

**Indiana Election Commission**  
**Minutes**  
**June 27, 2011**

**Members Present:** Daniel A. Dumezich, Chairman of the Indiana Election Commission ("Commission"); S. Anthony Long, Vice Chairman of the Commission; Sarah Steele Riordan, member; Jonathan J. Myers, member; Jennifer Wagner, proxy for Sarah Steele Riordan.

**Members Absent:** None

**Staff Attending:** Trent Deckard, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); J. Bradley King, Co-Director of the Election Division; Leslie Barnes, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division; Abbey Taylor, Campaign Finance Election Division staff; Michelle Thompson, Campaign Finance Election Division staff.

**Also Attending:** Mr. John Aguilera; The Honorable Kimberly Anderson; Ms. Sue Beesley; Mr. Donn Brown; Ms. Volly Burton; Mr. Eric Champlain; Mr. Curtis Coonrod; Mr. Tim Eckert; Mr. Robert Faulkner; Ms. Marybeth Fehribach; The Honorable Randy Frye; Mr. Chris Gibson; Mr. Greg Hahn; Ms. Debra Hern; Mr. Steve Hogan; Mr. Thomas John; Mike Keller; Ms. Stephanie Lillie; Dr. Joseph Losco; The Honorable Amanda Lowery; Mr. Tom Lumley; Ms. Chaitanya Mahasamudram; Ms. Terri Mann-Paul; Mr. Don Marquardt; Mr. Matthew Ryan McCann; Mr. Matthew Morgan; Mr. Brian Patterson; Mr. David L. Powers; Mr. William Reutebuch; The Honorable Linda Robbins; Ms. Kathy Rogers; Mr. Eldon Robison; Mr. Aaron Schaler; Dr. Raymond Scheele; Mr. Mark Schneider; Mr. Les Sebring; Mr. William Stant; Ms. Angie Steeno; Ms. Susan Swayze; Ms. Marlene Taden; Mr. Kip Tew; Mr. Gary C. Wobler; The Honorable Joe Zakas; Ms. Carrie Zapfe.

## **1. Call to Order**

The Chair called the June 27, 2011 meeting of the Commission to order at 10:00 a.m. in the Indiana Government Center South Conference Center, Conference Room B, at 402 West Washington Street, Indianapolis, Indiana.

The Chair noted that proper notice of the meeting had been given, as required by state law. A copy of the meeting notice, agenda, and designations of proxy are incorporated by reference in these minutes. *[Copies of all documents incorporated by reference are available for public inspection and copying at the Election Division Office.]*

## **2. Transaction of Business**

The Commission transacted the business set forth in the Transcript of Proceedings prepared by Ms. Rhonda J. Hobbs, RPR, of Connor+Associates Reporting. A copy of this document is incorporated by reference in these minutes.

The following corrections of scrivener's errors in this document are approved by the Commission:

Page 1, replace "46219" with "46204".

Page 7, line 6, replace "." with "?".

Page 8, line 8, replace "order" with "orders".

Page 16, line 24, replace "lost" with "loss".

Page 27, line 1, replace "committee" with "commission".

Page 28, line 12, replace "date" with "late".

Page 44, line 8, replace "MR." with "MS.".

Page 44, line 20, delete "(Phonetic)".

Page 48, line 14, replace "you're" with "your".

Page 68, line 9, replace "mink" with "think".

Page 73, line 6, replace "absolve" with "dissolve".

Page 79, line 13, delete "(Phonetic)".

Page 86, line 8, replace "35-2-42" with "3-5-2-42".

Page 89, line 3, replace "MOONROD" with "COONROD".

Page 89, line 6, replace "MOONROD" with "COONROD".

Page 89, line 7, replace "Moonrod (Phonetic)" with "Coonrod".

Page 90, line 4, replace "MOONROD" with "COONROD".

Page 90, line 5, replace "Moonrod " with "Coonrod".

Page 93, line 11, replace "MOONROD" with "COONROD".

Page 93, line 15, replace "MOONROD" with "COONROD".

Page 100, line 4, replace "?" with ".".

Page 102, line 21, replace "Systems" with "Assistance".

Page 109, line 4, replace “prevail” with “provide”.

Page 112, line 5, replace “Boone” with “Newton”.

Page 112, line 10, replace “Boone” with “Newton”.

Page 113, line 14, replace “Tate” with “Taden”.

Page 134, line 7, replace “Grove (Phonetic)” with “Groh”.

Page 138, line 13, replace “Booneville” with “Boonville”.

Page 140, line 25, replace “i tis” with “it is”.

Page 155, line 22, delete “(Phonetic)”.

Page 157, line 6, replace “Direct” with “Director”.

Page 158, line 4, replace “Garten” with “Garton”.

Page 158, line 6, replace “Mayhern” with “Mahern”.

Page 158, line 9, replace “Weiss” with “Wyss”.

Page 181, line 4, replace “Skirtz (Phonetic)” with “Sturtz”.

### 3. Adjournment

There being no further items on the Commission’s agenda, the Chair entertained a motion to adjourn. Mr. Long moved, seconded by Mr. Myers, that the Commission do now adjourn. The Chair called the question, and declared that with four members voting “aye” (Mr. Dumezich, Mr. Long, Ms. Riordan, and Mr. Myers, and no Commission member voting “no,” the motion was adopted. The Commission then adjourned at 1:58 p.m.

Respectfully submitted,

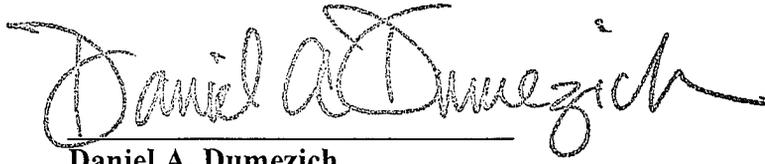


Trent Deekard  
Co-Director



J. Bradley King  
Co-Director

APPROVED:

A handwritten signature in cursive script that reads "Daniel A. Dumezich". The signature is written in black ink and is positioned above a horizontal line.

**Daniel A. Dumezich**  
**Chairman**

# Original

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INDIANA ELECTION COMMISSION  
PUBLIC SESSION AGENDA

Conducted On: Monday, June 27, 2011

Location: Indiana Government Center  
South Conference Center, Room B  
302 West Washington Street  
Indianapolis, Indiana 46219

A STENOGRAPHIC RECORD BY:  
Rhonda J. Hobbs, RPR  
Notary Public  
Stenographic Reporter

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**Connor + Associates, Inc.**

1650 One American Square  
Indianapolis, IN 46282  
(317) 236-6022

**A P P E A R A N C E S**

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**INDIANA ELECTION COMMISSION:**

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Mr. Daniel Dumezich - Chairman

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Mr. Anthony Long - Vice Chairman

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Ms. Sarah Riordan - Commission Member

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Mr. Jon Myers - Commission Member

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**INDIANA ELECTION DIVISION STAFF:**

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Mr. Dale Simmons - Co-Legal Counsel

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Ms. Leslie Barnes - Co-Legal Counsel

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Mr. Bradley King - Co-director

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Mr. Trent Deckard - Co-director

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Ms. Michelle Thompson - Campaign Finance

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Ms. Abbey Taylor - Campaign Finance

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1           **CHAIRMAN D. DUMEZICH:** Good morning.

2           **THE PARTICIPANTS:** Good morning.

3           **CHAIRMAN D. DUMEZICH:** This meeting of the  
4 Indiana Election Commission is called to order.  
5 All four members are present. I am the  
6 Chairman. My name is Dan Dumezich, Tony Long is  
7 to my left, Sarah Riordan is to his left, and to  
8 my right is Jon Myers.

9           A couple of rules. First, I want to remind  
10 everyone on behalf of the court reporter to  
11 identify yourself when you begin to speak, spell  
12 your name when identifying yourself, and speak  
13 clearly. Whatever, please do not speak at the same  
14 time other people are speaking because it is  
15 impossible for the court reporter to get an  
16 accurate transcript of the proceedings.

17           Mr. King, Mr. Deckard, are we in compliance  
18 with the Open Door laws?

19           **MR. B. KING:** Yes, Mr. Chairman and Members  
20 of the Commission, notice of this meeting was  
21 posted before 48 hours before the convening of  
22 this hearing.

23           **VICE CHAIR A. LONG:** Thank you for doing  
24 that.

25           **COMMISSIONER D. DUMEZICH:** Since I've just

1 done this myself, I would ask that everybody  
2 turn their cell phones off. It's a new cell  
3 phone. This will take me a minute. Next is  
4 approval of the minutes from March 14th of 2011.  
5 I recognize Mr. Deckard and Mr. King to present  
6 the minutes of the March 14th, 2011 commission  
7 meeting.

8 **MR. B. KING:** Mr. Chairman and Members of  
9 the Commission, the minutes from the March 14th  
10 meeting were sent to the members ahead of time.  
11 They were a very lengthy transcript of a  
12 campaign finance hearing and so we did not  
13 reproduce them here today but we'll be happy to  
14 answer any questions.

15 **COMMISSIONER D.DUMEZICH:** Do we have any  
16 questions?

17 **VICE CHAIR A. LONG:** I move to approve them  
18 as submitted.

19 **COMMISSIONER D.DUMEZICH:** Is there a  
20 second?

21 **COMMISSION MEMBER J. MYERS:** Second.

22 **CHAIRMAN D. DUMEZICH:** Any discussion?

23 *(No response.)*

24 **CHAIRMAN D. DUMEZICH:** Hearing none, all in  
25 favor, say aye?

1           **THE COMMISSION:**   Aye.

2           **COMMISSIONER D.DUMEZICH:**   All opposed, nay?

3           *(No response.)*

4           **CHAIRMAN D. DUMEZICH:**   They ayes have it  
5           and the motion to approve officer the minutes is  
6           adopted.   Approval of forms, I recognize Mr.  
7           Deckard and Mr. King to present Order 2011-154  
8           for the approval of election forms.

9           **MR. B. KING:**   Mr. Chairman and Members of  
10          the Commission, in your binders is a copy of  
11          Order 2011-154.   It is an order approving  
12          updated candidate forms for the 2012 election  
13          year and it also includes provisions for county  
14          election board forms used for the apportionment  
15          of costs for municipal elections this November.  
16          I'd be happy to answer any questions.

17          **COMMISSIONER D.DUMEZICH:**   Any questions?

18          *(No response.)*

19          **CHAIRMAN D. DUMEZICH:**   Is there a motion to  
20          approve the order as presented?

21          **VICE CHAIR A. LONG:**   So moved.

22          **CHAIRMAN D. DUMEZICH:**   Second?

23          **COMMISSION MEMBER J. MYERS:**   Second.

24          **CHAIRMAN D. DUMEZICH:**   Okay.   Hearing a  
25          second, all in favor of approving Order

1 2011-154, indicate by saying aye?

2 **THE COMMISSION:** Aye.

3 **COMMISSIONER D.DUMEZICH:** All opposed?

4 *(No response.)*

5 **CHAIRMAN D. DUMEZICH:** The ayes have it.

6 Use of signature stamps, is there a motion to  
7 authorize the election staff to affix each  
8 member signature stamp to the final copy of this  
9 order and other documents approved by the  
10 commission at this meeting?

11 **VICE CHAIR A. LONG:** Do you need a motion,  
12 I'm sorry?

13 **CHAIRMAN D. DUMEZICH:** Yeah, I need a  
14 motion.

15 **VICE CHAIR A. LONG:** I would so move that  
16 we do that.

17 **CHAIRMAN D. DUMEZICH:** Do I hear a second?

18 **COMMISSION MEMBER J. MYERS:** Second.

19 **CHAIRMAN D. DUMEZICH:** All in favor of the  
20 motion to use a signature stamp, indicate by  
21 saying aye?

22 **THE COMMISSION:** Aye.

23 **COMMISSIONER D.DUMEZICH:** Opposed, say nay?

24 *(No response.)*

25 **CHAIRMAN D. DUMEZICH:** The ayes have it and

1 motion is approved. Campaign finance, I would  
2 ask Miss Taylor and Miss Thompson -- I recognize  
3 Michelle Thompson and Abbey Taylor to present  
4 the information regarding the campaign finance  
5 settlement agreements. Is there a list of these  
6 agreements in our binder.

7 **MS. M. THOMPSON:** Yes, Mr. Chairman, under  
8 your 10:00 tab, there's a list of committees to  
9 ratify, that have agreed to pay the settlement  
10 agreement and waive the hearing.

11 **CHAIRMAN D. DUMEZICH:** Do you have any  
12 other presentation that you're going to make  
13 relative to these; is that it?

14 **MS. M. THOMPSON:** No, that's it, just...

15 **CHAIRMAN D. DUMEZICH:** Is there a motion to  
16 ratify the campaign finance settlement agreement  
17 as presented?

18 **COMMISSION MEMBER S. RIORDAN:** So moved.

19 **CHAIRMAN D. DUMEZICH:** Hearing moved, do I  
20 have a second?

21 **COMMISSION MEMBER J. MYERS:** Second.

22 **COMMISSIONER D. DUMEZICH:** Hearing a second,  
23 all in favor of approval of the campaign finance  
24 settlement agreements, indicate by saying aye?

25 **THE COMMISSION:** Aye.

1                   **COMMISSIONER D. DUMEZICH:** All opposed,  
2 indicate by nay?

3                   *(No response.)*

4                   **CHAIRMAN D. DUMEZICH:** The ayes have it. I  
5 recognize Michelle Thompson and Abbey Taylor to  
6 present information regarding Order 2011-155  
7 through 2011-347, which adopts campaign finance  
8 order in accordance with the enforcement action  
9 approved at the March 14th, 2011 commission  
10 meeting. Because of the number in size, as you  
11 indicated, there are no -- they are not in a  
12 binder; is that correct?

13                   **MS. M. THOMPSON:** Correct.

14                   **CHAIRMAN D. DUMEZICH:** Would you care to  
15 make a presentation relative to these cases or  
16 matters?

17                   **MS. M. THOMPSON:** Yes, Mr. Chairman. Order  
18 2011-155 through 347 have been prepared by the  
19 actions taken at the March 14th meeting and  
20 these orders are ready for adoption.

21                   **CHAIRMAN D. DUMEZICH:** Is there a motion to  
22 approve 20\_\_ -- Order 2011-155 through 347 as  
23 presented?

24                   **COMMISSION MEMBER J. MYERS:** So moved.

25                   **CHAIRMAN D. DUMEZICH:** Is there a second?

1           **VICE CHAIR A. LONG:** Second.

2           **CHAIRMAN D. DUMEZICH:** Any discussion?

3           *(No response.)*

4           **CHAIRMAN D. DUMEZICH:** Since there's no  
5 discussion, all in favor, indicate by saying  
6 aye?

7           **THE COMMISSION:** Aye.

8           **CHAIRMAN D. DUMEZICH:** All opposed,  
9 indicate with nay?

10          *(No response.)*

11          **COMMISSIONER D. DUMEZICH:** The ayes have it.  
12 I recognize Michelle and Abbey to present  
13 information about the referral of enforcement  
14 matters to the Attorney General. There is a  
15 list of these referrals included in the binder,  
16 is that not correct?

17          **MS. M. THOMPSON:** Correct. Mr. Chairman,  
18 there's a list behind the settlement agreement  
19 of just committees that have not paid and we're  
20 turning over to the Attorney General.

21          **CHAIRMAN D. DUMEZICH:** I understand that  
22 these referrals are for information regarding  
23 the commission, that no further commission  
24 action is needed?

25          **MS. M. THOMPSON:** Correct.

1           **CHAIRMAN D. DUMEZICH:** Okay. Anyone that  
2 plans on testifying today, I would ask you to  
3 stand and have Dale Simmons administer the oath  
4 to you?

5           *(Participants complied.)*

6           **MR. D. SIMMONS:** Would you, please, stand  
7 and raise your right hand, and say I do after  
8 the administration of the oath?

9           *(Participants complied.)*

10          **MR. D. SIMMONS:** Do you solemnly swear or  
11 affirm under the penalties of perjury that the  
12 testimony that you're about to give to the  
13 Commission at today's meeting is the truth, the  
14 whole truth, and nothing but the truth, say I  
15 do?

16          **THE PARTICIPANTS:** I do.

17          **CHAIRMAN D. DUMEZICH:** We run this a little  
18 bit differently than it has been run before.  
19 What we're going to do -- let me just read this.  
20 If you have any questions, we'll answer the  
21 questions, but we find that we can greatly  
22 expedite this procedure if everybody pays  
23 attention to the instructions.

24                 In accordance with the procedure the  
25 commission used at the last meeting, we want to

1 give any committee present a final opportunity to  
2 pay a reduced civil penalty by waiving the right to  
3 present evidence and arguments to the commission.

4 Any committee is welcomed to present evidence  
5 for the proposed penalty to be waived, but this is  
6 solely an opportunity for those who want to waive  
7 that presentation and accept a reduced penalty.

8 So in this group, the idea is if you want to  
9 accept a reduced penalty, you are going to come  
10 forward and we're going to process you quickly. If  
11 you want to talk and tell me -- tell us about your  
12 case, do not take this opportunity.

13 If I could find a state trooper and the person  
14 comes up and starts talking, I will ask the state  
15 trooper to eject them -- let me finish with this --  
16 we have one group of campaign finance hearings  
17 scheduled to begin now and another group at 1:00  
18 p.m.

19 If anyone is here for the 1:00 p.m. hearing,  
20 you can accept an arrangement for a reduced penalty  
21 now, but if you wish to present evidence for a  
22 waiver, you must wait until after everyone that is  
23 here for the 10:00 o'clock hearing, have had their  
24 chance to do so.

25 The arrangements are as follows: If this is

1 the committee's first violation, the arrangement  
2 would be for the committee to agree to pay 25  
3 percent of the proposed fine, plus mailing costs.  
4 If it is the committee's second violation, the  
5 arrangement would be for the committee to agree to  
6 pay 50 percent of the proposed fine, plus mailing  
7 costs.

8 If it is the committee's third violation, I  
9 bet you can see where this is going, the committee  
10 would agree to pay 75 percent of the proposed fine  
11 or violation, plus the mailing costs. Starting  
12 from -- well, first of all, are there any questions  
13 for this?

14 *(No response.)*

15 **CHAIRMAN D. DUMEZICH:** Excellent. Starting  
16 from the front of the room, are there any  
17 first-time violators who want to accept this  
18 arrange; if so, come forward, state your name,  
19 the committee's name, the cause number, and  
20 indicate that you're willing to accept the 25  
21 percent penalty without further discussion.

22 Once again, if you want to present evidence or  
23 tell me about -- tell the committee about it, don't  
24 take this opportunity, and we're going to start in  
25 the first row here.

1           **MS. C. ZAPFE:** Hi. My name is Carrie,  
2 C-A-R-R-I-E, Zapfe, Z-A-P-F-E. I'm here for  
3 Cause No. 2001-5868, 304, Friends of Doug  
4 Eckerty.

5           **MS. M. THOMPSON:** Mr. Chairman, that's on  
6 Page 16 and 17 of your spreadsheet.

7           **CHAIRMAN D. DUMEZICH:** Okay. Give us a  
8 report on that.

9           **MS. M. THOMPSON:** Friends of Doug Eckerty,  
10 Cause No. 2011-5868-304. Has never -- and 311,  
11 sorry, there's two of them. The first one is  
12 \$1,004.36 -- proposed civil penalty of \$1,004.36  
13 on both of them and has never been before the  
14 board on the. This is for a supplemental, large  
15 contribution.

16           **CHAIRMAN D. DUMEZICH:** So you understand  
17 you're accepting 25 percent of the proposed  
18 penalty, plus mailing costs; correct?

19           **MS. C. ZAPFE:** Correct.

20           **COMMISSIONER D. DUMEZICH:** Very good.  
21 Anyone else -- on the right, first row?

22           *(No response.)*

23           **CHAIRMAN D. DUMEZICH:** On the right second  
24 row?

25           **MR. D. POWERS:** David L. Powers, D-A-V-I-D,

1 middle initial L, Powers, P-O-W-E-R-S, and this  
2 concerns No. 2011-5974-104.

3 **MS. M. THOMPSON:** Mr. Chairman, that's on  
4 the very first page. He also has another one on  
5 Page 6. It's Powers for Indiana, Cause No.  
6 2011-5974-104, has a proposed civil penalty of  
7 \$1,004.36, and for Cause No. 2011-5974-145, has  
8 a proposed civil penalty of \$54.32.

9 **CHAIRMAN D. DUMEZICH:** Do you understand by  
10 accepting this, you're going to have 25 percent  
11 of the penalty?

12 **MR. D. POWERS:** Yes.

13 **CHAIRMAN D. DUMEZICH:** And you agree to the  
14 mailing costs as well; is that correct, sir?

15 **MR. D. POWERS:** Yes.

16 **CHAIRMAN D. DUMEZICH:** Very good.

17 **MR. D. POWERS:** I am dismissed then?

18 **COMMISSIONER D. DUMEZICH:** Yep.

19 **MR. D. POWERS:** Thank you.

20 **CHAIRMAN D. DUMEZICH:** First row on the  
21 left, any first-time offenders -- come on down.

22 **MR. G. WOBLER:** Gary C. Wobler, No.  
23 2011-6024-105.

24 **MS. M. THOMPSON:** Mr. Chairman, that's on  
25 Page 2, Wobler for State Representative

1 Committee, Cause No. 2011-6024-105, has a  
2 proposed civil penalty of \$754.36.

3 **COMMISSIONER D. DUMEZICH:** Do you understand  
4 by accepting this, you get 25 percent of that,  
5 plus mailing costs?

6 **MR. G. WOBLER:** I do.

7 **CHAIRMAN D. DUMEZICH:** Very good. Thank  
8 you.

9 **MR. G. WOBLER:** Am I excused or...

10 **CHAIRMAN D. DUMEZICH:** Yes, you are.  
11 Anybody else in the second row on the left?

12 *(No response.)*

13 **CHAIRMAN D. DUMEZICH:** Third row on the  
14 left, 25 percenters?

15 **MS. D. HERN:** My name is Debra Hern,  
16 H-E-R-N, No. 2011-5938-363.

17 **MS. M. THOMPSON:** It's on Page 34. Mr.  
18 Chairman, this is Kokomo Tea Party Political  
19 Action Committee, Cause No. 2011-5938-363, has a  
20 proposed civil penalty of \$1,004.36.

21 **CHAIRMAN D. DUMEZICH:** You understand by  
22 agreeing to this, you are subject to one quarter  
23 of the fine, plus mailing costs?

24 **MS. D. HERN:** Yes.

25 **CHAIRMAN D. DUMEZICH:** Very good. Thank

1 you. Anyone else in that same row -- you're  
2 dismissed -- anyone else in that row?

3 *(No response.)*

4 **CHAIRMAN D. DUMEZICH:** Going back to the  
5 right, third row?

6 *(No response.)*

7 **CHAIRMAN D. DUMEZICH:** The fourth row on  
8 the right?

9 *(No response.)*

10 **CHAIRMAN D. DUMEZICH:** Fourth row on the  
11 left -- there we go. I'm Steve Hogan with  
12 friends of Steve Hogan and I don't have the  
13 cause number with me. I hope you're happy  
14 Mr. Hogan. You have very few friends here now.

15 **MR. S. HOGAN:** I had a flat tire this  
16 morning. I'm lucky I'm here this morning in the  
17 rain.

18 **MS. M. THOMPSON:** I don't have you in my  
19 spreadsheet. I don't know. What are you here  
20 for?

21 **MR. S. HOGAN:** A \$900 proposed penalty for  
22 a late filing.

23 **MS. M. THOMPSON:** Okay, you've got me at a  
24 lost.

25 **CHAIRMAN D. DUMEZICH:** You know what, can

1 we have one person peel off with Mr. Hogan and  
2 walk through it and we'll continue to process  
3 people?

4 **MS. M. THOMPSON:** Pardon me?

5 **CHAIRMAN D. DUMEZICH:** Let's -- let's go  
6 next in line.

7 **MS. M. THOMPSON:** Okay, go on?

8 **CHAIRMAN D. DUMEZICH:** Yeah, and she'll  
9 find it. Anyone else in Mr. Hogan's row on the  
10 right -- you were in the fourth row on the  
11 right -- fourth row on the left?

12 *(No response.)*

13 **CHAIRMAN D. DUMEZICH:** Fifth row on the  
14 right?

15 *(No response.)*

16 **CHAIRMAN D. DUMEZICH:** Fifth row on the  
17 left?

18 **MS. S. SWAYZE:** Sorry, I'm a little gimpy.  
19 My name is a Susan Swayze, S-U-S-A-N, L for the  
20 middle initial, S-W-A-Y-Z-E. I'm here for Cause  
21 No. 2011-3450-338.

22 **MS. M. THOMPSON:** Mr. Chairman, it's on  
23 Page 21, Indiana Right for Life Political Action  
24 committee, Cause No. 2011-3450-338, has a  
25 proposed civil penalty of \$1,004.36.

1           **CHAIRMAN D. DUMEZICH:** Do you understand by  
2 agreeing to this, you'll pay one quarter of  
3 that, plus mailing costs?

4           **MS. S. SWAYZE:** Yes.

5           **COMMISSION MEMBER S. RIORDAN:** Wait a  
6 minute, Mr. Chairman?

7           **CHAIRMAN D. DUMEZICH:** Yes.

8           **COMMISSION MEMBER S. RIORDAN:** It appears  
9 that they have been before the Board before?

10          **VICE CHAIR A. LONG:** Twice.

11          **COMMISSION MEMBER S. RIORDAN:** So is this  
12 the first time or is this the second time or is  
13 this the third time?

14          **MS. S. SWAYZE:** It's the third time.

15          **CHAIRMAN D. DUMEZICH:** Oh, yeah, it was  
16 only first-time offenders.

17          **COMMISSION MEMBER S. RIORDAN:** This is --  
18 it looks -- it appears that Indiana Right for  
19 Life Political Action Committee has been before  
20 the IEC Board twice.

21          **MS. S. SWAYZE:** This would be the third  
22 time?

23          **CHAIRMAN D. DUMEZICH:** Yes.

24          **COMMISSION MEMBER S. RIORDAN:** Yes, third  
25 time.

1           **CHAIRMAN D. DUMEZICH:** So that would be  
2 \$750, plus mailing costs?

3           **MS. S. SWAYZE:** Yes, sir.

4           **CHAIRMAN D. DUMEZICH:** Okay, very good.  
5 You're dismissed.

6           **MS. S. SWAYZE:** Thank you.

7           **CHAIRMAN D. DUMEZICH:** And you cut in line.  
8 Five left -- Row No. 5 -- oh, come on down,  
9 sorry.

10           **MR. M. McCANN:** My name is Matthew Ryan  
11 McCann, M-A-T-T-H-E-W, M-C-C-A-N-N, and I  
12 received the notice but I didn't ever receive  
13 the actual final paperwork?

14           **MS. A. TAYLOR:** What's the committee?

15           **MR. M. McCANN:** It's Indiana Family Action  
16 Pac.

17           **MS. M. THOMPSON:** Oh, you received the  
18 settlement agreement?

