

Indiana Election Commission
Minutes
June 28, 2012

Members Present: Daniel A. Dumezich, Chairman of the Indiana Election Commission (“Commission”); S. Anthony Long, Vice Chairman of the Commission; Suzannah Overholt, proxy for Sarah Steele Riordan, member; Bryce Bennett, member.

Members Absent: Sarah Steele Riordan.

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 staff, Election Division.

Also Attending: Mr. Alexander Avery; Mr. David Brown; Mr. Donn Brown; Ms. Kim Bulta; Ms. Brenda Carson; Mr. Brad Curnutt; Ms. Amy DeLuski; Mr. Kiefer Dobbs; Mr. Levon Dozier; Ms. Deb Foster; Ms. Loretta Grainger; Mr. Donnie Harrold Harris; Mr. Andrew Harlow; Mr. Joe Hauptmann; Mr. Joseph Henzler; Mr. Gerald D. Lawrence; Mr. Don Marquardt; Mr. Don Metzler-Smith; Mr. Jeremiah Morrell; Mr. James Nease; Mr. Chris Ortiz; Dr. Raymond Scheele; Mr. Richard B. Scott, Jr.; Mr. Chris Spangle; Mr. Glenn Terry; Mr. Ron Troyer; Mr. Franklyn Voorhies.

1. Call to Order

The Chair called the June 28, 2012 meeting of the Commission to order at 1:00 p.m. in Conference Center Room 4, Indiana Government Center South, 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 20, line 22, replace “Hering” with “Hearing”.

Page 24, line 13, replace "CORNETT" with "CURNUTT".

Page 24, line 14, replace "Brett Cornett" with "Brad Curnutt"

Page 24, line 20, replace "CORNETT" with "CURNUTT".

Page 25, line 5, replace "CORNETT" with "CURNUTT".

Page 25, line 24, replace "CORNETT" with "CURNUTT".

Page 48, line 11, replace "littl" with "little".

Page 48, line 25, replace "3-9-15" with "3-9-1-5".

Page 54, line 23, replace "canner" with "cancer".

Page 64, line 8, replace "D. BROWN" with "MARQUARDT".

Page 89, line 4, delete "tear".

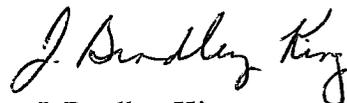
3. Adjournment

There being no further items on the Commission's agenda, the Chair entertained a motion to adjourn. Mr. Long moved, seconded by Mr. Bennett, that the Commission do now adjourn. The Chair called the question, and declared that with four members voting "aye" (Mr. Dumezich, Mr. Long, Ms. Overholt, and Mr. Bennett), and no Commission member voting "no," the motion was adopted. The Commission then adjourned at 3:11 p.m.

Respectfully submitted,

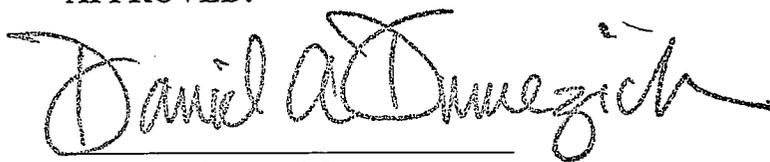


Trent Deckard
Co-Director



J. Bradley King
Co-Director

APPROVED:



Daniel A. Dumezich
Chairman

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INDIANA ELECTION COMMISSION
PUBLIC SESSION AGENDA

Conducted On: Thursday, June 28, 2012

Location: Indiana Government Center South
Conference Room 4
402 West Washington Street
Indianapolis, Indiana 46204

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

Connor Reporting, Inc.
1650 One American Square
Indianapolis, IN 46282
(317) 236-6022

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A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

- Mr. Daniel Dumezich - Chairman
- Mr. Anthony Long - Vice Chairman
- Ms. Suzannah Overholt - (Proxy for Sarah Steele Riordan)
- Mr. Bryce Bennett - Commission Member

INDIANA ELECTION DIVISION STAFF:

- Mr. Dale Simmons - Co-Legal Counsel
- Ms. Leslie Barnes - Co-Legal Counsel
- Mr. Bradley King - Co-Director
- Mr. Trent Deckard - Co-Director
- Ms. Abbey Taylor - Campaign Finance

1 CHAIRMAN D. DUMEZICH: This meeting of the
2 Indiana Election Commission is called to order.
3 The following members of the Commission are
4 present, and I'm the Chairman, Dan Dumezich;
5 Vice Chairman Anthony Long; Sarah Riordan is not
6 present, but her proxy is Susan Overholt, and
7 she is serving for Sarah today; and Member Bryce
8 Bennett is also here, okay. We have the Indiana
9 Election Division staff, Co-Directors Trent
10 Deckard and Brad King; Co-General Counsel Leslie
11 Barnes and Dale Simmons. Where is she?

12 MR. T. DECKARD: She's on her way?

13 CHAIRMAN D. DUMEZICH: Okay. So we don't
14 have Leslie, sorry about that, but she is
15 coming, and the court reporter. Before we begin
16 I want to remind everyone on behalf of the court
17 reporter to identify yourself when you begin to
18 speak, spell your name when identifying
19 yourself, please speak clearly, and do not speak
20 at the same time others are speaking because it
21 makes it incredibly difficult for the court
22 reporter to do her job accurately if more than
23 one person is speaking.

