MS. TAYLOR: We still don't have a copy of that.

COMMISSION MEMBER OVERHOLT: So did you receive other supplemental reports?

MS. THOMPSON: Yes, we did.

COMMISSION MEMBER OVERHOLT: Were they submitted by fax?

MS. THOMPSON: I believe so. These are all different ones we received.

SENATOR YOUNG: It was a busy season.

CHAIRMAN BENNETT: Do you know who actually sent the fax, submitted the fax?

SENATOR YOUNG: Well, I submitted the faxes, actually.

CHAIRMAN BENNETT: You operated the fax machine yourself?

SENATOR YOUNG: Yes, yes, yeah.

CHAIRMAN BENNETT: They were all sent?

MS. ASHIRA YOUNG: Yeah.

SENATOR YOUNG: Yeah. My wife gives it to me and says, "Fax it."

And, you know, it went through. Everything seemed to be fine. I had no knowledge of this until I got the notice from you all.

VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman,
Senator Young has been at this a long time and has a better record at campaign finance than I have. So I would like to give him the benefit of the doubt of the fax and move that we waive the penalties.

CHAIRMAN BENNETT: Dismiss the case?

VICE CHRMN PRO TEM CLAYTOR: Dismiss the case.

CHAIRMAN BENNETT: Is there a second?

COMMISSION MEMBER KLUTZ: I'll second.

CHAIRMAN BENNETT: We have a motion and a second. Further discussion?

(No response.)

CHAIRMAN BENNETT: Hearing none, all in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. Case dismissed. Thank you, Senator.

SENATOR YOUNG: Thank you.

MS. ASHIRA YOUNG: Could we have that?

VICE CHRMN PRO TEM CLAYTOR: They don't have a copy.

CHAIRMAN BENNETT: Can you get the
original? Do you have the original?

MS. ASHIRA YOUNG: I don't have the
original. That's the only copy we have.

VICE CHRMN PRO TEM CLAYTOR: If we can send
you a copy, Senator --

SENATOR YOUNG: That's fine.

MS. ASHIRA YOUNG: Sure. That would be
fine.

SENATOR YOUNG: Thank you, Mr. Chairman,
and members of the committee.

CHAIRMAN BENNETT: Thank you. Who's next?

MR. PARSLEY: Hi. Greg Parsley, G-R-E-G,
2015-1376-121, Klinker for State Representative
Committee.

MS. TAYLOR: It's on page 88.

MS. THOMPSON: Klinker for State
Representative, Cause No. 2095-1376-121. This
is another supplemental report.

This committee has been before the Board
one time.

MR. PARSLEY: The situation was, she
received two 900-dollar checks that were dated
the same date. Until we filed the annual, we
did not realize that that triggered a CFA-11.
Sheila, much like the longevity of Senator Young, has been in the General Assembly since 1982. We're asking that you take notice of that, and are asking for a dismissal with regard to that.

We've been very transparent with her campaign. Always have. I do not live in Tippecanoe County. I live three hours away from her, so we oftentimes have to do things through the phone, and so forth.

The transparency of her campaign finance reports is somebody that gives as small as $10 to $20. We know, in addition to any cash that's under the threshold, we even know who has given that. And we would ask that the Commission take leniency upon that.

I was not aware that her committee has been here before. I've been her treasurer for almost 20 years, I believe.

CHAIRMAN BENNETT: Any questions from the Commission?

COMMISSION MEMBER KLUTZ: You said both checks were from the same donor?

MR. PARSLEY: They were, in the total of $900, which should have triggered the CFA-11,
and simply did not catch that they both were
dated October 29.

CHAIRMAN BENNETT: Why were there two
checks?

MR. PARSLEY: They were from I-PACE, and
they had issued -- and I think that’s part of
the problem in being in two different
localities, her being in Tippecanoe County, me
being in the southern part of the state. She
was given the checks, and we did not realize.
She normally does all of the depositing. I do
all the entering.

COMMISSION MEMBER OVERHOLT: Do we have two
separate causes here, then, or just one cause?

MS. TAYLOR: Just one cause.

COMMISSION MEMBER OVERHOLT: It’s the total
between the two.

CHAIRMAN BENNETT: Any motion proposed by
the Commission?

VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman,
this is a bit of a technical issue, and it’s one
I’m sure trips up a lot of people. But it is
the law, and this is the second violation.
I would move that we do a 50 percent
penalty in this case as the second violation for
this committee.

CHAIRMAN BENNETT: Is there a second?

COMMISSION MEMBER OVERHOLT: I second it.

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

(No response.)

CHAIRMAN BENNETT: Hearing none, all in favor of the motion say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. Fine reduced by 50 percent.

MR. PARSLEY: Okay. Thank you.

CHAIRMAN BENNETT: Representative Friend?

MS. THOMPSON: It's on page 88, same page.

Supplemental again.

REPRESENTATIVE FRIEND: Mr. Chairman and Members of the Commission, I'm State Representative Bill Friend, and I'm here on behalf of Bill Friend for State Representative Committee. The Administrative Cause No. is 2015-3486-122, and it involves a supplemental contribution and the filing thereof.

I'm accompanied by my campaign treasurer,
Mr. Kevin Comerford of Peru, owner of Comerford & Company CPAs in Peru. Comerford, C-O-M-E-R-F-O-R-D, Kevin Comerford.

