CHAIRMAN BENNETT: The ayes have it. We'll continue this and give you an opportunity to work with the Commission and get your reports on file, and then we'll look and see where we are at that point.

MR. MELCHER: Okay. Thank you very much.

MRS. MELCHER: Thank you.

(Pause.)

MS. WALTON: Patricia Walton, Cause No. 2014-5832-41, for Indiana State Building Trades. Actually, you have it as Citizens for Better Schools.

MS. THOMPSON: Oh, okay.

MS. TAYLOR: It's on page 20.

MS. THOMPSON: Mr. Chairman, this is Citizens for Better Schools, 2014-5832-41. This is one that was tabled from the last meeting to continue to close, and they did close it.

CHAIRMAN BENNETT: Very well. Anything you'd like to add?

MS. WALTON: Just that this has been total zeros on every report I've filed for the last -- well, since 2010. It's been totally inactive. There's no money in it. Nothing has happened with it since 2010.
So we're asking that the fine be waived.

CHAIRMAN BENNETT: Any questions from the Commission?

(No response.)

CHAIRMAN BENNETT: Any motions?

VICE CHRMN PRO TEM CLAYTOR: I would move that we waive the fine.

CHAIRMAN BENNETT: Is there a second?

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: Motion and a second.

All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. Fine waived. You're free to go.

MS. WALTON: Thank you.

(Pause.)

MR. FOLEY: Ralph Foley, Foley Campaign, Administrative Case No. 2015-3549-34.

We -- I stopped -- I retired from the Indiana General Assembly, and, in 2013, got rid of any money left in the account. And I talked to my secretary, who was kind of inexperienced, to help me with these things.
CHAIRMAN BENNETT: Can I ask --

MR. FOLEY: Yes, sir?

CHAIRMAN BENNETT: -- what page number?

MS. THOMPSON: Page 27.

MR. FOLEY: Oh, I apologize.

MS. THOMPSON: This is the Foley Campaign.

CHAIRMAN BENNETT: Okay. Now we can follow along with you.

MR. FOLEY: Thank you, Mr. Chairman, Members of the Commission.

So in 2013 I thought we filed a final report. And apparently there was not a final -- that was not designated as a final report.

All of my records dealing with campaign matters were boxed up. That particular office was vacated, and -- in our building. And I can't even find our copies of the last filing, so I had to go online to get those.

I haven't been able to locate the box, the storage box. I don't know if it's in the musty basement of that building or in the musty basement of my home, or in the ether.

But nevertheless, in 2013, I had -- I took in no money, spent -- I got rid of any money and had a zero balance. We were supposed to have
labeled it "final." We did not.

And it was a surprise in 2015 to learn that
we were supposed to have filed a report in 2014,
an annual report, because we thought that we had
completed our duties.

Again, there is no money. We took in no
money, we expended no money, and I retired from
politics. And the only thing I can tell you is
that it was inadvertence and inexperience.

It's my responsibility, absolutely. But
there is no purpose. I thought we had disbanded
after the election of 2011 and finally got rid
of the balance of the money.

CHAIRMAN BENNETT: Account closed, balance
zero?

MR. FOLEY: Pardon?

CHAIRMAN BENNETT: Account closed, balance
zero?

MR. FOLEY: Oh, absolutely.

CHAIRMAN BENNETT: Anything else?

MR. FOLEY: No. Thank you, Mr. Chairman.

CHAIRMAN BENNETT: Any questions?

(No response.)

CHAIRMAN BENNETT: Anyone have any motions?

VICE CHRMN PRO TEM CLAYTOR: I move we
dismiss.

CHAIRMAN BENNETT: We have a motion to dismiss. Is there a second?

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: Motion and a second.

All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Case dismissed.

MR. FOLEY: Thank you, thank you, thank you, Commissioners.

CHAIRMAN BENNETT: Thank you.

MR. FOGLESONG: My name is Kelly, K-E-L-L-Y, Foglesong, F-O-G-L-E-S-O-N-G. I'm the treasurer for the Greene County Republicans.

And this is Chairman Paul Clark.

MR. CLARK: Paul Clark, common spelling, Chairman for the Greene County Republican Party.

We have two separate cause numbers:


MS. THOMPSON: The first one's on page 22. The next one's on page 62. And there's a third one on page 74. That's 101.

CHAIRMAN BENNETT: Anything else from the
Division?

MS. THOMPSON: So that would be Cause Nos. 2014-5507-83, 74, and 101.

CHAIRMAN BENNETT: Can you give us a brief description of those?

MS. THOMPSON: This was a motion to reconsider, and the committee is also closed.

And all three of these are a motion to reconsider.

CHAIRMAN BENNETT: Okay. Proceed.

MR. FOGLESONG: Again, my name is Kelly Foglesong. This is my first time here. I sort of inherited this position. The prior treasurer's wife found him deceased in his home of natural causes, and I agreed to finish until his term was up.

I didn't have anybody I could go back to and ask questions from a lot of the things that he had. We have no idea where they are, notes, and so on.

But the reason I believe we're here today is we did not file the CFA-4s with the state. We sort of look to our elders for guidance. We don't have that. Our previous chairman, which has been involved with politics probably 50
years, now has Alzheimer's.