19           **MR. M. McCANN:** Yes, but not the final.

20           **MS. M. THOMPSON:** Okay.

21           **MS. A. TAYLOR:** It's on Page 29.

22           **MS. M. THOMPSON:** Indiana Family Action  
23 Political Action Committee, Cause No.  
24 2011-5478-353, has a proposed civil penalty of  
25 \$1,004.36.

1           **CHAIRMAN D. DUMEZICH:** First time before  
2 the Board?

3           **MS. M. THOMPSON:** First time before the  
4 board.

5           **CHAIRMAN D. DUMEZICH:** Twenty-five percent,  
6 plus mailing costs, sir -- agreed?

7           **MR. M. McCANN:** Yes.

8           **CHAIRMAN D. DUMEZICH:** Dismissed.

9           **MR. M. McCANN:** Thank you.

10          **CHAIRMAN D. DUMEZICH:** Sixth row on the  
11 right, is there anybody in it?

12                   *(No response.)*

13          **CHAIRMAN D. DUMEZICH:** No. Okay, fifth row  
14 on the left.

15          **MR. D. MARQUARDT:** My name is Don  
16 Marquardt, M-A-R-Q-U-A-R-D-T. The cause is  
17 2011-4381-154. I'm assuming this is the first  
18 time.

19          **CHAIRMAN D. DUMEZICH:** We will find out in  
20 a moment.

21          **MS. M. THOMPSON:** Indiana License  
22 Beverage --

23          **MR. D. MARQUARDT:** Dan.

24          **MS. M. THOMPSON:** -- Association Political  
25 Action Committee, Cause No. 2011-4381-154, has a

1 proposed civil penalty of \$1,004.36. This is --  
2 the time before the Board is one, not zero.

3 **VICE CHAIR A. LONG:** What page?

4 **MS. M. THOMPSON:** I'm sorry, Page 6.

5 **CHAIRMAN D. DUMEZICH:** So you would -- as a  
6 second violation, you would have 50 percent,  
7 plus mailing costs, associated with this  
8 violation, okay; do you agree do that?

9 **MR. D. MARQUARDT:** Yes.

10 **CHAIRMAN D. DUMEZICH:** Very good. On the  
11 left, seventh row?

12 *(No response.)*

13 **CHAIRMAN D. DUMEZICH:** On the right,  
14 seventh row?

15 **MR. D. BROWN:** Donn Brown, D-O-N-N,  
16 B-R-O-W-N, and I apologize, I don't have a cause  
17 number. I didn't receive any paperwork.

18 **MS. M. THOMPSON:** Mr. Chairman, that's on  
19 Page 1 and Page 5. This is Committee to Elect  
20 Donn Brown, Cause No. 2011-5952-102, has a  
21 proposed civil penalty of \$904.36, and on Page  
22 5, 2011--5952-144, has a proposed civil penalty  
23 of a thousand, or excuse me, \$104.36.

24 **CHAIRMAN D. DUMEZICH:** You understand that  
25 you will pay 25 percent of those fines, plus

1 costs?

2 **MR. D. BROWN:** Yes, sir.

3 **CHAIRMAN D. DUMEZICH:** Very good. Any  
4 other 25 percenter in the room, first time --  
5 any other first time who wants to take the deal?

6 *(No response.)*

7 **CHAIRMAN D. DUMEZICH:** Okay. Now let's do  
8 50 percenters, starting on the right -- first  
9 row, 50 percenters, second offense?

10 *(No response.)*

11 **CHAIRMAN D. DUMEZICH:** Second row on the  
12 right -- come on down.

13 **MR. E. ROBISON:** Mr. Chairman and Members  
14 of the Commission, I am Eldon, E-L-D-O-N,  
15 Robison, R-O-B-I-S-O-N, from Indiana Progressive  
16 PAC. I have cause No. 2011-5237-8.

17 **MS. M. THOMPSON:** Mr. Chairman, that's on  
18 Page 3, Indiana Progressive PAC, 2011-5237-8,  
19 has been before the commission one other time,  
20 has a proposed civil penalty of \$1,004.36.

21 **CHAIRMAN D. DUMEZICH:** Do you understand  
22 that by accepting this, it's 50 percent plus  
23 mailing costs?

24 **MR. E. ROBISON:** Yes, sir.

25 **CHAIRMAN D. DUMEZICH:** Very good.

1           **VICE CHAIR A. LONG:** My -- he just said...

2           **MS. M. THOMPSON:** Our system, we've got a  
3 bug in our system a lot of times before the  
4 Board, so Abbey and I actually went through and  
5 marked our sheets to let you know what it is.

6           **VICE CHAIR A. LONG:** I was going to say the  
7 last one, I thought, was in the same situation,  
8 okay.

9           **MR. E. ROBISON:** Okay.

10          **CHAIRMAN D. DUMEZICH:** Second row on the  
11 left?

12           *(No response.)*

13          **CHAIRMAN D. DUMEZICH:** Third row on the  
14 left?

15           *(No response.)*

16          **CHAIRMAN D. DUMEZICH:** Third row on the  
17 right?

18           *(No response.)*

19          **CHAIRMAN D. DUMEZICH:** Fourth row on the  
20 right?

21           *(No response.)*

22          **CHAIRMAN D. DUMEZICH:** Fifth row on the  
23 left -- you weren't here for the introduction.

24          **UNIDENTIFIED SPEAKER:** No.

25          **CHAIRMAN D. DUMEZICH:** Just have a seat.

1 Sixth row on the right?

2 (No response.)

3 **CHAIRMAN D. DUMEZICH:** Seventh row on the  
4 right?

5 (No response.)

6 **CHAIRMAN D. DUMEZICH:** Do we have any other  
7 50 percent second-time violations in the room  
8 that would like to come forward at this point in  
9 time?

10 (No response.)

11 **CHAIRMAN D. DUMEZICH:** Okay, 75 percent,  
12 third timers, first row on the right?

13 (No response.)

14 **CHAIRMAN D. DUMEZICH:** Second row on the  
15 right?

16 (No response.)

17 **CHAIRMAN D. DUMEZICH:** Second row on the  
18 left?

19 (No response.)

20 **CHAIRMAN D. DUMEZICH:** Third row on the  
21 left?

22 (No response.)

23 **CHAIRMAN D. DUMEZICH:** Any 75 percenters,  
24 third time, that want to take the deal?

25 (No response.)

1           **CHAIRMAN D. DUMEZICH:** Okay. The remaining  
2 committees will be called to present evidence in  
3 these matters. By doing so, I want to note that  
4 in the past the Commission has followed certain  
5 procedures for conducting campaign finance  
6 meetings and I propose that the Commission use  
7 those procedures today, and here they are: A)  
8 when each campaign finance matter is called, the  
9 hearing will begin with recognizing campaign  
10 finance staff to provide information about the  
11 documents in the matter, provide it to the  
12 commission members, including letters from  
13 committees and notice given to campaign  
14 committees;

15           B) unless there is an objection, the documents  
16 provided to the Commission by the Election Division  
17 are to be entered into the record of this meeting;

18           C) after the campaign finance staff completes  
19 a presentation, a representative of the committee  
20 will be recognized first and may present their case  
21 for no more than 5 minutes without permission.

22           The commission members may ask questions  
23 during the presentation, but the time spent on  
24 those questions will not be not counted against the  
25 presenter's time. The Election Division may signal

1 the Chair when the presenter's time is up.

2 If the presenter offers additional documents  
3 or other physical evidence not previously received  
4 by the Commission, then the original must be  
5 provided to the Election Division person -- Dale,  
6 right here, my far right and your far left, to be  
7 preserved for the record, okay.

8 If the Commission finds that the committee has  
9 violated the campaign finance statute, state law  
10 requires a unanimous vote of all four commission  
11 members to waive or reduce the amount of the  
12 penalty set by state law.

13 If the Commission makes a decision at this  
14 meeting to either fine a committee or dismiss a  
15 case against the committee, then the Election  
16 Division will prepare a final order for the  
17 Commission to approve at a later meeting.

18 If a committee is fined today, the committee  
19 will receive a notice from the Election Division to  
20 pay the fine after the Commission adopts the final  
21 order. So it may be sometime from today before the  
22 committee will be -- actually be required to pay  
23 the fine because we'll have to meet again, approve  
24 it, and then you'll get notification, you'll get  
25 the bill;

1           H) the committee generally begins at the front  
2 of the room and ask those persons present to come  
3 forward to have their matter heard. It is helpful  
4 that if you speak up and say the cause number on  
5 your hearing material so the commission staff can  
6 quickly look it up on the spreadsheet.

7           Remember to identify yourself when you start  
8 speaking. Also, if you are going to come up and  
9 start speaking, please acknowledge that you have,  
10 in fact, taken the oath and you realize you're  
11 under oath, okay.

12           Are there any questions or objections from the  
13 commission members or anyone else relative to these  
14 procedures?

15           *(No response.)*

16           **CHAIRMAN D. DUMEZICH:** Hearing none is  
17 there a motion from the commission member for  
18 the commission to adopt these procedures for  
19 today's hearing?

20           **COMMISSION MEMBER J. MYERS:** So moved.

21           **CHAIRMAN D. DUMEZICH:** Is there a second?

22           **COMMISSION MEMBER S. RIORDAN:** Second.

23           **CHAIRMAN D. DUMEZICH:** Any discussion?

24           *(No response.)*

25           **CHAIRMAN D. DUMEZICH:** Hearing no

1 discussion, the question on the adoption of the  
2 motion, all in favor, say aye?

3 **THE COMMISSION:** Aye.

4 **CHAIRMAN D. DUMEZICH:** All opposed?

5 *(No response.)*

6 **CHAIRMAN D. DUMEZICH:** The ayes have it.  
7 The motion is approved. Have you found his file  
8 yet?

9 **MS. M. THOMPSON:** We just found Mr. Hogan's  
10 file. We actually had him at the March meeting  
11 on the agenda.

12 **CHAIRMAN D. DUMEZICH:** You're a little date  
13 but...

14 **MS. M. THOMPSON:** Yeah. So is there a  
15 motion to reconsider and redo it?

16 **CHAIRMAN D. DUMEZICH:** Yeah. What's the  
17 violation, could you...

18 **MS. M. THOMPSON:** He's got two violations.  
19 One is for statement of organization that he  
20 filed. He filed it on April --

21 **MS. A. TAYLOR:** March.

22 **MS. M. THOMPSON:** On March 15th, which is  
23 the \$900, and then he also has one for the  
24 annual, which is -- was one date late, which was  
25 \$50, so he has two separate violations.

1           **CHAIRMAN D. DUMEZICH:** So it's in total  
2 950?

3           **MS. M. THOMPSON:** Right.

4           **CHAIRMAN D. DUMEZICH:** So I guess we would  
5 reopen this?

6           **MS. M. THOMPSON:** Yes, because it's...

7           **CHAIRMAN D. DUMEZICH:** Reopen this matter?

8           **MS. M. THOMPSON:** Yes.

9           **CHAIRMAN D. DUMEZICH:** Do I hear a motion  
10 to reopen this matter so we can take care of  
11 this?

12           **COMMISSION MEMBER J. MYERS:** Yeah, I move  
13 that we reopen the matter.

14           **CHAIRMAN D. DUMEZICH:** All in favor, say  
15 aye?

16           **THE COMMISSION:** Aye.

17           **CHAIRMAN D. DUMEZICH:** Any opposed?

18           *(No response.)*

19           **CHAIRMAN D. DUMEZICH:** Hearing none, the  
20 aye have it. Mr. Hogan, step forward?

21           *(Mr. Hogan complied.)*

22           **CHAIRMAN D. DUMEZICH:** You understand by  
23 accepting this agreement, you pay 25 percent of  
24 the fines and mailing costs; do you agree to  
25 that?

1           **MR. S. HOGAN:** Yes, I do.

2           **CHAIRMAN D. DUMEZICH:** Very good. You're  
3 dismissed. Okay, we're going to start -- is  
4 there a representative of the Stonewall  
5 Democrats here today, and we need a proxy; is  
6 that correct?

7           **COMMISSION MEMBER S. RIORDAN:** Yes.

8           **CHAIRMAN D. DUMEZICH:** Okay.

9           **COMMISSION MEMBER S. RIORDAN:** Mr. Chairman  
10 , I'm disqualifying myself from this matter  
11 because I have recently contributed to the  
12 Stonewall Democrats, so Ms. Wagner is appointed  
13 as my proxy for this.

14           **CHAIRMAN D. DUMEZICH:** Thanks. Ladies,  
15 what do we have going on with the Stonewall  
16 Democrats?

17           **MS. A. TAYLOR:** Page 26.

18           **MS. M. THOMPSON:** Mr. Chairman, this is the  
19 Indiana Stonewall Democrats, Cause No.  
20 2011-4707-346, has been before the commission  
21 actually five times and has a total proposed  
22 civil penalty of \$204.36.

23           **CHAIRMAN D. DUMEZICH:** Based on -- I'm  
24 sorry, I didn't hear what the -- what the reason  
25 was for the five times.

1           **MS. M. THOMPSON:** He was late on his  
2 pre-primary report. That was due April 15th, he  
3 filed it on April 18th.

4           **CHAIRMAN D. DUMEZICH:** Do you have any  
5 documents to put in the record with respect to  
6 this; do we have anything?

7           **MS. M. THOMPSON:** No.

8           **CHAIRMAN D. DUMEZICH:** Okay, sir.

9           **MR. A. SCHALER:** My name is Aaron Schaler,  
10 A-A-R-O-N, S-C-H-A-L-E-R. I'm the president of  
11 Indiana Stonewall Democrats. We did file our  
12 report three days late. We're an all volunteer  
13 board and we went through a lot of change --  
14 switch-up. The board turned over -- the  
15 leadership completely turned over. Our  
16 treasurer actually had a baby the day the report  
17 was filed, which is why it was late.

18           **CHAIRMAN D. DUMEZICH:** Tell her  
19 congratulations.

20           **MR. A. SCHALER:** We appointed a new  
21 treasurer and got the report filed as quickly as  
22 possible.

23           **CHAIRMAN D. DUMEZICH:** Do we have any  
24 questions for the presenter?

25           **VICE CHAIR A. LONG:** I don't have any.

1           **CHAIRMAN D. DUMEZICH:** Hearing no  
2 questions, do I have the motion?

3           **VICE CHAIR A. LONG:** I would move we do the  
4 fine, plus mailing costs.

5           **CHAIRMAN D. DUMEZICH:** Motion on the floor  
6 for proposed fine, plus mailing costs; do I hear  
7 a second?

8           **COMMISSION MEMBER J. MYERS:** Second.

9           **CHAIRMAN D. DUMEZICH:** All in favor,  
10 indicate by saying aye?

11          **THE COMMISSION:** Aye.

12          **CHAIRMAN D. DUMEZICH:** Opposed?

13                   *(No response.)*

14          **CHAIRMAN D. DUMEZICH:** The ayes have it.

15          **MR. A. SCHALER:** Thank you.

16          **CHAIRMAN D. DUMEZICH:** 204, plus mailing  
17 costs, sir; is that right -- 204?

18          **VICE CHAIR A. LONG:** 204.36.

19          **CHAIRMAN D. DUMEZICH:** It's 204.36, plus  
20 mailing costs -- 204.36.

21          **MR. A. SCHALER:** Okay.

22          **CHAIRMAN D. DUMEZICH:** Okay, you're done.

23          **MR. A. SCHALER:** Okay, thanks.

24          **CHAIRMAN D. DUMEZICH:** Anybody here that  
25 wants to present?

1           **MS. T. MANN-PAUL:** My name is Terri,  
2 T-E-R-R-I, Mann, M-A-N-N, Paul, P-A-U-L, and I'm  
3 here on behalf of Cause 2011-1938-330.

4           **MS. A. TAYLOR:** It's on Page 17.

5           **MS. M. THOMPSON:** Mr. Chairman, this is  
6 Allen Paul for State Senate Committee, Cause No.  
7 2011-1938-330. This is for a supplemental  
8 report.

9           **CHAIRMAN D. DUMEZICH:** I'm sorry, you know  
10 what, I didn't realize that Sarah wasn't back.

11           **MS. M. THOMPSON:** Oh.

12           **CHAIRMAN D. DUMEZICH:** We're short a board  
13 member.

14           **VICE CHAIR A. LONG:** I didn't see where she  
15 went. She took off to the back.

16           **MS. L. BARNES:** I think Trent went to go  
17 look for her. I did not see what direction she  
18 went -- here she comes.

19           **CHAIRMAN D. DUMEZICH:** I was going to start  
20 without you.

21           **COMMISSION MEMBER S. RIORDAN:** Oh, oh.

22           **CHAIRMAN D. DUMEZICH:** Not intentionally.  
23 I just didn't realize you weren't there -- okay.

24           **MS. M. THOMPSON:** This is Allen Paul for  
25 State Senate Committee, Cause No. 2011-1938-330.

1 This is for a supplemental report. The proposed  
2 civil penalty is \$1,004.36.

3 **CHAIRMAN D. DUMEZICH:** And what offense is  
4 this?

5 **MS. M. THOMPSON:** This is for the large  
6 supplemental report. It's their -- all right,  
7 times before the Board will actually be the  
8 second because they paid a settlement agreement.  
9 The report was due on 10/25. It was filed on  
10 1/18.

11 **CHAIRMAN D. DUMEZICH:** Okay.

12 **MS. T. MANN-PAUL:** I would just like to  
13 share with the Board I am frequently reminded  
14 on-line to complete the reports and there was an  
15 addition this year with the supplemental being  
16 included with that for large contributions and I  
17 actually went on-line to access the form that I  
18 needed for this particular report and I felt as  
19 though I had sent it electronically and the only  
20 reason that I made precautions to actually  
21 prepare and keep a hard copy for the one that I  
22 thought that I submitted was that I didn't get  
23 anything. I didn't get a receipt. I didn't get  
24 any feedback indicating that had been done.

25 And at the time that, when I was preparing the

1 report, I questioned whether or not I had to also  
2 include this with the annual report that I have to  
3 submit locally to the courthouse. I do have copies  
4 of my -- well, not copies, I have my receipts for  
5 the supplemental that was turned in, as well as the  
6 annual report, and the reason that I included it  
7 was just because I didn't get anything back.

8 There was no intent to hide, deceive,  
9 disclose, and as you can see, I was also reminded  
10 by the Election Board to submit the paperwork. I  
11 felt like I had submitted it electronically.

12 **CHAIRMAN D. DUMEZICH:** May I see your  
13 supplemental report, please?

14 *(Ms. Mann-Paul complied.)*

15 **CHAIRMAN D. DUMEZICH:** There is one  
16 contribution for \$1,500, which was made on 10/23  
17 from the Big I PAC Government Relations Affairs,  
18 okay -- thank you.

19 **MS. T. MANN-PAUL:** Thank you.

20 **CHAIRMAN D. DUMEZICH:** Do you have any  
21 other questions of --

22 **MS. T. MANN-PAUL:** Terri.

23 **CHAIRMAN D. DUMEZICH:** -- Terri?

24 *(No response.)*

25 **CHAIRMAN D. DUMEZICH:** Have we had any

1 processing with the processing on these  
2 things -- I mean, have we had -- was our  
3 computer down, our server down on October 25th?

4 **MS. T. MANN-PAUL:** Yes.

5 **MS. M. THOMPSON:** I don't believe it was  
6 down, no.

7 **CHAIRMAN D. DUMEZICH:** We didn't have any  
8 other problems or any other people in similar  
9 situations?

10 **MS. M. THOMPSON:** No, and I don't believe  
11 we ever received it electronically. We're just  
12 double checking.

13 **CHAIRMAN D. DUMEZICH:** Okay, let's check.  
14 Maybe they got it.

15 **MS. M. THOMPSON:** No, we did not receive it  
16 electronically -- no, we don't have any record  
17 of receiving it electronically at all.

18 **CHAIRMAN D. DUMEZICH:** Okay.

19 **MS. T. MANN-PAUL:** And I was at fault for  
20 not following through with a phone call to  
21 confirm that it went through to someone.

22 **CHAIRMAN D. DUMEZICH:** Okay. Do I hear any  
23 motions?

24 *(No response.)*

25 **CHAIRMAN D. DUMEZICH:** And this is a

1 first-time violation?

2 **MS. M. THOMPSON:** The second.

3 **CHAIRMAN D. DUMEZICH:** The second.

4 **COMMISSION MEMBER S. RIORDAN:** Mr. Chairman  
5 , I'm going to move that we reduce the penalty  
6 by 50 percent.

7 **CHAIRMAN D. DUMEZICH:** I have a motion on  
8 the floor to reduce the penalty by 50 percent,  
9 do I hear a second?

10 **COMMISSION MEMBER J. MYERS:** Second.

11 **CHAIRMAN D. DUMEZICH:** Do I have any  
12 discussion -- hearing a second, do we have any  
13 discussion?

14 *(No response.)*

15 **CHAIRMAN D. DUMEZICH:** Hearing no  
16 discussion, all in favor of reducing the penalty  
17 by 50 percent, indicate by saying aye?

18 **THE COMMISSION:** Aye.

19 **CHAIRMAN D. DUMEZICH:** All opposed?

20 *(No response.)*

21 **CHAIRMAN D. DUMEZICH:** Penalty is reduced  
22 by 50 percent, plus mailing costs.

23 **MS. T. MANN-PAUL:** Thank you.

24 **MR. J. ZAKAS:** Joe Zakas for State Senator  
25 Committee. This is Administrative Cause No.

1 2011-1362-284.

2 **MS. M. THOMPSON:** Mr. Chairman, that's on  
3 Page 13. Joe Zakas for State Senator Committee,  
4 Cause No. 2011-1362-284. Has been before the  
5 Board one other time with a settlement  
6 agreement. The proposed civil penalty is  
7 \$1,004.36. This is also for a supplemental  
8 report that was due on 10/22 of 2010.

9 **CHAIRMAN D. DUMEZICH:** Okay.

10 **VICE CHAIR A. LONG:** Page, I'm sorry?

11 **MS. M. THOMPSON:** 13.

12 **CHAIRMAN D. DUMEZICH:** What was the date on  
13 the prior violation?

14 **MS. A. TAYLOR:** It was the 2006 pre-elect  
15 report.

16 **CHAIRMAN D. DUMEZICH:** Senator.

17 **MR. J. ZAKAS:** Mr. Chairman, thank you, and  
18 Members of the Commission, thank you, and thank  
19 you for your service to our state, and today,  
20 I'm just really asking for your consideration.  
21 It's true, I didn't not file a pre-election  
22 supplemental report that was due on 10/22.

23 It was not our intention to not file. We  
24 filed seven of them, I believe, in the last  
25 election -- we've filed them in the past as well,

1 and as soon with we discovered our mistake, we  
2 called the Election Board and asked what to do, and  
3 we filed immediately, if I recall; am I right about  
4 that?

5 **MS. M. THOMPSON:** Yes.

6 **MR. J. ZAKAS:** I think we did. So not only  
7 was it not intentional, I don't think there's a  
8 pattern I have with regard to this. We really  
9 tried to do it the right way. I've been  
10 involved in nine state elections and two federal  
11 elections, and I did miss that filing before, in  
12 the last state senate election.

13 It was a very hectic time. We make copies of  
14 the checks we get. My wife handles the reporting  
15 and I failed her in not getting her the  
16 information. We're involved with making TV spots,  
17 sending out non-mailings and getting ready for  
18 debates.

19 We basically run our campaign off our kitchen  
20 table. We're not really pros here. We enjoy doing  
21 it and I take a lot of the responsibility,  
22 personally, for the overall campaign, because I am  
23 trying to be an honest guy and talk to folks the  
24 way I feel I should be, holding a professional  
25 point of view on things.

1           Now four years ago I -- I did not attend the  
2 hearing. We got the proposal of a \$1,000 fine, and  
3 we sat around and said well, let's just pay it, so  
4 we did, we paid our \$1,000. Frankly, I didn't even  
5 know I could negotiate it, so -- and that's why I'm  
6 here today. I'm asking to consider that. We did  
7 pay a pretty hefty fine with regard to the last  
8 time.

9           We don't intend to make mistakes, but we do  
10 make mistakes on occasion, but I hope you'll take  
11 into consideration the amount that we did pay the  
12 last time.

13           **CHAIRMAN D. DUMEZICH:** May I see your  
14 supplemental report, sir?

15           **MR. J. ZAKAS:** Do you have a copy, I didn't  
16 bring a copy of it?

17           **CHAIRMAN D. DUMEZICH:** I just wanted to see  
18 what the activity on it is.

19           **VICE CHAIR A. LONG:** And get it in the  
20 record.

21           **CHAIRMAN D. DUMEZICH:** There is one  
22 contribution of \$3,000 from a committee to elect  
23 Connie Lawson, and that is the only thing that  
24 is on that report.

25           **VICE CHAIR A. LONG:** You indicated you made

1 seven, six or seven other individual reports --

2 **MR. J. ZAKAS:** Yes, in the last election.

3 **VICE CHAIR A. LONG:** -- based on other  
4 contributions?

5 **MR. J. ZAKAS:** Supplemental reports, yes.

6 **CHAIRMAN D. DUMEZICH:** And when was that  
7 filed?

8 **MS. M. THOMPSON:** It would have been 10/22.

9 **MS. A. TAYLOR:** It was filed January 7th.

10 **MR. J. ZAKAS:** My wife was working on the  
11 final report for the year, and she said why  
12 didn't you tell me about this?

13 **CHAIRMAN D. DUMEZICH:** Obviously, there's a  
14 violation statute. With that mind, we need a  
15 unanimous vote of everyone up here to reduce the  
16 fine, so do I hear a motion to reduce the fine?

17 **VICE CHAIR A. LONG:** I would move -- I'm  
18 heartened by the fact that the first time  
19 through -- a couple of things. I'll say as a  
20 member of the general assembly, you didn't come  
21 over here and chew on us like a lot of others do  
22 over the years and just paid the fine, that's  
23 very commendable, and you would have gotten a  
24 substantial reduction at that time, and in  
25 consideration of that and the fact that you

1 caught this yourselves and reported it to us and  
2 then took care of it, those two reasons would  
3 cause me to deviate and move to reduce the fine  
4 here to 25 percent, which gives you the benefit  
5 of a first offense on this one, since you paid  
6 the full load on the other one, plus the mailing  
7 costs.

8 **CHAIRMAN D. DUMEZICH:** I hear a motion on  
9 the floor to reduce the fine by 25 percent, plus  
10 mailing costs; do I hear a second?

11 **COMMISSION MEMBER J. MYERS:** Second.

12 **CHAIRMAN D. DUMEZICH:** Hearing a second, do  
13 I have any discussion?

14 *(No response.)*

15 **CHAIRMAN D. DUMEZICH:** One of the -- I'd  
16 like to make a comment -- one of the things that  
17 always strikes me when you do this, the longer  
18 you're in the general assembly, the more likely  
19 you are to make a mistake because it's just  
20 election after election after election and maybe  
21 we ought to do -- think about it, that someone  
22 who's been in for ten years, that we start the  
23 clock again on your penalties, because some of  
24 the people have been in the general assembly for  
25 like 40 years, like Chett; right -- he could

1 have had a violation in the '60s or something  
2 and he'd still be -- but no, I -- so I would  
3 just say we've got to give some consideration to  
4 people who have been in office a long time,  
5 because frankly, they have a big opportunity,  
6 continuing opportunity to make errors.

