,6 27:8 28:5,6 29:9,24,25 30:13 31:5,6 32:20 33:11,13,14 33:14 36:18 43:22 44:7,8,9,12 46:17 46:19,20 57:5,7,20 60:23 pages 23:10 pain 40:8 paper 41:7,8 43:21 54:10 pardon 61:3 part 7:19 13:13,19 39:21 participants 66:18 particular 13:17 17:12 25:1 parties 5:16 14:24 44:25 66:19 party 53:14,19 66:23,25 pass 21:17 32:14 passed 26:1 patient 32:13</p>	<p>paul 2:3 3:6 pay 16:13 19:4,16 19:19,22 20:19 26:15,18 35:24 36:2 payment 56:16 penalties 35:15 51:12,15 penalty 19:5,8,11 21:11 23:17,23,25 24:24 26:11 27:10 28:9 29:10 30:15 31:13,14 32:23 33:15,17 36:20 45:23 46:21 48:25 64:2,11 pence 33:9,24 pending 31:15 people 20:24 30:9 32:8 61:8 percent 19:16,19 19:22 21:12 26:15 26:18 27:12,20 28:17 29:15,16 30:17 31:10 33:19 36:23 55:22 perfect 33:22 perfectly 32:11 performance 7:13 period 51:19 55:17 permit 34:7 permitted 52:20 person 51:19 53:18 66:22 personal 53:15 phone 39:22 58:1 physical 35:8 pick 41:17 piece 20:12</p>	<p>pierce 1:23 3:15 66:5 plans 5:7 plea 22:24 30:21 please 3:21 5:12 5:21 18:18 22:8 22:10 25:21 26:8 27:4,25 30:19 32:13 36:12 37:1 45:24 46:10 plus 19:16,19,22 26:19,21 27:22 28:20 31:23 55:18 56:8 64:2 point 9:5 policies 7:2 policy 10:25 11:13 11:16,23 12:4 political 30:12 populating 43:5 position 32:2 possibility 31:24 possible 12:7 48:18 post 21:2 posted 4:5 postpone 57:25 powerful 53:18 preceded 50:9 precedent 51:5 prepare 14:16 35:20 prepared 14:12 prerogative 11:12 present 3:4 4:11 4:15 8:10 12:24 14:11 16:8 19:4,5 19:7 23:1 31:18 34:25 63:21 presentation 6:15 6:18 19:10,11</p>
--	--	--	--