I'm not here to throw a sob story with you on people that have passed away or are ill, but we have gone by the Indiana Campaign Finance Manual that's published by the Indiana Election Division. And if we go deep into it, it gives a checklist on where we're to file. And the way we interpret it, we're not required to file with the state.

The part where we read that says, "A committee that supports circuit, county, city, or town candidates must file with the County Election Board." And we do that. We have done that, and we always have.

It says, "However, if a committee proposes to influence the election of any candidate for statewide or legislative office, or the outcome of a public question that's on the ballot statewide," which we haven't, and haven't for 30-some years, "then the committee must file with the Indiana Election Division."

Then it goes on and says, "The committee must file" -- it's also required to file with the county.

We've also filed them with the county. And
usually, before we leave, the clerk says, "I'll go ahead and send this to the state. You don't have to, but we always do it anyway."

We don't feel that we've done anything to mislead anybody. We've told everybody, "Anybody wants to look at our books, they're here. You're welcome to see anything that's in them."

We didn't file something with the state to hide anything. We didn't know we were supposed to. We were going by what the Indiana Campaign Finance Manual says we were to do.

CHAIRMAN BENNETT: Anything else you'd like to add?

MR. FOGLESONG: Paul, do you have anything?

MR. CLARK: No. We have one order that had been sent to the attorney general's office already for collections. We would like to see if you guys could reconsider that as well.

MR. FOGLESONG: We have had some mail go to a prior county chairman, or two prior county chairmen. And then they, like months later, have gotten them to us.

We later learned that there was a hearing. Of course, we would have been here, but we were unaware of those. They were sent to prior
county chairmen. And I've got those envelopes here, if you want to see those.

But basically, we didn't file anything with the state because the manual says we weren't supposed to.

MR. CLARK: And we haven't given any money to any state candidates in 30-some years.

MR. FOGLESONG: 30-some years.

COMMISSION MEMBER KLUTZ: So what prompted you to file with the state?

MR. FOGLESONG: We've never filed anything with the state. The clerk's office has faxed them up here.

COMMISSION MEMBER KLUTZ: Oh, I see.

MR. FOGLESONG: In fact, they would email us and say, "We have sent this on to the state."

I don't know whether the other party does and they think they're supposed to, or what.

COMMISSION MEMBER KLUTZ: I was trying to figure out what triggered a notice to you that you'd failed to file if you haven't filed in the past.

MR. FOGLESONG: Don't know.

MS. THOMPSON: We're looking to see when they filed a statement of organization with us.
COMMISSION MEMBER KLUTZ: You're saying the committee is closed?

MR. FOGLESONG: No. We're still --

COMMISSION MEMBER KLUTZ: Oh, okay.

MS. THOMPSON: They're closed on the state level.

COMMISSION MEMBER KLUTZ: Closed at the state level, I see.

MR. FOGLESONG: We've sent letters saying that we don't give to state or federal candidates, or other than local candidates, and maybe that's ...

CHAIRMAN BENNETT: Let me ask counsel now while we're looking for some records. Do you agree with the interpretation of the Election Code that you heard here?

MR. SIMMONS: Yes. We certainly advise committees that if you are going to give to statewide or state legislative candidates, that they would need to file with us. And if you're totally going to give to local candidates, you file locally with the county.

We don't tell them what to file, though.

We -- you know, you have that advice. And it is committees that tell us who they purport or what
offices they purport to support.
And so it has happened often, and I'm sure
you all remember cases where a committee may
have -- years ago a county committee wanted to
support a state legislator. So they thought,
"Okay, now we have to open a state committee."
And they started filing in both places. And
then they got out of that business, and that
remained. As far as we know, what we have on
file is they opened a committee, so we expect a
report.

CHAIRMAN BENNETT: Okay.

MR. FOGLESONG: We don't not support state
candidates. We -- oh, I'm sorry. Go ahead.

MR. KOCHEVAR: No, I have nothing. I have
nothing to add.

MR. FOGLESONG: We support them by voting
for them, or whatever.

But if you look at our last CFA-4, it's
kind of embarrassing. I think we have $18.37 in
there. We don't have the money to support state
candidates. Times have changed. We don't have
a lot of supporters.

CHAIRMAN BENNETT: Let me go back to the
Division. Have you found anything in the
paperwork?

MS. THOMPSON: Their CFA-2?

CHAIRMAN BENNETT: Yes.

MS. THOMPSON: Yeah. They started -- or, excuse me, three. They filed back in 2006, is when they originally --

Is that '06?

MS. TAYLOR: Yeah.

MS. THOMPSON: -- filed their statement of organization with us. Since then, some were faxed. Some were mailed reports.

CHAIRMAN BENNETT: Can you tell where it came from.

MS. THOMPSON: No.

MR. FOGLESONG: Does it give a phone number?

MS. THOMPSON: This one wasn't faxed.

(Inaudible discussion off the record.)

CHAIRMAN BENNETT: Do we have a motion from any of the Commissioners?

COMMISSION MEMBER KLUTZ: Mr. Chairman, it appears, even though they started filing in 2006, it may have been that they were not required to do so.

The testimony is that they do not actively
support statewide candidates for state house or
state senate, and -- which would trigger the
state filing.

They've since closed their state accounts,
so I would make a motion to dismiss the proposed
charges or fines.

CHAIRMAN BENNETT: Is there a second? Do
you --

COMMISSION MEMBER KLUTZ: Or this is a
motion to reconsider. Sorry, a --

CHAIRMAN BENNETT: Motion to reconsider the
past -- the past --

COMMISSION MEMBER KLUTZ: -- my motion.