This involves a large contribution, as you've been talking about for some -- several cases. And I do recall making the deposit, taking the copies to Comerford & Company for their filing with the State Election Board within 48 hours.

And I would ask that Kevin -- he has more detailed information than I. But I certainly would ask for some leniency by the Commission concerning this case, because -- as the filing was late, but it was also corrected as time would allow.

So Kevin?

MR. COMERFORD: My name's Kevin Comerford. The filing in question was on a -- I believe it's a CF-4. It had to do with a -- I'm sorry, CFA-11. It had to do with a contribution over a thousand dollars, a thousand dollars or more, and the recording within a 48-hour period.

We had two contributions during that period. The first one was reported and filed properly. The second one, staff overlooked.
And, you know, not to make an excuse for somebody on our staff. But the individual that usually does those online was dealing with an elder issue, and she was out of town. And she had asked that the staff email her any information if it came in, and she would file it online, because it was easier for her to just file it online than to explain to somebody else who'd never done it before. And so she did file the first one.

And then another contribution came in approximately three or four days later. And the staff basically got confused, and they didn't send her the email.

I found -- when the contribution -- when doing the CFA-11 at the end of the year, we actually self-corrected and filed the CFA-4 prior to the CFA-11 as soon as we found the contribution.

So I've done the report since 1999. And this is -- as far as I'm aware, this is the first, you know, error, or anything that we've overlooked.

In fact, when I went back through and looked at everything, we even filed one amended
form about five or six years ago for an in-kind
contribution of approximately $300 that somehow
had not come through.

So staff is pretty efficient and pretty
sincere about making sure we account for
everything. And this was simply overlooked.
And as soon as we found it, we filed the correct
form.

CHAIRMAN BENNETT: Anything else to add?

REPRESENTATIVE FRIEND: Those are the facts
as we know them, and I'm presenting them to you.

I would just take note that as soon as the
oversight was detected, a corrected copy was
filed with the State Election Board. And we
would just ask for your favorable consideration.
And thank you very much.

VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman?

CHAIRMAN BENNETT: Yes?

VICE CHRMN PRO TEM CLAYTOR: I know
Representative Friend never made a mistake while
he was county auditor.

REPRESENTATIVE FRIEND: You're way too
kind, Mr. Claytor.

VICE CHRMN PRO TEM CLAYTOR: I would move
that we make this a 25 percent fine as a first
offense.

CHAIRMAN BENNETT: Is there a second?

COMMISSION MEMBER KLUTZ: I will second that. It appears this is his first violation. I do appreciate the self-correction, so I would second that motion.

CHAIRMAN BENNETT: We have a motion and a second. All in favor aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: Opposed, nay.

(NO response. Motion carried.)

CHAIRMAN BENNETT: Motion carried, 25 percent fined.

REPRESENTATIVE FRIEND: Which would be $250?

CHAIRMAN BENNETT: $250. And, I guess, do we throw in the mailing or not?

VICE CHRMN PRO TEM CLAYTOR: 49 cents.

REPRESENTATIVE FRIEND: Can I just put a stamp on the envelope?

Thank you very much, Mr. Chairman, Commissioners.

CHAIRMAN BENNETT: Thank you.

MR. COMERFORD: Thank you.

CHAIRMAN BENNETT: Who's next?
MR. HOLDEN: My name is Greg Holden,
H-O-L-D-E-N. Two cause numbers, 15-162 and
15-163. We're a private company. The company's
name is Lawson-Fisher Associates.

MS. THOMPSON: That would be your red tab
in the back behind the spreadsheet.

Mr. Chairman, Lawson-Fisher Associates P.C.
has two corporation violations: A 2013 excess
corporation, and a 2014 excess corporation,
Cause No. 15-162 and Cause No. 15-163.

They contributed to the Republican State
Central Committee and the Democrat State Central
Committee in both cases. And Lawson-Fisher
Associates self-reported this to the Indiana
Election Division.

CHAIRMAN BENNETT: And the proposed civil
penalty listed, $15,000?

MS. THOMPSON: Each.

CHAIRMAN BENNETT: Your presentation?

MR. HOLDEN: I'm one of the engineering
owners of Lawson-Fisher Associates in South
Bend.

It came to our attention several months ago
that we had misinterpreted that rule on
allowable contributions. And as we stated, we
contributed $5,000 to both the Republican and
the Democratic State Committees in each of those
years.

During those two years, the only other
state level contributions we made were a couple
hundred dollars to a golf sponsorship for one of
the representatives.

So as we recognized our mistake, we
self-reported that in March of this year, and we
acknowledge our mistake and our ignorance of the
law in that regard.

We received some bad advice, we operated
out of assumptions, and we have nobody to blame
but ourselves on the part of that.

To prevent further mistakes, what we've
done is we've established new accounting methods
to identify each political contribution that we
make. We track those individually by all of
those accounts.

As a firm doing business with the
Department of Transportation, we have an outside
accountant that comes in every year and does a
full audit of all of our expenses. And they're
aware of that now, also, and they've agreed to
track that along with us to make sure that we
don't have any problem with that in the future.
In consideration of our small business
status, our self-reporting, our implementation
of corrective actions, and this being the first
time in front of this Commission, we
respectfully request that you would consider
reducing or waiving this large penalty.