7 **VICE CHAIR A. LONG:** Does the Bureau of  
8 Motor Vehicles start you over after 10 years, I  
9 think, on your points? We can consider that.

10 **CHAIRMAN D. DUMEZICH:** Same sort of --  
11 okay -- well, hearing no more discussion, all in  
12 favor to of the motion to reduce the fine to  
13 25 percent plus mailing costs, please indicate  
14 by saying aye?

15 **THE COMMISSION:** Aye.

16 **CHAIRMAN D. DUMEZICH:** Any opposed, say  
17 nay?

18 *(No response.)*

19 **CHAIRMAN D. DUMEZICH:** Hearing none, 4-0,  
20 which is required by statute to get a reduction  
21 with respect to this because there is a  
22 violation of law. Thank you, Senator.

23 **MR. J. ZAKAS:** Thank you, Mr. Chairman.  
24 Thank you Commission members. I'll be happy to  
25 work with whoever to file a bill to help you

1 with your suggestion.

2 **CHAIRMAN D. DUMEZICH:** I was suggesting  
3 procedures. I don't really want you guys  
4 dictating.

5 **MR. J. ZAKAS:** I understand. Thank you  
6 again.

7 **CHAIRMAN D. DUMEZICH:** Representative.

8 **MR. V. BURTON:** My name is Volly,  
9 V-O-L-L-Y, Burton, B-U-R-T-O-N, and I'm here for  
10 Cause No. 2011-1316-328.

11 **MS. M. THOMPSON:** Mr. Chairman, that's on  
12 Page 15. This is Woody Burton for State  
13 Representative, Cause No. 2011-1316-328, has  
14 never been before the commission before. This  
15 is also again for a large supplemental report,  
16 and the proposed civil penalty is \$1,004.36.

17 **MS. V. BURTON:** I file all of -- I do all  
18 the bookkeeping for Woody's campaign, I'm his  
19 wife, and then our campaign chairman audits it  
20 and signs it, Michael St. Pierre (Phonetic).  
21 This is for \$1,000 from Indiana Title PAC that  
22 we received in October the 9th that I failed to  
23 make a supplemental report -- I just messed up.  
24 I just missed it. Didn't realize it even when I  
25 filed the year end report.

1           Woody's been in office 24 years so this is the  
2 first time that anything like this has happened.  
3 We apologize, and he did not have an opponent in  
4 fall, he was the only one on the ballot, so it  
5 wasn't like we were trying to deceive anybody, that  
6 we were getting more money or anything, so we kind  
7 of throw ourselves on your mercy.

8           **CHAIRMAN D. DUMEZICH:** Well, we have done  
9 that. Do I hear a motion?

10          **COMMISSION MEMBER J. MYERS:** Just --

11          **COMMISSION MEMBER S. RIORDAN:** Sorry.

12          **COMMISSION MEMBER J. MYERS:** I just have a  
13 question, has the supplemental been filed?

14          **MS. M. THOMPSON:** No, it has not.

15          **MS. V. BURTON:** I have it here.

16          **CHAIRMAN D. DUMEZICH:** Would you like to  
17 file it?

18          **MS. V. BURTON:** Yeah.

19          **CHAIRMAN D. DUMEZICH:** Okay.

20          **VICE CHAIR A. LONG:** Hand it to those  
21 ladies over there, and that problem's gone away,  
22 that's always a problem, made filed today.

23          **COMMISSION MEMBER S. RIORDAN:** Mr. Chairman  
24 , I'm going to move that reduce the penalty to  
25 25 percent.

1           **CHAIRMAN D. DUMEZICH:** I have a motion on  
2 the floor to reduce the penalty to 25 percent  
3 plus mailing costs; do I hear a second?

4           **COMMISSION MEMBER J. MYERS:** Second.

5           **CHAIRMAN D. DUMEZICH:** Any discussion?

6           *(No response.)*

7           **CHAIRMAN D. DUMEZICH:** Hearing none, all in  
8 favor of the motion to reduce the penalty to  
9 25 percent plus mailing costs, indicate by say  
10 aye?

11           **THE COMMISSION:** Aye.

12           **COMMISSIONER D. DUMEZICH:** Opposed?

13           *(No response.)*

14           **CHAIRMAN D. DUMEZICH:** The vote is 4-0  
15 which is required by statute to reduce the  
16 violation. Thank you.

17           **MS. V. BURTON:** Thank you.

18           **MR. R. FRYE:** Good morning.

19           **CHAIRMAN D. DUMEZICH:** Good morning.

20           **MR. R. FRYE:** I'm Randy Frye, F-R-Y-E,  
21 Cause No. 2011-5942-3311, Friends of Randy Frye.

22           **MS. M. THOMPSON:** Page 18. This is Friends  
23 of Randy Frye, Cause No. 2011-5942-331. He has  
24 never been before the commission before. This,  
25 again, is for another large supplemental report,

1 and the proposed civil penalty is \$1,004.36.

2 **MR. R. FRYE:** Thank you for hearing my  
3 case. I'm a first-time legislator. Woody's  
4 been around a while. This is my first  
5 go-around. It wouldn't hurt to give some of the  
6 freshman legislators some education, I guess, on  
7 this as well.

8 It looks like we had been -- our process had  
9 been that we would fax these reports in and we  
10 believe we had faxed it in. I've got a couple of  
11 copies here that I'd like to share with you.  
12 Evidently, it was not received. When I talked to  
13 the officer there, they hadn't received it, so as  
14 soon as we found that out, I produced the copy, and  
15 obviously, I have copies here for you.

16 **CHAIRMAN D. DUMEZICH:** May I see a copy?

17 **MR. R. FRYE:** Yes, sir.

18 **CHAIRMAN D. DUMEZICH:** Thank you, sir.

19 **MR. R. FRYE:** Since that time, we've  
20 changed that process. We now file on-line,  
21 recording our income and expenditures on-line,  
22 and hopefully, we'll be able to avoid this in  
23 the future, but we felt like we had filed it.

24 **CHAIRMAN D. DUMEZICH:** So this was due on?

25 **MS. M. THOMPSON:** October 29th.

1           **CHAIRMAN D. DUMEZICH:** And this fax page  
2 says October 30th.

3           **VICE CHAIR A. LONG:** The contribution was  
4 received on the 29th, were they due the same  
5 day?

6           **MS. A. TAYLOR:** No.

7           **CHAIRMAN D. DUMEZICH:** May I see it again?

8           **COMMISSION MEMBER J. MYERS:** Sure.

9           **CHAIRMAN D. DUMEZICH:** Did we have problems  
10 with the fax machine on the 30th?

11           **MS. M. THOMPSON:** I don't believe we did,  
12 but that particular time we do get lots of  
13 faxes, you know.

14           **MR. R. FRYE:** You're machine showed it  
15 sent. Obviously, we should have called and made  
16 sure you got it. I do not -- John McCane at  
17 that time was serving as our treasurer, and he  
18 prepared it so...

19           **CHAIRMAN D. DUMEZICH:** Excuse me, who?

20           **MR. R. FRYE:** John McCane, he's our  
21 treasurer -- different man.

22           **CHAIRMAN D. DUMEZICH:** I was going to say  
23 that's pretty good.

24           **MR. R. FRYE:** Yeah, different John McCane,  
25 sir.

1           **VICE CHAIR A. LONG:** But it wouldn't have  
2 been due -- my question was: When was it due?

3           **MS. A. TAYLOR:** It would have been due the  
4 31st -- no, it would have been due the 29th  
5 because this report said the 27th.

6           **VICE CHAIR A. LONG:** Okay.

7           **CHAIRMAN D. DUMEZICH:** I'm sorry.

8           **MS. A. TAYLOR:** And their annual report  
9 which is what we noticed is 10/27.

10          **CHAIRMAN D. DUMEZICH:** It says 10/29.

11          **VICE CHAIR A. LONG:** Do you want to see  
12 what they're pointing to?

13          **CHAIRMAN D. DUMEZICH:** Come on up, Mr.  
14 Frye -- Representative Frye.

15          **MS. A. TAYLOR:** And the date was October  
16 27th, and it was due -- when he filed it, it was  
17 on the October 29th.

18          **CHAIRMAN D. DUMEZICH:** So even if it was  
19 received on the 27th, it would have been late on  
20 the 30th anyway; correct?

21          **MS. A. TAYLOR:** Yes.

22          **MS. M. THOMPSON:** Yes.

23          **CHAIRMAN D. DUMEZICH:** So you're out of  
24 compliance with this anyway.

25          **MR. R. FRYE:** When we faxed it in on the

1 30th?

2           **CHAIRMAN D. DUMEZICH:** Yeah, you faxed  
3 it -- according to the report you filed, your  
4 year end report said that it would be receiving  
5 the money October 27th, you had a requirement to  
6 file it by the 30th, or the 29th then, and you  
7 filed it on the 30th, so you were a day late  
8 anyway, so there's a violation of the statute  
9 regardless of the fax situation.

10           **MR. R. FRYE:** Sure.

11           **CHAIRMAN D. DUMEZICH:** That's the way I  
12 understand the facts. With that in mind, this  
13 is a first offense.

14           **VICE CHAIR A. LONG:** I have a motion. I'm  
15 inclined to accept the fact that he faxed it on  
16 the 30th, and that's all one can do is make the  
17 effort. I think we ought to reduce the fine,  
18 the amount of the fine as to what it would have  
19 been had it been received on the 30th. It would  
20 be \$50 one day late and I would move to reduce  
21 the fine to \$50.

22           **CHAIRMAN D. DUMEZICH:** Do I hear a second?

23           **COMMISSION MEMBER J. MYERS:** I second it.

24           **CHAIRMAN D. DUMEZICH:** Okay. There's a  
25 motion on the floor. I hear a second to the --

1 I'll get this right, hearing a second, is there  
2 any discussion?

3 (No response.)

4 **CHAIRMAN D. DUMEZICH:** Hearing none,  
5 there's a motion on the floor to reduce the fine  
6 from \$1,000, plus mailing costs, to \$50 plus  
7 mailing costs, all in favor of approval of that  
8 motion, indicate by saying aye?

9 **THE COMMISSION:** Aye.

10 **CHAIRMAN D. DUMEZICH:** All opposed,  
11 indicate with nay?

12 (No response.)

13 **CHAIRMAN D. DUMEZICH:** 4-0 as required by  
14 statute. The fine is reduced from \$1,000 to \$50  
15 plus mailing costs, sir.

16 **COMMISSION MEMBER J. MYERS:** A quick  
17 question, Mr. Chairman. Does this report -- I  
18 mean, do we have a filing of the supplemental  
19 report now?

20 **MS. M. THOMPSON:** Yes.

21 **MS. A. TAYLOR:** Yes, we do.

22 **COMMISSION MEMBER J. MYERS:** Okay.

23 **CHAIRMAN D. DUMEZICH:** Okay, thank you.

24 **MR. B. PATTERSON:** My name is Brian  
25 Patterson, common spelling, Team Patterson, No.

1 2011-6029-222.

2 **MS. M. THOMPSON:** Mr. Chairman, that's on  
3 Page 2 and on Page 9, Team Patterson, Cause No.  
4 2011-6029-109. This is for a statement of  
5 organization. Has never been before the  
6 Commission. Has a proposed civil penalty of  
7 \$654.02. On Page 9...

8 **MS. A. TAYLOR:** It's an annual?

9 **MS. M. THOMPSON:** It's an annual?

10 **MS. A. TAYLOR:** Uh-huh.

11 **MS. M. THOMPSON:** 2011-6029-222. This is  
12 for the annual report. Has never been before  
13 the commission. Has a proposed civil penalty of  
14 \$1,004.36.

15 **CHAIRMAN D. DUMEZICH:** Okay. What's your  
16 side of it, sir?

17 **MR. B. PATTERSON:** Really no side of it,  
18 just new to the campaign. Our total  
19 contributions were a total of a whopping \$300, I  
20 believe, so it was lack of filing what we should  
21 have been filing. We just really had no clue.  
22 We were new to the game and kind of thrown into  
23 it so I'm asking that you waive all the fines  
24 but it's not likely so...

25 **CHAIRMAN D. DUMEZICH:** Has his account been

1 closed?

2 MS. M. THOMPSON: He has sent us the  
3 paperwork to close it but he also has a balance  
4 so I can't close it at this time, so we'll have  
5 to take care of that before I can close it.

6 MR. B. PATTERSON: We don't plan on running  
7 for anything in the future.

8 VICE CHAIR A. LONG: Obvious question, how  
9 much have you got?

10 CHAIRMAN D. DUMEZICH: Yeah, how much is  
11 left in your account?

12 MR. B. PATTERSON: I believe there is...

13 MS. A. TAYLOR: \$12.27.

14 MR. B. PATTERSON: \$12.27.

15 CHAIRMAN D. DUMEZICH: Do I hear a motion?

16 COMMISSION MEMBER S. RIORDAN: I'm going to  
17 move that we waive the penalties in light of the  
18 circumstances, first time candidate, last time  
19 candidate, and states the committee is going to  
20 be closed.

21 VICE CHAIR A. LONG: If he closes it.

22 COMMISSION MEMBER S. RIORDAN: If you close  
23 it.

24 CHAIRMAN D. DUMEZICH: If you close it. Do  
25 I heard a second?

1           **COMMISSION MEMBER J. MYERS:** Second.

2           **CHAIRMAN D. DUMEZICH:** On eliminating the  
3 fine based on closure of the campaign.

4           **MR. B. PATTERSON:** Okay.

5           **CHAIRMAN D. DUMEZICH:** There's a motion on  
6 the floor to waive all penalties in light of  
7 closing the campaign, do I hear a -- all in  
8 favor of the motion, indicate by saying aye?

9           **THE COMMISSION:** Aye.

10          **CHAIRMAN D. DUMEZICH:** All opposed,  
11 indicate with nay?

12           *(No response.)*

13          **CHAIRMAN D. DUMEZICH:** The vote is 4-0, and  
14 as such, the fine is waived.

15          **VICE CHAIR A. LONG:** If you close the  
16 committee.

17          **CHAIRMAN D. DUMEZICH:** If you close the  
18 committee.

19          **MR. B. PATTERSON:** The report's already  
20 filed.

21          **VICE CHAIR A. LONG:** It may take them a  
22 while to get the notice out to you for the fine.  
23 Get the paperwork and make a contribution to  
24 somebody or whatever you do is my...

25          **MR. B. PATTERSON:** We'll do it. Thank you.

1           **CHAIRMAN D. DUMEZICH:** Sure.

2           **MR. M. KELLER:** Good morning. My name is  
3 Mike, M-I-K-E, Keller, K-E-L-L-E-R, and the case  
4 is 5699-183.

5           **MS. M. THOMPSON:** Page 8, Committee to  
6 Elect Mike Keller, Cause No. 2011-5699-183.  
7 This is one that we tabled to close and Mr.  
8 Keller did close this committee.

9           **CHAIRMAN D. DUMEZICH:** Okay.

10          **MR. M. KELLER:** And so I'm just here to  
11 confirm that I did close and ask that we dismiss  
12 the fine as we talked about in the last  
13 committee meeting.

14          **VICE CHAIR A. LONG:** So moved.

15          **CHAIRMAN D. DUMEZICH:** Do I have a motion  
16 to dismiss -- it's been moved, do I have a  
17 second?

18          **COMMISSION MEMBER J. MYERS:** Second.

19          **CHAIRMAN D. DUMEZICH:** Hearing a second, do  
20 I have any discussion?

21                 *(No response.)*

22          **CHAIRMAN D. DUMEZICH:** Hearing no  
23 discussion, all in favor of waiving the fine  
24 based on the closure of the committee, indicate  
25 by saying aye?

1 THE COMMISSION: Aye.

2 CHAIRMAN D. DUMEZICH: All opposed,  
3 indicate with nay?

4 (No response.)

5 CHAIRMAN D. DUMEZICH: The ayes have it 4-0  
6 as required by statute.

7 MR. M. KELLER: Quick question, sir. I'm  
8 not on the attendance sheet, do I need to sign  
9 that?

10 CHAIRMAN D. DUMEZICH: Sure.

11 MR. M. KELLER: Okay.

12 CHAIRMAN D. DUMEZICH: Third row left?

13 (No response.)

14 CHAIRMAN D. DUMEZICH: Third row left, or  
15 second row left, I'm sorry -- this row?

16 (No response.)

17 CHAIRMAN D. DUMEZICH: Okay, third row  
18 left.

19 MS. A. STEENO: Angie Steeno, ANGIE, "S" as  
20 in Sam, "T" as in Tom, E-E-N-O. My cause number  
21 is 2011-6121-366.

22 MS. M. THOMPSON: 366, Indiana Republic  
23 Statewide Team?

24 MS. A. STEENO: Yes.

25 MS. M. THOMPSON: Cause No., or I'm sorry,

1 Page 35, Cause No. 2011-6121-366. This is the  
2 Indiana Republican Statewide Team. Never been  
3 before the Commission. Has a proposed civil  
4 penalty of \$1,004.36, and this committee has  
5 closed.

6 **MS. A. STEENO:** I'm here for the penalty  
7 for not filing the April 15th report. It's  
8 totally my report. This is our first offense.  
9 We are now in compliance. I have since then  
10 filed the pre-primary report showing zero cash  
11 balance, zero activity, and I've also disbanded  
12 the PAC.

13 I gave birth in January. January 14th, I  
14 filed our annual report, and thought all was well,  
15 that I got it in before the due date, January 23rd.  
16 I had my son, not realizing that there was also a  
17 final report that I needed to send in showing zero  
18 activity.

19 I'm talking full responsibility. I do  
20 apologize for the late notice. One of the members  
21 of our committee did receive a May 11th  
22 notification from you all. I received that  
23 information the first time on June 10th, which was  
24 a Friday afternoon. Immediately, on Monday,  
25 June 13th, got the report, updated where it needed

1 to be, closed the PAC and just asking for a waiver  
2 of that fee -- again, zero activities, zero cash  
3 balance.

4 **CHAIRMAN D. DUMEZICH:** I have a question  
5 for you?

6 **MS. A. STEENO:** Yes.

7 **CHAIRMAN D. DUMEZICH:** What's the nature --  
8 the reason I'm wondering is this sounds like the  
9 sort of thing that I would have donated to so I  
10 can't vote on it and I'd have to get a proxy; do  
11 you have -- can you tell me what the nature of  
12 this is; what the...

13 **MS. A. STEENO:** This is a Statewide PAC so  
14 it represents the auditor, secretary of state,  
15 and treasurer.

16 **CHAIRMAN D. DUMEZICH:** Okay. So this was  
17 the most recent elections?

18 **MS. A. STEENO:** Exactly. This is for 2010.  
19 When I filed our annual report, we closed out  
20 the account at zero balance. I closed the  
21 banking account. I should have closed the PAC  
22 and fully disbanded but did not.

23 **CHAIRMAN D. DUMEZICH:** We're going to check  
24 to see if I donated to you.

25 **MS. A. STEENO:** Okay. Trying to remember

1 it.

2 CHAIRMAN D. DUMEZICH: Last year was a bad  
3 year for donations for me.

4 MS. A. STEENO: I don't think you did, but  
5 there was quite a few so...

6 MS. A. TAYLOR: No.

7 CHAIRMAN D. DUMEZICH: No -- okay, good.

8 COMMISSION MEMBER S. RIORDAN: I move that  
9 we waive the penalty.

10 VICE CHAIR A. LONG: And the costs, I'd  
11 waive it -- I move we waive it all, or I'm  
12 sorry, second motion to waive it all.

13 CHAIRMAN D. DUMEZICH: Hearing a second to  
14 the motion to waive all penalties and costs, do  
15 I hear any discussion?

16 *(No response.)*

17 CHAIRMAN D. DUMEZICH: Hearing no  
18 discussion, all in favor of waiving all  
19 penalties and costs against the Indiana  
20 Republican Statewide Team, please indicate by  
21 saying aye?

22 THE COMMISSION: Aye.

23 CHAIRMAN D. DUMEZICH: Opposed by nay?

24 *(No response.)*

25 CHAIRMAN D. DUMEZICH: 4-0 as required by

1 statute.

2 **MS. A. STEENO:** Thank you very much.  
3 Appreciate your time.

4 **MR. T. LUMLEY:** Hello. My name is Tom  
5 Lumley. That's L-U-M-L-E-Y. I'm the treasurer  
6 for the One Southern Indiana Business Advocacy  
7 Committee which is basically Floyd and Clark  
8 County, Indiana Chamber of Commerce, for lack of  
9 something else. We formed this in --

10 **VICE CHAIR A. LONG:** What's your cause  
11 number?

12 **MR. T. LUMLEY:** This one is 99-5949.

13 **MS. M. THOMPSON:** Page 34. This is the  
14 Business Advocacy Committee, Cause No.  
15 2011-5949-364. Has been before the commission  
16 before three times, not zero. Has a proposed  
17 civil penalty of \$1,004.36, and this was for the  
18 pre-primary report which was due April 15th.

19 **MR. T. LUMLEY:** The first penalty was  
20 resulting in not filing a report for 2009. I  
21 have records that indicate that the organization  
22 wasn't informed until 1/1/2010, and I would like  
23 to provide a copy of that. We did go back and  
24 file it because we were told to, but there was  
25 no money, no checking account, no donation, no

1 expenditures.

2 MS. M. THOMPSON: You filed it December  
3 29th.

4 MS. A. TAYLOR: Of 2009?

5 MR. T. LUMLEY: And it says it becomes  
6 effective, committee organization date 1/1/2010.

7 MS. M. THOMPSON: It was filed in our  
8 office on the 29th of December and that's the  
9 date we go by that we received it.

10 CHAIRMAN D. DUMEZICH: I think he's  
11 indicating that they did not file the form until  
12 1/1.

13 MR. T. LUMLEY: 1/1/10.

14 MS. M. THOMPSON: Well, okay, we received  
15 it.

16 MR. T. LUMLEY: We filed the form early,  
17 but it would be effective October 3rd --  
18 January 1st so...

19 CHAIRMAN D. DUMEZICH: I don't think  
20 there's a violation here.

21 VICE CHAIR A. LONG: That was on 2009.

22 MR. T. LUMLEY: That was in 2009, for 2009,  
23 and we filed it, the proper report in -- I don't  
24 know exactly when he we filed it, 1/27 or  
25 something like that maybe.

1           **VICE CHAIR A. LONG:** They're not here on  
2 the 2009 annual.

3           **MS. M. THOMPSON:** No, they're here for the  
4 pre-primary report.

5           **VICE CHAIR A. LONG:** 2011.

6           **MR. T. LUMLEY:** Right -- well, we've been  
7 fined three times, and that's what I was going  
8 to try to answer, is that the other -- the  
9 problem that we have is -- because it was set up  
10 as the Business Advocacy Committee, all mailings  
11 go to the addresses, are sent at 14802 -- let me  
12 see here, 4100 Charlestown Road, this is the  
13 Advocacy Committee, Tom Lumley, 4100 Charlestown  
14 Road -- well, that is the chamber office. It's  
15 also the community foundation office. It's the  
16 score office. Ivy Tech has an office there also  
17 so the notices seem to get passed around at the  
18 same time.

19           We should have gone to the chamber, but the  
20 chamber's name is not on it because it's the  
21 Business Advocacy Committee and the Business  
22 Advocacy Committee -- nobody there knows who it is.  
23 So I've asked, and they have changed the address to  
24 my home address, which I've gotten the last few  
25 mailings, which is what I had suggested to start

1 with but the chamber wanted to keep it all in  
2 place.

3 They've -- they've gone through several  
4 different people, the president has changed hands,  
5 so I'm getting these documents a little late. I  
6 can show you one that you sent on like the 15th of  
7 March and I got it the 28th of March, that was the  
8 last one, and the last one I was actually out of  
9 the country from the 14th of April, and I filed --  
10 came back on the 21st and filed it on the 1st so my  
11 fault because I didn't get it until I got back.

12 And the other one is the one that was filed --  
13 I mailed it in Scottsburg on the 13th of  
14 February -- the 14th, and it didn't make it to the  
15 19th and I didn't realize that that Monday was the  
16 Martin Luther King holiday so I guess that's why  
17 that one was late. Do you got that one?

18 **VICE CHAIR A. LONG:** I'm more interested in  
19 why you were late on the one for 2011  
20 pre-primary?

21 **MR. T. LUMLEY:** Simply because I didn't get  
22 it in a timely manner. I got it when I got back  
23 into the country.

24 **VICE CHAIR A. LONG:** Oh, that's the one you  
25 were talking about, you were out of the country?

1           **MR. T. LUMLEY:** Right.

2           **VICE CHAIR A. LONG:** It says you didn't  
3 file it until May the 13th.

4           **MR. T. LUMLEY:** Well, I can't respond to  
5 that because I signed it May 1st. I don't have  
6 the postage stamps or anything to verify that.

7           **CHAIRMAN D. DUMEZICH:** How much activity is  
8 on that report?

9           **MR. T. LUMLEY:** On this particular one, it  
10 was \$256 spent on stamps or something -- I  
11 believe that's what it was, stamps. We have  
12 made no political contributions whatsoever. Our  
13 only expenditures have been for stamps, checks,  
14 things like that.

15           **CHAIRMAN D. DUMEZICH:** And what's the  
16 balance in the account currently?

17           **MR. T. LUMLEY:** 19,000 -- \$19,602, and  
18 we've paid in penalties 2,500. The only  
19 expenditures outside of stamps and checks have  
20 been penalties. So what we're going to do is  
21 change the address, appoint a new treasurer  
22 because -- unless they want to move it back to  
23 my house, I'm not going to be responsible for it  
24 anymore and I will pay the fine myself,  
25 personally -- my fault.

1           **CHAIRMAN D. DUMEZICH:** Okay.

2           **COMMISSION MEMBER J. MYERS:** This is the  
3 third violation, is that...

4           **MS. M. THOMPSON:** Correct.

5           **CHAIRMAN D. DUMEZICH:** The third.

6           **MR. T. LUMLEY:** Really the second.

7           **COMMISSION MEMBER J. MYERS:** Okay, that's  
8 what I was having trouble with.

9           **CHAIRMAN D. DUMEZICH:** It's really the  
10 second violation; right?

11           **VICE CHAIR A. LONG:** I think it's the  
12 third, if you count -- don't count the 2009.  
13 You've got the 2010 pre-primary.

14           **CHAIRMAN D. DUMEZICH:** Yeah, it's the  
15 third.

16           **MR. T. LUMLEY:** It would be the third.

17           **COMMISSION MEMBER J. MYERS:** Okay.

18           **CHAIRMAN D. DUMEZICH:** With that in mind,  
19 the third, 75 percent.

20           **VICE CHAIR A. LONG:** I would willing to  
21 give him credit on that and move that we reduce  
22 it to 75 percent.