CHAIRMAN BENNETT: Did your party get
involved in referendums on property tax?

MR. FOGLESONG: No.

COMMISSION MEMBER KLUTZ: Mr. Chairman, I
want to amend my motion.

I'd make a motion that we reconsider the
prior orders and dismiss the prior causes giving
rise to those orders.

CHAIRMAN BENNETT: Very good. Is there a
second to that motion?

VICE CHRMN PRO TEM CLAYTOR: I will second
it, if I can ask a question immediately.
CHAIRMAN BENNETT: Second for purposes of discussion. Very well.
VICE CHRMN PRO TEM CLAYTOR: Did I understand they have a collection matter pending before the attorney general as well?
MR. FOGLESONG: That's 101, I believe.
MS. THOMPSON: No.
MR. FOGLESONG: That's not it?
MS. THOMPSON: That's one of the three that are before the Commission today.
MR. FOGLESONG: Okay. I don't know.
MS. THOMPSON: I don't know about --
MR. FOGLESONG: That might have been some of them that we are later finding out about that were sent other places.
MR. CLARK: To answer your question, yes, we do. It doesn't say which campaign finance report that it ordered -- the letter we have from the attorney general. It has their office -- or their file number.
But it was ordered November 5. The letter we got from the attorney general was November 5, 2014.
COMMISSION MEMBER OVERHOLT: So should we just say we should address -- or make it clear
we're addressing the ones before us today, as opposed to what's been referred to the attorney general?

COMMISSION MEMBER KLUTZ: Yeah. Let me restate the motion that it would not include any order that has previously been sent to the attorney general. I think we're looking at that issue for other candidates to see how that's going to be for the rest of them.

VICE CHRMN PRO TEM CLAYTOR: I'll accept that change with my second.

CHAIRMAN BENNETT: Okay. So we have a motion and a second. All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. We will reconsider and release the previous orders.

MR. CLARK: The three cause numbers that were read at the beginning of this hearing?

CHAIRMAN BENNETT: Yes, but not the attorney general's --

MR. CLARK: This one (indicating) still stands?

CHAIRMAN BENNETT: Yes.
MR. FOGLESONG: Do we have a separate hearing for that, or how does that -- I've never been here before. I don't know what --
CHAIRMAN BENNETT: Well, I'm not sure we do either.
MR. FOGLESONG: We've been trying to learn as we go along.
CHAIRMAN BENNETT: We're looking into the issue with regard to the attorney general, and we will notify you of any action that we take, or that we will consider taking.
MR. FOGLESONG: Thank you all very much.
MR. CLARK: Thank you.
CHAIRMAN BENNETT: Thank you.
(Pause.)
MR. GILLIM: Good afternoon, Members of the Commission, Chairman Bennett, Directors and Staff, this is -- I'm here before you regarding Cause No. 2015-6599-94. Parvin for 32 is the name of the -- former name of the committee. It's been disbanded.
My name is Parvin Gillim. That is P-A-R-V-I-N, G-I-L-L-I-M.
CHAIRMAN BENNETT: Give us a minute to find your case.
MS. TAYLOR: It's on page 76 and 77. The first is Cause No. 2015-6599-94. It's a proposed civil penalty of $1,000.49.

And the second is Cause No. 2015-6599-95, with a proposed civil penalty of $1,000.49.

And the third is 2015-6599-96, with a proposed civil penalty of $1,000.69.

All three of these are late CFA-11 supplemental records for a thousand dollars or more.

CHAIRMAN BENNETT: And what are the page numbers?

MS. TAYLOR: 76 and 77.

CHAIRMAN BENNETT: Mr. Gillim?

MR. GILLIM: I will just plead my case saying that this is a matter of ignorance and naivety on my part.

When I received the notices -- and frankly, I didn't even realize there were three causes. I just thought there was the one. She was kind enough to explain to me that this was because I had had some campaign contributions in excess of a threshold that I -- honestly, I wasn't aware of. It wasn't as if I was trying to cover anything up, or anything like that. This was my
first foray into this type of political endeavor, and it was a huge educational experience, and obviously one that I didn't completely understand.

And I thought I'd read through the manual, and I thought I was submitting the proper forms. But clearly I missed some important ones.

And with that, I guess I'm just asking for leniency for a newcomer that probably will never deal with this again, because -- just -- it's obviously something that I'm not really cut out to do.

CHAIRMAN BENNETT: Did you have a treasurer?

MR. GILLIM: I did not. I ran it all myself.

VICE CHRMN PRO TEM CLAYTOR: And these are still unfiled?

MS. TAYLOR: Correct.

MR. GILLIM: And I only learned today from listening, if I'm understanding this right, that I actually should also submit those forms. I didn't realize that once the committee is closed, that I would still need to submit those forms.
1 And after hearing all this, I apologize. I didn't even understand that I needed to resubmit those. It's just a matter -- I -- since it was disclosed on the final form, I didn't realize I needed to continue to submit new forms.

2 CHAIRMAN BENNETT: Do you intend to close the campaign accounts?

3 MR. GILLIM: It's been closed. Everything has been closed.

4 MS. THOMPSON: We'll check and see if it's closed.

5 MR. GILLIM: Oh, okay. I think I checked that box.

6 MS. THOMPSON: You may have.

7 CHAIRMAN BENNETT: Is there a motion from anybody?

8 VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman, I'd move that we hold this in abeyance until forms are filed and make sure that the account for the committee is properly closed.