CHAIRMAN BENNETT: Any questions at this
point?

COMMISSION MEMBER KLUTZ: The contributions
were made in 2013, and it was just recently
discovered in March of this year?

MR. HOLDEN: That's correct, yes.

COMMISSION MEMBER KLUTZ: How were they
discovered with such a delay?

MR. HOLDEN: One of our employees is
running for a council seat in one of the
neighboring cities up there, and he had a friend
who was a reporter.

And this reporter was doing investigative
reporting on contributions, found this mistake,
and he told him. And then he told us, and we
reported it. He was going to take it to the
newspaper. He gave the information to us right
away before that even happened.
CHAIRMAN BENNETT: Any other questions?

Any motion to reduce?

VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman, can I ask the Co-directors what has been the practice? I understand with political committees, and political committees are typically more conversant in the rules.

But has there been a practice with corporate violations in the past of treating them in a similar way or a different way than political committees?

MR. KING: Mr. Chairman, I can begin with addressing it, and I'll defer to my counsel to add or correct anything I have to say.

In previous matters, the Commission has taken into account whether the violation of an excess corporate or labor contribution was self-reported. And it has also taken into account what actions the entity has taken on its own to prevent further violations without prompting from the Election Division staff.

In many cases, I recollect the proposed case has been dismissed and the proposed fine not assessed.

In some other cases, if the evidence was
not as compelling on those points, typically,
there was a 10 percent penalty, at a minimum,
for the first offense.

    And I'll ask my counsel if there's anything
you would add.

    MR. SIMMONS: I recall 10 percent. I don't
recall much else, but I do remember
self-reporting and testimony regarding fixing
the issue being taken into consideration by the
Commission.

    CHAIRMAN BENNETT: Thank you. Anything
else from the other Co-director?

    MR. MANN: No.

    CHAIRMAN BENNETT: All right. Any other
questions?

    (No response.)

    CHAIRMAN BENNETT: Motion?

    COMMISSION MEMBER KLUTZ: Mr. Chairman, I
think the evidence is compelling. They did
self-report. This was a first violation. It
sounds like there's new accounting methods. It
looks like they've updated their auditors with
respect to looking at this, which I don't think
an auditor would normally look at. And again,
they self-reported it.
If this Commission in the past, and under these circumstances, has waived the fine and dismissed it, I think that's a proper action. And I make a motion that we dismiss this penalty, or proposed penalty.

VICE CHRMN PRO TEM CLAYTOR: Second.

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

(No response.)

CHAIRMAN BENNETT: All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. The penalties are waived.

MR. HOLDEN: Thank you very much.

CHAIRMAN BENNETT: You're free to go.

(Pause.)

MR. COOKE: Good afternoon, Mr. Chairman.

CHAIRMAN BENNETT: Good afternoon.

MR. COOKE: Mr. Chairman, and ladies and gentlemen, may I approach? In talking with Mrs. Thompson, your material does not have exhibits that were attached to a letter --

CHAIRMAN BENNETT: Could you state your
name?

MR. COOKE: My name is Jeff Cooke, C-O-O-K-E. I'm the treasurer for a RAP, R-A-P, PAC, standing for Responsible Assessing Practices, for an office in Tippecanoe County in the last election.

And a group of citizens got together and nominated me to be the treasurer. And I put the PAC papers together and did the report filing, et cetera.

And I believe that there's been a -- more or less a technical oversight in the process of the notice that was issued by the Commission. And I'd like to supplement, as I make a comment or two for you, this -- in particular, an email in this package that came from the Commission that should solve your dilemma in voting on whether to dismiss and waive any penalty for a late filing.

CHAIRMAN BENNETT: Could we get a cause number?

MS. THOMPSON: Yes, Mr. Chairman, it's on page 73.

This is RAP PAC, Cause No. 2015-6658-92.

This committee has never been before the
Commission before. The proposed civil penalty
is $350.49, and the committee is closed now.

CHAIRMAN BENNETT: The committee is ...

MS. THOMPSON: Closed now. And there is a
letter in your packet, but he had additional
exhibits he wanted to present.

MR. COOKE: May I approach?

CHAIRMAN BENNETT: Yes.

MR. COOKE: I have copies for the
Co-directors and all the Commission members.

MR. KING: This is the original?

MR. COOKE: No. These are copies of the
original.

And the Commission has the original of my
letter and the exhibits, I assume. And ladies
and gentlemen, along the way I dealt with
Co-commissioner Deckard, who I understand is no
longer here. And he and his staff were
enormously helpful to me as a neophyte in this
process. I'm not a political person, and I've
not done this before, except just when we
started this process, we dealt with the
Commission and its members frequently.

As you will see, I have ear-tagged in this
packet that I just handed to you what I think is
a relevant and important document. And it's an email from the Commission back to my office as we were considering the very filing which is the subject of whether we are going to be fined or not. It's several pages down, and it's just before the green sheet.

And of relevance and importance, you can see from this email -- and this is one of numerous emails between myself and Mr. Deckard and the Commission along the way. And this is Mrs. Gardiner, who did the paperwork out of my office. She's a paralegal in my office and helped me understand that enormous manual that we are all bound by, et cetera.