23           **CHAIRMAN D. DUMEZICH:** Motion on the floor  
24 to reduce the fine 75 percent plus mailing  
25 costs, is there a second?

1                   **COMMISSION MEMBER J. MYERS:** Second.

2                   **CHAIRMAN D. DUMEZICH:** Hearing a second,  
3 any discussion?

4                   *(No response.)*

5                   **CHAIRMAN D. DUMEZICH:** Hearing no  
6 discussion, all in favor of reducing the fine to  
7 75 percent, plus mailing costs, please indicate  
8 by saying aye?

9                   **THE COMMISSION:** Aye.

10                  **CHAIRMAN D. DUMEZICH:** Opposed?

11                  *(No response.)*

12                  **CHAIRMAN D. DUMEZICH:** The ayes have it,  
13 4-0 as required by statute.

14                  **MR. T. LUMLEY:** Thank you.

15                  **CHAIRMAN D. DUMEZICH:** Thank you.

16                  **MR. J. AGUILERA:** Good morning, Mr.  
17 Chairman.

18                  **CHAIRMAN D. DUMEZICH:** Good morning.

19                  **MR. J. AGUILERA:** It's a pleasure to be  
20 here. I'm John Aguilera and I'm here actually  
21 representing 21st Century Democrats. I've been  
22 in front of you before, but this is a matter  
23 that I was asked to come before you. 21st  
24 Century Democrats, I believe, had something, and  
25 my guess did not file on time beginning, I think

1 it's the annual report, and I was called at the  
2 last minute --

3 **CHAIRMAN D. DUMEZICH:** Do you have the  
4 cause number?

5 **MR. J. AGUILERA:** No, I don't.

6 **MS. M. THOMPSON:** I've got it. It's on  
7 Page 7.

8 **MR. J. AGUILERA:** I was made aware of this  
9 less than an hour ago, and it's a pleasure to be  
10 here and to see my former colleague and members  
11 and actually former intern for me, so it's good  
12 to be here and not have stuff in front of you  
13 that's mine. So anyway --

14 **CHAIRMAN D. DUMEZICH:** I've got to tell  
15 you, I'd enjoy it more if it was yours.

16 **MR. J. AGUILERA:** Oh, I know you would. I  
17 know you would.

18 **VICE CHAIR A. LONG:** I'm going to tell you  
19 that I remember your case very well and it was  
20 the most well presented case that I think we've  
21 ever had.

22 **MR. J. AGUILERA:** Thank you. I appreciate  
23 that very much. So my friends asked me to come  
24 and I believe there is a matter before you in  
25 which they were late in getting the annual

1 report in. There may be even some fines  
2 that -- my understanding is that they filed --  
3 once they were made aware there was a  
4 miscommunication between the president and the  
5 financial person and didn't get it in on time,  
6 did file, and actually didn't close the, or made  
7 a request to close it.

8 **MR. T. DECKARD:** Representative -- hold on  
9 one second. Mr. Chairman, I think Mr. Aguilera  
10 needs the oath. I think he may have missed that  
11 earlier from Dale.

12 **CHAIRMAN D. DUMEZICH:** Dale, please  
13 administer the oath to Mr. Aguilera.

14 **MR. J. AGUILERA:** Please, sir, raise your  
15 right hand?

16 *(Mr. Aguilera complied.)*

17 **VICE CHAIR A. LONG:** And resay everything  
18 he just said.

19 **CHAIRMAN D. DUMEZICH:** Do you solemnly  
20 swear or affirm under the penalty of perjury  
21 that the testimony you're about to give is the  
22 truth and nothing but the truth, say I do?

23 **MR. J. AGUILERA:** I do.

24 **CHAIRMAN D. DUMEZICH:** Can you repeat what  
25 you just said for the record?

1           **MR. J. AGUILERA:** Oh, the whole thing?

2           **CHAIRMAN D. DUMEZICH:** No, just the  
3 relevant part.

4           **MR. J. AGUILERA:** I understand there is, I  
5 think, a penalty that is before you that they  
6 have put forward -- are you making me do this  
7 just for the heck of it?

8           **CHAIRMAN D. DUMEZICH:** Yeah.

9           **COMMISSION MEMBER S. RIORDAN:** What's the  
10 matter, what's the matter that you're here on?

11           **MR. J. AGUILERA:** It's the 21st Century  
12 Democrats and I do not what the...

13           **CHAIRMAN D. DUMEZICH:** It's 2011-5238-164.

14           **MS. L. BARNES:** Page 7.

15           **MS. M. THOMPSON:** Page 7.

16           **CHAIRMAN D. DUMEZICH:** Page 7, I'm sorry.

17           **MS. M. THOMPSON:** Mr. Chairman, this  
18 committee has been before the commission one  
19 other time. The proposed civil penalty is  
20 \$354.36, and the committee is closed.

21           **CHAIRMAN D. DUMEZICH:** And I'll entertain a  
22 motion to reduce the fine.

23           **VICE CHAIR A. LONG:** Do they have an  
24 outstanding fine now --

25           **MS. A. TAYLOR:** No.

1           **VICE CHAIR A. LONG:** -- unpaid?

2           **MS. A. TAYLOR:** I don't know for sure.

3           **VICE CHAIR A. LONG:** I was going to say if  
4 they do, maybe we could do that.

5           **COMMISSION MEMBER J. MYERS:** You mean from  
6 2005?

7           **CHAIRMAN D. DUMEZICH:** He's got a 2005, but  
8 they've never been before the board so I don't  
9 know why the date is so late and charge them 50  
10 maybe.

11           **VICE CHAIR A. LONG:** How have you been?

12           **MR. J. AGUILERA:** I've been good. I'm  
13 actually down here working as the interim CEO of  
14 the Indiana Latino Institute, so I got a call,  
15 and they said can you please be over here, and  
16 here I am.

17           **CHAIRMAN D. DUMEZICH:** Now that we have the  
18 representative under oath, there's some  
19 questions I'd like to ask him.

20           **MR. J. AGUILERA:** Put myself in a tough  
21 situation.

22           **MS. M. THOMPSON:** It's been paid.

23           **VICE CHAIR A. LONG:** It's been paid. I was  
24 going to suggest that we try to clean up all the  
25 business.

1           **MR. J. AGUILERA:** Absolutely. It was just  
2 a small organization trying to do good things in  
3 the community, a progressive group, and they're  
4 pretty much closed.

5           **CHAIRMAN D. DUMEZICH:** I'll entertain a  
6 fine, a motion to reduce the fine.

7           **COMMISSION MEMBER S. RIORDAN:** Because it's  
8 been closed, I'm going to move that we waive the  
9 fine.

10          **CHAIRMAN D. DUMEZICH:** There's a motion on  
11 the floor to the waive the fine, do I hear a  
12 second?

13          **COMMISSION MEMBER J. MYERS:** Can I ask a  
14 clarification, postage as well?

15          **COMMISSION MEMBER S. RIORDAN:** No, no,  
16 waive the fine, but you can pay postage of \$4.

17          **COMMISSION MEMBER J. MYERS:** No, no, no, I  
18 want to make sure we're waiving the whole thing.

19          **COMMISSION MEMBER S. RIORDAN:** Yeah, we're  
20 waiving the whole thing.

21          **COMMISSION MEMBER J. MYERS:** Okay, second,  
22 sorry for interrupting.

23          **CHAIRMAN D. DUMEZICH:** Motion on the floor  
24 to waive the whole thing, and then a second, do  
25 I hear any discussion?

1           (No response.)

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

5           **THE COMMISSION:** Aye.

6           **CHAIRMAN D. DUMEZICH:** All opposed?

7           (No response.)

8           **CHAIRMAN D. DUMEZICH:** Hearing none,  
9 carries 4-0.

10          **MR. J. AGUILERA:** Thank you very much.  
11 Nice to see all of you.

12          **CHAIRMAN D. DUMEZICH:** Take care,  
13 Representative Aguilera. On the right.

14          **MS. M. FEHRIBACH:** My name is Marybeth  
15 Fehribach, "F" as in Frank, E-H-R-I, "B" as in  
16 boy, A-C-H. The cause number is 2011-555-5357,  
17 and we are Hoosiers for an Inclusive Indiana.

18          **MS. M. THOMPSON:** It's on Page 31.  
19 Hoosiers for an Inclusive Indiana, Cause No.  
20 2011-5555-357. This is for the pre-primary  
21 report. This committee has been before the  
22 commission one other time and has a total  
23 proposed civil penalty of \$304.36.

24          **MS. M. FEHRIBACH:** I would just like to let  
25 the board know that this PAC has no activity.

1 In fact, the last a check was written -- no  
2 deposits haven't made since 12/26 of 2007. The  
3 last check that was written was in September of,  
4 or August of '09, when I paid the last filing  
5 fee. Our total funds are only \$433.

6 We do not want to -- we do not want to absolve  
7 our PAC, we want to continue with it, and we are  
8 just now ready to start it back up again. My fault  
9 in the fact that the last -- before the annual  
10 report -- it was scheduled to be filed on 10/21 of  
11 '11 -- 10/21, and this time I thought it was due  
12 the 21st of April.

13 On the 20th of April, I had our president of  
14 the PAC call Abbey because we couldn't file the  
15 filing form on-line and Abbey did let us know at  
16 that point that it was for the 15th so it was filed  
17 that day, and I thought it was a day early, but I  
18 was four days late -- five days late. So I would  
19 hope that you could reduce our fine.

20 **CHAIRMAN D. DUMEZICH:** Entertain a motion  
21 to reduce the fine based on past record.

22 **COMMISSION MEMBER S. RIORDAN:** I'm going to  
23 move that we reduce the fine to 10 percent of  
24 the proposed penalty.

25 **CHAIRMAN D. DUMEZICH:** And mailing costs?

1 COMMISSION MEMBER S. RIORDAN: Yes.

2 CHAIRMAN D. DUMEZICH: Do I hear a second?

3 VICE CHAIR A. LONG: Second.

4 CHAIRMAN D. DUMEZICH: Any discussion?

5 *(No response.)*

6 CHAIRMAN D. DUMEZICH: Hearing none,  
7 there's a motion on the floor to reduce the fine  
8 by -- to 10 percent, plus mailing costs, all in  
9 favor, indicate by say aye?

10 THE COMMISSION: Aye.

11 COMMISSIONER D. DUMEZICH: Opposed?

12 *(No response.)*

13 CHAIRMAN D. DUMEZICH: Hearing none, the  
14 vote is 4-0. The fine is reduced to 10 percent  
15 of the amount fined, plus mailing costs.

16 MS. M. FEHRIBACH: That brings us down to  
17 \$400. Thank you very much.

18 CHAIRMAN D. DUMEZICH: Anyone else in that  
19 row?

20 *(No response.)*

21 CHAIRMAN D. DUMEZICH: Okay, the row behind  
22 it then.

23 MR. W. REUTEBUCH: Good morning.

24 CHAIRMAN D. DUMEZICH: Good morning.

25 Please tell us your name and the cause number,

1 sir?

2 **MR. W. REUTEBUCH:** Okay. William  
3 Reutebuch, R-E-U-T-E-B-U-C-H, and I've got two  
4 causes, 2011-5697-134; do you want both of them  
5 at the same time?

6 **MS. M. THOMPSON:** Mr. Chairman, it's on  
7 Page 5 and 15.

8 **MR. W. REUTEBUCH:** The first one, the 134  
9 is we thought we closed our committee -- we  
10 closed our checking account and everything like  
11 that, and evidently, we didn't check the right  
12 box or something to close it.

13 And then the second one we have, I would -- I  
14 don't know what happened. I would assume the guy  
15 does this thing is a farmer. The guy does my  
16 treasury reports and everything and he was probably  
17 busy and it's my fault that we missed it. As you  
18 see in my letter right now, financially pretty  
19 strict, in between positions now.

20 **CHAIRMAN D. DUMEZICH:** Let's have the  
21 commission report to us.

22 **MS. M. THOMPSON:** Mr. Chairman, the first  
23 one on Page 5, Committee to Elect Reutebuch,  
24 Cause No. 2011-5687-134. This one is for the  
25 annual report, and he has a proposed civil

1 penalty of \$1,004.02. The second one is for the  
2 pre-primary report. It was filed on May the 7th  
3 and the proposed civil penalty of \$1004.00, and  
4 the committee is closed.

5 **CHAIRMAN D. DUMEZICH:** Was the first  
6 committee closed as well?

7 **MS. M. THOMPSON:** I don't believe that's  
8 the same...

9 **MS. A. TAYLOR:** It was the second  
10 committee. This should be closed.

11 **CHAIRMAN D. DUMEZICH:** Both committees are  
12 closed now?

13 **MR. W. REUTEBUCH:** Yes.

14 **MS. M. THOMPSON:** Yes, it's the same  
15 committee.

16 **CHAIRMAN D. DUMEZICH:** It's the same  
17 committee.

18 **MR. W. REUTEBUCH:** Yeah.

19 **CHAIRMAN D. DUMEZICH:** Just respecting the  
20 fact that the committees are closed with  
21 financial hardship, I'll entertain that we waive  
22 fines.

23 **COMMISSION MEMBER S. RIORDAN:** I'm going to  
24 move that we waive the fines.

25 **VICE CHAIR A. LONG:** On both cases and the

1 mailing costs -- I will second that.

2 **CHAIRMAN D. DUMEZICH:** That's all three of  
3 us now. We can let that chuck go.

4 **COMMISSION MEMBER J. MYERS:** Thanks guys.

5 **CHAIRMAN D. DUMEZICH:** We have a second to  
6 waive all fines on this, do I have any  
7 discussion?

8 *(No response.)*

9 **CHAIRMAN D. DUMEZICH:** Hearing none, motion  
10 on the floor to waive all fines against  
11 Committee to Elect Reutebuch?

12 **MR. W. REUTEBUCH:** Uh-huh.

13 **CHAIRMAN D. DUMEZICH:** All in favor of  
14 waiving all fines, indicate by saying aye?

15 **THE COMMISSION:** Aye.

16 **MR. W. REUTEBUCH:** Thank you, guys.

17 **CHAIRMAN D. DUMEZICH:** Those against,  
18 indicate with nay?

19 *(No response.)*

20 **CHAIRMAN D. DUMEZICH:** 4-0 as required by  
21 statute.

22 **MR. W. REUTEBUCH:** Thank you.

23 **MR. W. STANT:** My name is William Stant.

24 I'm the treasurer of the Indiana Green Party and  
25 I need to be sworn in.

1           **CHAIRMAN D. DUMEZICH:**  Yep.  Dale, do your  
2           stuff?

3           **MR. D. SIMMONS:**  Raise your right hand and  
4           say I do after the administration of the oath?

5           *(Mr. Stant complied.)*

6           **MR. D. SIMMONS:**  Do you solemnly swear or  
7           affirm under penalties of perjury that the  
8           testimony you're about to give is the truth, the  
9           whole truth, and nothing but the truth, say I  
10          do?

11          **MR. W. STANT:**  I do.  May I sign in?

12          **CHAIRMAN D. DUMEZICH:**  Please.  Name and  
13          cause number as well?

14          **MR. W. STANT:**  My name is William Stant,  
15          and if the cause number is this number of the  
16          memorandum notifying me of the hearing, then it  
17          would be 2011-9947-30.

18          **CHAIRMAN D. DUMEZICH:**  Mr. Stant, how do  
19          you spell your last name?

20          **MR. W. STANT:**  It's S-T-A-N-T.

21          **MS. M. THOMPSON:**  Mr. Chairman, it's on  
22          Page 26, Indiana Green Party Coordinating  
23          Committee, Cause No. 2011-4730-347.  This is for  
24          the pre-primary report.  They have been before  
25          the commission two other times for a total --

1 the proposed civil penalty, it's a total of  
2 \$754.36, and that should be four times before  
3 the commission.

4 **MR. W. STANT:** Does that mean that I've  
5 been before the commission, personally, or...

6 **MS. M. THOMPSON:** The committee has.

7 **CHAIRMAN D. DUMEZICH:** The committee has.

8 **MR. W. STANT:** The last time I was before  
9 the -- may I -- do I have the floor?

10 **CHAIRMAN D. DUMEZICH:** Yes.

11 **MR. W. STANT:** Okay. The last time I was  
12 here, I appeared in support of Mr. George Smolka  
13 (Phonetic) who was the Indiana Green Party  
14 treasurer up until our Congress of November last  
15 year.

16 After I was elected treasurer, we put the  
17 CFA-3 form in the mail and it disappeared and never  
18 got here so mailings continued to go to the wrong  
19 address. The morning of the hearing on March the  
20 14th, I submitted the CFA-3 form in person and had  
21 it date stamped at the office here in this building  
22 and then attended the hearing with Mr. Smolka.

23 Unfortunately, for whatever reason,  
24 correspondence continued to be sent to the wrong  
25 address, and I was advised of the situation on the

1 current cause when Mr. Smolka called me in a panic  
2 on April 29th because the mail for whatever reason  
3 continued to go to his address, instead of the one  
4 that we had provided to the Election Division on  
5 the 14th.

6 So I immediately filed on the 29th, and then  
7 Mr. Smolka provided me all of the paper that had  
8 been piling up at his house that he had not been  
9 opening because he was no longer the treasurer. So  
10 I think this is sort of an overlap or kind of a  
11 little left-over consequence of the last time, and  
12 I would respectfully request that because of the  
13 address confusion that the proposed fine be waived.

14 **CHAIRMAN D. DUMEZICH:** And you plan on  
15 keeping this open?

16 **MR. W. STANT:** The Indiana Green Party  
17 Coordinating Committee?

18 **CHAIRMAN D. DUMEZICH:** Yes.

19 **MR. W. STANT:** Yes.

20 **VICE CHAIR A. LONG:** When was the address  
21 change filed?

22 **MS. M. THOMPSON:** In ours, we have it as  
23 April 29th. If you came up to the office and  
24 filed in person, I don't have it.

25 **MR. W. STANT:** It's right here, the CFA?

1           **MS. M. THOMPSON:** Correct.

2           **MR. W. STANT:** Dated March 14th is right  
3 here.

4           **MS. M. THOMPSON:** That one is not in my  
5 folder.

6           **MR. W. STANT:** It's got the office's stamp  
7 down at the bottom.

8           **MS. M. THOMPSON:** I see that.

9           **MR. W. STANT:** The next pertinent memo or  
10 letter to go out was dated two days later, and  
11 then as late as April 18th, the Election  
12 Division was still sending correspondence to  
13 Mr. Smolka's address, and I have that  
14 correspondence here, if you would like to see  
15 it.

16           **VICE CHAIR A. LONG:** P.O. Box listed here  
17 is your address?

18           **MR. W. STANT:** No, that's the LaPorte,  
19 Indiana. That's the co-coordinator, Mr. Jim  
20 Copeland, and he immediately contacts me any  
21 time he receives anything from the Election  
22 Division, but the other officers of the Indiana  
23 Green Party Coordinating Committee have decided  
24 that they want any correspondence coming to the  
25 coordinating committee to go past them and then

1 they'll hand it to me and ask me to deal with  
2 it. I don't live up in LaPorte but I'm in close  
3 contact with Mr. Copeland at all times.

4 **VICE CHAIR A. LONG:** Okay.

5 **MR. W. STANT:** Would you like to see the  
6 correspondence with the later dates with Mr.  
7 Smolka's address?

8 **CHAIRMAN D. DUMEZICH:** No thank you.

9 **VICE CHAIR A. LONG:** It's got filed March  
10 14th. These are things we would normally send  
11 to the committee address, but then they...

12 **MS. M. THOMPSON:** Yes.

13 **CHAIRMAN D. DUMEZICH:** Do we need to copy  
14 this for the record?

15 **MR. D. SIMMONS:** Yes.

16 **CHAIRMAN D. DUMEZICH:** We need a copy of it  
17 for the record.

18 **MR. W. STANT:** That may be my only copy,  
19 can I...

20 **CHAIRMAN D. DUMEZICH:** Too late.

21 **VICE CHAIR A. LONG:** Well, you're on the  
22 record, though, right here. You've got  
23 documented proof that it's in the file.

24 **MR. W. STANT:** Right.

25 **VICE CHAIR A. LONG:** I think that -- I

1 think while they've had some problems in the  
2 past, this seems like a legitimate thing, and it  
3 looks like we've had a glitch. I'm not adverse  
4 to -- I'm move that we waive the penalties, all  
5 penalties in this matter.

6 **CHAIRMAN D. DUMEZICH:** There's a motion on  
7 the floor to waive all penalties, do I hear a  
8 second?

9 **COMMISSION MEMBER J. MYERS:** Second.

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

12 *(No response.)*

13 **CHAIRMAN D. DUMEZICH:** Hearing no  
14 discussion, all in favor of waiving the  
15 penalties against the Indiana Green Party  
16 Coordinating Committee, indicate by saying aye?

17 **THE COMMISSION:** Aye.

18 **CHAIRMAN D. DUMEZICH:** Opposed?

19 *(No response.)*

20 **CHAIRMAN D. DUMEZICH:** Hearing none, 4-0,  
21 penalties are waived --

22 **MR. W. STANT:** Thank you.

23 **CHAIRMAN D. DUMEZICH:** -- and mailing  
24 costs.

25 **VICE CHAIR A. LONG:** Notice I said

1 penalties?

2 **CHAIRMAN D. DUMEZICH:** Proposed fines.

3 **VICE CHAIR A. LONG:** Yeah -- well, I didn't  
4 say fine, I...

5 **CHAIRMAN D. DUMEZICH:** No, I didn't say  
6 fines.

7 **MR. W. STANT:** May I ask a question? This  
8 particular report has been subject to some  
9 discussion in the past at the -- in our  
10 committee because we don't have a line on the  
11 ballot. We don't conduct primaries.

12 We're not a -- there's no way really in which  
13 our organization matches the description in the  
14 manual of a regular party committee and neither are  
15 we a political action committee. We've never run  
16 primaries, and I can tell you truthfully it's going  
17 to be a long time before our party is big enough to  
18 actually conduct a primary election so I  
19 guess -- and I did -- of course, I raised this  
20 issue again with a fax cover sheet on the 29th when  
21 I sent in the report, but I said is the Indiana  
22 Green Party in fact a regular party committee since  
23 it's not on the ballot and it does not conduct  
24 primaries and should it therefore be required to  
25 continue to submit...

1           **CHAIRMAN D. DUMEZICH:** Do you give money to  
2 candidates?

3           **MR. W. STANT:** No -- I mean, we do when we  
4 run a candidate on a write-in basis or when the  
5 candidate tries to get his name on the ballot.

6           **COMMISSIONER D. DUMEZICH:** As long as -- as  
7 long as that's the possibility of every  
8 election, then you've got a file.

9           **MR. W. STANT:** Even though we're not  
10 running?

11           **CHAIRMAN D. DUMEZICH:** Yeah.

12           **MR. W. STANT:** Even in the primary?

13           **CHAIRMAN D. DUMEZICH:** Yep.

14           **MR. W. STANT:** Okay.

15           **CHAIRMAN D. DUMEZICH:** The alternative is  
16 close it and reopen it when you -- if there's  
17 somebody you're going to support, but I mean,  
18 yeah.

19           **MR. W. STANT:** Okay.

20           **CHAIRMAN D. DUMEZICH:** If you're -- if  
21 you're there actively looking for candidates to  
22 support and may do it, you've got to file.

23           **MR. W. STANT:** Because we might actually  
24 support somebody in the primary?

25           **CHAIRMAN D. DUMEZICH:** Yeah, and you're an

1 active --

2 **MR. W. STANT:** Okay.

3 **COMMISSION MEMBER S. RIORDAN:** I think -- I  
4 think under the statutory definition, you are a  
5 regular party committee.

6 **MR. W. STANT:** Okay.

7 **MS. L. BARNES:** That is correct, Mr.  
8 Chairman. By the definition in I.C. 35-2-42,  
9 they would meet the definition of a regular  
10 party committee regardless of holding primaries.

11 **MR. W. STANT:** Thank you. Thank you for  
12 the clarification.

13 **CHAIRMAN D. DUMEZICH:** I forgot where you  
14 were on the left -- sixth row on the left?

15 *(No response.)*

16 **CHAIRMAN D. DUMEZICH:** Seventh row on the  
17 left, anybody there?

18 *(No response.)*

19 **CHAIRMAN D. DUMEZICH:** On the right?

20 *(No response.)*

21 **CHAIRMAN D. DUMEZICH:** So everyone in front  
22 of this lady that's coming up now has had their  
23 say?

24 *(No response.)*

25 **CHAIRMAN D. DUMEZICH:** Okay.

1           **MS. S. BEESLEY:** My name is Sue Beesley,  
2 B-E-E-S-L-E-Y, and it's Cause No. 2011-4989-350.

3           **MS. M. THOMPSON:** Indiana Republican Mayors  
4 Political Action Committee, Cause No.  
5 2011-4989-350 -- oh, I'm sorry, Page 28 for you.  
6 This is for the pre-primary report that was due  
7 April 15th, filed it April 25th. Has been  
8 before the commission one other time. Has a  
9 proposed civil penalty of \$554.36.

10           **MS. S. BEESLEY:** Yes, Mr. Chairman. I  
11 intended to be here this morning when you gave  
12 the call for the group, the first-time offender  
13 group because I did not realize that the  
14 committee had been before the Commission before.

15           It's the first time, since I've been  
16 treasurer. Unfortunately, I was detained in my  
17 physician's office and did not arrive until after  
18 you had called that group, so rather than interrupt  
19 your hearing, I felt I should wait my turn, so I am  
20 simply asking to be a part of the group that was  
21 offered an agreement earlier.

22           **CHAIRMAN D. DUMEZICH:** This is the second?

23           **MS. S. BEESLEY:** Apparently.

24           **CHAIRMAN D. DUMEZICH:** So the agreement  
25 would be 50 percent plus mailing costs.

1           **MS. S. BEESLEY:** Yes, sir.

2           **CHAIRMAN D. DUMEZICH:** Okay. She's  
3 accepting the group agreement of 50 percent,  
4 plus mailing costs.

5           **VICE CHAIR A. LONG:** So moved.

6           **CHAIRMAN D. DUMEZICH:** Do I hear a motion  
7 for 50 percent plus mailing costs for the  
8 Indiana Republican Mayors, so moved.

9           **COMMISSION MEMBER J. MYERS:** Second.

10          **CHAIRMAN D. DUMEZICH:** There is a --  
11 hearing a second, any discussion?

12           *(No response.)*

13          **CHAIRMAN D. DUMEZICH:** Hearing none, all in  
14 favor of the motion for reducing the proposed  
15 fine by 50 percent and mailing costs for the  
16 Indiana Republican Mayor Political Action  
17 Committee, please indicate by saying aye?

18          **THE COMMISSION:** Aye.

19          **CHAIRMAN D. DUMEZICH:** Opposed, nay?

20           *(No response.)*

21          **CHAIRMAN D. DUMEZICH:** Hearing none, 4-0 as  
22 required by statute, it's been reduced.

23          **MS. S. BEESLEY:** Thank you very much.

24          **VICE CHAIR A. LONG:** Thank you.