<p>32:7 34:8,24 35:2 presented 4:19 6:25 17:4 51:16 presenter 35:7 presenter's 35:4,5 preserve 35:11 presumption 12:17 previous 19:24 previously 35:8 primary 48:9,17 49:10 50:6 printed 57:21 probably 13:11 31:3 41:2 54:23 problem 53:16 procedural 25:7 procedure 11:17 66:13 procedures 7:3 24:23 32:4 34:6,6 34:10,13 proceed 18:21 32:6 48:2 proceeding 19:2 34:4 proceedings 51:21 process 10:17 12:10 53:19 processes 9:25 professional 13:12 program 5:20,25 6:14 properly 4:1,5 7:14 proposal 33:5 propose 56:7 58:21 proposed 6:7,11 19:8,16,19,22 26:10 27:10 28:8</p>	<p>28:10 29:10 30:14 32:22 33:15,17 36:20 46:21 64:2 provide 12:8 34:16 provided 8:23 34:17,20 35:10 provision 59:13 proxy 2:4 9:3 public 3:2 66:5 purple 57:20 purpose 19:24 purposes 24:7 pursuant 66:12 put 13:24 38:9 41:1,5 42:9 53:19 62:19</p> <p style="text-align: center;">q</p> <p>quarterly 11:8 question 12:21 21:22 22:3,19 23:5 24:20 25:7,9 48:22 54:23,24 questions 24:22 35:2,3 quick 22:8</p> <p style="text-align: center;">r</p> <p>r 2:1 5:23,23 6:2,2 22:12,12 25:23 27:7 28:2,3 30:11 30:11 33:9,9 36:15 67:9 raise 5:12 11:22 ratified 16:12,16 ratify 17:2 rbm 8:11 reachable 51:20 read 24:22 reading 10:22 11:19 57:8</p>	<p>really 40:13 57:24 reason 29:21 36:25 37:3 42:23 53:16 57:17 reasons 20:25 recall 51:7,18 receive 4:12 35:23 56:21 57:1 received 6:5 35:8 48:15 recognize 4:10 5:9 5:20 6:12 14:10 16:6 56:9 recognized 34:25 recognizes 8:18 9:2 27:18 28:22 30:2,20 33:3,23 61:22 recognizing 34:15 recommendation 4:16 6:6,11,15 9:7 12:4 13:25 recommendations 12:9,12 reconsider 47:13 47:14 48:1 50:23 51:14,21 55:24,25 56:6 reconsidering 50:24 record 1:23 3:21 8:14 9:4 16:25 22:9 24:23 25:2 25:21 26:25 27:1 27:5 34:2,22 35:11 40:13 46:6 46:11,12 48:21 55:8 60:6,9 66:17 reduce 21:12 35:15</p>	<p>reduced 19:4,10 66:15 referenced 11:2 reflect 14:21 regarding 5:19 6:6 6:16 7:25 58:5 registered 53:18 relative 66:23 release 7:23 relied 8:25 remaining 34:3,7 63:22 64:3 remember 49:20 remind 3:17 23:13 removed 49:18,25 50:12 52:5 55:5 55:13 repair 25:19 report 6:5,9,10 7:25 8:23 9:8 26:7 37:6,25 38:3,9,10 38:11,12,12,13,14 38:15,25 39:4,7,9 39:14 40:1,19 41:9,9,12,17,18,19 41:20,20 42:9,17 43:3 44:3,10 45:5 45:6,14 49:23 53:1,1 54:2 reporter 3:14,17 7:22 reporting 3:15 reports 37:17 40:20 representative 8:12,24 23:7,25 32:21 34:24 46:18 48:7 57:4 represented 66:19 republic 63:9</p>
--	--	--	--