24 I request Mr. Deckard and Mr. King to confirm
25 the commission meeting has been properly noticed as

1 required under the Open Door Law.

2 MR. B. KING: Mr. Chairman and Members of
3 the Commission, this meeting of the commission
4 was properly noticed under the Open Door Law
5 requirements.

6 CHAIRMAN D. DUMEZICH: Okay. I would
7 recognize Mr. Deckard and Mr. King to present
8 the minutes from several past commission
9 minutes, including minutes from older meetings
10 that have been transcribed by our wonderful and
11 diligent court reporter, Rhonda. These meetings
12 are from February 24th, 2012, October, 8th,
13 2004, April 24th, 2003, and October 25th, 2001
14 meetings.

15 MR. B. KING: Mr. Chairman and Members of
16 the Commission, Mr. Deckard and I have reviewed
17 the draft minutes and recommend them to you for
18 approval.

19 VICE CHAIR A. LONG: I would move that
20 we -- since some of these predate everybody here
21 but me, I would move we approve the minutes for
22 October 25th, 2001, April 24th, 2003, October
23 8th, 2004, and our last meeting 2/24 of 2012.

24 COMMISSION MEMBER B. BENNETT: I will
25 second the motion.

1 CHAIRMAN D. DUMEZICH: So we have a second
2 for discussion. Was October 25th, 2001 included
3 in your...

4 VICE CHAIR A. LONG: Yes, that was the
5 first one I read, I thought, but it was intended
6 to be included, if I didn't.

7 CHAIRMAN D. DUMEZICH: Okay. I just wanted
8 to check because I missed it because I was
9 looking at them in order. I apologize. Any
10 more discussion with respect to the minutes?

11 (No response.)

12 CHAIRMAN D. DUMEZICH: Hearing none, all in
13 favor of the motion to approve the minutes,
14 indicate by saying aye?

15 THE COMMISSION: Aye.

16 CHAIRMAN D. DUMEZICH: Opposed, say nay?

17 (No response.)

18 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
19 it, and the motion for the minutes are approved.
20 We need to do approval of forms. I recognize
21 Mr. Deckard and Mr. King to present Order
22 2012-111 for the approval of election forms.

23 MR. B. KING: Thank you, Mr. Chairman and
24 Members of the Commission. Behind the second
25 tab in your binders is Order No. 2012-111. It

1 provides for the approval of two different types
2 of forms. Let me speak briefly on the Voter
3 Registration Application by mail form. This
4 form has been updated to correct addresses and
5 titles of county offices.

6 It's in both the English and Spanish version
7 of that form. It grandfathers previous versions of
8 that form which can continue to be used because
9 those earlier versions contain all of the federally
10 required language.

11 The other set of forms is the Absentee Ballot
12 Application Form. The ABS-1, which is the full
13 form used in county absentee offices which allows a
14 person to vote in person by mail or by traveling
15 broad. The ABS-2 is a form that's used strictly to
16 request an absentee ballot through the mail. The
17 ABS-15 is the absentee application for military and
18 overseas' voters.

19 In the case, the ABS-1 and ABS-2, there's also
20 Spanish versions of those forms. The previous
21 forms in these cases are grandfathered either
22 indefinitely, or in some cases, through the end of
23 this election year to permit those older versions
24 to be used.

25 The reason that the order contains the changes

1 in the absentee forms is because in Senate Enrolled
2 Act 175 of the 2012 Session, an amendment was
3 passed to Indiana Code 3-11-4-5.1(d), subsection D,
4 which specified that no later than June 30th, 2012,
5 the Election Commission shall approve absentee
6 application forms that request that a voter who
7 asks for an absentee ballot provide the last four
8 digits of a voter's Social Security number or
9 state, in the alternative, if the voter does not
10 have a Social Security number, the form must
11 indicate that the voter's compliance with this
12 request is optional.

13 In each of the ABS forms included in this
14 order, a box that formerly, as an option, asks for
15 voter identification number, has been replaced with
16 a box of that requests the Social Security last
17 four digits in accordance with the requirements of
18 the statute, and I'll be happy to answer any
19 questions.

20 VICE CHAIR A. LONG: Can you read the
21 Spanish version for us?

22 MR. B. KING: Upon request, I could.

23 CHAIRMAN D. DUMEZICH: For purposes of
24 discussion, is there a motion to approve the
25 order as presented?

1 VICE CHAIR A. LONG: So moved.

2 CHAIRMAN D. DUMEZICH: Is there a second?

3 COMMISSION MEMBER B. BENNETT: Second.

4 CHAIRMAN D. DUMEZICH: Do we have any
5 discussion with respect to this?

6 MR. T. DECKARD: Mr. Chairman, I would just
7 like to thank my counterpart, as well as the
8 General Assembly, on working with the policies
9 in effecting these forms and helping us get to
10 bipartisan solutions on versions of the form and
11 would also echo my support for these.

12 CHAIRMAN D. DUMEZICH: Thank you for your
13 comments, especially, with respect to the
14 General Assembly. So seldom somebody thinks
15 they're doing their job well. Any further
16 discussion?

17 (No discussion.)

18 CHAIRMAN D. DUMEZICH: All in favor --
19 hearing no notion, all in favor of the motion,
20 indicate by saying aye?

21 THE COMMISSION: Aye.

22 CHAIRMAN D. DUMEZICH: All opposed, nay?

23 (No response.)

24 VICE CHAIR A. LONG: Could I ask a
25 question? You all have the order here, you used

1 to do a stamp approval?