25          **CHAIRMAN D. DUMEZICH:** Is there anyone else

1 that is here for campaign finance enforcement --  
2 anyone else? Did you take the oath?

3 **MR. C. MOONROD:** We did.

4 **CHAIRMAN D. DUMEZICH:** Good. Have your  
5 name and cause number?

6 **MR. C. MOONROD:** Mr. Chairman, Curtis  
7 Moonrod (Phonetic), and we have two cause  
8 numbers, 2010-5394-26 and 2011-5243-309, they're  
9 related.

10 **CHAIRMAN D. DUMEZICH:** Okay.

11 **MS. M. THOMPSON:** Mr. Chairman, that's on  
12 Page 4 and Page 10, Chino for Change Committee,  
13 Cause No. 2010-5394-26, 2009 annual  
14 report -- oh, 2009 annual report was actually  
15 filed 6/6/2011. Has been before the commission  
16 two other times. Has a proposed civil penalty  
17 of \$1,004.26. On Page 10, Cause No.  
18 2011-5394-309, was for the 2010 annual, which  
19 was filed 6/6/2011, and has a proposed civil  
20 penalty of \$1,004.36, and has been before the  
21 commission two times.

22 **VICE CHAIR A. LONG:** Which one -- the 2010  
23 cause number, is that the 2009 annual case?

24 **MS. A. TAYLOR:** Yeah.

25 **MS. M. THOMPSON:** Yeah.

1           **VICE CHAIR A. LONG:** Oh, I'm sorry, okay,  
2 that's it. Forgive me.

3           **CHAIRMAN D. DUMEZICH:** Okay, sir.

4           **MR. C. MOONROD:** Thank you, Mr. Chairman.  
5 Again, my name is Curtis Moonrod. With me is it  
6 Stephanie Lillie. I'm the treasurer of the  
7 committee, and Miss Lillie assisted with some of  
8 the preparation and filing.

9           The essential problem today is that the 2009  
10 report, which we filed to disband the committee.  
11 The 2010 report, we did not file because we  
12 considered the committee to have been disbanded.

13           A little background. The candidate ran for  
14 state office, state representative in 2006, was not  
15 successful. He then ran for city council in the  
16 City of Lawrence in 2007, was not successful.

17           Even though he was a local candidate, we  
18 continued to file with the state commission because  
19 we didn't know if we had a good enough reason not  
20 to, even though he was a local candidate, so we  
21 filed both places. We filed both with the county  
22 clerk and with the state, even though he was a  
23 local candidate.

24           No problems that I know of til 2008, when we  
25 filed a report that, frankly, was late, and there's

1 no dispute it was late. We paid the fine. The  
2 reason I mention it is because even though we paid  
3 the fine and the check was cashed, that payment was  
4 not recorded in the commission's office, and there  
5 was a cause against us for not paying the fine, but  
6 in fact we had paid it -- that's been resolved, and  
7 I believe that cause has been dropped, but I think  
8 that's important to note for what happened later.

9 When the 2009 annual report was filed, zero  
10 beginning in any balances, no contributions, no  
11 disbursements -- I'm sorry, the 2009 report was the  
12 one that was late, that we agree was late. The  
13 2010 report was filed to disband the committee.

14 Miss Lillie filed it and can testify that she  
15 did and has the fax record to corroborate her  
16 testimony, and at the very same time faxed it also  
17 to the county clerk that has a file stamped copy to  
18 show that it was received.

19 Evidently, it wasn't received or at least  
20 wasn't recorded in the state office, but we didn't  
21 know that, and then of course, we didn't file a  
22 report the next year. The reason I'm asking you to  
23 dismiss these causes or at least waive the  
24 penalties is partly no harm and partly because we  
25 didn't do anything wrong.

1           The candidate wasn't actually running, at  
2           least not most recently for state office. There  
3           were no transactions --

4           **CHAIRMAN D. DUMEZICH:** Has it already been  
5           disbanded?

6           **MS. A. TAYLOR:** Yes.

7           **MS. M. THOMPSON:** We've administratively  
8           dissolved it.

9           **CHAIRMAN D. DUMEZICH:** There's no money in  
10          it; correct?

11          **MR. C. MOONROD:** Hasn't been for a couple  
12          of years.

13          **CHAIRMAN D. DUMEZICH:** With that, I think  
14          that's what we need to know. Entertain a motion  
15          to waive fees or proposed fines and mailing  
16          costs?

17          **VICE CHAIR A. LONG:** So moved.

18          **CHAIRMAN D. DUMEZICH:** Hearing a motion, do  
19          I hear a second?

20          **COMMISSION MEMBER J. MYERS:** Second.

21          **CHAIRMAN D. DUMEZICH:** Hearing a second, do  
22          I have any discussion?

23          **VICE CHAIR A. LONG:** Both cases, that's  
24          what my motion was.

25          **CHAIRMAN D. DUMEZICH:** The motion to

1 dismiss both cases for Chino for Change  
2 Committee, and those numbers are 2011-5394-309  
3 and 2010-5394-26, all in favor, indicate by  
4 saying aye?

5 **THE COMMISSION:** Aye.

6 **CHAIRMAN D. DUMEZICH:** Opposed?

7 *(No response.)*

8 **CHAIRMAN D. DUMEZICH:** The ayes have it  
9 4-0. The penalty, proposed fines, and mailing  
10 costs have been waived. You're done.

11 **MR. C. MOONROD:** Thank you, Mr. Chairman.

12 **MS. S. LILLIE:** Thank you.

13 **VICE CHAIR A. LONG:** Thank you for coming  
14 in.

15 **MR. C. MOONROD:** Thank you.

16 **CHAIRMAN D. DUMEZICH:** Is everybody in the  
17 meeting room for campaign finance been heard?

18 *(No response.)*

19 **CHAIRMAN D. DUMEZICH:** I'd ask that the  
20 campaign staff identify any matters for a  
21 motion, which a motion for continuance is  
22 received for today's meeting?

23 **MS. M. THOMPSON:** Yeah. This is Citizens  
24 for Better Government, Pages 4, 12 and 14, these  
25 were tabled at the last meeting for them to

1 close closed, which they did. They didn't have  
2 to come back for the hearing on those.

3 **CHAIRMAN D. DUMEZICH:** Okay. Anybody else?

4 **MS. M. THOMPSON:** Yeah, let's see -- okay,  
5 we have another one on Page 7, Orange County  
6 Alliance, this is -- actually, we did fine them  
7 the \$1,004.36. We were still in the process of  
8 doing -- adding the reports into the system and  
9 we found it, it was attached to another report,  
10 so it was not late, so this is our error.

11 **VICE CHAIR A. LONG:** Which one is that?

12 **CHAIRMAN D. DUMEZICH:** Well, that's not a  
13 motion to continue it.

14 **MS. M. THOMPSON:** No, neither of these are.  
15 These are clean up.

16 **CHAIRMAN D. DUMEZICH:** Let's do all the  
17 motion to --

18 **MS. M. THOMPSON:** Continue first.

19 **CHAIRMAN D. DUMEZICH:** -- continue first,  
20 and then we'll do the one-offs.

21 **MS. M. THOMPSON:** On Page 9, Committee to  
22 Elect Glenn Bailey has asked for a motion for  
23 continuance, Infrastructure Engineering has  
24 asked for a continuance, Citizens for Tim Brown,  
25 Page 16, has asked for a continuance, the

1 Patriots' Project PAC, Page 33, has asked for a  
2 continuance, and the Indiana Black Legislative  
3 Caucus, Page 22, has asked for a continuance.

4 **COMMISSIONER D. DUMEZICH:** Is there a motion  
5 to grant the request for a continuance?

6 **COMMISSION MEMBER J. MYERS:** So moved.

7 **CHAIRMAN D. DUMEZICH:** Is there a second?

8 **VICE CHAIR A. LONG:** Second.

9 **CHAIRMAN D. DUMEZICH:** Any discussion?

10 *(No response.)*

11 **CHAIRMAN D. DUMEZICH:** Hearing none, all in  
12 favor of continuing the causes of action stated  
13 by Campaign Finance Staff, indicate by say aye?

14 **THE COMMISSION:** Aye.

15 **CHAIRMAN D. DUMEZICH:** All opposed, nay?

16 *(No response.)*

17 **CHAIRMAN D. DUMEZICH:** 4-0, all of those  
18 matters are continued to the next meeting.

19 **VICE CHAIR A. LONG:** The one that you  
20 wanted...

21 **MS. M. THOMPSON:** Now go back to the other  
22 two?

23 **CHAIRMAN D. DUMEZICH:** Yeah.

24 **MS. M. THOMPSON:** Citizens for Better  
25 Government, Page 4, 12 and 14. This one was

1           tabled at the last meeting for this committee to  
2           close, which they have. They didn't need to  
3           appear because we were going to waive the...

4           **VICE CHAIR A. LONG:** Move to waive?

5           **MS. M. THOMPSON:** Yeah.

6           **VICE CHAIR A. LONG:** I would make that  
7           motion.

8           **CHAIRMAN D. DUMEZICH:** There's a motion to  
9           waive.

10          **COMMISSION MEMBER J. MYERS:** Second.

11          **CHAIRMAN D. DUMEZICH:** Well, it was tabled,  
12          so do we have to untable it first; do I have a  
13          motion to put it back on the table?

14          **VICE CHAIR A. LONG:** Remove it from the  
15          table, put it back on the floor.

16          **COMMISSION MEMBER J. MYERS:** I second that.

17          **CHAIRMAN D. DUMEZICH:** Second the floor,  
18          back on the floor?

19          **COMMISSION MEMBER J. MYERS:** I second that.

20          **CHAIRMAN D. DUMEZICH:** Okay. Motion to  
21          have it removed from the table, all in favor,  
22          indicate by say aye?

23          **THE COMMISSION:** Aye.

24          **CHAIRMAN D. DUMEZICH:** All opposed?

25          *(No response.)*

1           **CHAIRMAN D. DUMEZICH:** Hearing none, 4-0.  
2 Entertain a motion to waive?

3           **VICE CHAIR A. LONG:** So moved.

4           **CHAIRMAN D. DUMEZICH:** Second?

5           **COMMISSION MEMBER J. MYERS:** Second.

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

8           *(No response.)*

9           **CHAIRMAN D. DUMEZICH:** Hearing none, waive  
10 fines -- there's a motion to waive fines  
11 against, what was their name?

12           **MS. M. THOMPSON:** Citizens for Better  
13 Government.

14           **COMMISSIONER D. DUMEZICH:** Citizens for  
15 Better Government, all in favor, indicate by  
16 saying aye?

17           **THE COMMISSION:** Aye.

18           **CHAIRMAN D. DUMEZICH:** All opposed?

19           *(No response.)*

20           **CHAIRMAN D. DUMEZICH:** 4-0. Citizens for  
21 Better Government has proposed fines and mailing  
22 costs waived.

23           **VICE CHAIR A. LONG:** Were there three pages  
24 on -- were there three places on there?

25           **MS. M. THOMPSON:** Three places.

1           **VICE CHAIR A. LONG:** I have...

2           **MS. M. THOMPSON:** 4, 12 and 14.

3           **VICE CHAIR A. LONG:** Oh, I'm sorry -- okay,  
4 thank you.

5           **CHAIRMAN D. DUMEZICH:** Do we need to read  
6 the cause numbers in for those.

7           **MS. M. THOMPSON:** Uh-huh.

8           **CHAIRMAN D. DUMEZICH:** Okay. We'll just do  
9 it quickly, and that way, we can have a record  
10 of it.

11           **MS. M. THOMPSON:** Page 4, Cause No.  
12 2011-5935-18, Cause No. 2011-5935-47 and  
13 2011-5935-71.

14           **CHAIRMAN D. DUMEZICH:** And your motion to  
15 waive was relative to all three of those  
16 matters, Vice Chairman?

17           **VICE CHAIR A. LONG:** It was.

18           **CHAIRMAN D. DUMEZICH:** Thank you.

19           **MS. M. THOMPSON:** Okay. Our last one is on  
20 Page 7, the Orange County Alliance of Republican  
21 Friends. I guess this is a motion to dismiss.  
22 We actually imposed the fine of \$1,004.36.  
23 Since then, we actually found the report. It  
24 was attached to the other one and it was not  
25 late.

1           **VICE CHAIR A. LONG:** Did they pay the fine?

2           **MS. M. THOMPSON:** They didn't.

3           **MS. A. TAYLOR:** We have not sent the order  
4 for that.

5           **MS. M. THOMPSON:** We haven't sent the  
6 order.

7           **VICE CHAIR A. LONG:** Oh, I didn't want to  
8 give it back give it back to them, but you know,  
9 I -- I move to dismiss this or grant your motion  
10 to dismiss or however -- move to dismiss,  
11 whichever is appropriate.

12           **CHAIRMAN D. DUMEZICH:** I think it's a  
13 motion to reconsider.

14           **MS. M. THOMPSON:** Would it be a motion to  
15 reconsider the fine?

16           **CHAIRMAN D. DUMEZICH:** Yeah, a motion to  
17 reconsider.

18           **VICE CHAIR A. LONG:** I didn't think they  
19 had been before us before.

20           **CHAIRMAN D. DUMEZICH:** Must have because it  
21 was a thousand bucks.

22           **VICE CHAIR A. LONG:** That was a proposed  
23 fine.

24           **MS. M. THOMPSON:** No, we fined them.

25           **VICE CHAIR A. LONG:** We've actually had a

1 hearing on it?

2 MS. M. THOMPSON: Yes.

3 VICE CHAIR A. LONG: Okay. I move to  
4 reopen the case and dismiss it?

5 CHAIRMAN D. DUMEZICH: Second?

6 COMMISSION MEMBER J. MYERS: Second.

7 CHAIRMAN D. DUMEZICH: Hearing a second on  
8 a motion to reopen and reconsider the case, all  
9 in favor, indicate by saying aye?

10 THE COMMISSION: Aye.

11 CHAIRMAN D. DUMEZICH: All opposed?

12 *(No response.)*

13 CHAIRMAN D. DUMEZICH: 4-0, motion carries.

14 I'll entertain a motion to waive the -- waive  
15 the, at this point it would be a proposed fine  
16 because we reopened it, a proposed fine of  
17 \$1,000 against the Orange County --

18 VICE CHAIR A. LONG: Move to dismiss the  
19 case -- it's gone.

20 CHAIRMAN D. DUMEZICH: Move to dismiss the  
21 case.

22 VICE CHAIR A. LONG: If you want to fine  
23 them, I'll be happy to -- the Orange County  
24 Republicans, that's all right with me and tell  
25 them that you -- it was your idea.

1           **CHAIRMAN D. DUMEZICH:** Motion to dismiss,  
2 do I hear a motion to dismiss?

3           **COMMISSION MEMBER S. RIORDAN:** So moved.

4           **CHAIRMAN D. DUMEZICH:** Second?

5           **COMMISSION MEMBER J. MYERS:** Second.

6           **CHAIRMAN D. DUMEZICH:** Hearing a second on  
7 the motion to dismiss, any discussion?

8           *(No response.)*

9           **CHAIRMAN D. DUMEZICH:** Hearing none, all in  
10 favor of dismissing the fine against the Orange  
11 County Republican, Friends of Republicans, or  
12 whatever it is.

13           **VICE CHAIR A. LONG:** Actually, dismissing  
14 the case.

15           **CHAIRMAN D. DUMEZICH:** Dismiss the case?

16           **VICE CHAIR A. LONG:** Yeah.

17           **COMMISSIONER D. DUMEZICH:** All in favor, say  
18 aye?

19           **THE COMMISSION:** Aye.

20           **CHAIRMAN D. DUMEZICH:** All opposed?

21           *(No response.)*

22           **CHAIRMAN D. DUMEZICH:** Hearing none, 4-0.  
23 The case is dismissed.

24           **MS. M. THOMPSON:** That's it.

25           **CHAIRMAN D. DUMEZICH:** No more campaign

1 finance. Let's go to our voting systems  
2 technical oversight program. I recognize Dr.  
3 Ray Scheele, and Dr. Jay -- Dr. Jay Bagga, and  
4 Dr. Joe Losco of Ball State.

5 **DR. R. SCHEELE:** Dr. Bagga could not be  
6 with us today, but Dr. Losco is here, and with  
7 us also is Miss Chaitanya Mahasa --

8 **MS. C. MAHASAMUDRAM:** Mahasamudram.

9 **DR. R. SCHEELE:** Mahasamudram, yes. She's  
10 our computer specialist, keeps all of our data  
11 in the data base that's retrievable. So what we  
12 want to do today is, I think all of you had an  
13 advance the first item on the agenda under VSTOP  
14 is the Unisyn Open Elect Voting System. You  
15 have our report, I think in your binder there  
16 indicating that on July 14th, 2010, the Unisyn  
17 Voting Solutions of Vista, California applied  
18 for certification of that voting system here in  
19 Indiana.

20 It was certified, that system, by the Federal  
21 Election Systems Commission on January 12th, 2010.  
22 We evaluated that system in a field test on our  
23 campus at Ball State University on February 23rd of  
24 this year. We used the standard protocols that you  
25 are familiar with, in terms of that field test. We

1 did all of the mapping of the lab results on the  
2 Unisyn system as well.

3 The test results found that the voting system  
4 as described here in your memo met all of the  
5 requirements of the Indiana Code for use in the  
6 State of Indiana, including the compliance with the  
7 legal requirements for voters with disabilities,  
8 and I am certainly willing to respond to any  
9 questions or thoughts that you might have, as is  
10 Dr. Losco.

11 **VICE CHAIR A. LONG:** Hi Ray.

12 **DR. R. SCHEELE:** Hi.

13 **CHAIRMAN D. DUMEZICH:** Do we have any  
14 questions?

15 *(No response.)*

16 **CHAIRMAN D. DUMEZICH:** Hearing no  
17 questions, is there a representative from Unisys  
18 (sic) here?

19 **UNIDENTIFIED SPEAKER:** Yes.

20 **CHAIRMAN D. DUMEZICH:** Would you like to  
21 come up and speak regarding the application; do  
22 you have anything you'd like to say?

23 **VICE CHAIR A. LONG:** You got anything to  
24 add?

25 **CHAIRMAN D. DUMEZICH:** Do we have any -- I

1 mean, does the Commission have any questions of  
2 the representatives of...

3 **VICE CHAIR A. LONG:** I do have a question.

4 **DR. R. SCHEELE:** Sure.

5 **VICE CHAIR A. LONG:** Thanks to our counsel.  
6 She reminded me. The older I get, the more I  
7 forget, and it's catching up to me. Wasn't  
8 there an issue when we had a straight ticket  
9 punch and then a crossover that there was a  
10 question about the tabulation there?

11 **DR. R. SCHEELE:** That has been a question,  
12 yes, and we tested that in our field tests, and  
13 consequently, under the Indiana Code, we're one  
14 of the five states that requires straight party  
15 punch, and that initially was a problem with  
16 some of the voting systems, that it wasn't  
17 accounting for that.

18 This system does, okay, and the ones -- the  
19 other systems that we've been testing likewise also  
20 do that, so I think most of the vendors that are  
21 interested in doing business in Indiana are now  
22 understanding that as part of our code.

23 **VICE CHAIR A. LONG:** Okay.

24 **CHAIRMAN D. DUMEZICH:** Any other questions  
25 of Dr. Scheele?

1 (No response.)

2 **CHAIRMAN D. DUMEZICH:** Hearing none, okay.  
3 Representatives from Unisys are here; do we have  
4 any questions of them?

5 **MR. G. HAHN:** Just for the record, my name  
6 is Greg Hahn with Bose McKinney & Evans, and I'm  
7 here with Unisys, as well as RBM, so if there's  
8 any questions, we'll be glad to respond.

9 **MR. E. CHAMPLAIN:** Unisyn instead of  
10 Unisys.

11 **CHAIRMAN D. DUMEZICH:** Sorry. A force of  
12 habit -- yeah, and can you state your name for  
13 the record?

14 **MR. E. CHAMPLAIN:** Oh, I apologize, Eric  
15 Champlain, C-H-A-M-P-L-A-I-N.

16 **CHAIRMAN D. DUMEZICH:** Thank you. Hearing  
17 none, is there a motion from the commission  
18 members for the Commission to approve the Unisyn  
19 Voting System with hardware, firmware, software  
20 set forth in the Ball State report approved for  
21 marketing, sale, lease, installation,  
22 implementation and use in Indiana elections  
23 until October 1st, 2013?

24 **VICE CHAIR A. LONG:** So moved.

25 **CHAIRMAN D. DUMEZICH:** Is there a second?

1 COMMISSION MEMBER J. MYERS: Second.

2 VICE CHAIR A. LONG: Could I ask one  
3 question of the co-directors?

4 CHAIRMAN D. DUMEZICH: Certainly.

5 VICE CHAIR A. LONG: Is this consistent  
6 with your recommendation?

7 MR. T. DECKARD: It is, Mr. Vice Chair.

8 MR. B. KING: Yes, sir, it is.

9 VICE CHAIR A. LONG: I assumed that. We  
10 haven't heard from you, but that's why I wanted  
11 to be on record inquiring.

12 CHAIRMAN D. DUMEZICH: Okay. If there's no  
13 further discussion, the question on the adoption  
14 of the motion, all in favor, say aye?

15 THE COMMISSION: Aye.

16 COMMISSIONER D. DUMEZICH: All opposed, say  
17 nay?

18 *(No response.)*

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

21 VICE CHAIR A. LONG: This is the most  
22 comfortable I've had in voting for one of these  
23 in the 14 years I've been on here, and that's  
24 thanks to you guys. I appreciate it.

25 DR. R. SCHEELE: Thank you.

1           **CHAIRMAN D. DUMEZICH:** No question.  
2 Election systems and software application  
3 related matters. I recognize Dr. Scheele to  
4 provide an update to the Commission with regard  
5 to the pending application from ES&S for  
6 approval of the Unity 3.2.1.0 Voting System.

7           **DR. R. SCHEELE:** Yes. Thank you, Mr.  
8 Chairman. The ES&S 3.2.1.0, we have field  
9 tested the voting system, likewise, as we do the  
10 other systems, and at this point in time we are  
11 still under evaluation as of even Friday  
12 afternoon.

13           We've been in touch with the representatives  
14 of ES&S. We had a conference call, as well as  
15 exchanging e-mails with respect to one particular  
16 issue, which there's only one outstanding issue,  
17 with respect to that voting system. The others  
18 have been to our satisfaction cleared and a lot of  
19 discussions with the technical experts across the  
20 country, as well as, obviously, with ES&S.

21           So at this point in time, it's still under  
22 evaluation. The specific nature of that is we need  
23 to seek more answers with respect to our field  
24 tests that was conducted at the University in which  
25 there was one mark on the test ballots that we ran

1 that was read by the voting system twice -- one  
2 time it was counted as a vote and the other time it  
3 was not counted as a vote so there was an  
4 inconsistency in the vote count.

5 That's what we've spent a great deal of time  
6 on with the vendor. They have been very  
7 cooperative in working with us in trying to discern  
8 why that anomaly occurred, and likewise, we are  
9 also working with the test labs, so that may take a  
10 little while longer here for us to get a -- to  
11 pinpoint the exact problem that we detected in the  
12 field tests. So that's where we're at with respect  
13 to 3.2.1.0 ES&S, and a representative of ES&S is  
14 here.

15 **CHAIRMAN D. DUMEZICH:** Yes, I was going to  
16 ask, is there a representative from ES&S, and  
17 would you like to speak regarding this  
18 application?

19 **MS. K. ROGERS:** Yes, I would. Thank you.  
20 My name is Kathy Rogers. I'm senior vice  
21 president of government affairs for ES&S. I am  
22 here today, but unfortunately, my technical  
23 crew's flight was canceled so I'm here without  
24 them, but I will tell you that we have had many  
25 conversations with Ball State and also with the

1 voting system test laboratory on this particular  
2 issue that is mentioned.

3 In that case, we believe that additional  
4 testing may not prevail any further findings  
5 because the mark outside of the target oval  
6 pursuant to the voting system tester should not be  
7 counted. That mark -- we count consistently  
8 marks -- marks within the test area, but if it's  
9 outside of the test area, that's a different story.  
10 Actually, the voting system standards tell you that  
11 you should not test, that you should not count  
12 extraneous marks.

13 We've been having great dialogues on this and  
14 talking with the laboratories. The lab has said  
15 that they do have an EAC approved test that they  
16 can utilize to help provide some additional, and I  
17 believe was part of the original Wyle test, but we  
18 could run that test again, if the Commission would  
19 like us to do so, to show that we did meet the  
20 original test standards.

21 At this point that's about what we have to  
22 offer. I -- we very much want to come to  
23 completion on this certification. We're willing to  
24 work with Ball State and with the Commission on  
25 that, but we do feel like we're meeting the

1 standard as it exists today, as it relates to  
2 extraneous marks, and I'll take any questions.

3 **VICE CHAIR A. LONG:** I don't see that we  
4 have a fine answer at this point by our  
5 representatives or advisers, is that what I'm...

6 **DR. R. SCHEELE:** Right. We will continue  
7 to work closely with the vendor as well as the  
8 testing agency.

9 **CHAIRMAN D. DUMEZICH:** How much time do you  
10 need, do you anticipate you need to finish up  
11 the testing?

12 **DR. R. SCHEELE:** I don't know. We'll have  
13 to get together with the vendor and the lab.  
14 Actually, as I say, this is the only issue  
15 that's yet standing with regard to this voting  
16 system, so hopefully, we could wrap it up pretty  
17 quickly.

18 **MS. K. ROGERS:** We would love to have this  
19 certified for the State of Indiana by the 1st of  
20 August at the -- at the latest possible. That  
21 would be a preferable deadline for our county.

22 **VICE CHAIR A. LONG:** The counties that  
23 we're dealing with were Monroe, I remember.

24 **MS. K. ROGERS:** Yes, sir.

25 **DR. R. SCHEELE:** Yeah, correct. I think,

1 Joe, you have the list?

2 DR. J. LOSCO: Yes. We show three counties  
3 with the use of this -- Newton, Monroe and  
4 Jackson.

5 DR. R. SCHEELE: Although I think Monroe  
6 is -- went back to a paper vote, I think, for  
7 the primary.

8 MS. K. ROGERS: They're pending.

9 UNIDENTIFIED SPEAKER: Monroe is without.

10 DR. R. SCHEELE: Oh, you're without, okay.

11 UNIDENTIFIED SPEAKER: We borrowed ES&S  
12 equipment during the primary.

13 DR. R. SCHEELE: I'm sure -- I wasn't sure.

14 UNIDENTIFIED SPEAKER: We did not use ES&S  
15 for that, just paper ballot so...

16 VICE CHAIR A. LONG: Ann Ellis, (Phonetic)  
17 from Lapel, the last time I saw her, said make  
18 sure that Monroe County gets to use our  
19 machines, so she's threatened me here, and I  
20 would appreciate a great attention to this for  
21 all of -- the counties are who I worry about --  
22 I mean, these folks have invested hundreds of  
23 thousands of dollars and they're sitting in a  
24 flux not knowing what's going to happen, and I  
25 just think that we need to look at a real tight

1 time line to see that that happens. This lady  
2 back here has...