<p>republican 57:5 60:22 61:25 63:12 request 3:25 5:8 44:14 55:24 57:12 57:18 58:6 59:23 60:11,20,25 62:2 62:16 63:2,8 requested 6:23 57:9 58:10 62:23 requests 57:2 require 62:15 required 4:2 36:2 38:19 52:9 requirement 49:14 50:8 requirements 7:2 8:3 requires 10:9,14 35:13 42:8 requiring 11:6 reset 56:1 residence 67:14 restate 56:3 resulted 7:12 reversed 14:21 reviewed 7:15 right 5:12 13:7,17 15:24 16:23 19:5 20:10,11,18 25:1 29:2,4 31:20 39:10,23 40:7 51:3 52:23 54:5 56:22 58:14,15 63:5 65:1 rolling 20:21 room 1:13 24:25 36:4 37:8 66:10 row 37:9 rude 61:8 rule 58:17</p>	<p>rules 20:16 21:19 21:20 24:23 25:14 58:4 66:12 run 48:7 49:10 53:11 running 3:7</p> <hr/> <p style="text-align: center;">s</p> <hr/> <p>s 2:1,4 5:23 22:12 22:12,12 28:3 29:8,8,8 30:25 32:19 46:14 safe 52:17 saves 13:23 saying 3:20 20:13 21:25 24:13 38:24 39:13,15,24 45:25 50:7 54:12 58:12 says 37:13 40:23 42:24 45:4 47:3 47:20 scheduled 63:23 63:24 seal 67:2 seat 22:8 25:20 46:10 seated 36:6 second 4:21,22 9:13,14 14:2 15:6 15:6,15,16 16:1 17:6,7 18:7,8 19:17 20:5,7 21:23 22:17 24:2 24:4 28:9 29:11 32:19 33:16,18 36:7,17 45:20,21 55:19,20 56:10,10 57:5,12,14,20 59:8 59:16,17 61:15,16 61:16 62:12,13,25 63:14,15 64:6,6 65:7,8</p>	<p>secretary 9:24 section 36:6 40:20 sections 44:6 senate 36:19 senator 38:7 41:7 45:24 send 22:17 42:24 sends 40:18 seng 29:7,7,17,20 30:1,3 sense 41:21 sent 22:15 31:2 48:13 54:9,10 60:4 separate 17:24 37:25 44:14 series 51:18 serving 9:3 session 3:2 37:15 set 35:15 67:1 settlement 16:9,13 17:3 19:25 seven 8:1 38:21 55:6,15,17 57:16 seventh 57:13 shadday 29:7,8,17 29:20 30:1,3 she'll 3:8 shortly 3:8 show 60:15 sic 9:10 26:11 60:2 61:12 sick 57:22 58:1 sign 26:23 57:17 signal 35:5 signature 15:12 67:8 signatures 15:5 signify 17:9 18:10 21:25 24:13 36:9 45:24 56:12 59:19</p>	<p>61:17,19 63:17 65:10 similar 44:2 simmons 2:9 3:14 5:8,9,11,15,17 10:2,5,22 18:15,19 35:10 36:14 51:10 52:22 simply 32:8 simultaneously 42:1 sir 22:3 25:17 27:4 27:17,17 53:9 situation 51:17 six 8:1 sixteenth 38:22 skip 5:5 skipped 8:22 slotted 25:24 smith 32:16,18,18 32:21 33:2,4,6 sold 26:22 solutions 6:8 somebody 42:8 54:21 sorry 9:18 18:22 25:15 26:20 28:12 29:5,23 32:10 38:21 47:7,21 57:14 59:5 61:18 64:14 sort 10:11 51:4 sound 20:23 space 52:12 speak 3:18,20,21 3:21 25:2 36:25 51:9 56:16 speaking 53:21 specialist 6:3,19 specific 6:23,23 8:4</p>
--	--	--	--