2 CHAIRMAN D. DUMEZICH: We're going to do
3 that next.

4 VICE CHAIR A. LONG: Oh, that's...

5 CHAIRMAN D. DUMEZICH: Yeah.

6 VICE CHAIR A. LONG: I'm sorry.

7 CHAIRMAN D. DUMEZICH: That's okay. All in
8 favor say aye -- we have four ayes -- I'll do
9 the rest -- opposed, say nay?

10 (No response.)

11 CHAIRMAN D. DUMEZICH: The ayes have it and
12 the order is approved. Okay. The next thing is
13 use of signature stamps. Is there a motion to
14 authorize the Election Division staff to affix
15 each member's signature stamp to the final copy
16 of this order and other orders approved by the
17 Commission at this meeting?

18 VICE CHAIR A. LONG: So moved.

19 CHAIRMAN D. DUMEZICH: Is there a second?

20 COMMISSION MEMBER B. BENNETT: Second.

21 CHAIRMAN D. DUMEZICH: Any discussion?

22 (No response.)

23 CHAIRMAN D. DUMEZICH: Hearing none. All
24 in favor of the motion, indicate by saying aye?

25 THE COMMISSION: Aye.

1 CHAIRMAN D. DUMEZICH: All opposed, nay?

2 (No response.)

3 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
4 it, and the motion is approved. Campaign
5 finance, ratification of campaign finance
6 settlement agreements. I understand that
7 Ms. Thompson is on vacation this week. I thank
8 Miss Taylor for undertaking the work in
9 presenting the campaign finance matters for the
10 Commission today, and ask that she present the
11 information regarding the campaign finance
12 settlement agreements listed in your binders.

13 MS. A. TAYLOR: Mr. Chairman, and Members
14 of the Commission, the first page under the
15 Campaign Finance tab in your binders is a list
16 of 24 committees who have agreed to pay the
17 settlement agreements and waive the hearing
18 today. I think you need to approve them or
19 ratify them or...

20 VICE CHAIR A. LONG: Bryce, I didn't know
21 you were running for office here.

22 COMMISSION MEMBER B. BENNETT: No relation.

23 VICE CHAIR A. LONG: I was going to say I
24 was going to commend you for settling up your
25 transgressions and not requesting a hearing.

1 COMMISSION MEMBER B. BENNETT: No relation.

2 VICE CHAIR A. LONG: I would move we
3 approve the settlement agreements.

4 CHAIRMAN D. DUMEZICH: Okay. Is there a
5 second?

6 COMMISSION MEMBER B. BENNETT: I'll second
7 it.

8 CHAIRMAN D. DUMEZICH: Any discussion?

9 (No response.)

10 CHAIRMAN D. DUMEZICH: Hearing none --
11 well, just for -- that isn't you; right, that's
12 Tony Bennett?

13 COMMISSION MEMBER B. BENNETT: That's Tony
14 Bennett, yes.

15 CHAIRMAN D. DUMEZICH: I bring that up
16 because I've actually had, you know, penalties
17 in front of this board so -- and fines. So I
18 thought I'd better get a really good
19 clarification. I just want to hear you say it
20 again.

21 COMMISSION MEMBER B. BENNETT: Right, and I
22 just want to make sure, that there's no
23 relation.

24 CHAIRMAN D. DUMEZICH: All in favor of
25 approving the motion, indicate by saying aye?

1 THE COMMISSION: Aye.

2 CHAIRMAN D. DUMEZICH: Opposed, nay?

3 (No response.)

4 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
5 it. The motion is adopted. Adoption of Orders
6 2012-2 through 2012-110 from our -- it's the
7 February 24th 2012 meeting. I will ask Miss
8 Taylor to present the information to the
9 Commission regarding these final orders which
10 reflect the decisions made by the Commission at
11 its last meeting.

12 MS. A. TAYLOR: There is the stack of
13 orders Michelle and I prepared following the
14 February 24th, 2012 meeting. They're Orders
15 2012-2 through 2012-110. If you want to look
16 through them, I've got it. They're not in your
17 packet.

18 VICE CHAIR A. LONG: I would move that we
19 approve them.

20 CHAIRMAN D. DUMEZICH: Is there a second?

21 COMMISSION MEMBER B. BENNETT: Second.

22 CHAIRMAN D. DUMEZICH: Any discussion?

23 (No response.)

24 CHAIRMAN D. DUMEZICH: Since there's no
25 discussion -- any comment or discussion?

1 VICE CHAIR A. LONG: Do you have anything
2 that you have a conflict on -- you indicated you
3 didn't, but for today, these are old ones?

4 COMMISSION MEMBER S. OVERHOLT: Right. And
5 also, I don't know what was in this stack.
6 That's what I was asking?

7 CHAIRMAN D. DUMEZICH: Do you want to go
8 over that stack real quick?

9 COMMISSION MEMBER S. OVERHOLT: Yeah.

10 CHAIRMAN D. DUMEZICH: Take as much time as
11 you need to make sure.

12 (A discussion was held off the record.)

13 CHAIRMAN D. DUMEZICH: Is there a motion?

14 VICE CHAIR A. LONG: It's already been
15 moved and seconded. We were holding up on the
16 vote so she could check the conflict issue.