3 **CHAIRMAN D. DUMEZICH:** Okay.

4 **MS. K. ANDERSON:** I'm sorry, I'm the clerk  
5 of Boone County and I haven't had a whole lot of  
6 contact with --

7 **CHAIRMAN D. DUMEZICH:** Can you, please,  
8 identify yourself for the record and give me  
9 your name?

10 **MS. K. ANDERSON:** Kimberly Anderson, Boone  
11 County Clerk. We have had some minor issues  
12 that we've got with the ES&S system and we have  
13 lost voter confidence because of things that  
14 took place with the programming and the  
15 information provided was minimal.

16 You have to understand that Newton County  
17 actually started using and signed a contract with  
18 ES&S at the end of March so we were running into  
19 the primary, the 2010 primary quite fast, so there  
20 wasn't a whole lot of training as far as the site  
21 went and there wasn't a whole lot of information  
22 given. We started building grids.

23 We had no clue about a portal that would give  
24 us any information with regard to some of the major  
25 issues that we actually did deal with in Newton

1 County and we're still dealing with, so I'm not  
2 here to bash, but there are some real issues that  
3 need to be taken care of and they need to be taken  
4 care of as quickly as possible.

5 We're coming up on another election, and I  
6 think we happen to be one of the counties that  
7 actually used the 3.2.0.0 and we are completely  
8 dissatisfied. We have minimal contact so -- and  
9 really, if it wasn't for the Commission, Newton  
10 County would not have known the issues that existed  
11 with ES&S so...

12 **CHAIRMAN D. DUMEZICH:** Okay.

13 **MS. K. ANDERSON:** That's all I have to say.

14 **MS. M. TADEN:** I'm Marlene Tate and I'm the  
15 chief deputy for Newton County.

16 **VICE CHAIR A. LONG:** Would you come down  
17 closer so we can hear you a little better and  
18 this lady can record you?

19 **MS. M. TADEN:** MY name is Marlene Taden,  
20 T-A-D-E-N, and I am the chief deputy in Newton  
21 County. I have a stack of technical bulletins  
22 here, which when we signed up with ES&S, we were  
23 never advised that we could go into a portal and  
24 look at these technical bulletins.

25 If we had, we might not have even signed on

1 with them to begin with because they go way back  
2 and there are things that are in these bulletins  
3 that have happened to us and have kind of been  
4 dismissed when we questioned them.

5 So I guess what I want to say is we had a  
6 customer service person rep come and talk to us  
7 several times, but never said listen, here's access  
8 to the portal. I was the only person who got  
9 access to this portal until February of 2011, when  
10 Kimberly got it.

11 So IT didn't have it. The clerk didn't have  
12 it. Basically, I had it, and was running in there  
13 and building grids. Had no idea that we could find  
14 these technical bulletins. We did not receive the  
15 ones that were told we received and in the minutes  
16 of your meetings you indicate the same thing.

17 So this is where our big dissatisfaction is.  
18 It's -- it's caused a big loss in voter confidence.  
19 We are small and word gets around quick and we went  
20 out on the limb to go with ES&S and now we're kind  
21 of paying the price for it so I don't know.

22 We're talking about the 3.2.1.0, and then  
23 we've got another one that we're talking about as  
24 well, so I'm waiting to hear on the other one, but  
25 this is where we stand with it, and we have to

1 report to our commissioners and to our county  
2 attorney and...

3 **CHAIRMAN D. DUMEZICH:** Sure.

4 **MS. M. TADEN:** That's -- it's a big concern  
5 for us.

6 **CHAIRMAN D. DUMEZICH:** Would you like to  
7 address any...

8 **MS. K. ROGERS:** I'll be glad to address  
9 both comments. First off, I do recall, and I'm  
10 so sorry, I believe Kimberly made some comments  
11 at the last commission meeting about programming  
12 issues and errors that have been encountered,  
13 and those were noted.

14 I'm uncertain if those concerns are related to  
15 3.2.1.0 or 3.2.0.0, or whether they were  
16 programming issues, if that -- I was not clear, but  
17 certainly, we do need to find out what those issues  
18 were and make sure that they're addressed.

19 As far as technical bulletins, I do very much  
20 apologize that we have a number of states who are  
21 not aware that the portal has multiple functions.  
22 The portal is frequently used by our customers to  
23 send in ballot definition to have their ballots  
24 created, but in addition to that, we began to use  
25 the portal as a way for you to send information, if

1 there's anything about the system that you need to  
2 know, best practices or anomalies which arise. We  
3 use it for a host of information.

4 We did and had failed to provide that  
5 information to the commission as well as to Mr.  
6 Deckard and Mr. King. We recently rectified that,  
7 they're now able to receive that information, which  
8 is why we had several customers who got that all at  
9 one time as well.

10 We -- we had a lapse in time, obviously, that  
11 some Indiana election officials were not aware. I  
12 will very much, however, stand behind the  
13 importance of those technical bulletins. If you  
14 have anybody who's providing services and vendors  
15 aren't providing those bulletins, you should ask  
16 why, because everybody should be presenting  
17 technical bulletins on their systems as issues  
18 arise. That's something we very much believe in,  
19 and I do apologize for the delay in receiving  
20 those.

21 **VICE CHAIR A. LONG:** Is your position now  
22 that this upgrade, or I may use the wrong term,  
23 solves the problem?

24 **MS. K. ROGERS:** Yes, sir. We just  
25 completed the 3.2.1.0. It's been certified by

1 the EAC. It does take care of the problems that  
2 were in 3.2.0.0. 3.2.0.0 is also being cured.  
3 We're in the process of curing that particular  
4 application.

5 If you'll remember, at the last meeting, you  
6 had it on the agenda for possible decertification.  
7 You tabled that or took no action on that pending  
8 3.2.1.0. 3.2.1.0 has now passed all tests -- it  
9 passed in Florida, passed in Ohio, and at this time  
10 we would like to upgrade the 3.2.0.0 customers to  
11 that.

12 Now we are going in and curing the 3.2.0.0  
13 application at the EAC simply because we don't want  
14 to have a decertification so we're going to cure  
15 that one, and we could bring that into these  
16 customers, 3.2.1.0 contains a host of additional  
17 features that are above and beyond 3.2.0.0 so we  
18 would prefer to bring that one into our customers  
19 and Ball State may have seen the difference between  
20 those two in testing as well.

21 I note, and I apologize tremendously for  
22 Newton. I -- I -- I want to talk to you myself,  
23 but I do know that other counties are very anxious  
24 to receive 3.2.1.0 equipment to proceed. Even  
25 though we'll continue to lend you equipment to get

1 you where you need to be, I know that they're very  
2 anxious to receive the new equipment.

3 We would be willing to continue testing, if we  
4 all can agree upon a test with Wyle, for the  
5 future. We would need to do that immediately or  
6 consider a certification that's pending that test.

7 **VICE CHAIR A. LONG:** It seems to me where  
8 we were. We just need to wait --

9 **CHAIRMAN D. DUMEZICH:** Yep.

10 **VICE CHAIR A. LONG:** -- until Ball State  
11 tells us where we are and the co-directors are  
12 content.

13 **CHAIRMAN D. DUMEZICH:** And we have to have  
14 it, I think, resolved certainly by the end of  
15 August so I'd like to have a meeting by the  
16 first week in August, if that works for  
17 everybody. Do you guys want to pick a date?

18 **VICE CHAIR A. LONG:** Let me check. I've  
19 got a vacation. It's...

20 **CHAIRMAN D. DUMEZICH:** We also had an  
21 e-mail concerning replacement parts from people  
22 that are no longer...

23 **MS. K. ROGERS:** Engineering change orders  
24 are on the agenda as well.

25 **DR. R. SCHEELE:** Right. We've got some

1 ECOs that we can talk about in a minute.

2 **CHAIRMAN D. DUMEZICH:** Okay.

3 **VICE CHAIR A. LONG:** I could meet the  
4 second week, the 8th, 9th, 10th, and the 11th.

5 **COMMISSION MEMBER S. RIORDAN:** Does that  
6 allow enough time for the clerks?

7 **VICE CHAIR A. LONG:** Or I can go back to...

8 **MS. M. TADEN:** I have just a -- ask a quick  
9 question, and this is my whole problem rushing  
10 into something, just rushing into it. So we've  
11 got the equipment, everything's cleared off, are  
12 we going to have people who come in who actually  
13 train you and take you through the portal? Are  
14 we going to have system updates immediately?

15 The first one I received was February of 2011,  
16 the same one you received, and prior to that, it  
17 was nothing, and some of the issues that we dealt  
18 with in Newton County, we couldn't figure out for  
19 the longest time why we were dealing with such a  
20 huge amount of problems with such a new system, and  
21 once I came here the first time and heard all the  
22 issues and got all the information, it's shocking  
23 so -- but to me, we're going to run out of time.

24 We happen to have equipment that we're leasing  
25 so I have to have an answer from them, you know,

1 what they're going to provide, whether you guys  
2 feel that they're satisfactory because I'm not  
3 going to feel comfortable at this point continuing  
4 with this company with everyone feeling so  
5 unsatisfactory about everything.

6 **MS. K. ANDERSON:** And as well, the  
7 personnel changes at ES&S are a big problem  
8 because we communicate with one person and we  
9 either have an agreement with them via e-mail or  
10 telephone, the next thing we know, that person  
11 is no longer there, and we don't even realize  
12 that person isn't there, so the individual that  
13 you're dealing with has moved, and they have had  
14 tremendous personnel changes and it's difficult  
15 for us, and maybe that's how they missed out on  
16 showing us the portal and showing us these  
17 technical bulletins and stuff. It's -- it's --  
18 it's been difficult. We had one minor issue  
19 that took us eight months to clear up because of  
20 the personnel changes -- very, very minor.

21 **CHAIRMAN D. DUMEZICH:** I mean, we're going  
22 to do our best to get this done for you, but if  
23 is there something -- I mean, what's -- what's a  
24 timetable that would work for people like you,  
25 just so you understand -- I mean, when can --

1 we're proposing -- you know, we're talking about  
2 the first week in August, do you think that's  
3 too late or does it have to be something before  
4 that?

5 **MS. K. ANDERSON:** No, that's fantastic. I  
6 just -- I don't want us to get too -- too far  
7 into it and then we've got to make a decision  
8 and then -- we need to know where we're headed.

9 **COMMISSION MEMBER S. RIORDAN:** When you say  
10 that you've got to make a decision, have you  
11 signed an agreement with ES&S?

12 **MS. K. ANDERSON:** We have a lease  
13 agreement. We did not purchase.

14 **COMMISSION MEMBER S. RIORDAN:** Okay. So  
15 making a decision, are you talking about what  
16 you need to be to administer the November  
17 elections this year?

18 **MS. K. ANDERSON:** No, there are no  
19 elections in Newton County this year.

20 **COMMISSION MEMBER S. RIORDAN:** You have no  
21 municipals.

22 **MS. K. ANDERSON:** Right, but we're going  
23 into primaries.

24 **COMMISSION MEMBER S. RIORDAN:** Primaries,  
25 okay. So how long does your lease extend to?

1 MS. K. ANDERSON: I believe it's four  
2 years.

3 COMMISSION MEMBER S. RIORDAN: I'm sorry?

4 CHAIRMAN D. DUMEZICH: Four years.

5 COMMISSION MEMBER S. RIORDAN: Four years,  
6 so you're in -- you're in the middle of a lease  
7 now?

8 MS. K. ANDERSON: Yes.

9 COMMISSION MEMBER S. RIORDAN: So you're  
10 not trying to make a decision about whether to  
11 buy or -- I mean, you're basically in this lease  
12 for the next while anyway; right?

13 MS. K. ANDERSON: Yes.

14 COMMISSION MEMBER S. RIORDAN: And what  
15 you're trying to do is find out if you can  
16 upgrade to this next system.

17 MS. K. ANDERSON: Whether.

18 COMMISSION MEMBER S. RIORDAN: Whether, and  
19 then you're looking for a little bit better  
20 customer service, it sounds like?

21 MS. K. ANDERSON: Absolutely.

22 COMMISSION MEMBER S. RIORDAN: I don't  
23 think we can help you with customer service.

24 MS. K. ROGERS: I can.

25 COMMISSION MEMBER S. RIORDAN: She can help

1           you with customer service and you've got a vice  
2           president here and it sounds like she's  
3           committed.

4           **MS. K. ROGERS:** Well, at this point, really  
5           then I'm trying to just...

6           **CHAIRMAN D. DUMEZICH:** We don't want to  
7           decertify anything.

8           **MS. K. ANDERSON:** And I don't want an a  
9           irate customer so she will have her number  
10          before you leave, I promise you.

11          **CHAIRMAN D. DUMEZICH:** Right.

12          **COMMISSION MEMBER S. RIORDAN:** Right.

13          **CHAIRMAN D. DUMEZICH:** She's not giving you  
14          an ad for your company right now.

15          **MS. K. ROGERS:** No.

16          **COMMISSION MEMBER S. RIORDAN:** So what  
17          we're waiting for then is for the certification  
18          process of this new upgrade to be completed and  
19          that's between our third party and the vendor;  
20          right, and you're working on it, and you feel  
21          like you're getting down to one issue left to be  
22          resolved -- can probably do it by August, so you  
23          can live with upgrades by August. What about  
24          you, you do have municipals in Monroe County;  
25          right?

1           **MS. L. ROBBINS:** We do have -- yes, I'm  
2 Linda Robbins, the Monroe County Clerk, and yes,  
3 we do have the municipals. We were -- I can  
4 tell you that ES&S has been very good to us in  
5 loaning equipment and working with us through  
6 the primary and -- but we are looking towards  
7 vote centers for the fall and they are also  
8 working with us within the contract to be able  
9 to change out our equipment as well, but the lag  
10 time does not really -- August doesn't give us  
11 an ability to educate our public with what we  
12 would like to do.

13           **COMMISSION MEMBER S. RIORDAN:** With respect  
14 to this particular upgrade or with respect to...

15           **MS. L. ROBBINS:** Yeah, to use the  
16 machine -- no, we have not used the machine  
17 before.

18           **COMMISSION MEMBER S. RIORDAN:** Okay.

19           **MS. L. ROBBINS:** They use a paper ballot  
20 and they circled in holes and that's all they've  
21 done so we -- there's a certain amount of  
22 education we'll have to do with our public just  
23 for the voting process, in addition to the vote  
24 centers. So that three months is -- that three  
25 months is pretty short for us to know what we're

1 doing, and the ballot boxes are...

2 **MS. K. ROGERS:** I will pledge on behalf of  
3 the company that we'll jump in and do everything  
4 we can to assist in that time frame, but there  
5 are certain components of it, such as voter  
6 education, which would fall under the office, so  
7 I'll -- I'll pledge all the support we can, but  
8 I recognize that...

9 **MS. L. ROBBINS:** I just need to know what  
10 we're dealing with.

11 **MS. K. ROGERS:** Absolutely, understood.

12 **COMMISSION MEMBER S. RIORDAN:** But one way  
13 or another, you are going to use electronic --  
14 you're going to use ES&S touch screens, whether  
15 you have vote centers or not.

16 **MS. L. ROBBINS:** No.

17 **COMMISSION MEMBER S. RIORDAN:** So it's all  
18 dependent upon certification of this particular  
19 version; do I understand correctly?

20 **MS. L. ROBBINS:** That's correct, we don't  
21 have any touch screens.

22 **COMMISSION MEMBER S. RIORDAN:** Okay. And  
23 you're not slated to use some different version  
24 of it in the fall, this would be the first time  
25 you're going to roll it out?

1           **MS. L. ROBBINS:** That's correct. We  
2 literally have nothing right now.

3           **CHAIRMAN D. DUMEZICH:** Okay. Anymore  
4 discussion on this?

5           **COMMISSION MEMBER S. RIORDAN:** I don't  
6 think so.

7           **VICE CHAIR A. LONG:** We appreciate you all  
8 coming. You ladies back there, this is really  
9 helpful, and rest assured all four of us up  
10 here, our No. 1 concern in this deal is the  
11 three counties out there that are dealing with  
12 this problem and that's...

13           **COMMISSION MEMBER S. RIORDAN:** The time is  
14 not as much of the essence for you -- it's  
15 crunch time for you and then do we have another  
16 clerk here?

17           **MS. A. LOWERY:** From Jackson County, Amanda  
18 Lowery from Jackson County.

19           **VICE CHAIR A. LONG:** Okay. Awful shy.

20           **MS. A. LOWERY:** I'm probably in the best  
21 position of everyone -- Amanda Lowery,  
22 L-O-W-E-R-Y. The former clerk purchased or  
23 signed an agreement with ES&S to purchase the  
24 3.2.0.0 version. I was notified by the election  
25 division early this spring that it had failed to

1 be certified, and since then I've been waiting,  
2 just waiting and waiting and waiting.

3 Jackson County is in a unique position, in  
4 that we still had our old equipment available. We  
5 use that for the primary. We'll have it for  
6 November, I suppose, but we're just waiting so...

7 **CHAIRMAN D. DUMEZICH:** We're going to do  
8 the best we can. Sarah and Jon, how does the  
9 8th sound, August 8th; does that sound good from  
10 Ball State's standpoint?

11 **DR. R. SCHEELE:** I think we can make that  
12 work.

13 **VICE CHAIR A. LONG:** How about the clerks  
14 that work for you guys in the county offices,  
15 would that work for you all?

16 **MS. L. ROBBINS:** If -- this is Linda  
17 Robbins, again, from Monroe County, and if I can  
18 say, we -- I'm not the legal person on this but  
19 we do have an August 1 date with our contract  
20 with ES&S as far as certification and where we  
21 go from there, so if you guys could meet that,  
22 that would be great.

23 **MS. K. ROGERS:** She's right. I did look at  
24 the contract, and the circumstances could change  
25 after August 1.

1           **MS. L. ROBBINS:** Yes.

2           **VICE CHAIR A. LONG:** I would think that  
3 ES&S would be more than generous in their  
4 negotiations.

5           **MS. K. ROGERS:** We very much will, if the  
6 county is willing to work with us.

7           **VICE CHAIR A. LONG:** If the county wants to  
8 bail, there's your chance, I guess.

9           **MS. L. ROBBINS:** Thank you.

10          **CHAIRMAN D. DUMEZICH:** Let's go to the  
11 next -- so we're going to be set on August 8th,  
12 and let's do it at 10:00 o'clock -- August 8th,  
13 10:00 o'clock, that's a Monday.

14          **DR. R. SCHEELE:** Next up. Should I?

15          **CHAIRMAN D. DUMEZICH:** Yep, keep going.

16          **DR. R. SCHEELE:** Okay. Next up are some  
17 engineering change orders or modifications to  
18 existing certified voting systems. I think you  
19 received in advance a proposed protocol that we  
20 have developed after many months.

21                 We worked closely with Brad and Trent of the  
22 Election Division. They reviewed it. They  
23 recommended that we send it out to the vendors so  
24 the vendors could have input into this protocol  
25 because these change orders can often, you know,

1 modify the core functioning of a voting system.  
2 Also, many of them, most of them would be de  
3 minimis, just minor changes, so that's the protocol  
4 that we developed.

5 We also sent you background information about  
6 the comments from the vendors. We summarized  
7 those. We also had a couple of critical  
8 suggestions and we also provided to you our  
9 analysis of those from vendors and told you why we  
10 interpreted those particular provisions in a  
11 certain way.

12 We have used this protocol to evaluate the  
13 engineering change orders from ES&S, and we have  
14 been through the lab tests of many of those, but we  
15 cannot ask you to approve those until you approve  
16 the protocol.

17 So if you've had a chance to review the  
18 protocol and you are satisfied with the overall  
19 procedures that we follow in that protocol for  
20 evaluating modifications and engineering change  
21 orders, then we can go to the list of ECOs that  
22 we've been able to review and could recommend to  
23 you for your action.

24 **MR. B. KING:** Mr. Chairman?

25 **CHAIRMAN D. DUMEZICH:** Yes.

1           **MR. B. KING:** Members of the Commission,  
2 the policies and procedures that Dr. Scheele are  
3 referring to is directly behind the 1:00 CFA  
4 tab. There's a couple of documents that precede  
5 them, but it's entitled, Proposed Policies and  
6 Procedures for Managing Changes in Indiana  
7 Certified Voting Systems dated April 13th, 2011.

8           I'll repeat what Dr. Scheele said, that the  
9 co-directors have reviewed this. We've sent it out  
10 for comment to the vendors, received a couple of  
11 particular comments that were taken into  
12 consideration. These policies and procedures would  
13 apply to changes to any voting system, not just  
14 ES&S, and we would recommend them -- recommend  
15 these policies to you for adoption. I'll be happy  
16 to answer questions.

17           **MR. T. DECKARD:** Mr. Chairman, I would  
18 point out, and I agree with Mr. King on that. I  
19 appreciate the work of the folks at VSTOP on  
20 this, and also the great deliberation that we  
21 had in this, in keeping -- making sure we're  
22 following state code, as well as getting  
23 approval from the commissioners on changes in  
24 our systems which was fundamentally important,  
25 so we appreciate it very much.

1           **CHAIRMAN D. DUMEZICH:** Any further  
2 questions from staff or any of the vendors?

3           **VICE CHAIR A. LONG:** Procedure on the --  
4 the adoption of the procedure, is this something  
5 we adopt or is this something that Ball State  
6 adopts, and we say yes, okay.

7           **DR. R. SCHEELE:** I think --

8           **CHAIRMAN D. DUMEZICH:** I don't think we  
9 would adopt it.

10          **VICE CHAIR A. LONG:** That's what I  
11 understood.

12          **CHAIRMAN D. DUMEZICH:** I mean, is there a  
13 motion, I guess?

14          **VICE CHAIR A. LONG:** That's the question,  
15 is do we need to adopt these as the proposed  
16 policies and procedures -- as the policies and  
17 procedures, and I make that motion -- I've read  
18 this earlier and I think that is a nice piece of  
19 work.

20          **CHAIRMAN D. DUMEZICH:** There is a motion to  
21 adopt, do I hear a second?

22          **COMMISSION MEMBER J. MYERS:** Second.

23          **CHAIRMAN D. DUMEZICH:** Is there any further  
24 discussion regarding the proposed policies and  
25 procedures for voting systems?

1           *(No response.)*

2           **CHAIRMAN D. DUMEZICH:** Hearing none, motion  
3 on the floor, all in favor of that motion,  
4 indicate by saying aye?

5           **THE COMMISSION:** Aye.

6           **CHAIRMAN D. DUMEZICH:** Opposed?

7           *(No response.)*

8           **CHAIRMAN D. DUMEZICH:** Hearing none, passes  
9 4-0, and we have adopted the policies and  
10 procedures that are set forth in our binder.  
11 Thank you -- oh, there's one thing I do want to  
12 talk about: ES&S replacement parts, is there  
13 anybody here that wants to address that?

14           **MR. B. KING:** Mr. Chairman, the Election  
15 Division yesterday afternoon received an e-mail  
16 from the Vanderburgh County Clerk on this topic.  
17 I have copies that were made that I can provide  
18 the commission if you'd like to receive those at  
19 this time.

20           **CHAIRMAN D. DUMEZICH:** Sure. Does anyone  
21 from the commission staff want to speak to these  
22 e-mails?

23           **MR. B. KING:** Mr. Chairman, I think I'm the  
24 person who can speak to them because we know  
25 when they came in. This came in yesterday at

1 1:45 and file stamped at 2:02. This is from  
2 Susan Kirk, who's the Vanderburgh Circuit Court  
3 Clerk. The first two sheets are the same one,  
4 one just has the file stamp.

5 She indicated that she was going to plan to be  
6 at the commission's meeting today but could not.  
7 Her concerns address a number of customer service  
8 issues, which are detailed on Page 1, 2 and 4 -- 1,  
9 2, 3 and 4 of the following.

10 Some concern issues with the original ES&S  
11 contract, others with regard to new contractual  
12 issues with ES&S, and then also the difficulty in  
13 obtaining the replacement parts, I believe, and  
14 these do not concern voting system certification  
15 for the 3.2.1.0, but instead are addressing  
16 contractual issues, including the difficulty that  
17 Vanderburgh County reports in obtaining replacement  
18 parts for counties who use RBM rather than ES&S for  
19 election services.

20 **MR. T. DECKARD:** Mr. Chairman, this is the  
21 first time that I've seen this e-mail, but I  
22 have heard similar sentiments expressed before  
23 in conversations with clerks and election staff  
24 across the state, so I -- I couldn't speak to  
25 the e-mail, specifically, but I can tell you

1 that.

2 **CHAIRMAN D. DUMEZICH:** Thank you.

3 **MS. K. ROGERS:** If I may ask, Brad or  
4 Trent, did you have a document, and I'm sorry, I  
5 did not come fully prepared to speak on this  
6 today, but I do recall that there's a dialogue  
7 between John Growe (Phonetic), our counsel, our  
8 counsel, and I believe it was the Secretary of  
9 State's office, as it related to this, and I  
10 believe our counsel sent a letter outlining our  
11 stance on this; do you recall this?

12 **CHAIRMAN D. DUMEZICH:** Can you tell -- just  
13 briefly tell us what your understanding was?

14 **MS. K. ROGERS:** Well, in a nutshell, part  
15 of our problem with parts, certified parts being  
16 provided to other vendors is that we are  
17 required under the EAC program to go through the  
18 entire certification process, what we're here  
19 today talking about.

20 We spend millions of dollars getting to this  
21 point and being able to bring certified systems to  
22 the market. When we allow our parts supply to be  
23 so outside of that, it -- other people are  
24 circumventing the entire certification process.  
25 They are providing the service, won't install the

1 parts, but they're not spending the money and the  
2 dollars that it takes to bring the product to the  
3 market, that's one concern, but the biggest  
4 concern, the one that troubles me the most is that  
5 under the EAC, they have a quality monitoring  
6 program where any election official is required to  
7 report system anomalies to the EAC.

8 Those reports of system anomalies could then  
9 become possible reports that lead to  
10 decertification. We, the vendor, the person that  
11 holds the certification is the person who has to  
12 stand behind that and the person that has to see it  
13 through the process. If there's an issue, as for  
14 the 3.2.0.0, go through the complete  
15 recertification, and those parts, if we don't know  
16 who installed the part or how they installed the  
17 part, we can't stand behind that.

18 So there is a huge legal risk to our company  
19 if we're not the part supplier for these particular  
20 parts, so that's why we don't sell our parts to  
21 third party outsiders, and I can get you reams of  
22 legal backup on that, but that's -- that's my very  
23 quick, succinct way of breaking that down.

24 **VICE CHAIR A. LONG:** I'm not for sure what  
25 that's going to do with the certification issue.