9 MS. TAYLOR: It's closed.

10 VICE CHRMN PRO TEM CLAYTOR: Okay, it is closed?

11 MS. THOMPSON: It is closed.

12 VICE CHRMN PRO TEM CLAYTOR: But those are
unfiled?

MS. THOMPSON: Yes. The committee is closed, but the CPA-1ls are still not filed.

CHAIRMAN BENNETT: So your motion is to continue this matter and see that the forms are filed?

VICE CHRMN PRO TEM CLAYTOR: That the forms are filed, yes, sir.

CHAIRMAN BENNETT: Is there a second?

COMMISSION MEMBER KLUTZ: Second.

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

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, nay.

(No response. Motion carried.)

MR. GILLIM: Are these in the manual or are these online, those forms?

MS. TAYLOR: Both.

MR. GILLIM: Both, all right. Thank you.

CHAIRMAN BENNETT: The Commission staff, I'm sure, will help you if you have any questions.
MR. GILLIM: They’ve been very helpful.

Thank you.

CHAIRMAN BENNETT: Representative Porter?

REPRESENTATIVE PORTER: Good afternoon,

Mr. Chairman.

CHAIRMAN BENNETT: Good afternoon.

REPRESENTATIVE PORTER: Ladies and gentlemen, I’m Gregory W. Porter. I don’t have any cause numbers. I apologize. I don’t have them with me. It’s Gregory W. Porter for State Representative.

CHAIRMAN BENNETT: Can you give us just a second to try to locate your file?

REPRESENTATIVE PORTER: Yes, sir.

MS. THOMPSON: Page 79 and page 80.

CHAIRMAN BENNETT: Does the Division have anything else to say?

MS. THOMPSON: Yes. Mr. Chairman, these again, are supplemental reports.

Gregory Porter for State Representative,

Cause No. 2015-3546-100, 101, and 102.

CHAIRMAN BENNETT: Representative Porter?

REPRESENTATIVE PORTER: Yes, sir. Been in the General Assembly for about 20-plus years, and never been in front of the Commission.
We did sign it and submit it. However, it got hung up in some other paperwork with some other candidates, and it did not get filed. I know subsequently there was one supplemental filed after that from someone, and so I signed them. They just didn't get filed. There was a lot going on, and that's where we are right now.

I do understand that. I've never had it before. And I even -- if it's -- if somebody gives me $10, a 10-dollar check, I file it on the report. I try to be totally transparent.

CHAIRMAN BENNETT: This has never happened in years and years. Was there something in particular that occurred that caused it this time?

REPRESENTATIVE PORTER: There was some issues going on that -- I was moving through -- doing some things in there. I kind of do my own also. My treasurer's been deceased for a while, so -- but I never had this happen before.

And I did try to get it to you, but it just -- it just didn't happen. It just didn't happen.

CHAIRMAN BENNETT: All right. Any
VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman, these don't show that they have been filed yet.

MS. TAYLOR: That's correct. We do not have these CFA-11s.

CHAIRMAN BENNETT: What is the status of those, from your perspective, Representative Porter?

REPRESENTATIVE PORTER: They will be filed. I thought they were filed, but obviously, if you say they weren't, they're not. But they will be filed expeditiously.

VICE CHRMN PRO TEM CLAYTOR: I think, Mr. Chairman, what we've been doing is holding these in abeyance until the reports are actually filed. And I would so move.

CHAIRMAN BENNETT: Is your campaign committee still --

REPRESENTATIVE PORTER: Yes, sir, active.

CHAIRMAN BENNETT: Still active?

REPRESENTATIVE PORTER: Yes, it is, sir.

CHAIRMAN BENNETT: Is there a second to the motion?

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: We have a motion and a
second. Any 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.)

CHAIRMAN BENNETT: Motion carried. We will continue this hearing and ask that you get your paperwork filed, and we'll revisit this after that.

REPRESENTATIVE PORTER: Thank you, ladies and gentlemen.

CHAIRMAN BENNETT: Thank you.


CHAIRMAN BENNETT: Just give us a second and we'll get the file up here.

MR. TATGENHORST: Yes, sir.

MS. TAYLOR: It's on page 51. Cause No. 2015-6511-56. It's the first time before the
Commission, and it's a proposed civil penalty of $50.49.

CHAIRMAN BENNETT: You may proceed.

MR. TATGENHORST: I'd like to move that this -- or ask that this be dismissed. I don't have 25 years of previous elections to point to, and my good behavior, but I will say that in my first campaign, I spoke quite often with Michelle and Abbey and made every effort to keep current.

On the day that the filing was due, I tried to log in around 9:00 a.m. and was unable. And I called the secretary's office, and I believe on that date I spoke with Michelle. And she helped me get in, but I got in a little late, and my filing was 15 minutes late.

I think that I could show that my attempt was to have filed on time, and I would ask for your leniency on that.

CHAIRMAN BENNETT: Any comments from the Division?

(No response.)

CHAIRMAN BENNETT: Any questions from the Commissioners?

COMMISSION MEMBER KLUTZ: The comment here
saying 12:15.