While I plead to be ignorant of some of the things, I also understand as a neophyte that I'm bound by the rules and regulations, which is fine with me. I don't mind that at all.

And if you'll look at this email that is dated October 16, which is the day before the mandatory date of filing on the 17th, we were told where to file. And that is the Tippecanoe County Election Board.

We did. You've got a copy in your paperwork of our file-marked documents with the
Tippecanoe County Board.

And then we get a letter from the Commission, the very people who sent us this email, dated October 20. We got it on the 23rd. It says we were delinquent.

We said, "Well, we have an email."

They said, "Well, file it anyhow."

So on October 23, when we got the notice from the Commission, we filed.

So it's my feeling that while, in a very technical argument that we didn't file on the 17th, we didn't have to file it with the state because it was a local office. And we, in fact, did everything we thought was reasonable and prudent to comply with the rules of the Commission and the Board.

So we're asking that you give us the opportunity to have commonsense, reasonable interpretation of the rules adopted, and you dismiss and waive the $350, which is a five-day at $50 a day -- seven days, excuse me, at $50 a day, however, the calculations are made -- and waive that amount.

There was never any intent to violate the rules. We were not trying to game the system.
We were just merely, as citizens, trying to do what we thought was proper to comply with the rules that this Board has to interpret and enforce.

So thank you for listening.

CHAIRMAN BENNETT: Thank you. Any response from the Division staff?

MS. TAYLOR: I believe the email was from me, that they filed with the County Election Board. They asked where to file.

I said, "What are you?"

They said, "Local PAC."

I said, "County Election Board."

I did not ask any further questions about what the name of the PAC was to determine that they'd actually filed with the state.

Since they opened their committee at the state level, they were then required to file with the state. I think, in retrospect, they didn't want to file with the state in the first place.

I confused them. They confused me. But I absolutely told them that he didn't -- he filed with the County Election Board because I thought it was a local PAC, and local PACs file with
MR. COOKE: We have apologized to the state staff. We didn't mean to confuse them. As we started down the road and read that enormous manual, we thought no matter, because it was a PAC, we had to file with the state. So we did.

And along the way we corrected. And the staff was helpful along the way in setting us on the proper path.

And I'll tell you what. We won't do it ever again. We are closed properly. We are done with the process, ladies and gentlemen. We will never be back. I promise you.

CHAIRMAN BENNETT: Questions from any Commissioners?

COMMISSION MEMBER KLUTZ: Mr. Chairman, I'd make a motion that we waive and dismiss this matter without penalty.

CHAIRMAN BENNETT: Is there a second?

VICE CHRMN PRO TEM CLAYTOR: Second.

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

(No response.)

CHAIRMAN BENNETT: Hearing none, all in
favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

MR. COOKE: Thank you all. And staff,

t than you for helping.

Good to see you, Bryce.

CHAIRMAN BENNETT: Thank you.

MR. COOKE: Thank you.

CHAIRMAN BENNETT: Next?

MS. RIORDAN: Good afternoon, Members of

the Commission. I'm Sarah Riordan, and I'm here

on behalf of the International Chiropractors

Association of Indiana.

I have four cause numbers. I have 2014 --

1828-21; 2014-1828-89; I have 2013-1828-94;


MS. THOMPSON: Mr. Chairman, you can find

that on the start of page 13.

This is International Chiropractors

Association of Indiana, Cause No. 2013-1828-26,

on page 13. Again, on page 15, Cause No. 94.

Page 18, Cause No. 21. And page 74 -- 73 has

the Cause No., and that's 2014-1828-89.

CHAIRMAN BENNETT: The last one is page 23
did you say?

MS. THOMPSON: 73.

CHAIRMAN BENNETT: 73, Okay. Anything else from the Commission, the Division?

MS. THOMPSON: Mr. Chairman, this committee has been before our Election Commission more than six times.

CHAIRMAN BENNETT: Okay. Ms. Riordan?

MS. RIORDAN: Mr. Chairman, thank you. My client, the Chiropractors Association of Indiana, did not — until this fall, did not file any campaign finance reports, going back all the way to 2007 annual report, which would have been due in 2008. Haven't filed any of them.

And 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 orders of penalty have been issued by this Commission in that time, because my client never showed up and never responded to any notices of deficiency or of delinquency.

As a matter of fact, I think that while I was a member of this Commission, I may have signed off on one of those orders.

Needless to say, my client has never made an appearance before you and is in a significant
hole. And I'm here to try to explain the
circumstance and bring to your attention,
perhaps, a reason for looking with favor upon
them.

Specifically, I'm here today on four orders
asking you to reconsider them, that were issued
sometime late last year for the association's
failure to file its 2012 preelect, 2012 annual,
2013 annual, and 2014 preprimary. Those are its
four most recent deficiencies. Like I said, the
previous 12 have already been sent to the
attorney general's office for collection.

In order to explain the circumstances, I
have to go back a few years. The Chiropractors
Association hired a woman named Susan L. Ellis
as its executive director back in 2007. At the
time she was affiliated and owned -- affiliated
with and owned a business known as WorkPoint,
and a couple of others as well, that served as
consulting firms to a number of nonprofits
across the state of Indiana.