spell 22:9 25:21 27:5 46:11 spelling 3:20 spent 35:3 48:15 ss 66:2 staff 2:7 12:4,8,18 13:13 14:15 15:12 16:7 24:6 34:16 34:23 56:24 staffs 14:16 stamp 15:7 stamps 15:12 stand 5:12 start 24:24 53:4 started 37:15 state 5:21 6:13 8:14 12:25 13:3 22:9 23:7,25 27:4 27:25 32:21 35:13 35:15 46:18 48:7 52:7 57:3 66:1,6 stated 48:13 56:20 59:25 statehouse 1:12 66:9 statement 46:23 46:24 49:7,8 52:21 58:12 static 7:9 statute 10:14 statutes 10:6,7,8 35:13 stenographic 1:23 66:15 stipulations 59:23 stop 52:21 street 1:12 66:10 strict 52:24,25 struggling 53:24 subject 51:12	submission 37:25 submissions 39:18 submit 8:14 37:12 38:1 39:16,23 40:2 submitted 7:7,17 37:14,20 39:22 40:9 43:9 submitting 43:6 subsequently 51:13 suite 7:24 summary 6:10 summer 13:12 suppose 64:13 supposed 26:23 sure 12:22 20:18 20:22 21:6 23:3 31:17,22 43:2,13 43:15 47:19 54:6 surprised 21:7 37:18 48:12 suzannah 2:5 3:5 sweatpants 37:7 sylvester 22:11 23:10 system 5:19,24 6:8 6:14 39:12 40:20 41:14,23,25 42:19 42:20 systems 6:24 7:4 8:1,5,6 9:10	46:9 54:14,18 55:22 59:7 taken 36:13 66:8 66:14 talk 53:15 talking 31:25 tallian 30:6 36:15 36:16,18,25 37:2 38:7 39:15 41:7 41:13 42:15 43:4 43:7,14,16 44:24 46:4,8 tallian's 45:24 taylor 2:10 16:7 16:21 17:1 18:17 18:20,25 22:21,23 23:3,9,15,19 24:9 25:6,8 26:3,6,9,16 27:3,8,14 28:5,13 28:15,18 29:9,15 29:24 30:1,13 31:6 32:20 33:13 33:21 36:18,24 38:6,20,23 39:1,6 39:9,11 40:16,19 40:24 41:5,11,16 42:3,7 43:25 44:6 44:15,19,23 45:2 45:14 47:4,7,9,14 47:17,21,25 49:2,8 49:15,17 50:10,17 50:21,24 52:14 55:1,4,7 56:18 57:2,11,14,19 58:16 59:1,24 60:3,8,12,18,22 61:1,4,24 62:3,7 62:10,12,14,18,21 62:25 team 7:1,15	technical 5:19,24 6:14 technically 55:14 telephonic 57:23 58:3 62:5 tell 52:3 telling 49:5 terms 25:11 test 7:24 testify 5:11 63:22 testifying 5:7 testimony 8:24 9:1 14:9 66:18 testing 7:20 thank 4:13 5:17 6:17,20,21 10:19 14:6,8,8 17:1 21:9 24:17 25:16 26:22 27:20,21 29:2,3 30:4,5,22 32:15 33:6,7 34:1 37:2 46:4,8 48:21 56:23 thing 20:19 40:11 40:23,25 60:16 things 11:6 43:14 think 20:24 32:1 37:3 38:3 40:10 48:6 49:19 54:17 57:21 58:19 third 19:20 57:11 58:25 60:1 thompson 2:10 14:20 16:7,11 17:2,15,17,22,25 18:4 21:13 23:6 26:24 27:13 38:22 46:17,20 47:1 49:7 50:13 60:5 thought 39:18,25 40:8 43:19 54:19
	t 22:12 25:23 27:6 32:19 36:16 67:9 tab 6:10 57:20 table 7:1 8:5 take 5:9 11:7 18:23 22:8,24 25:20 28:21 29:18 34:5 36:5 38:2		