MS. THOMPSON: Yes.

COMMISSION MEMBER KLUTZ: Is that when you talked with him?

MS. THOMPSON: No. That's when he filed the report.

COMMISSION MEMBER KLUTZ: Okay. I know it was late, but it does appear that there was a substantial attempt to comply here. And I know sometimes on filing deadlines online, there can be a backup.

I'd make a motion that we waive any fine.

CHAIRMAN BENNETT: We have a motion. Is there a second?

VICE CHRMN PRO TEM CLAYTOR: Second.

CHAIRMAN BENNETT: A motion and a second. All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. Fine waived. You may go.

MR. TATGENHORST: Thank you very much.

MR. HAUPTMANN: Good afternoon. This is in regards to 2015-6648-33. My name is Joe

It is customary in our party for -- when a member requests it, that the party send a representative. Most of our candidates are working people who find it difficult to get down here, especially if they're not in the Metro area.

CHAIRMAN BENNETT: Could we wait and let us find the page number?

MR. HAUPTMANN: Yes. I'm sorry.

MS. THOMPSON: Mr. Chairman, that's on page 54. Committee to Elect Terry Burch, 2015-6648-33.

CHAIRMAN BENNETT: Anything from the Division?

MR. HAUPTMANN: I would ask that you consider waiving the fine on this. Terry tried to make the deadline. He went under the old idea of the mailbox rule, which apparently doesn't exist anymore with regard to this. He mailed it prior to the deadline. He paid additional at the post office to try to get it there. It arrived the day after the deadline.
Most of our people are citizens trying to exercise their civic duty. They don't have a lot of experience in politics.

Terry didn't even make it onto the ballot due to a residency. And it just seems a little unfair to put a fine on him under these conditions.

CHAIRMAN BENNETT: Is the account closed at this point?

MR. HAUPTMANN: I do not know. I was not chair at the time that he ran. I was just appointed chair, or elected chair, so I was asked to appear for him in this matter.

I will also see that our 2016 candidates are informed that you can't count on the post office.

MS. THOMPSON: It's not closed.

MR. HAUPTMANN: Okay. I will see that it gets closed.

CHAIRMAN BENNETT: Counsel, could you clarify whether or not the post office mailbox rule applies in this matter.

MR. SIMMONS: We have, Mr. Chairman, our own definition of filing. In 3-5-2-4.5, that includes both the concept of receipt by Election
Division and recording the date and time of receipt. But that's come up often in the past hearings.

CHAIRMAN BENNETT: Thanks. Receipt by the Election Division. And you concur with that?

MR. KOCHEVAR: Yes.

CHAIRMAN BENNETT: Generally, we like to see accounts closed. But does anyone have a motion to make?

VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman, as a first offense, we would be looking at reducing it to 25 on request. But -- well, in fact, I will make that motion, that we reduce the fine to one-quarter as a first offense, to be $25.49.

CHAIRMAN BENNETT: Is there any second to that motion?

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: 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.
1 (No response. Motion carried.)
2 CHAIRMAN BENNETT: Motion carries, fine
3 reduced, 25 percent -- to 25 percent.
4 MR. HAUPTMANN: Thank you.
5 MS. MURPHY: My name is Leslie Murphy,
6 L-E-S-L-I-E, M-U-R-P-H-Y, with the Indiana
7 Amusement & Music Operators Association,
9 CHAIRMAN BENNETT: Thank you. Do we have a
10 page number?
11 MS. THOMPSON: That would be on page 19.
12 CHAIRMAN BENNETT: Any comments from the
13 Division staff?
14 MS. THOMPSON: It's the Indiana Amusement &
15 Music Operators Political Action Committee,
16 2014-5203-31. This is a motion to reconsider,
17 and the committee is closed. You may proceed.
18 MS. MURPHY: Thank you very much, sir. We
19 did have a prior settlement from situations of
20 not filing a 2013 annual report, a 2014
21 preprimary report, and a 2014 preelection
22 report. Once we were notified of that, we took
23 care of those actions very quickly. We thought
24 we had done everything to actually close our --
25 the committee, and found out that we hadn't
filed the paperwork correctly to do that.

So once we were notified, we quickly filed those reports. We've paid the penalty. We worked with the -- the staff, who were very helpful in making sure that we had that account closed.

So when we got this most recent notification, we were surprised, because obviously, this predates the other reports that we said hadn't been filed. We would have thought that would have happened at the same time.

And also, this past January, we had tried to work with staff because they've always been very responsive and very helpful -- and were in this case -- to say, "We just want to make sure. Because we screwed up before, we just really want to make sure that we've done everything we should to make sure that this is closed and we've done everything we need to do." We were told we had.

So when we found out that we hadn't filed the January 2014 report, we were surprised by that.

So what we're asking is to waive a penalty,
either allow us to file a report or waive the report, since it is now closed.

COMMISSION MEMBER KLUTZ: We have a motion to reconsider. Can you explain what that is? And then we also have something that says a proposed fine. So are we looking at a proposed fine as well as a past fine, or ...

MS. TAYLOR: The motion to reconsider is for the 2013 annual that was due in January of 2014. You held that hearing in September of 2014, so this is a motion to reconsider that order.

The proposed fine is just wording on the forms. We can't -- it's a text box --

MS. MURPHY: Because we'd already paid those fines, so it's really the new -- I just want to make sure I understand. The new is for the January 2014 annual report, is the issue.