The chiropractors contracted with her in
2007. She filed the 2007 -- no elections in
2007, so she didn't file -- she filed one
report, I believe, perhaps the 2006 annual. And
after that, she didn't file any at all.

Her responsibilities obviously included PAC compliance. And she filed -- I believe she filed the proper preelect in 2007, but after that, she didn't file any CFAs at all.

In fact, during those times, political contributions to the PAC were taken into the PAC's general -- or to the association's general account, and not into the PAC account. And contributions from the organization were issued from the general account, as opposed to the PAC account. All wrong, every single bit of it.

In 2009, the chiropractors terminated their association with Ms. Ellis based on some financial irregularities about their concern that she had misappropriated funds.

The chiropractors were not the only organization in the state that terminated their relationship with her. Several others did as well. And I have some media reports that I would be happy to share with you if the Commission would like to see them.

After she was terminated in 2009, they appointed a new treasurer, who was one of the members of the association, a chiropractor, who
had a full-time practice. She, in turn,
delegated all of the compliance responsibilities
to the association's accountant.

Now, we have been two years at this
point with no papers filed. Presumably, the
Commission staff is -- Campaign Finance staff is
sending notices of these deficiencies to
somebody. But no one who was affiliated with
the organization at that time ever received
anything, not in 2009, not until all the way to
2014.

At that time, Janelle Bottorff, who lives
in Plymouth, Indiana, and was president of the
organization some 10, 15 years ago, received a
notice from the attorney general's office dated
November 5, one of the efforts by the attorney
general to collect on the preceding 12 orders
issued by this Commission, indicating that the
organization was under penalty of $1,000.44.

Ms. Bottorff knew nothing about this. And
it's not clear why she received that notice from
the attorney general, but she picked up the
phone, and she contacted the new administration
of the organization and said, "I think we have a
problem."
At that point the organization realized,
"Well, if we have a problem with this, we'd
better take a look and see what else is wrong."
And at that time they discovered that they had
some 14, 15, 16 failures to file required
campaign finance reports.
But I'm here to say, and my client's
representative, Glenna Shelby, who is prepared
to confirm under oath, no one affiliated with
the organization after Ms. Ellis received proper
notice of any of these violations.
After receiving the November notice and
deciding to take some sort of reparative action,
the organization has filed campaign finance
reports for every single year. We did that in
March -- I'm sorry -- on April 17 of this year.
So essentially, what the organization did
is, it went through all of its financial records
and re-created everything that it believed
occurred from 2007 through the present, and
prepared reports and filed them at the same
time.
And I think perhaps the staff can confirm
that the most recent reports for 2014 have
properly been filed. So they are back on track,
the noncompliance ended with the 2014
preprimary. But they're back on track and are
filing as they are required to now.

What we believe is at the heart of this is
not an organization that doesn't have regard for
these rules, but an organization that made a bad
hiring decision. And when that employee was
terminated, she really left the organization in
a lurch, without any records at all concerning
compliance, campaign finance compliance, but
also with no direction to her successors.

The organization went for a very long time
without knowing what its obligations were in
this regard, which is evidenced by the fact that
they were making contributions out of their
personal account -- or their organizational
account. Nobody knew what to do.

But it seems worth considering that once
the organization discovered that, they went to
great lengths to replicate everything so that
their transactions and their campaign finance
contributions and receipts can all be seen by
the people of Indiana now. If you were to
review these reports that have been filed back
to 2007, not a significant amount of money has
gone in and out of the account at any time
during any of those years.

Finally, I would say with respect to the
issue of notice -- and Abbey Taylor has worked
with me on this and has been nothing but
helpful. But I've had an appearance on file in
this matter since last fall, and I didn't get
notice that my client was on the agenda today
because the notices of hearing were sent to an
address at 10 West Market Street, Suite 1720, in
Indianapolis. And that's not my address. And
that's not the address, if I may, of the
Chiropractors Association (indicating).

So I don't know what addresses they have
had on file and where notices to this
organization have been sent over the years. But
it's possible that inadvertently, mistakes can
be made, as they were made in this case.

I only found out that we were on the agenda
today by happenstance, by another client
contacting me to let me know that campaign
finance was on the agenda today. And I called
Abbey to find out where we were, and that's the
first time I knew, last Wednesday, that I would
need to be here today.
So with all of that in mind, I would ask the Commission to consider the exceptional circumstances here, and reconsider the orders previously issued under those four cause numbers, waive those penalties, and allow the committee to go forward in compliance with the election laws.

CHAIRMAN BENNETT: Thank you. Any reply from the Division?

MS. THOMPSON: Other than the address on there is probably the only address we have of record on that committee.

COMMISSION MEMBER KLUTZ: If I may ask, Mr. Chairman, what's on your statement of organization with the Indiana Secretary of State?

MS. RIORDAN: I don't think it says --

MS. SHELBY: That's never been --

MS. RIORDAN: The address of the organization is in Elkhart, Indiana. But we think it's possible that -- well, in any event, if this is the only address on file, that's not correct.

What we've sort of surmised is that the previously terminated executive director may
have been receiving those notices. You may have
given her address of her business as the filing
address, as the address of the organization, and
that she'd received all of those notices, and we
didn't.

But in any event, if this is the address
that's on file, that's not affiliated with the
organization.

COMMISSION MEMBER KLUTZ: Do you know who
the registered agent is?