<p>57:15 thousand 31:8,9 54:25 56:7 three 39:17 40:2 44:6 58:25 thumb 53:19 thursday 3:3 tiger 42:19 time 3:22 9:1 11:19 12:25 13:1 13:4,10,20 21:12 22:17 23:15 26:22 28:7 29:11 30:15 32:23 33:6,18 35:3,4,6 36:1,21 39:16 40:2,24 48:23 50:20 52:13 52:24 56:21 65:14 today 12:24 34:13 35:22 36:1 40:12 50:18 62:21 63:23 63:25 65:3 today's 5:12 57:1 tom 27:6 tomorrow 57:24 top 26:6 total 26:12 55:18 totally 37:18 transcript 66:17 treasure 45:8 treasurer 38:8,16 40:15 41:8,24 42:7 43:18 44:10 44:20 54:22 treasurer's 38:9 38:10,12 39:9 41:9,19,20 42:9 45:6 trigger 42:4 45:9 triggered 38:8,15 49:14 53:1</p>	<p>trip 30:23 true 66:17 trying 42:5 turn 32:15 twenty 30:17 two 6:7 16:9 17:24 28:5 33:13 36:4 37:16 39:17 40:2 42:16 48:6 52:13 57:2,14 62:7 tyler 42:22,24 typewriting 66:16 typewritten 66:17</p> <p style="text-align:center">u</p> <p>u 28:3 67:9 uh 18:15 27:13 40:16 41:13 43:25 43:25 unable 61:7 understand 6:4 9:22 17:13 20:14 43:2,9,15 53:21 54:12 understanding 32:2 41:6 understands 20:23 unfamiliar 43:23 unintelligible 7:21 13:5 15:6 25:19 35:14 42:8 47:18 64:1 unisyn 6:8,22 7:7 8:5,6,9,12,25 university 13:20 use 10:11 15:12 34:12 58:21 uses 7:20</p> <p style="text-align:center">v</p> <p>v 22:12 33:9</p>	<p>value 13:6 vendor 11:10 versions 6:8 vice 2:4 9:3 view 12:1 violated 35:12 violation 19:14,18 19:21,22 20:1,2,4 45:18 52:24 violations 20:3 visualize 44:1 vote 12:18 voted 11:17,23,24 25:10,11,15 64:21 voting 5:19,24 6:8 6:14,24 7:4 8:6 9:10 vstl 7:25 vstop 6:3,5,10,11 7:1,15 8:2,23 11:7 13:21 vstop's 9:6,8</p> <p style="text-align:center">w</p> <p>w 22:12 28:3 30:11 33:9 wait 5:4 22:23 32:14 waive 16:13 19:10 23:16,22,24 35:14 waived 17:14 19:8 waiving 19:5 24:7 walked 39:20 want 3:16 16:24 19:3,9 20:22 21:6 22:23,24 23:1,6 24:18,24 29:18 36:22 37:4 40:13 43:1,13,16 44:4 45:16 56:3 57:25 57:25 60:15 61:7</p>	<p>wanted 60:5,13 61:6 62:4 warning 44:22 warren 33:8,8,22 34:1 washington 1:12 66:9 way 29:6 40:11 62:22 we've 18:23 20:11 24:22 week 52:16 weeks 37:16 54:6 welcome 19:7 went 8:22 37:14 37:15 48:18 west 1:12 66:9 whatsoever 19:12 whereof 67:1 wilson 3:5 wished 11:4 witness 43:11 67:1 wondered 25:11 woops 61:18 words 10:11 work 13:13,19 worked 14:16 working 24:25 works 41:22 worse 37:14 writing 62:16,18</p> <p style="text-align:center">y</p> <p>y 5:23,23 22:12 25:23 27:7 29:8 67:9 yeah 17:25 21:15 24:21 28:14 38:23 39:21 56:20 58:7 59:7,9,9 year 9:24 37:10 40:7 48:11</p>
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[years - zachary]

years 37:9 40:3 48:6 51:19
z
zach 3:5 zachary 2:5

Indiana Rules of Trial Procedure
Depositions Upon Oral Examination

Rule 30

(e) Submission to witness--Changes--Signing.

(1) When the testimony is fully transcribed, the deposition shall be submitted to the witness for reading and signing and shall be read to or by him, unless such reading and signing have been waived by the witness and by each party. "Submitted to the witness" as used in this subsection shall mean (a) mailing of written notification by registered or certified mail to the witness and each attorney attending the deposition that the deposition can be read and examined in the office of the officer before whom the deposition was taken, or (b), mailing the original deposition, by registered or certified mail, to the witness at an address designated by the witness or his attorney, if requested to do so by the witness, his attorney, or the party taking the deposition.

(2) If the witness desires to change any answer in the deposition submitted to him, each change, with a statement of the reason therefor, shall be made

by the witness on a separate form provided by the officer, shall be signed by the witness and affixed to the original deposition by the officer. A copy of such changes shall be furnished by the officer to each party.

(3) If the reading and signing have not been waived by the witness and by each party the deposition shall be signed by the witness and returned by him to the officer within thirty (30) days after it is submitted to the witness. If the deposition has been returned to the officer and has not been signed by the witness, the officer shall execute a certificate of that fact, attach it to the original deposition and deliver it to the party taking it. In such event, the deposition may be used by any party with the same force and effect as though it had been signed by the witness.

(4) In the event the deposition is not returned to the officer within thirty (30) days after it has been submitted to the witness, the reporter shall execute a certificate of that fact and cause the certificate to be delivered to the party taking it. In such event, any party may use a copy of the

deposition with the same force and effect as though the original had been signed by the witness.

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