1           **COMMISSION MEMBER S. RIORDAN:** Yeah. We --  
2 the way I understand our roles, we need to make  
3 sure the systems are certified and customer  
4 relations are -- is not the business that we're  
5 in, and we're certainly not in the business of  
6 making part of our record, you know, obvious  
7 promotional materials for various -- you know, I  
8 mean, this -- I don't know if you've had a  
9 chance to read this, but it basically goes  
10 through and talks about how terrible ES&S is and  
11 how good another vendor is -- I mean, I don't  
12 know what that's all about, but I don't know if  
13 this ought to be part of our records. Not to  
14 minimize, the relationships between the counties  
15 and the vendors has got to be good, but I don't  
16 know what we can do about it, so is there  
17 something on the floor or...

18           **CHAIRMAN D. DUMEZICH:** No, I think this is  
19 discussion. I just wanted to hear what their  
20 position was with respect to replacement parts  
21 because people that have purchased machines are  
22 no longer using ES&S to support them but rather  
23 using something else and I think that is a  
24 problem -- you know, right now, they've got a  
25 machine, and if they don't have the replacement

1 part, they can't use the machine.

2 **MS. K. ROGERS:** But the certification is  
3 still our responsibility.

4 **CHAIRMAN D. DUMEZICH:** No, I understand,  
5 and if they are -- and if you would provide them  
6 with those parts and they were installed, are  
7 they those -- are they being bootstrapped under  
8 the certification here, which doesn't seem to  
9 make much sense to me either.

10 **VICE CHAIR A. LONG:** I think that's a whole  
11 different issue beyond what we're here on. We  
12 just want the folks out here voting this fall.

13 **CHAIRMAN D. DUMEZICH:** But I mean, it's  
14 another problem because these vendors are  
15 leaving them.

16 **MS. K. ROGERS:** It ties into the entire  
17 engineering change order process. We -- as you  
18 see, we bring in reams and reams and reams of  
19 parts under the engineering change process  
20 because we are required to do that pursuant to  
21 your certification and federal certification.

22 We don't know that anybody else would do that  
23 with our parts. We don't know that. We have no  
24 way of tracking that. It's really for the  
25 protection of the counties more than anything else,

1 and I promise I will...

2 **CHAIRMAN D. DUMEZICH:** I'm sure they're not  
3 going to see it that way.

4 **MS. K. ROGERS:** I'm sure not, but I will  
5 send you for your benefit, and I apologize, I  
6 may be remembering incorrectly, but I will send  
7 you a written synopsis on that.

8 **VICE CHAIR A. LONG:** I don't remember  
9 seeing that. I would appreciate that.

10 **MS. K. ROGERS:** Absolutely. I will get you  
11 a copy.

12 **VICE CHAIR A. LONG:** I've got one goal.  
13 I'm pretty simple, right here from Booneville,  
14 we don't do anything complicated.

15 **COMMISSION MEMBER S. RIORDAN:** Are we...

16 **CHAIRMAN D. DUMEZICH:** I think that we  
17 can't do anything else with this and there's  
18 nothing on the table so let's go.

19 **VICE CHAIR A. LONG:** We're back to the 8th.

20 **CHAIRMAN D. DUMEZICH:** Yeah, we're back to  
21 the 8th. What I'd like to do now is recognize  
22 Mr. Deckard and Mr. King for presentation  
23 regarding the rules regarding voting systems  
24 regulation -- I thought we did that.

25 **COMMISSION MEMBER S. RIORDAN:** We did that.

1           **MR. B. KING:** Mr. Chairman and Members of  
2 the Commission, in the documents directly in  
3 front of the 1:00 campaign finance tab, there's  
4 a two-page memo from Mr. Deckard and myself that  
5 addresses a question that was raised at the last  
6 commission meeting with regard to just not  
7 engineering change orders but some procedures  
8 for voting systems certification that were  
9 generally recommended by Ball State.

10           The question addressed in this memo was  
11 whether these changes should be considered through  
12 the promulgation of rules process or whether it  
13 would be more appropriate to instead suggest  
14 legislation to codify the content of those rules.  
15 The memo addresses that, and I'll defer to Mr.  
16 Deckard to add anything with regard to his  
17 thoughts.

18           **MR. T. DECKARD:** Thank you, Mr. King. I  
19 would just add that as spelled out here, fairly  
20 clearly are the two different processes up to  
21 the Commission towards the promulgation of rules  
22 as the minutes of the last meeting and the  
23 intentions of the Commission reflects.

24           The first process for the commission to  
25 consider would be through the Administrative Rules

1 and Procedures Act, ARPA, here under the State of  
2 Indiana. As you can see, there is a fairly well  
3 legally documented process that the State  
4 prescribes for an agency such as the commission to  
5 adopt rules, and that would be the first choice.

6 It involves public comment periods, notice of  
7 proposed rules, and a process similar to that on  
8 the advice of the Attorney General and approval is  
9 ultimately the Attorney General and the governor  
10 before finally a decision by the -- the commission  
11 or the agency.

12 The second process would be adoption rules  
13 through legislation, and as is traditionally, or  
14 not traditionally, but has been done in the past,  
15 the co-directors of the Indiana Election Division  
16 do advise the members both of the House and the  
17 Senate elections, both sides of the aisle on  
18 pending legislation related to election reform or  
19 needs within election law and advise in that  
20 manner.

21 The Commission could choose to seek  
22 promulgation of rules through that process and it  
23 might actually be easier. Of course, the process  
24 with that also is that while that would be less  
25 intensive labor on the Commission's part, i tis

1 subject to the general assembly and a signature of  
2 the governor in the State of Indiana, so with that  
3 note, we wanted to prepare this for you and leave  
4 the decision to the commissioners.

5 **CHAIRMAN D. DUMEZICH:** Have great faith in  
6 our legislature. I'd vote in that direction  
7 but...

8 **VICE CHAIR A. LONG:** I think my thoughts on  
9 that, these are technical review type procedures  
10 that we're talking about, which I don't think  
11 that lend themselves well to --

12 **CHAIRMAN D. DUMEZICH:** Statute.

13 **VICE CHAIR A. LONG:** -- legislative  
14 involvement. I think more technical expertise  
15 as far as -- I think there may be some  
16 legislation that would be of benefit, but I  
17 think that a clear defined procedure to  
18 accomplish what needs to be accomplished is  
19 maybe through the rules process.

20 It's a longer deliberative process, that it's  
21 focused on the one subject matter, as opposed to  
22 forcing it through even a study commission and a  
23 60- or 120-day legislative exercise here or  
24 whatever it might happen to be, if given time.

25 I think maybe the next step here would be ask

1 for some -- the outline of a procedure to be  
2 developed and some recommendations on how we think  
3 it ought to be -- not legislative or administrative  
4 rules, but this is what we would like to see  
5 accomplished in order to get from Point A to Point  
6 B in the process and then let us study that and see  
7 if there may be some simple ways to get it done.

8 **CHAIRMAN D. DUMEZICH:** Jon, your thoughts.

9 **COMMISSION MEMBER J. MYERS:** Yeah. Like  
10 Tony said, it may not -- you know, when we look  
11 at it -- you know, take a hard look at it, it  
12 may not be an all or nothing proposition. It  
13 might be a couple of things that would be --  
14 have some benefit legislation wise or whatever,  
15 so it may not be, you know, either Choice A or  
16 Choice B, but some combination of the two.

17 **VICE CHAIR A. LONG:** Or that we would have  
18 a framework with the legislation, then it's --  
19 how you get it done is in the rules. It's  
20 outlined this is what you have to show and all  
21 the technical data, dah, dah, dah, dah, and I  
22 think that's...

23 **CHAIRMAN D. DUMEZICH:** Okay. Brad and  
24 Mr. Deckard, do you feel comfortable with doing  
25 it like that, come up with a proposal, come up

1 with what we're looking at, and then make a  
2 determination from there how we proceed.

3 **MR. B. KING:** Yes, Mr. Chairman.

4 **MR. T. DECKARD:** Yes, Mr. Chairman.

5 **DR. R. SCHEELE:** Mr. Chairman, if I could,  
6 somewhat on the same topic. You approved the  
7 protocol for the modification and the  
8 engineering change orders, we have a list of 65  
9 of those, and there's going to be more and more  
10 of those as a lot of the certified machines get  
11 older and older and approach the end of their  
12 life.

13 We have used that protocol, as I indicated, to  
14 start going through that list of 65. All of those  
15 that we are talking about today are from ES&S. We  
16 managed to get through 16 of those 65 and we just  
17 provided a brief description of those 16 for you,  
18 and frankly, that's why we didn't get them to you  
19 in advance because we just finished them this  
20 weekend, but what we have done is these ECOs have  
21 been pending for a long time -- in fact, some of  
22 them are quite old and test labs have done things  
23 differently and changed their rules through time on  
24 previously certified systems, even before VSTOP was  
25 formed.

1           But you can see just in the brief description  
2 here, these are all on ECO -- they are ECOs non de  
3 minimis, which means they're pretty major -- go to  
4 the core functioning of the systems. That's the  
5 ones we started with first so that we knew we could  
6 pinpoint that with the protocol.

7           We find that all of these have been evaluated,  
8 and consequently, they are up to your discretion  
9 for adoption. The only ECOs that we would  
10 recommend to the Commission will be for certified  
11 machines, okay, non-certified machines -- so none  
12 these would pertain to any of the machines or  
13 systems that are not certified as of this time.

14           **CHAIRMAN D. DUMEZICH:** Would you have the  
15 remainder of the 65 done by August 8th?

16           **DR. R. SCHEELE:** That's a good question for  
17 Chaitanya, how we doing on the others, the  
18 remaining 50?

19           **MS. C. MAHASAMUDRAM:** The remaining 50,  
20 most of them are 3.2.1.0 machine which we  
21 haven't yet certified so we would only be able  
22 to move to the ECOs once we have the 3.2.1.0  
23 certification.

24           And we have few for the 3.2.0.0, although the  
25 EOC documentation states that the change has been

1 implemented on 3.2.1.0, it hasn't been -- sorry, it  
2 has been implemented on 3.2.0.0, and when we got  
3 some responses from ES&S, they said it's for  
4 3.2.1.0, so we won't be able to consider those ECOs  
5 for approval right now.

6 **VICE CHAIR A. LONG:** Out of 65, how many of  
7 them are uncertified?

8 **DR. R. SCHEELE:** These are the only ones  
9 that we are saying should be certified or  
10 recommended to be certified.

11 **VICE CHAIR A. LONG:** I mean, but the other  
12 ones that have not been recommended, those  
13 change orders, do they relate to certified  
14 equipment or systems?

15 **DR. R. SCHEELE:** Yeah, good question. The  
16 3.2.0.0, some of them relate to the 3.2.0.0,  
17 which right now is still under formal  
18 investigation by the EAC so we're not looking at  
19 those yet.

20 **VICE CHAIR A. LONG:** Okay.

21 **DR. R. SCHEELE:** We've looked at them, in  
22 terms of putting them on spreadsheets, but we  
23 have not evaluated them yet. Likewise, the  
24 3.2.1.0, and this is part of the problem, as  
25 systems change, you test one on an old system

1 and then you bring it forward and you say well,  
2 it ought to fit on this system as well -- well,  
3 that's -- that's how we -- that's our  
4 responsibility to map that, what modification is  
5 going on what system, and that's been a major  
6 what stumbling block, in terms of time, for us  
7 to figure out exactly what system this one is  
8 going to go to, and that's why it takes a long  
9 time.

10 These ECOs are a lot more complicated than we  
11 first thought, and we talked to Brad and Trent  
12 about that as well, because we want to make sure  
13 that if a modification happens to a voting system,  
14 it's the proper voting system and it wasn't tested  
15 on it previously, and sometimes the, what we call  
16 the voting systems technical labs, have tested it  
17 before on an older system.

18 **VICE CHAIR A. LONG:** When they request a  
19 change, don't they specify this is for this  
20 system?

21 **DR. R. SCHEELE:** No, it's not always  
22 specified, even by the testing lab, which is why  
23 we're constantly e-mailing the vendors and the  
24 testing labs and saying exactly what system is  
25 this tested on?

1           **VICE CHAIR A. LONG:** That seems like that  
2 would be a good procedure, a requirement that  
3 they do that.

4           **DR. R. SCHEELE:** We're talking with Brad  
5 and Trent, in particular, about an application  
6 for them for ECOs that would specify some of  
7 this information coming in. We're just now in  
8 the preliminary talks because this has developed  
9 so quickly.

10           **CHAIRMAN D. DUMEZICH:** Would there be a  
11 benefit for us to approve these today or would  
12 it be better to wait and approval all at the  
13 meeting on the 8th, what's your -- August 8th?

14           **DR. R. SCHEELE:** Well, there is some --  
15 Kathy can perhaps say more about the pressure.

16           **MS. K. ROGERS:** There is -- there is a  
17 great deal of benefit to going ahead and  
18 approving these today, yes.

19           **VICE CHAIR A. LONG:** Go ahead.

20           **CHAIRMAN D. DUMEZICH:** Okay.

21           **DR. R. SCHEELE:** They've been asking us  
22 almost daily about where we're at with this.

23           **VICE CHAIR A. LONG:** I move that we approve  
24 them based on the recommendation of the voting  
25 system technical --

1 MS. K. ROGERS: Thank you.

2 VICE CHAIR A. LONG: -- oversight program.

3 COMMISSION MEMBER J. MYERS: Second.

4 CHAIRMAN D. DUMEZICH: Okay. Hearing a  
5 second, do we have any discussion?

6 *(No response.)*

7 CHAIRMAN D. DUMEZICH: There's a motion to  
8 approve CE-ECO 1838.

9 VICE CHAIR A. LONG: You're not going to  
10 read all those, the...

11 CHAIRMAN D. DUMEZICH: No, I was going to  
12 go -- just read the numbers.

13 VICE CHAIR A. LONG: Okay.

14 CHAIRMAN D. DUMEZICH: 307, 354, 759, 764,  
15 686, 1712, 3086, 3109, 718, 681, 761, 1910,  
16 1927, 3097 and 3090 has been -- motion's been  
17 made and seconded for approval, pending no  
18 discussion, is there -- all in favor of that  
19 motion, indicate by saying aye?

20 THE COMMISSION: Aye.

21 CHAIRMAN D. DUMEZICH: Opposed?

22 *(No response.)*

23 CHAIRMAN D. DUMEZICH: 4-0, the ECOs have  
24 been approved, these ECOs have been approved.

25 MS. K. ROGERS: Thank you.

1 DR. R. SCHEELE: Thank you.

2 VICE CHAIR A. LONG: Thank you, Ray.

3 CHAIRMAN D. DUMEZICH: We are going to  
4 adjourn for a --

5 MR. B. KING: Recess.

6 CHAIRMAN D. DUMEZICH: -- recess, take a  
7 five-minute break.

8 *(A recess was taken.)*

9 CHAIRMAN D. DUMEZICH: This meeting of the  
10 Commission is now reconvened. Okay, this is our  
11 Campaign Finance Enforcement, Part 2. Right now  
12 we are going to administer the oath. Anybody  
13 that's going to speak and represent someone or  
14 give testimony during the course of this today,  
15 I will ask that you take the oath as  
16 administered by Dale Simmons. Dale.

17 MR. D. SIMMONS: Please stand and raise  
18 your right hand and say I do after the  
19 administration of the oath?

20 *(Participants complied.)*

21 MR. D. SIMMONS: Do you solemnly swear or  
22 affirm under the penalties of perjury that the  
23 truth you're about to give is the truth, the  
24 whole truth, and nothing but the truth, say I  
25 do?

1           **THE PARTICIPANTS:** I do.

2           **CHAIRMAN D. DUMEZICH:** Okay. We're going  
3 to give an opportunity for committees with  
4 representatives present today to accept reduced  
5 penalties, and this is the way it's going to  
6 work.

7           We want to give any committee present the  
8 final opportunity to pay a reduced civil penalty by  
9 waiving the right to present evidence and arguments  
10 to the Commission. Any committee is welcomed to  
11 present evidence and arguments for the proposed  
12 penalty to be waived, but this is only an  
13 opportunity for those people who want to waive that  
14 presentation and accept a reduced penalty.

15           Here are the arrangements -- if it is the  
16 committee's first violation, the arrangement would  
17 be for the committee to agree to pay 25 percent of  
18 the proposed fine, plus mailing costs. If it's the  
19 committee's second violation, the arrangement would  
20 be for the committee to agree to pay 50 percent of  
21 the proposed fine, plus mailing costs. If it is  
22 the committee's third violation, the committee  
23 would agree to pay 75 percent of the proposed fine,  
24 plus mailing costs.

25           What we're going to do is start on the right

1 side of the room and go back and start with the  
2 25 percent arrangements. If there's anybody here  
3 that is representing a committee that it's the  
4 first time the committee has been fined or has a  
5 proposed fine and will likely accept a 25 percent  
6 penalty, starting with Table 1, please come up.

7 MR. T. JOHN: We're here on behalf of the  
8 corporations, so does that apply?

9 CHAIRMAN D. DUMEZICH: Yes, it does -- it  
10 does as well.

11 MR. T. JOHN: We'll accept it.

12 CHAIRMAN D. DUMEZICH: Well, come on up and  
13 what you have to do is.

14 COMMISSION MEMBER S. RIORDAN: Wait.

15 CHAIRMAN D. DUMEZICH: Wait.

16 COMMISSION MEMBER S. RIORDAN: Hi, Tom.

17 MS. M. THOMPSON: Which corporation?

18 MR. T. JOHN: United Surety Agents.

19 CHAIRMAN D. DUMEZICH: What you should do  
20 is state your name, spell it for them, say the  
21 name of the committee or the corporation, in  
22 addition, give them the cause number, if you  
23 have it.

24 MR. T. JOHN: Thomas John, here on behalf  
25 of United Surety Agency, and the cause number is

1 11-370, and I'm accompanied by Les Sebring,  
2 L-E-S, S-E-B-R-I-N-G, and this is actually  
3 regarding a related entity that is MCRCC USA,  
4 Inc. that was issued a violation for an  
5 overpayment of \$758 for a 2008 contribution.

6 **CHAIRMAN D. DUMEZICH:** Okay. Commission,  
7 do you have a report on this corporation?

8 **MS. M. THOMPSON:** Yes. United Surety  
9 Agents, Cause 11-370, contributed to the Marion  
10 County Republican Central Committee in the  
11 amount of \$2,758, and the proposed civil penalty  
12 is three times the excess amount.

13 **CHAIRMAN D. DUMEZICH:** And the excess  
14 amount is?

15 **MS. M. THOMPSON:** \$2,274.

16 **MR. T. JOHN:** That was the proposed fine,  
17 wasn't it?

18 **MS. M. THOMPSON:** Yes, that's the entire  
19 fine. The excess then is \$758.

20 **VICE CHAIR A. LONG:** It says 778.

21 **MS. A. TAYLOR:** It's what they refunded.

22 **MS. M. THOMPSON:** It's what they refunded.

23 **VICE CHAIR A. LONG:** Oh, okay.

24 **MS. M. THOMPSON:** I actually talked to Kyle  
25 Walker of the MCRCC today, we aren't clear why

1 that happened, but yeah, they were over refunded  
2 25 percent.

3 VICE CHAIR A. LONG: Gave it back.

4 MR. T. JOHN: We gave it back.

5 VICE CHAIR A. LONG: How you doing, Tom?

6 MR. T. JOHN: Good.

7 VICE CHAIR A. LONG: It's been a long time.

8 CHAIRMAN D. DUMEZICH: So can we do a  
9 computation to know what the 25 percent of the  
10 fine would be because I cannot easily work that  
11 one out in my head.

12 VICE CHAIR A. LONG: It's \$550 and some  
13 change.

14 CHAIRMAN D. DUMEZICH: You're showing off.

15 MS. A. TAYLOR: 568.35.

16 CHAIRMAN D. DUMEZICH: Plus mailing costs?

17 MS. A. TAYLOR: No mailing costs.

18 CHAIRMAN D. DUMEZICH: No mailing costs.

19 Do I have a motion?

20 VICE CHAIR A. LONG: So moved.

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

22 COMMISSION MEMBER J. MYERS: Second.

23 CHAIRMAN D. DUMEZICH: That's it.

24 MR. T. JOHN: Thank you.

25 CHAIRMAN D. DUMEZICH: We don't need to do

1 that when they accept it. Anyone in this row  
2 that want to take the deal?

3 **MR. M. MORGAN:** I'll come up. Matthew  
4 Morgan of Barnes & Thornburg representing 1st  
5 Source Bank, so the question -- it's Matter  
6 11-373.

7 **MS. M. THOMPSON:** Yeah, this is 1st Source  
8 Bank, Cause No. 11-373. Contributed to Pat  
9 Bauer for Indiana and Walorski Victory  
10 Committee. This committee has been before the  
11 board one other time and the proposed civil  
12 penalty is three times the amount.

13 **CHAIRMAN D. DUMEZICH:** They've's been  
14 before the board one other time?

15 **MS. M. THOMPSON:** Yes, they have.

16 **MR. M. MORGAN:** And so the -- so the  
17 question was, but there was no penalty assessed  
18 in that matter?

19 **MS. M. THOMPSON:** It was dismissed.

20 **MR. M. MORGAN:** It was dismissed. So my  
21 question would at 25 percent...

22 **CHAIRMAN D. DUMEZICH:** You're at 25  
23 percent.

24 **MR. M. MORGAN:** So we would be willing to  
25 take that, and so the over contribution was

1       \$1,250, and it was an over contribution to a  
2       political action committee that designated the  
3       amount against where they had already  
4       contributed to other House members, so they  
5       already identified it and then refunded that  
6       amount of money back from the political action  
7       committee and that occurred in August of 2010.

8               **MS. M. THOMPSON:** Correct.

9               **MR. M. MORGAN:** So that would make the  
10       proposed penalty 3,750, three times the amount,  
11       25 percent of 3,750 is \$937.00.

12              **MS. M. THOMPSON:** Correct and 50 cents.

13              **MR. M. MORGAN:** And 50 cents.

14              **CHAIRMAN D. DUMEZICH:** Very good. So that  
15       works?

16              **MR. M. MORGAN:** That works for me, too.

17              **VICE CHAIR A. LONG:** So moved.

18              **CHAIRMAN D. DUMEZICH:** So moved. You're  
19       done.

20              **MR. M. MORGAN:** Thank you.

21              **MR. R. FAULKNER:** My name is Rob Faulkner  
22       (Phonetic), I'm here on behalf of HMR, Inc.  
23       It's my understanding this is the first time  
24       this corporation has been in front of the  
25       commission. There was alleged \$2,500 overage.

1 There was a proposed penalty of three times that  
2 amount, so on behalf of HMR, Inc., we would be  
3 agreeable to pay the 25 percent.

4 **CHAIRMAN D. DUMEZICH:** Do you got a  
5 confirmation on the dollar amount there?

6 **MS. M. THOMPSON:** 1,875.

7 **MR. R. FAULKNER:** Do you need any  
8 additional paperwork from us or anything?

9 **CHAIRMAN D. DUMEZICH:** No.

10 **MR. R. FAULKNER:** Thank you.

11 **VICE CHAIR A. LONG:** Take care, Rob. Tell  
12 Connie I said hi.

13 **MR. R. FAULKNER:** Sure will. Thank you.

14 **VICE CHAIR A. LONG:** Okay.

15 **MR. C. GIBSON:** Chris Gibson with the  
16 Corydon Group on behalf of T-Mobile USA. While  
17 I certainly don't want to turn down the deal  
18 from the Chairman, there are a few complicating  
19 issues.

20 As you recall, this was originally heard in  
21 March of 2009, and some of these violations date  
22 back -- well, the cause numbers reference  
23 violations in 2006 and 2007, which we do not  
24 dispute, but we also, due to an internal audit,  
25 found a violation in 2005 that the Commission has

1 not to this point notified us of and my client  
2 would like to resolve that matter, if at all  
3 possible, at the same time, and did want to note to  
4 the Commission that we self-reported these  
5 violations in October -- well, with a call to  
6 Director King on -- I called Direct King on  
7 October 10th of 2008, and then in writing on  
8 November 14th, 2008, and so we would like that to  
9 be taken into consideration by the Commission.

10 **VICE CHAIR A. LONG:** As I understand, you  
11 have another matter that's in the pipeline that  
12 you'd like to get it out?

13 **CHAIRMAN D. DUMEZICH:** Dispose of?

14 **MR. C. GIBSON:** Well, the Commission has  
15 not notified us, but T-Mobile did an internal  
16 audit which resulted in us reporting to the  
17 Commission verbally in October of 2008, and then  
18 in writing in November of 2008, that we believe  
19 we were in excess of, I believe, \$1,000 in  
20 2005 -- let me get -- I believe -- yeah, in  
21 2005, our internal audit showed that we gave --  
22 T-Moble gave \$3,000 to Senate campaign  
23 committees which would be a thousand dollars  
24 over the \$2,000 limit.

25 We've requested -- in addition to

1 self-reporting, we've requested of all these  
2 committees, the contributions back, but -- for  
3 instance, in 2005, one of the committees in  
4 question is Senator Garten We -- we are unaware if  
5 that committee is still open at this time. Another  
6 request back was from Representative Mayhern in  
7 2006, and we do know that committee is closed, so  
8 there's some complicating factors. We did receive  
9 back contributions from Senator Weiss in the amount  
10 of \$1,000 and Representative Cook of \$500.

11 **CHAIRMAN D. DUMEZICH:** Okay. What would be  
12 the total fines, and let's just say with respect  
13 to 2005, it was self-reported, let's just roll  
14 that into it.

15 **MS. M. THOMPSON:** The whole total, the  
16 excess, 18,900, 25 percent is 4,725.

17 **CHAIRMAN D. DUMEZICH:** And that would be  
18 dispose of the '05 as well?

19 **MS. A. TAYLOR:** I believe the '05 was  
20 disposed over at the March 2009 meeting, and at  
21 that time it was decided that it was so far  
22 beyond --

23 **MS. M. THOMPSON:** Back.

24 **MS. A. TAYLOR:** So far back, and that they  
25 self-reported and we didn't catch it, that they

1 were tossed.

2 **VICE CHAIR A. LONG:** So the 4,000, that  
3 would be for these here?

4 **MR. M. MORGAN:** Yes, three.

5 **MR. C. GIBSON:** So we -- we would -- the  
6 fine would be for the 1,300 in excess in 2006 to  
7 House campaigns, 4,500 in excess to House  
8 campaigns in 2007, and \$500 in excess for Senate  
9 campaigns in 2007; is that correct?

10 **CHAIRMAN D. DUMEZICH:** Yes.

11 **MR. C. GIBSON:** Okay. And it would be  
12 25 percent of that number?

13 **CHAIRMAN D. DUMEZICH:** Yep.

14 **MR. C. GIBSON:** I have authority to accept  
15 that.

16 **CHAIRMAN D. DUMEZICH:** Okay. You're done.

17 **MR. C. GIBSON:** Okay, thank you.

18 **VICE CHAIR A. LONG:** Good seeing you. Good  
19 seeing you, Commissioner. Come down to the  
20 building sometimes. Where do we want to go --  
21 gentlemen, do you want to come forward?

22 **MR. K. TEW:** Do you want to have a hearing  
23 now, or are you going to ask we're going to take  
24 the deal and we're not going to take the deal.

25 **CHAIRMAN D. DUMEZICH:** All right. We're

1 done taking deals so let's go forward with our  
2 hearing, or at least start our hearing.