The reason I bring up the prior, which included the motion to reconsider is -- just so you know, something happened. We thought we fixed it. We paid the fines. Realized that we'd screwed up.

And now we, then, have subsequently gotten an additional report notification for the
January 2014 annual report, right? Am I missing that?

MS. THOMPSON: You paid the fines on the 2014.

MS. TAYLOR: The preprimary --

MS. MURPHY: And '13.

MS. TAYLOR: -- and preelect.

MS. MURPHY: And '13. It was all part of the reconsideration.

MS. TAYLOR: We're just reconsidering the '13 annual.

MS. MURPHY: The '14 is what's on the hearing report. It's the January '14 that's on the hearing notification.

MS. TAYLOR: Right. That was the 2013 annual that was due in January of 2014.

MS. MURPHY: Oh, I see what you're saying.

MS. THOMPSON: So it's the 2013.

MS. MURPHY: Okay. That was -- because the other two, we've already paid the penalty?

MS. TAYLOR: Yes.

MS. THOMPSON: Right.

MS. MURPHY: Why weren't they -- I'm sorry. Why weren't all three together? Was there a reason? I'm sorry. I really thought all three
were together, and that this was some new
report.
MS. THOMPSON: No, this isn't a new report.
This is an old one. You paid two fines -- you
had three reports, you paid two fines.
MS. MURPHY: Which we have filed and are
attached.
MS. THOMPSON: Right. And this is why this
one's still on the agenda.
CHAIRMAN BENNETT: So there's one more fine
to be paid and a report that has never been
filed?
MS. MURPHY: No. It's right there.
MS. TAYLOR: It's been filed.
MS. MURPHY: Everything was filed at the
same time. All notifications for all three
reports came to us at the same time, where we
clarified after the notifications what was
needed. We filed it all, paid our penalties.
So my mistake. I thought it was all -- all
the penalties were for all three of those, the
filling of all three of those reports for '13
and '14.
CHAIRMAN BENNETT: There's one penalty that
remains unpaid?
MS. MURPHY: Apparently so.
MS. TAYLOR: That's what we're --
MS. MURPHY: That's --
MS. TAYLOR: -- reconsidering --
MS. MURPHY: -- unknown to us.
CHAIRMAN BENNETT: Any questions?
VICE CHRMN PRO TEM CLAYTOR: I'm confused.
MS. MURPHY: Yeah, so am I. I'm sorry. I am too.
CHAIRMAN BENNETT: There were three fines
to be paid on three reports that weren't filed.
All three reports have now been filed, but
two of the fines have been paid. One fine
remains unpaid.
MS. MURPHY: I will say that I believed --
because all three reports -- we found out about
all three reports at the same time, that the --
and filed all three of those reports
subsequently at that time, and I believed that
the penalty was for all three reports.
COMMISSION MEMBER KLUTZ: Doesn't appear
that's the case.
MS. MURPHY: Doesn't appear that's the
case.
COMMISSION MEMBER KLUTZ: So what do we
have for the outstanding 2013 fine? $1,000?

MS. MURPHY: That we've not been notified
of yet.

CHAIRMAN BENNETT: Did you pay the other
two in full?

MS. MURPHY: Yes. $2,000.95 for the
postage, right. Yes, we did, as soon as we
knew.

CHAIRMAN BENNETT: Is there anything that
the Division did or we did that confused you on
the third fine?

MS. MURPHY: Once again, we made the
filing. Once again, when we got the
notification, we contacted the office. We said,
"What do we need to do?" Make sure I had the
right forms. Took them, got them hand-stamped,
and did all of that once.

So for whatever mistaken reason, I believed
that then the penalty we got was for all things
we were dealing with at the same time. So I was
tying time of getting clear with the reports
with the penalties.

So it seems -- doesn't that seem -- it
seems odd to me that I would have penalties for
something, for the 2014 reports that were due,
actually, later than the January 2014 reports.

Does that not seem odd to you?

CHAIRMAN BENNETT: Is there an invoice?

Do we send out an invoice with the penalties on

them?

MS. TAYLOR: We send out the order.

MS. MURPHY: Sent out the order, right,

which we signed and sent back and paid the

penalty January 16, I believe, somewhere in that
time frame.

MS. THOMPSON: That I don’t have on here.

You paid the settlement agreements?

MS. MURPHY: Yeah. We paid what we

received, yeah.

MS. THOMPSON: Those I don’t have down

here.

MS. MURPHY: Yeah. We paid what we

received.

MS. THOMPSON: Two of the three settlement

agreements were sent back.

CHAIRMAN BENNETT: And the third was not?

MS. THOMPSON: Right.

CHAIRMAN BENNETT: Okay. So that --

MS. MURPHY: And I’ve not seen the -- I’ve

not seen the third. It’s all the same address,
and I've never seen the third.

So that's why I thought -- I'm sorry.

That's why I thought this notification was for something new, a new report that I was unaware we hadn't filed.

COMMISSION MEMBER KLUTZ: What did the settlement agreement say that didn't get returned? What was the proposed settlement? Do we know?

MS. THOMPSON: I can't remember.

COMMISSION MEMBER KLUTZ: Would it --

MS. MURPHY: And I'm sorry, I do not remember.

COMMISSION MEMBER KLUTZ: -- have been a percentage of this thousand dollars?