MS. RIORDAN: I do not. But that person
didn't receive notice either.

COMMISSION MEMBER OVERHOLT: So what do the
records that are in the possession of the
Commission, what do they show?

So the address that was on file was 10 West
Market Street. Do you have a -- I'm just
wondering if you have a document that was
submitted by the association, what addresses, or
what address that --

MS. TAYLOR: I don't know that we have
anything that goes back that far for that
committee.

MS. THOMPSON: Yeah.

VICE CHRMN PRO TEM CLAYTOR: Do they have a
current CFA-2?

CHAIRMAN BENNETT: While you're looking for that, let me ask you this. What assurances do you have that the information used to prepare the CFRs from the past is accurate?

MS. RIORDAN: Well, the organization hired an accountant to go through, basically, the checkbook, and all the files that are organization files, as opposed to PAC files, because there were none.

And based upon that, she went through every political contribution and every contribution in from a doctor that seemed to be in the manner of -- intended for the PAC, and made the numbers true-up, and prepared the reports on that basis.

CHAIRMAN BENNETT: Okay. Were there ever any criminal charges brought against the executive director? You mentioned some misappropriation of funds.

MS. RIORDAN: Well, what's interesting is that there's another Susan Ellis who was convicted of tax fraud. I don't know if it's the same Susan Ellis or not. But they have the same name, she's in the state of Indiana, and it was in the same time frame, so ...
MS. THOMPSON: Now, they have updated their records. The last report they filed was the Market Street address.

CHAIRMAN BENNETT: When did the International Chiropractors Association move from Market Street address?

MS. RIORDAN: I'm sorry. What is the -- when was that -- when was that filed?

CHAIRMAN BENNETT: October 2007, there's a report of receipts and expenditures of a political committee filed by the International Chiropractors Association of Indiana showing the address 10 West Market Street.

MS. RIORDAN: We -- that would have been the report that was last filed by Ms. Ellis. And that may well have been the address of her business at that time, WorkPoint.

But that is not an address of the Chiropractors Association.

COMMISSION MEMBER OVERHOLT: The issue of the address goes to the notice, the issue regarding the hearing, right? The address -- whether the address that the Commission has is the accurate address goes to your argument regarding notices for these hearings?
MS. RIORDAN: Well, what I would submit is that if the organization received proper notice back in 2007, that it -- or 2008, that it failed to file the proper documents and was subjected to a fine, then it would be known to them that they were required to do that for every single election thereafter.

So the answer to that is yes.

CHAIRMAN BENNETT: Any other questions by the Commission?

VICE CHRMN PRO TEM CLAYTOR: I'd just like to know if the -- when the organization has changed -- or changed treasurers, if a CFA-2 has been filed with -- most recently, or whenever one was filed.

MS. RIORDAN: I believe so, yes. And, you know, all of that either has been updated or will be updated, given that we've filed all of the forms that we've been required to.

COMMISSION MEMBER OVERHOLT: Do you have in the files anything since 2007 reflecting any change of address, or changes --

MS. TAYLOR: With this latest round -- and we missed changing the address in the online system. We did get an updated address. We do
not have a new CFA-2.

MS. RIORDAN: We'll file one immediately.

CHAIRMAN BENNETT: Any motion?

COMMISSION MEMBER KLUTZ: What's the total amount of the four orders you're asking us to reconsider?

MS. THOMPSON: I think they're all $1,000.

MS. TAYLOR: I'm sure they're all $1,000.

MS. THOMPSON: They're all $1,000.49.

VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman, would you mind if I ask a small clarifying question?

CHAIRMAN BENNETT: Sure. Go ahead.

VICE CHRMN PRO TEM CLAYTOR: I believe you've asked not only for some relief from these, but a reconsideration of previous Commission orders?

MS. RIORDAN: Well, technically, the first thing I have to do -- and counsel can correct me if I'm wrong -- is that these four orders have already been issued. There's been a finding that we violated. Have not been sent to the AG for collection.

So what I'm asking is that you reconsider those four orders because we weren't here. We
didn't have notice of them to defend ourselves at that time.

Additionally, for everything that has already been sent to the attorney general, I'm trying to coordinate with that office to find out exactly what's out there and what they're pursuing and what they're not pursuing. And frankly, I'm having a really difficult time.

But certainly, we would also like to ask that the Commission consider those previous orders, and perhaps counsel could give us recommendation about what authority the Commission may have as far as those are concerned.

CHAIRMAN BENNETT: I'd be curious about that. I mean once orders go to the attorney general, is there anything we can do about that?

MR. SIMMONS: I don't think we -- well, I'm not sure we have.

I know we have -- the Commission has reconsidered orders and changed, but I don't know if we've done any that have been at the attorney general's --

MS. THOMPSON: I don't think so.

MR. SIMMONS: I don't know why there would
be any particular reason why you couldn't do that, since they are your orders.

MR. KOCHEVAR: I concur.

COMMISSION MEMBER KLUTZ: I guess I still don't know how to handle them. Are we dealing with violations that have not gone to order, and also a request to reconsider orders that have been issued?

Set aside the ones that have been sent to the attorney general. Let's just set those aside. You said there's 16, 12 that have been sent to the attorney general, 4 orders issued?

MS. TAYLOR: Yes.