17 CHAIRMAN D. DUMEZICH: The bad thing about
18 brain surgery is sometimes you forget.

19 VICE CHAIR A. LONG: At least you've got an
20 excuse. I don't have a good one. It's just old
21 age.

22 CHAIRMAN D. DUMEZICH: All in favor of the
23 motion, indicate by saying aye?

24 THE COMMISSION: Aye.

25 CHAIRMAN D. DUMEZICH: All opposed, nay?

1 (No response.)

2 CHAIRMAN D. DUMEZICH: The ayes have it 4-0
3 and the motion is adopted. I understand that
4 there are no referrals of committees to the
5 Attorney General for the collection of fines; is
6 that correct?

7 MS. A. TAYLOR: Correct.

8 CHAIRMAN D. DUMEZICH: Okay. We are going
9 to administer the oath today. If you plan on
10 testifying today before this commission, you
11 have to take an oath, and that includes campaign
12 finances or voting system matters, so with that
13 in mind, I would ask you to stand for the
14 administration of the oath, and I recognize Dale
15 Simmons to administer the oath.

16 MR. D. SIMMONS: Please raise right hand
17 and say I do after administration of the oath?

18 (Participants complied.)

19 MR. D. SIMMONS: Do you solemnly swear or
20 affirm under the penalties of perjury that the
21 testimony you are about to give to the Indiana
22 Election Division is the truth, the whole truth,
23 and nothing but the truth, say I do?

24 THE PARTICIPANTS: I do.

25 CHAIRMAN D. DUMEZICH: We are going to give

1 everyone the opportunity to have their say
2 today. However, if people are going to accept
3 the fines and if they want to get a reduced
4 fine, they'll have an opportunity to do that.

5 So before proceeding with the enforcement
6 actions, we want to give any committee present a
7 final opportunity to pay a reduced civil penalty by
8 waiving the right to present evidence and arguments
9 to the Commission.

10 Any committee is welcomed to present evidence
11 and arguments for the proposed penalty to be
12 waived, but this opportunity is only for those who
13 want to waive that presentation and accept the
14 fine.

15 What does that mean, long and short of it, if
16 you're going to accept the reduced fine, okay, it's
17 your first time, you'll have the opportunity to get
18 25 percent on the fine -- if you're going to do
19 that you don't talk, you come up, and we just get
20 you through as quickly as possible.

21 The arrangements are as follows: If this is
22 the committee's first violation, the arrangement is
23 for the committee to agree to pay 25 percent of the
24 proposed fine plus mailing costs. If the
25 committee, if it is the committee's second

1 violation, the arrangement is for the committee to
2 agree to pay 50 percent of the proposed fine plus
3 mailing costs. If it is the committee's third
4 violation, the committee would agree to pay -- you
5 want to guess -- 75 percent of the proposed fine
6 and mailing costs.

7 So this is your opportunity to accept the fine
8 and get out the door quickly. Are there any
9 committees who want to accept this arrangement? If
10 so --

11 UNIDENTIFIED SPEAKER: May I ask a
12 question, sir?

13 CHAIRMAN D. DUMEZICH: Yeah.

14 UNIDENTIFIED SPEAKER: If I agree, I would
15 pay 25 percent of the fines or...

16 CHAIRMAN D. DUMEZICH: Is this your first
17 time?

18 UNIDENTIFIED SPEAKER: I've been the
19 treasurer for four months or five months so I'm
20 not sure exactly how many, but I believe it is
21 my first.

22 CHAIRMAN D. DUMEZICH: We will have the
23 opportunity to check that when you come up. So
24 if you decide you would like to take your
25 opportunity to do this, if you come up and you

1 find out that the fine is much more than you
2 anticipated because of prior transgressions, at
3 that point I would let you opt out.

4 UNIDENTIFIED SPEAKER: Okay, let me try
5 that. Come forward?

6 CHAIRMAN D. DUMEZICH: We're going to go
7 down the row.

8 UNIDENTIFIED SPEAKER: All right.

9 CHAIRMAN D. DUMEZICH: The good news for
10 you is you're in the first, the first or second
11 row. So let's go, is there anyone in the first
12 row that would like to accept this agreement,
13 just the first row -- if he's sitting back
14 there, he's not in the first row.

15 MR. R. SCOTT, SR.: I'm in.

16 CHAIRMAN D. DUMEZICH: Okay. Give your
17 name and number.

18 MR. R. SCOTT, SR.: My final number is
19 99-6388. I'm Richard B. Scott, Sr.

20 MS. A. TAYLOR: On Page 4 and Page 32.

21 MR. R. SCOTT, SR.: Here or here?

22 CHAIRMAN D. DUMEZICH: Makes no difference.
23 You can stand.

24 MR. R. SCOTT, SR.: I have no idea what my
25 fine is. I've got two or three pieces of paper.

1 One talks about \$10,000 and one talks about a
2 thousand dollars. This, I know, is my first
3 offense, egregious offense, due to the fact this
4 is the first time I've ever put my name in the
5 hat nor any political area, and outside of
6 verifying that I did get the paperwork just the
7 other day, it was filled out and returned
8 probably within less than 48 hours. Did I learn
9 anything -- absolutely, so...

10 CHAIRMAN D. DUMEZICH: Okay. That's
11 enough. Can you tell us what we've got here?

12 MS. A. TAYLOR: This is Scott for State
13 Representative. Cause No. 2012-6388-184 and
14 Cause No. 2012-6388-224. One is for failing to
15 file the statement of organization which was due
16 February 27th -- I received it this morning, and
17 the other is for failing to file the 2012
18 preprimary report that was due April 20th, and I
19 received it this morning. Both fines are
20 \$1000.00 apiece with 44 cents mailing cost.