3 **MR. K. TEW:** Thank you, Mr. Chairman. My  
4 name is Kip Tew with the law firm of Krieg  
5 DeVault representing SEIU. I have Mark  
6 Schneider with SEIU of Washington D.C. with me,  
7 do you need me to spell those?

8 **THE COURT REPORTER:** Yes, how do you spell  
9 Schneider?

10 **MR. K. TEW:** S-C-H-N-E-I-D-E-R. The facts  
11 are a little complicated.

12 **CHAIRMAN D. DUMEZICH:** Well, let's -- let's  
13 have the report from -- since we're going to do  
14 a hearing, we're going to have the report  
15 from...

16 **MS. M. THOMPSON:** Mr. Chairman, this is  
17 Service Employees International Union HC IL IN,  
18 Cause No. 11-317, contributed to SEIU HC IL IN  
19 PAC two different times for a total now of  
20 166,816, and the proposed civil penalty is three  
21 times the amount of the excess.

22 **CHAIRMAN D. DUMEZICH:** 116, you say?

23 **VICE CHAIR A. LONG:** 166.

24 **MS. M. THOMPSON:** 166.

25 **CHAIRMAN D. DUMEZICH:** 166 -- you sure you

1 don't want the deal?

2 **MR. M. SCHNEIDER:** Well, I think -- we  
3 would take the deal actually, I think, once you  
4 understand what's the excess that's related to  
5 Indiana so maybe...

6 **CHAIRMAN D. DUMEZICH:** Okay. Let's hear  
7 your...

8 **MR. K. TEW:** Here's the thing, the union  
9 here, SEIU Healthcare Illinois and Indiana and  
10 its predecessor union is a union that operates  
11 both in Indiana and Illinois -- overwhelmingly,  
12 an Illinois union, Illinois PAC.

13 For example, in 2008, we're talking about  
14 80,000 Indiana members and the order of thousand  
15 Indiana members.

16 **MR. M. SCHNEIDER:** Illinois. The first  
17 number is Illinois.

18 **MR. K. TEW:** First number, 80,000 Illinois  
19 and 1,000, give or take, Indiana. This  
20 political account where these deposits were made  
21 was originally an Illinois political account,  
22 the Illinois political contributions, and  
23 virtually, all the contributions that were made  
24 out of the account were for Illinois candidates,  
25 and that's all in the forms we filed.

1           And in February -- excuse me, in September  
2           '08, the union registered the account to also  
3           participate in Indiana so at this point we have an  
4           account that's operating both in Illinois and in  
5           Indiana.

6           **CHAIRMAN D. DUMEZICH:** So all the activity  
7           that you would be showing would be -- in both  
8           states you would show the activity in each state  
9           as well?

10          **MR. K. TEW:** In each state, and so the  
11          actual filing we filed with y'all showed  
12          activity in both states.

13          **CHAIRMAN D. DUMEZICH:** Okay.

14          **MR. K. TEW:** And two deposits --

15          **MR. M. SCHNEIDER:** This one.

16          **MR. K. TEW:** I have it here. The two --  
17          the 160,000 that we're talking about, 60,000  
18          plus, and these are -- again, it's just all in  
19          the report here. It was one deposit on  
20          September 29th of '08 for 82,000 and change and  
21          the records will reflect that every penny of  
22          that was spent in Illinois -- it's right here,  
23          so not a penny of that has anything to do with  
24          Indiana. Then in October 28, '08, there was an  
25          \$84,000 deposit, \$6,000 of that was spent in

1 Indiana, \$6,000, all the rest in Illinois.

2 Assuming something, which I'm not sure, it's  
3 too hard to establish at this point, but just  
4 assuming that all of that was in excess, that  
5 \$6,000, but they're not sure so -- that's why I  
6 said if that was clear from here, I think they'll  
7 probably accept your offer and take the 25 percent  
8 and go home.

9 In any event, I think that would be kind of  
10 generous on our part because it's pretty clear this  
11 is time barred. It's time barred because of the  
12 two-year statute of limitations, because the last  
13 possible, and let me say one more thing, long  
14 before we ever heard from the Commission, the union  
15 decided that it was too complicated to run one  
16 account in both states, even though it was legal,  
17 and it shut this thing down.

18 So by February '09, this was gone. It didn't  
19 exist anymore. So long before we got any  
20 complaints from anything, we were already done. We  
21 figured out the bookkeeping was too hard and  
22 stopped it. So the relevant dates are September  
23 29th, '08, which is the first deposit, which we  
24 know is not relevant because it's all Illinois;  
25 October 28th, \$6,000 of that deposit is arguably

1 relevant; February '09, we shut it down -- all  
2 those dates are well before the limitation period.

3 We never received -- we received one letter  
4 from the Commission that asked a question and said  
5 is this union money? We answered. It didn't say  
6 anything about a proceeding. It didn't say  
7 anything -- we didn't request -- we never told  
8 anything, so there's no possible argument that  
9 anything's been told so we're well outside any time  
10 limit. So we've got a situation where it's time  
11 barred, where the actual amount in controversy is  
12 something -- \$6,000 or less, where this is the only  
13 violation of its kind by this PAC.

14 Now we have subsequently opened up Indiana  
15 specific PACs and we have fully complied with  
16 these -- these limits in those PACs. So this is a  
17 one-time error that occurred, or possibly an error  
18 that occurred in the tune of \$6,000 in October  
19 21st, 2008, so -- and that -- and none of that is  
20 disputable -- I'm sorry, I wasn't a little more  
21 clear, but it's all in the report that we filed, so  
22 we believe it's time barred.

23 **CHAIRMAN D. DUMEZICH:** Well, I believe the  
24 statute you refer to for the period of  
25 limitations had to do with misdemeanors and

1 ordinance violations, and I don't think these  
2 are either of those things, so I would disagree  
3 with that, that being time barred, that would be  
4 No. -- okay.

5 **MR. K. TEW:** Just to be clear, just on the  
6 record, the statute we're referring to is  
7 34-28-5-1(d)(2), and I'm just saying I don't  
8 agree with you. I believe that is the governing  
9 statute of limitations.

10 **MR. T. DECKARD:** Mr. Chairman, if I may.

11 **CHAIRMAN D. DUMEZICH:** Sure.

12 **MR. T. DECKARD:** Mr. King and I both met  
13 with the folks from SEIU shortly after the  
14 situation arose and we did conduct some research  
15 on the time barred statute after we received a  
16 motion to dismiss from the defendant, and based  
17 upon our research, I know that they mentioned  
18 the statute here, we found another statute,  
19 34-11-2-4, Subsection 3, which indicates to us  
20 that we are here -- the division, the commission  
21 is advised to move in a timely manner and that  
22 this case could potentially be viewed under that  
23 particular piece of legislation.

24 **COMMISSION MEMBER S. RIORDAN:** What's the  
25 limitations period say?

1           **MR. T. DECKARD:** It says.

2           **COMMISSION MEMBER S. RIORDAN:** What's the  
3 section?

4           **MR. T. DECKARD:** It says an action under  
5 (3) a forfeiture of penalty given by statute;  
6 must be commenced within two (2) years after the  
7 cause of action accrues, and again, that's  
8 34-11-2-4.

9           And I realize, in following up, that the  
10 Commission has been moving in a more timely manner  
11 on commission and I think that -- on these campaign  
12 finance hearings, and we would certainly --  
13 certainly, the Division needs to make a stronger  
14 effort.

15           I did invite Mr. King to join me on behalf of  
16 division staff in a motion to dismiss the case  
17 based on that. We have another case also, that I  
18 won't address here, but could also fit under this  
19 category, too, but I believe I wanted to offer  
20 that, too, in addition to what the gentlemen were  
21 saying.

22           **CHAIRMAN D. DUMEZICH:** In light of the  
23 dollars here, I think that the -- in terms of  
24 discussion, maybe we should ask the attorney  
25 general for guidance on this.

1           **MR. D. SIMMONS:** Mr. Chairman?

2           **CHAIRMAN D. DUMEZICH:** Yeah.

3           **MR. D. SIMMONS:** I'd just like to report to  
4 you that we did ask the question of the attorney  
5 general and we tried to get -- we told them of  
6 your meeting today and asked them if they could  
7 answer that by today, but we have not received  
8 an official response from them yet.

9           **COMMISSION MEMBER S. RIORDAN:** The  
10 attorney -- general clarification, Mr. Chairman,  
11 the attorney general's opinion would have what  
12 degree of authority over the Commission?

13           **CHAIRMAN D. DUMEZICH:** I don't believe that  
14 it would any other than...

15           **COMMISSION MEMBER S. RIORDAN:** So it would  
16 simply be advisory?

17           **CHAIRMAN D. DUMEZICH:** Yeah, advisory.

18           **MR. D. SIMMONS:** They have an advisory  
19 section that advises the commission.

20           **COMMISSION MEMBER S. RIORDAN:** Right.

21           **MR. M. SCHNEIDER:** If I could just for the  
22 record for purposes of preserving the record in  
23 case it's necessary at some point, the cite that  
24 we use for our motion to dismiss is in the civil  
25 procedure section of the law. It's actually

1 included in the Indiana Election Code handbook  
2 that your folks put out as part of the things  
3 that people are supposed to pay attention to as  
4 to laws that are relevant to the election law.

5 It's the only section in here that has  
6 anything to do with any type of statute of  
7 limitations or civil penalties and those type of  
8 things. So I would just make the argument, that if  
9 there -- if this section does not apply, what  
10 section does apply, as far as the statute of  
11 limitations goes, because if either the one we  
12 cited or the one Trent cited doesn't apply, I don't  
13 know which would, and there would be no statute of  
14 limitations for these violations.

15 **MR. K. TEW:** Well, it does seem to  
16 me that -- we're talking about the amount of  
17 money involved, if I could jump to that again,  
18 it's -- I think it's indisputably \$6,000. I  
19 don't -- I mean, I don't think there's any --  
20 the report is clear these were Illinois -- the  
21 Illinois contributions that were made.

22 **CHAIRMAN D. DUMEZICH:** Can we get that  
23 verified?

24 **MR. K. TEW:** Absolutely. I've got it right  
25 here.

1           **MS. M. THOMPSON:** You want to see the  
2 report?

3           **CHAIRMAN D. DUMEZICH:** Yeah. I'd like to  
4 confirm that they're Illinois dollars.

5           **MR. M. SCHNEIDER:** You want our copy or  
6 hers?

7           **CHAIRMAN D. DUMEZICH:** Well, it doesn't  
8 make any difference. Thank you, sir.

9           **MR. K. TEW:** Sure. And I'm looking for  
10 things -- after September 29th would be the  
11 relevant date. I would add while you're  
12 perusing it, the organization at no time was  
13 under obligation to report the contributions to  
14 Illinois, but they didn't put it on the report.

15           It either adds to or hopefully takes away from  
16 the confusion at the time. The real problem, as  
17 Mark indicated, was that it was operating in two  
18 states which made it difficult for accounting  
19 purposes, which is why they shut it down in  
20 February of 2009 and went to the single state PAC,  
21 but again, all -- all of that happened prior, or  
22 over two years before they received notice that  
23 there was a potential violation and well before we  
24 were brought before the commission in March for an  
25 enforcement proceeding.

1           **COMMISSION MEMBER S. RIORDAN:** Does anybody  
2 from have the civil rules; we probably need the  
3 civil rules?

4           **MR. T. DECKARD:** I've got 34-11-2-4 there  
5 as printed from the State.

6           **CHAIRMAN D. DUMEZICH:** I'm not certainly  
7 not prepared to say a two-year statute of  
8 limitations applies to our actions here, that's  
9 my problem.

10          **MR. K. TEW:** I think we're offering a -- a  
11 useful solution, because as I say, I think it's  
12 disputed that of the \$166,000 that you raised,  
13 it is disputed with only 6,000.

14          **VICE CHAIR A. LONG:** Let me ask -- could I  
15 ask a question of the Division?

16          **MR. K. TEW:** Sure.

17          **VICE CHAIR A. LONG:** Is the Division taking  
18 the position or anyone in the Division taking  
19 the position that the contributions to Illinois  
20 candidates in any way are germane to the issue  
21 before us?

22          **COMMISSION MEMBER S. RIORDAN:** Do we even  
23 have the authority to figure out campaign  
24 contributions in other states -- I mean, we  
25 don't; right -- we are concerned with what

1 happens in the State of Indiana?

2 MS. M. THOMPSON: Yes.

3 VICE CHAIR A. LONG: I think we need to go  
4 off record.

5 CHAIRMAN D. DUMEZICH: Yeah, I think we're  
6 going to take a recess.

7 MR. K. TEW: Okay.

8 CHAIRMAN D. DUMEZICH: A brief one.

9 VICE CHAIR A. LONG: A brief one, yeah.

10 CHAIRMAN D. DUMEZICH: Let's wait on Brad.

11 COMMISSION MEMBER S. RIORDAN: What's that?

12 VICE CHAIR A. LONG: They want Brad to come  
13 back.

14 CHAIRMAN D. DUMEZICH: He's been working on  
15 it and maybe we can figure out something.

16 COMMISSION MEMBER S. RIORDAN: Okay.

17 CHAIRMAN D. DUMEZICH: Let's take a recess.

18 COMMISSION MEMBER S. RIORDAN: Fair enough.

19 CHAIRMAN D. DUMEZICH: We are going to  
20 recess for 15 minutes.

21 *(A recess was taken.)*

22 CHAIRMAN D. DUMEZICH: Call the hearing  
23 back into order. We have a motion on the floor,  
24 or do we have a motion?

25 VICE CHAIR A. LONG: I have a motion to

1 make, preface it -- I don't -- do I now nor have  
2 I ever thought the Illinois contributions  
3 factored into this. I accept the math that you  
4 testified to and a -- unless my math is wrong, I  
5 would propose a penalty in this matter of \$4,000  
6 and that would resolve it in its entirety.

7 **CHAIRMAN D. DUMEZICH:** So 6,000 times 3, 18  
8 and a quarter, and since that's their first  
9 offense, that's 4,500 bucks.

10 **MR. K. TEW:** 45?

11 **COMMISSION MEMBER S. RIORDAN:** What's the  
12 original amount.

13 **MR. M. SCHNEIDER:** Six.

14 **MR. K. TEW:** Six.

15 **MR. M. SCHNEIDER:** Potentially six.

16 **VICE CHAIR A. LONG:** It's the maximum.  
17 Surely, it's not all of it.

18 **MR. K. TEW:** The maximum is 18, so it's 4.

19 **CHAIRMAN D. DUMEZICH:** It takes the lion's  
20 share of the offense off the table and  
21 acknowledges all the issues. We want people to  
22 be involved in the process and we understand  
23 that this structure that you had, while it  
24 complied with the statute, it was not user  
25 friendly from your end or our end and we're not

1 looking to hurt people that try to do a good  
2 job, but in this instance, it seems like it's  
3 fairly reasonable. So I have a motion to reduce  
4 the fine and -- from -- I can't remember the  
5 number -- 166 times 3 is...

6 **MR. K. TEW:** Half a million.

7 **CHAIRMAN D. DUMEZICH:** Half a million  
8 dollars to \$4,500, do I have a second?

9 **COMMISSION MEMBER J. MYERS:** Second.

10 **CHAIRMAN D. DUMEZICH:** Any discussion?

11 *(No response.)*

12 **CHAIRMAN D. DUMEZICH:** Hearing none, all in  
13 favor of reducing the fine to SEIU from a half  
14 million dollars to \$4,500, indicate by saying  
15 aye?

16 **THE COMMISSION:** Aye.

17 **VICE CHAIR A. LONG:** With a caveat, I never  
18 thought it would happen in our potential fine,  
19 but I don't care, the end result is...

20 **CHAIRMAN D. DUMEZICH:** Four ayes, please  
21 indicate by nay, if you disagree?

22 *(No response.)*

23 **CHAIRMAN D. DUMEZICH:** Hearing none, 4-0,  
24 4,500 bucks.

25 **MR. M. SCHNEIDER:** Thank you.

1           **MR. K. TEW:** Thank you.

2           **VICE CHAIR A. LONG:** Have a good day,  
3 gentlemen.

4           **MR. K. TEW:** I appreciate it.

5           **CHAIRMAN D. DUMEZICH:** Sir?

6           **MR. T. ECKERT:** My name is Tim Eckert. I'm  
7 here on behalf of Weber Concrete Construction,  
8 my employer, Cause No. 11-374, and we would  
9 accept any fine or what you folks suggest.

10           **VICE CHAIR A. LONG:** A fine of 250,000.

11       **A**

12           **MR. T. ECKERT:** With a caveat, the same as  
13 the folks before me, we might do that. It's  
14 just a conversation, just a comment on how this  
15 happened. We are a first time contributor. We  
16 were solicited by a freshman running for office,  
17 which we knew from another county, another  
18 association.

19           Mr. Weber is the owner of this company. We  
20 have 11 different companies that we are. When we  
21 agreed to do this, we did not know who was writing  
22 the check. The check was simply written out of the  
23 company account, not Mr. Weber's account -- we've  
24 donated too much, and the freshman said he would  
25 give back the amount of money that we did overpay.

1           **CHAIRMAN D. DUMEZICH:** Commission members,  
2 or...

3           **MS. M. THOMPSON:** It's 25 percent.

4           **CHAIRMAN D. DUMEZICH:** Can you tell us what  
5 the numbers...

6           **MS. M. THOMPSON:** So 25 percent would be  
7 \$275 of the -- of the total fine, sorry, yes.

8           **VICE CHAIR A. LONG:** Excess contribution of  
9 500.

10          **CHAIRMAN D. DUMEZICH:** It's 1,500.

11          **VICE CHAIR A. LONG:** So 25 percent of that  
12 is?

13          **COMMISSION MEMBER S. RIORDAN:** 375.

14          **MS. M. THOMPSON:** 375.

15          **VICE CHAIR A. LONG:** Do you want to say  
16 anything more to that?

17          **MR. T. ECKERT:** It's our first time. We're  
18 sorry we did it and we won't do it again.

19          **CHAIRMAN D. DUMEZICH:** Okay.

20          **VICE CHAIR A. LONG:** So moved?

21          **CHAIRMAN D. DUMEZICH:** Second?

22          **COMMISSION MEMBER J. MYERS:** Second.

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

25                   *(No response.)*

1           **CHAIRMAN D. DUMEZICH:** Hearing none, all in  
2 favor of reducing the file to Weber Construction  
3 from \$1,500 to \$375, indicate by saying aye?

4           **THE COMMISSION:** Aye.

5           **CHAIRMAN D. DUMEZICH:** Opposed?

6           *(No response.)*

7           **CHAIRMAN D. DUMEZICH:** Hearing none, 4-0.

8           **MR. T. ECKERT:** Thank you very much.

9           **CHAIRMAN D. DUMEZICH:** Anybody else -- any  
10 last person?

11           *(No response.)*

12           **CHAIRMAN D. DUMEZICH:** That's it. So what  
13 we have to do is the defaults; right?

14           **MS. M. THOMPSON:** Yes.

15           **CHAIRMAN D. DUMEZICH:** We did not do the  
16 defaults from this morning?

17           **MS. M. THOMPSON:** From this morning.

18           **CHAIRMAN D. DUMEZICH:** Okay. Can you  
19 please report on the people that were supposed  
20 to come to the meeting but did not; can you give  
21 us...

22           **VICE CHAIR A. LONG:** As far as I'm  
23 concerned, they can read it in, and it's the  
24 recommended fine.

25           **CHAIRMAN D. DUMEZICH:** No, I understand,

1 but we need to get it down correctly.

2 **VICE CHAIR A. LONG:** You can turn the  
3 default list into the reporter and these are  
4 people that were served, and with those on that  
5 list, I would move that they have the standard  
6 fine be imposed.

7 **CHAIRMAN D. DUMEZICH:** There's a motion on  
8 the floor for the standard fine to be imposed on  
9 the default list from this morning's session; do  
10 I hear a second?

11 **COMMISSION MEMBER J. MYERS:** Second.

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

14 **MS. L. BARNES:** Mr. Chairman, I have a  
15 question?

16 **CHAIRMAN D. DUMEZICH:** Sure.

17 **MS. L. BARNES:** Can you clarify what the  
18 standard fine is, is that the statutory fine.

19 **VICE CHAIR A. LONG:** Yes, that's what I  
20 meant.

21 **CHAIRMAN D. DUMEZICH:** The statutory fine.

22 **VICE CHAIR A. LONG:** The statutory fine,  
23 yes. Thank you. That was a good clarification.

24 **MS. L. BARNES:** Oh, I overheard the staff,  
25 Abbey and Michelle, that was from them.

1           **CHAIRMAN D. DUMEZICH:** Plus postage.  
2           Hearing a motion for defaults to have the  
3           statutory fine imposed with respect to that,  
4           anyone who did not show up this morning, all in  
5           favor of the motion, indicate by saying aye?

6           **THE COMMISSION:** Aye.

7           **CHAIRMAN D. DUMEZICH:** Opposed?

8           *(No response.)*

9           **CHAIRMAN D. DUMEZICH:** Hearing none,  
10          4-0, motion carries. They have all been  
11          defaulted. Do we have any other things that we  
12          need to cover? Did we have -- who didn't show  
13          up this afternoon?

14          **MS. A. TAYLOR:** All corporations showed up.

15          **CHAIRMAN D. DUMEZICH:** Oh, that was good.

16          **VICE CHAIR A. LONG:** I would move that we  
17          adjourn.

18          **CHAIRMAN D. DUMEZICH:** No, don't do that.

19          **VICE CHAIR A. LONG:** I was getting ready to  
20          leave.

21          **CHAIRMAN D. DUMEZICH:** As it turns out, and  
22          I didn't know this, but we have some sort of  
23          statutory authority to review the redistricting  
24          in Lake County as it relates to commissioners  
25          and Lake County council members.

1 VICE CHAIR A. LONG: Is it in the book?

2 CHAIRMAN D. DUMEZICH: Yeah, apparently.

3 VICE CHAIR A. LONG: You mean this book?

4 MR. D. SIMMONS: It wasn't in the...

5 VICE CHAIR A. LONG: I say going to say I  
6 put it up. I was going to get it out again if  
7 it was. I didn't see it.

8 CHAIRMAN D. DUMEZICH: So the question is  
9 what do we want to do with it?

10 COMMISSION MEMBER S. RIORDAN: What's the  
11 time frame and for what election?

12 CHAIRMAN D. DUMEZICH: We have to get it  
13 done by the end of the year, December 31st.

14 COMMISSION MEMBER J. MYERS: I think the  
15 question was that it's not just us, but there  
16 have to be appointments made by the legislature  
17 as well as partners; is that correct, Dale?

18 MR. D. SIMMONS: Two from the House and two  
19 from the Senate as the advisory committee.

20 COMMISSION MEMBER J. MYERS: So it's --  
21 it's --

22 VICE CHAIR A. LONG: So it's to us?

23 CHAIRMAN D. DUMEZICH: Yeah.

24 COMMISSION MEMBER J. MYERS: So as Brad  
25 explained it to me, he said he was just looking

1 for us to ask the appropriate folks in the  
2 legislature to start considering who their  
3 appointments are, but that we should make that  
4 request so they can get the process started.

5 **VICE CHAIR A. LONG:** I would like to know  
6 what the issue is. The last time we went up  
7 here and ran a primary and the judge ordered the  
8 commission and they had the special election  
9 and...

10 **CHAIRMAN D. DUMEZICH:** I think we did the  
11 same election out of -- redistricting.

12 **VICE CHAIR A. LONG:** I'm going to have  
13 dinner with him pretty soon.

14 **CHAIRMAN D. DUMEZICH:** Say hi.

15 **VICE CHAIR A. LONG:** I will. We're very  
16 close friends. We went up to oversee the  
17 election. We never made it to Chicago.

18 **CHAIRMAN D. DUMEZICH:** That's pretty bad.

19 **VICE CHAIR A. LONG:** Well, they were in  
20 Crown Point in the clerk's office. We wouldn't  
21 want to know what was going on in the streets in  
22 Chicago.

23 **CHAIRMAN D. DUMEZICH:** I don't -- I don't  
24 want to digress and keep everybody, but I've got  
25 to tell a little short story. When I was in the

1 legislature, they went up to look at the --  
2 where the votes were going to go, you know,  
3 prior to passing the legislation, and Dale  
4 Skurtz (Phonetic) was on the truck, and they  
5 were showing him -- they took him through Gary  
6 to Buffington Harbor and Dale -- Dale said when  
7 you put the casino in here, you should put a  
8 sign up that says if you made it this far,  
9 you're already a winner, so I think what we  
10 should do is ask the legislature to select who  
11 they want to make advisory to this committee, I  
12 guess.

13 **COMMISSION MEMBER S. RIORDAN:** Do we have  
14 to send them some kind of...

15 **VICE CHAIR A. LONG:** And could you find out  
16 what this was all about?

17 **MR. T. DECKARD:** Yes.

18 **CHAIRMAN D. DUMEZICH:** So we can figure out  
19 why we're doing this.

20 **VICE CHAIR A. LONG:** What we're supposed to  
21 do and why we're doing it?

22 **MR. T. DECKARD:** We can do that, Mr.  
23 Chairman.

24 **CHAIRMAN D. DUMEZICH:** Okay, we're just  
25 about done. Motion to adjourn?

1           **VICE CHAIR A. LONG:** I thought I had  
2 already made it. I'll make it again, motion to  
3 adjourn?

4           **CHAIRMAN D. DUMEZICH:** Let me get a second,  
5 motion to adjourn?

6           **COMMISSION MEMBER J. MYERS:** Second.

7           **CHAIRMAN D. DUMEZICH:** Hearing a motion to  
8 adjourn and seconded, any discussion?

9           *(No response.)*

10          **CHAIRMAN D. DUMEZICH:** Hearing none, all in  
11 favor of adjourning, indicate by saying aye?

12          **THE COMMISSION:** Aye.

13          **CHAIRMAN D. DUMEZICH:** Opposed, nay?

14          *(No response.)*

15          **CHAIRMAN D. DUMEZICH:** 4-0, motion carries.  
16 This meeting of the Indiana Election Commission  
17 is adjourned.

18          *(Time noted: 1:58 p.m.)*

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25

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

3

4 I, Rhonda J. Hobbs, RPR, and a Notary Public  
 5 and Stenographic Reporter within and for the County  
 6 of Hendricks, State of Indiana at large, do hereby  
 7 certify that on the 27th day of June, 2011, I took  
 8 down in stenograph notes the foregoing proceedings;

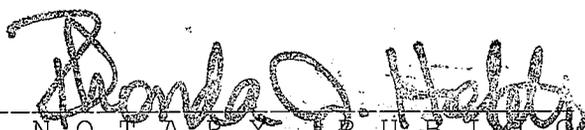
9 That the transcript is a full, true and  
 10 correct transcript made from my stenograph notes.

11 IN WITNESS WHEREOF, I have hereunto set  
 12 my hand and affixed my notarial seal this 20th  
 13 day of July, 2011.

14

15

16

  
 NOTARY PUBLIC

17

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