MS. THOMPSON: No. It would have been for a thousand dollars.

COMMISSION MEMBER KLUTZ: For the full thousand?

MS. THOMPSON: Yeah. Three of them for $1,000.

CHAIRMAN BENNETT: Plus 49 cents.

MS. THOMPSON: Right.

MS. TAYLOR: Right.

MS. MURPHY: And we got the settlement
notification for $2,000.95, and paid it right away. We filed the reports right away. We paid the payment right away. Same address, no change of address, no difference in who is handling it.

So that's why I'm sorry, my confusion, that I thought this hearing notice was for something new that I was unaware of, even though the account's now closed.

CHAIRMAN BENNETT: Does anybody --

MS. MURPHY: So if we've confused anybody else ...

CHAIRMAN BENNETT: -- have a motion?

COMMISSION MEMBER KLUTZ: Can we reissue the settlement agreement?

MS. THOMPSON: Can we reissue?

CHAIRMAN BENNETT: I guess she's asking us to reconsider that third one.

VICE CHRMN PRO TEM CLAYTOR: I mean it doesn't exist anymore, and it has no money?

MS. MURPHY: It's closed, no. We actually thought we had closed it in 2012. We had not filed the paperwork apparently correctly to do that.

Subsequently, we did that, once we were
CHAIRMAN BENNETT: So the account balance
is zero?
MS. MURPHY: Right, right, correct.
VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman,
I move we reconsider the fine.
CHAIRMAN BENNETT: And waive it?
VICE CHRMN PRO TEM CLAYTOR: And waive it.
CHAIRMAN BENNETT: Is there a second?
COMMISSION MEMBER OVERHOLT: Second.
CHAIRMAN BENNETT: We have a motion and a
second. Any 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.)
CHAIRMAN BENNETT: Motion carried.
MS. MURPHY: Thank for your consideration.
Appreciate it.
MR. OWENS: Good afternoon, my name is
Kristopher Owens, K-R-I-S-T-O-P-H-E-R,
O-W-E-N-S. I'm here on behalf of Kristopher
Owens for Indiana House.

MS. THOMPSON: Mr. Chairman, that starts on page 10, is the first one. The second one is on page 12. The third one is on page 14, and the fourth one is on page 21.

CHAIRMAN BENNETT: Page 21?

MS. THOMPSON: Yes.

CHAIRMAN BENNETT: Anything that the Division can tell us about these?

MS. THOMPSON: This one was tabled at our last meeting that we had in September.

MS. TAYLOR: I think that you tabled it one last time to give Mr. Owens a chance to show up, since he was not at the September 2014 hearing.

So we tabled the four to give him another shot to show up, and here we are.

MS. THOMPSON: His committee is closed.

CHAIRMAN BENNETT: Okay, very good.

Mr. Owens?

MR. OWENS: I submitted the paperwork disbanding my committee on February 20 of 2014. And I included a letter in that, a cover letter that just explained my request to reconsider the fines, as well as the bank statement from my
account indicating that it had been closed in June of 2010, which was just after the primary of that same year.

The -- my recollection is that I received a letter or a notice after the last hearing that indicated that either the fines had been waived, or there was a -- there was leaning towards that, and that all I needed to do was submit the -- that the Commission wanted me to submit the past reports. So I have those completed and ready to submit.

The entire issue was caused by essentially a mailing, a wrong address. Just after the primary, I closed the P.O. Box and the banking account. I moved about a year after that, and any correspondence that had been sent to me was -- I've never received until about February of 2012, when I first became aware that I had even been assessed -- or was -- there may have been an assessment of fines, in which case I began correspondence with your office, trying to stay on top of the issue.

I have emails indicating trying to resolve the matter, and that's all I have.

CHAIRMAN BENNETT: Any reply from the
Division staff?

MS. THOMPSON: Pardon me?

CHAIRMAN BENNETT: Any reply? Have there been email communications between you and Mr. Owens?

MS. THOMPSON: Could have. Did you?

MR. OWENS: Yeah. I emailed Ms. Thompson as well as copies to -- email copies to A.B. Taylor.

CHAIRMAN BENNETT: Can you submit those for the record?

MR. OWENS: Sure. I have multiple copies.

CHAIRMAN BENNETT: You need to give one to Mr. Simmons.

COMMISSION MEMBER KLUTZ: My recollection is, was this a committee where we were attempting to send notices, and they were all coming back?

MS. THOMPSON: I thought this was one where we needed him to get his reports filed.

CHAIRMAN BENNETT: They're still not filed. But they're in your hands; is that correct?

MR. OWENS: I have them, right, and they're ready to file.

CHAIRMAN BENNETT: Would you hand your
filings to the staff so that they can see if
everything they need is there?
Do they appear to be in order?
MS. THOMPSON: Yes.
CHAIRMAN BENNETT: And ready for filing, as
gfar as you're concerned?
MS. THOMPSON: Yes. They're all zeros.
CHAIRMAN BENNETT: Do we have any questions
from the Commissioners? Motion?
VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman,
I move we waive the fines on these filings.
CHAIRMAN BENNETT: Is there a second?
VICE CHRMN PRO TEM CLAYTOR: I'm sorry.
It's a reconsideration motion.
CHAIRMAN BENNETT: Motion to reconsider and
retroactively waive the fines?
VICE CHRMN PRO TEM CLAYTOR: Correct.
CHAIRMAN BENNETT: Is there a second to
that motion?
COMMISSION MEMBER OVERHOLT: I'll second.
CHAIRMAN BENNETT: Motion and a second.
Any discussion?
(No response.)
CHAIRMAN BENNETT: All in favor say aye.
THE COMMISSION: Aye.
CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried.