21 VICE CHAIR A. LONG: Can I ask a question?

22 CHAIRMAN D. DUMEZICH: Sure.

23 VICE CHAIR A. LONG: In the report that he
24 filed, did he close the committee?

25 MS. A. TAYLOR: He did not close the

1 committee, and you can do that, if you want, and
2 I'll let you do that today right now, but it was
3 all zeros.

4 MR. R. SCOTT, SR.: Yeah. This was a huge
5 learning curve for me. So as far as trying to
6 figure out where I was going to do and what I
7 was going to do -- you know, until I get stuff
8 sent to me...

9 VICE CHAIR A. LONG: I'm just trying to
10 save you from -- if you want to close it today,
11 from what you're saying, you don't have to
12 file --

13 MS. A. TAYLOR: Anymore.

14 VICE CHAIR A. LONG: -- anymore.

15 MS. A. TAYLOR: Right.

16 MR. R. SCOTT, SR.: If in two years, if I
17 wanted to do it again...

18 VICE CHAIR A. LONG: File another
19 committee.

20 MR. R. SCOTT, SR.: Okay. I can do the
21 paperwork again -- yeah, I'm okay closing it
22 out.

23 VICE CHAIR A. LONG: Because if you don't
24 file them after that, if you don't close it,
25 you'll get another 44 cent letter and then you

1 get to come back.

2 MR. R. SCOTT, SR.: Sounds great to me.

3 CHAIRMAN D. DUMEZICH: Did you prevail?

4 MR. R. SCOTT, SR.: No. This was just a
5 matter of getting the fee waived, figuring out
6 the overall system, so no.

7 CHAIRMAN D. DUMEZICH: Okay.

8 VICE CHAIR A. LONG: I would move, since
9 he's closing his committee, that on the 224
10 case, we reduce that down to 25 percent plus the
11 costs, and that on the other one, we just
12 dismiss it.

13 CHAIRMAN D. DUMEZICH: Okay. There's a
14 motion on the floor for the 25 percent of the
15 cost of one fine and zero on the other, do I
16 hear a second?

17 COMMISSION MEMBER B. BENNETT: I'll second
18 it.

19 CHAIRMAN D. DUMEZICH: Okay. Hear a
20 second, any discussion?

21 (No response.)

22 CHAIRMAN D. DUMEZICH: Hering none, all in
23 favor of the motion, indicate by saying aye?

24 THE COMMISSION: Aye.

25 CHAIRMAN D. DUMEZICH: Opposed, nay?

1 (No response.)

2 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
3 it, unanimous decision. You will receive -- you
4 will receive a letter. Please pay that promptly
5 when you get the letter. You don't have to pay
6 anything today.

7 MR. R. SCOTT, SR.: You want me to put the
8 stamp or something, is that included into that?

9 CHAIRMAN D. DUMEZICH: Excuse me?

10 VICE CHAIR A. LONG: They'll tell you how
11 much to send.

12 MR. R. SCOTT, SR.: Overall?

13 CHAIRMAN D. DUMEZICH: Yeah.

14 MR. R. SCOTT, SR.: Okay. All right,
15 because I was hearing two different numbers.

16 CHAIRMAN D. DUMEZICH: It's 250 plus
17 mailing costs.

18 MR. R. SCOTT, SR.: Thanks.

19 CHAIRMAN D. DUMEZICH: Yes, first row, come
20 on up.

21 MS. B. CARSON: Sir, I need some
22 clarification. If you don't take the reduced,
23 does that mean it's taken away from the table at
24 any other time?

25 CHAIRMAN D. DUMEZICH: No. If the

1 possibility exists after you come up and tell
2 your story and we believe that leniency is
3 required because of your particular situation
4 and -- but get a reduction in the fine, you have
5 to have a 4-0 vote of the Board, I believe.

6 MS. B. CARSON: Thank you, sir.

7 CHAIRMAN D. DUMEZICH: So it's got to be a
8 pretty compelling story. Row 2.

9 MS. B. CARSON: I'm ready to come up.

10 CHAIRMAN D. DUMEZICH: Oh, you're ready to
11 come up. You can't tell your story now. This
12 is just for people that's going to take a fine.

13 UNIDENTIFIED SPEAKER: Well, I have a
14 story, but I have to...

15 CHAIRMAN D. DUMEZICH: You can't tell the
16 story. If you want to tell the story, you'll
17 have to wait until everybody else gets done.

18 MS. B. CARSON: I think I'd better take the
19 fine.

20 CHAIRMAN D. DUMEZICH: Okay.

21 VICE CHAIR A. LONG: What's your name?

22 CHAIRMAN D. DUMEZICH: Give us your name
23 and the number?

24 MS. B. CARSON: My name is Brenda Carson,
25 B-R-E-N-D-A, C-A-R-S-O-N, standing in for

1 Sherman Carson, S-H-E-R-M-A-N, Committee for
2 State Representative in his absence personal and
3 family.

4 CHAIRMAN D. DUMEZICH: Okay.

5 MS. A. TAYLOR: This is on Page 1. Carson
6 for State Representative Committee, Cause No.
7 2012-6375-176. It's for a late statement of
8 organization that was filed June 11th. This is
9 the first violation and the proposed fine is
10 \$1000.00.