MS. RIORDAN: Yes.

COMMISSION MEMBER KLUTZ: For $1,000 each.

And then are there pending violations that we're considering now?

MS. RIORDAN: No. We're back on track.

COMMISSION MEMBER KLUTZ: So you're just here with respect to four orders that were issued but not yet sent to the attorney general?

MS. RIORDAN: That's correct.

CHAIRMAN BENNETT: So you're not asking us for any relief with regard to the matters that are with the attorney general now; is that
correct.

MS. RIORDAN: Well, I don't frankly know what authority the Commission has. I think that Dale has indicated that maybe you do have the ability to rescind those.

But I would be willing to -- you know, certainly that would be relief we would request if the Commission believes it has the authority to do that.

VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman, I'm not -- being the rookie on this Board and not knowing practice, you may not like the motion, and I'll withdraw it.

But I wonder if we can hold this matter in abeyance and ask Ms. Riordan to work with our Co-directors and Co-counsels to put together a proposal on this matter which may include both these current pending orders, and the matters that have been turned over to the attorney general for collection, and have a recommendation for us at the next meeting.

CHAIRMAN BENNETT: Is that a motion?

VICE CHRMN PRO TEM CLAYTOR: That may be in the form of a motion.

CHAIRMAN BENNETT: I will take that as a
motion.

Is there a second to that motion?

COMMISSION MEMBER OVERHOLT: I'll second.

CHAIRMAN BENNETT: Motion and a second.

COMMISSION MEMBER KLUTZ: For purposes of reconsidering the options at the next meeting? Is that ...

CHAIRMAN BENNETT: Well, as I understand the motion, we would continue this hearing and allow some discussions to occur within the Division, both Co-directors, and maybe have a recommendation at the next meeting to deal with the situation. Is that fair enough?

VICE CHRMN PRO TEM CLAYTOR: Yes, uh-huh.

CHAIRMAN BENNETT: And we have a second to that motion?

COMMISSION MEMBER OVERHOLT: Right.

CHAIRMAN BENNETT: Any further discussion on that?

Any input about the legality of the pending motion from either counsel?

MR. SIMMONS: No.

CHAIRMAN BENNETT: All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.
(No response. Motion carried.)
CHAIRMAN BENNETT: Motion carried. So we will look into this and put it back on the agenda.

MS. RIORDAN: Great. Thank you very much.
CHAIRMAN BENNETT: Thank you. Next?

I'm here --
CHAIRMAN BENNETT: Let's get a cause number first. Oh, I'm sorry. I was just looking at it and started talking.

Cause No. 2015-6566-2. There's another one, 2015-6566-160. And the last one is 2015-6566-161. These are all a few days apart.

MS. THOMPSON: Mr. Chairman, that's on page 23, 24, and ...
MS. TAYLOR: 85.
MR. MELCHER: First I have to say thanks to the staff for helping my wife out when she was trying to do this.
September 7 -- no, September 20 I had a triple cardiac arrest. So I've been doing finance campaign for going on 23 years. I was a
city councilman, commissioner, still a commissioner. And I ran for the state rep because a lot of people asked me to run for it, so I did.

But I've never had a violation. In fact, Susie Kurt, the treasurer -- excuse me -- the clerk always thought my campaign came on in early, and me help other people do theirs. So we've never really missed.

But what happened, when I went down, I was in the hospital for, what, two, three weeks. She might have to adjust me because my memory goes. Then I went into rehab for a long time.

Probably I didn't get back in the race until about four days before the election. By that time, I was passed up in the polls by that time. I was ahead until then.

But she did everything she could. And the staff really worked with her well. In fact, she got to the point where she would fax it up and ask them to email her back so they would know that they got it.

And the mistake I think my wife said she made, she used the date of the check instead of the date that she received it. You know, I was
trying to talk to her and tell her, you know, how it should be, and she's never done that before.

So I think it's just a big misunderstanding. She used the wrong date.

That's all that was done.

And like I said, for 23 years, I haven't had a violation. If I would have been healthy at that time, probably we would have got it done right. But I might have made that mistake too.

So I'm going to ask you to dismiss it.

This is something that shouldn't happen again, unless I don't make the next one. So we would like to have it dismissed, if possible.

I don't really have anything to prove to you. But I know our faxes -- we know they got them because the only problem we had during the fax season, when you fax reports up, when I faxed up my primary one, somehow a page got missing. And a Republican chairman, not the Democrat, called me and told me I'd better check it because he knows I was missing one page because of that, because he couldn't add up the numbers. He said I was off.

So I checked it, and that's true. That was
the case. So I faxed up that page to make it complete.

So as far as I know, we -- my wife kept faxing everything, and everything went -- but we still -- you know, once you get on a list, you're on a list for a while. That's why we just kept getting them.

But we're here today to plead for some help.

CHAIRMAN BENNETT: Okay. Any reply from the Division staff?

VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman, on this it shows that two of the three supplementals are still unfiled; is that correct?

MS. TAYLOR: Two of the four.

VICE CHRMN PRO TEM CLAYTOR: Oh, I'm sorry.

MR. MELCHER: I thought they were all filed. What are we missing?

MS. TAYLOR: There was a contribution from I-PACE that's not on the 11 yet, and one from local 104 PAC that's not on the 11 yet. We caught those two on the annual report. The other two we got --

MR. MELCHER: Those were -- those were on
the annual report?