MR. OWENS: Thank you.

CHAIRMAN BENNETT: Is there anything more that needs to be done to file those, or has he done so by handing them to the staff?

MS. THOMPSON: I can take them upstairs and file-stamp them, or would it be better if he took them up and got copies?

CHAIRMAN BENNETT: If you’re willing to file them --

MS. THOMPSON: Are you willing to leave them with me and me file them?

MR. OWENS: That’s fine.

CHAIRMAN BENNETT: Okay, fine. You’re free to go. Thank you.

MS. FUENTES: Good afternoon, Mr. Chairman and Members of the Commission.

I am Claudia Fuentes, last name spelled F-U-E-N-T-E-S, for the Indiana Latino Democratic PAC, Cause No. 2015-5953-81, 143.

Is it inappropriate to sit?

CHAIRMAN BENNETT: You may sit down, yes.

MS. FUENTES: Thank you.
MS. TAYLOR: Mr. Chairman, Members of the Commission, this is on page 67, Cause No. 2015-5953-81, with a proposed civil penalty of $1,000.49.

The second is on page 99, Cause No. 2015-5953-143, which a proposed civil penalty of $50.49.

CHAIRMAN BENNETT: Is there anything the Division would like to say about these?

MS. THOMPSON: No.

CHAIRMAN BENNETT: You may proceed.

MS. FUENTES: I just wanted to say that the last PAC was formed to advocate Latino issues. But unfortunately, we've had no activity since 2010. We've not had a meeting since 2010, and the only activity that we've had to date is filing of our campaign finance reports.

All other reports were filed on time. The one that was due in October was unfortunately filed late. It was noticed when I filed the January report. I filed everything two minutes apart from one another.

As I said, no activity has happened with this PAC since 2010. There's been no change, no contributions, no expenditures.
And on a personal note, the reason why I didn't file in October was, I was actually four months pregnant, and I had surgery. So this was furthest from my mind, and I do apologize for that.

CHAIRMAN BENNETT: Is this PAC bank account still -- is the PAC still active and the bank account still open?

MS. FUENTES: Yes. The bank account is still open. The PAC is still legally organized. It just has not met. A meeting has not been called since 2010.

CHAIRMAN BENNETT: Have the reports been filed?

MS. THOMPSON: Yes.

MS. FUENTES: Yes. All other reports have been filed.

CHAIRMAN BENNETT: What are you asking for?

MS. FUENTES: I ask for waiver of the fines.

CHAIRMAN BENNETT: What steps have been taken to make sure these reports are appropriately filed in the future?

MS. FUENTES: Fear of coming before this Commission once more.
CHAIRMAN BENNETT: Any questions?

(No response.)

CHAIRMAN BENNETT: Any motions?

VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman, the first is a -- the first item we're looking at, it's a first violation which today we've primarily been treating as a 25 percent. The second one was filed the day of, but late. And so far we've only given 15-minute break on those.

But I would propose that we use the 25 percent rule and make the first fine, $250.49 and waive the other fine. And that would be the form of my motion.

CHAIRMAN BENNETT: Is there a second?

COMMISSION MEMBER KLUTZ: Second.

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

(No response.)

CHAIRMAN BENNETT: All any favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried.

MS. FUENTES: Thank you.
CHAIRMAN BENNETT: Thank you.

MR. BAUGHN: Thank you, Mr. Chairman and Commission members. My name is Brad Baughn. Last name is B as in boy, A-U-G-H-N.

I'm here representing the Indiana Petroleum Marketers and Convenience Store Association.

Cause No. 2015-757-123.

I'm also representing the Indiana Propane Gas Association Political Action Committee,

Cause No. 2015-3922-129.

CHAIRMAN BENNETT: Give us just a minute to find it.

MS. THOMPSON: Mr. Chairman, page 89 and page 92.

CHAIRMAN BENNETT: Anything the Division would like to say about these?

MS. THOMPSON: No.

CHAIRMAN BENNETT: You may proceed.

MR. BAUGHN: There are just a couple of circumstances that resulted in the failure of filing the preprimary reports by the April 17 deadline.

One of them was early April, our accountant, who handled both PACs and filed the reports, abruptly retired. And when we were in
the transition period, trying to figure out all
of her responsibilities, one of several
reporting requirements that we have, this is one
that she left out. She didn't inform the two
other staff members or myself that this is what
needed to be done. So lack of communication
there.

The only other person that was responsible,
our executive director, he was actually -- on
April 15, he underwent heart transplant surgery.
So without communication with him, didn't have
the information from the former employee, and we
just missed the deadline.

It was just by chance that I found out from
another colleague while working on legislation
in the State House that these reports were due.
And I think I filed on the 23rd, maybe?

MS. TAYLOR: Yes.

MR. BAUGHN: So for those reasons, I would
respectfully request for the case to be
dismissed or the penalties be waived.

CHAIRMAN BENNETT: Any questions from the
Commission?

COMMISSION MEMBER KLUTZ: These are two
separate --