11 CHAIRMAN D. DUMEZICH: Very good.

12 VICE CHAIR A. LONG: Campaign finance, have
13 they filed reports?

14 MS. A. TAYLOR: Yes, they filed a
15 preprimary report.

16 VICE CHAIR A. LONG: So the report is just
17 a statement of organization?

18 MS. A. TAYLOR: Correct.

19 VICE CHAIR A. LONG: I move to reduce it
20 and give her the benefit of the 25 percent plus
21 mailing costs.

22 CHAIRMAN D. DUMEZICH: Okay. The motion on
23 the floor is to reduce it 25 percent, plus
24 mailing costs. All in favor, indicate by saying
25 aye?

1 THE COMMISSION: Aye.

2 CHAIRMAN D. DUMEZICH: All opposed?

3 (No response.)

4 CHAIRMAN D. DUMEZICH: Well, I didn't get a
5 second on it but...

6 COMMISSION MEMBER B. BENNETT: It's zero
7 then, isn't it, because...

8 VICE CHAIR A. LONG: Unanimous approval.

9 CHAIRMAN D. DUMEZICH: It's unanimous.
10 You'll receive a notice, please pay it promptly.

11 MS. B. CARSON: Thank you.

12 CHAIRMAN D. DUMEZICH: Row 2, come on down.

13 MR. B. CORNETT: I'm not sure if -- exactly
14 the best way to explain it. I'm Brett Cornett
15 (Phonetic) with the 5th Congressional Republican
16 Committee. I've been treasurer after the third
17 ballot. I apologize if --

18 CHAIRMAN D. DUMEZICH: Give us the number,
19 the cause number.

20 MR. B. CORNETT: The number is 49 or 46 --
21 2012-4690-196 cause number.

22 CHAIRMAN D. DUMEZICH: Can we have a report
23 with respect to your records?

24 MS. A. TAYLOR: It's on Page 19. This is
25 5th Congressional District Republican Committee.

1 This is their third violation, Cause No.
2 2012-4690-196. It was a late preprimary report
3 filed April 25th, and the proposed civil penalty
4 is \$300.

5 MR. B. CORNETT: I also have the duties of
6 being county Republican chairman, and I was
7 shepherding that day, getting my other candidate
8 reports in. I apologize for my tardiness. I
9 was under the impression it was our first
10 violation as a committee and I would ask for
11 leniency from the commissioners, please.

12 CHAIRMAN D. DUMEZICH: Do I hear a motion
13 to reduce the fees based on the third violation?

14 VICE CHAIR A. LONG: Yes.

15 CHAIRMAN D. DUMEZICH: We have a motion to
16 reduce it to 75 percent of the fine plus mailing
17 costs. All in favor of the motion, indicate by
18 saying aye?

19 THE COMMISSION: Aye.

20 CHAIRMAN D. DUMEZICH: All opposed?

21 (No response.)

22 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
23 it.

24 MR. B. CORNETT: Thank you, Commissioners.

25 CHAIRMAN D. DUMEZICH: You're welcome.

1 Second row, come on down.

2 MR. A. HARLOW: Andrew Harlow, treasurer of
3 the Builders Association of Elkhart County. We
4 failed to file a report that was necessary. Do
5 you want the cause number or my number?

6 CHAIRMAN D. DUMEZICH: The cause number.

7 MR. A. HARLOW: The cause number is
8 2012-5251-188. Executive officer after 30 years
9 retired, and we are guilty as charged, but we
10 omitted it, and we have filed since.

11 CHAIRMAN D. DUMEZICH: Violation, is this
12 the first?

13 MS. A. TAYLOR: It's on Page 16, Builders
14 Association of Elkhart County, Cause No.
15 2012-5251-188. The report was filed May 29th,
16 proposed civil penalty of \$1000.00, and this is
17 their third violation.

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

19 VICE CHAIR A. LONG: Three-quarters.

20 CHAIRMAN D. DUMEZICH: There's a motion on
21 the floor to reduce the fine to three-quarters
22 of the initial, plus mailing costs, do I hear a
23 second?

24 COMMISSION MEMBER B. BENNETT: Second.

25 CHAIRMAN D. DUMEZICH: All in favor of the

1 motion on the floor, indicate by saying aye?

2 THE COMMISSION: Aye.

3 CHAIRMAN D. DUMEZICH: All opposed, say
4 nay?

5 (No response.)

6 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
7 it. You'll be receiving...

8 MR. A. HARLOW: I'll take my chance.

9 CHAIRMAN D. DUMEZICH: What?

10 MR. A. HARLOW: I'll take my chance --
11 right, you're going to reduce it 25 percent or
12 75 percent?

13 CHAIRMAN D. DUMEZICH: This is the third
14 violation so it is reduced to 75 percent.

15 MR. A. HARLOW: Okay. I'll take my chance
16 and come back and testify later. Can I still do
17 that?

18 CHAIRMAN D. DUMEZICH: Sure. Anybody else
19 in the second row?

20 (No response.)

21 CHAIRMAN D. DUMEZICH: Third row? Your
22 name, sir, and your number?

23 MR. L. DOZIER: I don't have my number, but
24 my name is Levon Dozier.

25 CHAIRMAN D. DUMEZICH: D-O-Z-I-E-R.

1 MR. L. DOZIER: I-E-R, yes, sir.

2 MS. A. TAYLOR: It's on Page 4. This is
3 Dozier for State Representative, Cause No.
4 2012-6387-183. It's for a late statement of
5 organization that has not been filed and the
6 proposed civil penalty is \$1000.00.