MS. TAYLOR: Yes.

MS. THOMPSON: Right.

MR. MELCHER: Okay. I was kind of involved in the end, but can you tell us which ones? We should have copies here.

Have you got a date?

MS. TAYLOR: There was a contribution from I-PACE, and the 11 was due October 16. So the date was October 14.

And then there was one from Local 104. And the due date was October 22, so the receipt was October 20.

MR. MELCHER: Well, I actually thought that we had everything filed.

MRS. MELCHER: I have I-PACE on the report. Do you have that?

MS. TAYLOR: Yes.

MR. MELCHER: That's a CAF-4 [sic].

MRS. MELCHER: Okay, that's a CAF-11 [sic].

that was on a --

MR. MELCHER: Oh, we put on there, "See CAF-11," so we must have did one.

MS. TAYLOR: We did not ever receive that one.
MRS. MELCHER: Okay. Do you see this right here (indicating)?

MS. THOMPSON: Yeah. We never received that.

MRS. MELCHER: You never got that C portion right there (indicating)?

MS. THOMPSON: Right, right.

MRS. MELCHER: Okay. And was the --

MR. MELCHER: Whenever I did my annual --

MRS. MELCHER: -- other one --

CHAIRMAN BENNETT: One at a time.

MS. THOMPSON: We have that one. It's Local 104. Those (indicating) are the two we do not have.

MRS. MELCHER: You do not have a CAF-11 for these?

MS. THOMPSON: Right.

MRS. MELCHER: That's what you're needing?

MS. THOMPSON: Yes.

MRS. MELCHER: Okay. Would you go ahead and put a check there so I remember to do this?

MR. MELCHER: So is this something that we probably still have to do?

MS. TAYLOR: Yes.

CHAIRMAN BENNETT: Let me ask Campaign
Finance what you learned from this discussion in
terms of the status of the --

MS. THOMPSON: She didn't realize she
hadn't filed. And on her report she has
written, "See CFA-11." But we never received
them. We found them when she filed her annual
report.

MR. MELCHER: That's what I always did my
whole career. I'd always -- if I did one, I
wrote on there so they knew I did one, because
even in a county they could lose some.

MRS. MELCHER: And I enjoyed this so well
that I decided to run for office myself.

So I should get these reports in to you,
Abbey? Is that how you --

MS. TAYLOR: Yes.

MS. THOMPSON: Yes. So two of them were
filed, and two of them were not filed of the
four.

MR. MELCHER: Okay. So we'll file the
reports.

CHAIRMAN BENNETT: The ones that have not
been filed are late, though?

MS. THOMPSON: They are late, yes.

CHAIRMAN BENNETT: So there will be an
additional --

MS. THOMPSON: And they're on your
spreadsheet.

CHAIRMAN BENNETT: They're on the
spreadsheet here, okay.

So we need to resolve today what fine and
penalty there's going to be based on --

MR. MELCHER: Well, I'd like to, if you
could -- because of the sickness, it was tough
for us. I don't -- we don't -- we zeroed out
our account too. It's all -- it's -- I guess I
did that right because they called me and told
me about it.

But I know my campaign account's cleared
out. So I'd ask if you could waive the fines.
We'll get the reports in, and then we should be
done.

CHAIRMAN BENNETT: Any comments or motions
from the Commission?

COMMISSION MEMBER KLUTZ: In the past, have
we -- I don't want to keep continuing things,
but continued things until people get their
reports in? I mean if we fine them now and the
report is still not turned in, would we just
address it again? I'm kind of posing a question
because I'm not quite sure.

CHAIRMAN BENNETT: My recollection is that we have done that. We've continued cases to ask people to get their reports in order, and then come back and talk about final resolution once the account is closed.

So I'd make a motion to continue this.

MR. MELCHER: Let me ask this. My wife says I talk too much, but I've got to ask this. If we didn't get -- I guess we didn't know. I mean did you send us something saying that we didn't turn that in?

MS. THOMPSON: You would have got a settlement agreement on the two. Well, actually, on all four.

MR. MELCHER: We never got a settlement agreement on -- I guess I'm confused. If two of them come in, did we get a settlement agreement for the two that you know you got?

MS. TAYLOR: You probably got four settlement agreements: Two at one time in November, and then two again in late February or early March.

MR. MELCHER: And those two said we were good, or ...
MS. TAYLOR: The two in March, February or March, said they had not been filed. And the proposed civil penalty was $1,000 for each.

MRS. MELCHER: And I made a phone call to find out what to do. And I was under the impression that they were all sent in. So ...

MR. MELCHER: And I was at rehab that whole -- I didn't get out of rehab until about April.

CHAIRMAN BENNETT: Okay. We have a motion. Do any of the Commissioners --

COMMISSION MEMBER OVERHOLT: Yeah. I'd move that we continue this to allow the required -- the missing reports to be filed, and then we can resolve it at a hearing after those reports are filed.

MR. MELCHER: Will that be next month?

CHAIRMAN BENNETT: Is there a second?

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: We have a motion and a second. Any discussion from the Commissioners?

(No response.)

CHAIRMAN BENNETT: All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, nay.

(No response. Motion carried.)