7 CHAIRMAN D. DUMEZICH: And this is what
8 offense, did you say what offense it was?

9 MS. A. TAYLOR: This is his first offense.

10 CHAIRMAN D. DUMEZICH: First offense. Do I
11 hear a motion to reduce the fee 25 percent of
12 the fine?

13 VICE CHAIR A. LONG: I would move to reduce
14 it 25 percent of the fine, if he files his
15 report before he gets the letter and any
16 necessary reports if he's -- unless he wants to
17 go ahead and catches up any finance reports --
18 I'm assuming did he file...

19 MS. A. TAYLOR: Everything else is fine.
20 The preprimary was filed on time.

21 VICE CHAIR A. LONG: And did he dissolve
22 the committee -- I mean, he doesn't have to.

23 MS. A. TAYLOR: Let me check?

24 VICE CHAIR A. LONG: Do you want to keep
25 the committee?

1 MR. L. DOZIER: No, I can dissolve it.

2 VICE CHAIR A. LONG: Okay. So my motion
3 upon your desire to dissolve, that you dissolve
4 the committee and file the report that you
5 haven't filed and the proposed fine, the penalty
6 will be 25 percent.

7 MR. L. DOZIER: Okay.

8 CHAIRMAN D. DUMEZICH: There's a motion on
9 the floor, which is that if the candidate
10 dissolves the committee before he receives the
11 letter, we're at 25 percent fine, plus mailing
12 costs?

13 VICE CHAIR A. LONG: And files his
14 statement of organization.

15 CHAIRMAN D. DUMEZICH: And files his
16 statement of organization.

17 COMMISSION MEMBER B. BENNETT: I'll second
18 the motion.

19 CHAIRMAN D. DUMEZICH: Okay. Any
20 discussion?

21 (No response.)

22 CHAIRMAN D. DUMEZICH: Hearing none, all in
23 favor of the motion on the floor, indicate by
24 saying aye?

25 THE COMMISSION: Aye.

1 CHAIRMAN D. DUMEZICH: All opposed, nay?

2 (No response.)

3 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
4 it. Very good sir.

5 MR. L. DOZIER: Thank you.

6 VICE CHAIR A. LONG: You can check with
7 them and they'll get you whatever forms --
8 they'll give you guidance on what forms you need
9 to file and you'll get a notice.

10 CHAIRMAN D. DUMEZICH: Anybody else in the
11 third row that would like to take the deal, take
12 the negotiated settlement?

13 MS. D. FOSTER: I'm Deb Foster with the
14 Indiana/Kentucky Regional Council of Carpenters
15 Cope, and I think it's 3671. I'm pretty sure
16 it's two offenses because they're kind of
17 together. We have a -- we had a mailing address
18 issue. I found about both of them and...

19 MS. A. TAYLOR: I believe we have one and
20 there's an order for you in here, I believe.
21 It's on Page 18. This is Cause No.
22 2012-3671-194. This is their sixth time before
23 the Commission and the proposed civil penalty is
24 \$1000.00.

25 MS. D. FOSTER: I was unaware of that.

1 CHAIRMAN D. DUMEZICH: Sixth time.

2 MS. D. FOSTER: I have no idea what the
3 other ones are for.

4 VICE CHAIR A. LONG: Is there something
5 else before today, is this...

6 MS. A. TAYLOR: No, this is the only one
7 for today. They were also late on their 2011
8 annual but we filed those in February.

9 VICE CHAIR A. LONG: This is an order.

10 MS. A. TAYLOR: There's an order.

11 MS. D. FOSTER: Those are the only two I
12 was aware of because we had moved so I have no
13 idea.

14 VICE CHAIR A. LONG: I think if the
15 situation is you want to admit that, the penalty
16 is going to be \$1000.44.

17 MS. D. FOSTER: Whatever it takes.

18 VICE CHAIR A. LONG: And we don't have to
19 vote on it. That's the recommended fine.

20 MS. D. FOSTER: Okay. Is there something I
21 take home here or they'll mail it.

22 CHAIRMAN D. DUMEZICH: They'll mail it, and
23 please confirm that the address is correct.

24 MS. D. FOSTER: Yeah. When I filed my
25 lobby registrations and everything, I was

1 putting the correct address, but apparently, I
2 needed to file a new statement of organization
3 which I was totally unaware that I had to do, so
4 I thought I got it right, but it's done now.

5 VICE CHAIR A. LONG: Okay.

6 CHAIRMAN D. DUMEZICH: Thank you very much.

7 VICE CHAIR A. LONG: Move for the proposed
8 fine.

9 CHAIRMAN D. DUMEZICH: There's a motion on
10 the floor for the fine of \$1000.00 in cost with
11 respect to -- what's the number?

12 VICE CHAIR A. LONG: Indiana Regional
13 Carpenters Cope Account.

14 CHAIRMAN D. DUMEZICH: Which is
15 2012-3671-194, all in favor of the motion,
16 indicate by saying aye?

17 THE COMMISSION: Aye.

18 CHAIRMAN D. DUMEZICH: All opposed, nay?

19 (No response.)

20 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
21 it.

22 MS. D. FOSTER: Thank you.

23 CHAIRMAN D. DUMEZICH: We are in the fourth
24 row -- fourth row?

25 (No response.)

1 CHAIRMAN D. DUMEZICH: Fifth row -- fifth
2 row -- nobody wants to take the deal -- somebody
3 up -- no?

4 (No response.)

5 CHAIRMAN D. DUMEZICH: Sixth row. Please
6 state your name, sir, and give us your number,
7 please?

8 MR. G. LAWRENCE: Gerald D. Lawrence, and
9 our number is 2012-5042-201.

10 MS. A. TAYLOR: Page 21. This is Decatur
11 County Republican Central Committee Holding
12 Corporation, Cause No. 2012-5042-201. The
13 report has been filed and the proposed civil
14 penalty of \$1000.00 and this is their first
15 offense.

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

17 VICE CHAIR A. LONG: So moved.

18 COMMISSION MEMBER B. BENNETT: Second.

19 CHAIRMAN D. DUMEZICH: There's a motion on
20 the floor to reduce the fine to 25 percent, all
21 in favor -- plus mailing costs, all in favor,
22 indicate by saying aye?

23 THE COMMISSION: Aye.

24 CHAIRMAN D. DUMEZICH: All opposed, nay?

25 (No response.)

1 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
2 it. Very good. You'll be receiving a letter
3 telling you to pay it.

4 MR. G. LAWRENCE: Thank you.

5 VICE CHAIR A. LONG: Thank you all for
6 coming down.

7 CHAIRMAN D. DUMEZICH: Is there anyone else
8 in the room that wants to come down and play
9 Let's Make A Deal?

10 (No response.)

11 CHAIRMAN D. DUMEZICH: There is no one. So
12 with that, the remaining committees will be
13 called to present evidence in these matters.
14 Before doing so, I want to note 1) in the past,
15 the Commission has followed certain procedures
16 for conducting campaign finance hearings, and I
17 move that the Commission use the following
18 procedures today.

19 A. When each campaign finance matter is
20 called, the hearing will be begin with recognizing
21 the campaign finance staff to provide information
22 about the documents in this matter provided to the
23 commission members, including letters from the
24 committee and the notice given to the campaign
25 committee.

1 So when you're called, you come up, and the
2 first person that's going to talk are these ladies,
3 okay. Unless there's an objection of some type,
4 the documents provided to the Commission by the
5 Election Division will be entered into the record
6 of the meeting.

7 C. After the campaign finance staff completes
8 its presentation, a representative of the committee
9 will be recognized and may present their case for
10 no more than five minutes, and I'd ask that you
11 notify me when we're -- Dale, five minutes, so you
12 have five minutes to present your case.

13 If the presenter offers additional documents
14 or other physical evidence not previously received
15 by the Commission, than the original must be
16 provided to the Election Division. The person I
17 want you to give it to the time keeper, Dale, and
18 then those documents will be preserved into the
19 record.

20 If the Commission finds that the committee has
21 violated the campaign finance statute, state law
22 requires a unanimous vote of all four commissioners
23 to waive or reduce the amount of the penalty as set
24 by law.

25 If the Commission makes a decision at this

1 meeting to either fine a committee or dismiss the
2 case against the committee, then the Election
3 Division will prepare a final order for the
4 Commission to approve at a later meeting.

5 If a committee is fined today, the committee
6 will receive notice from the Election Division to
7 pay the fine after the Commission adopts a final
8 order. So it may be some time after today that you
9 will be required to pay the fine.

10 The Commission generally begins at the front
11 of the room and ask those persons present to come
12 forward to have their matter heard. It's very
13 helpful that you come up and say your cause number
14 after you say and spell your name. That way, our
15 staff can quickly look this up.

16 Remember, please identify yourself and spell
17 your name when you begin speaking. Is there a
18 second to this motion to adopt the procedures that
19 I've set forth?

20 VICE CHAIR A. LONG: Second.

21 CHAIRMAN D. DUMEZICH: Or actually, is
22 there a motion?

23 COMMISSION MEMBER B. BENNETT: I'll make
24 it.

25 VICE CHAIR A. LONG: You made the motion.

1 CHAIRMAN D. DUMEZICH: I made -- I made the
2 motion, and hearing a second, do we have any
3 discussion?

4 (No response.)

5 CHAIRMAN D. DUMEZICH: No discussion, all
6 in favor of the motion, indicate by saying aye?

7 THE COMMISSION: Aye.

8 CHAIRMAN D. DUMEZICH: All opposed, nay?

9 (No response.)

10 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
11 it, and the motion is approved. Do you want to
12 call the first person, or let's go to the first
13 row. Please come up on.

14 MR. G. TERRY: My name is Glenn Terry.

15 G-L-E-N-N, T-E-R-R-Y. The cause number is
16 2012-6381-1178.

17 MS. A. TAYLOR: It's on Page 1. This is
18 Terry for State Senate Committee, Cause No.
19 2012-6381-178. The statement of organization
20 was filed February 29th, and there's a proposed
21 civil penalty of \$650.00. This is the first
22 violation.

23 CHAIRMAN D. DUMEZICH: Okay. Mr. Terry?

24 MR. G. TERRY: I have a prepared statement
25 and it won't take five minutes and I want to

1 introduce my traveling companion as my daughter,
2 Amy DeLuski (Phonetic). We came from South
3 Bend, Indiana in order to be present here today,
4 and I have five copies of this if any one of you
5 want a copy to peruse as I read.

6 CHAIRMAN D. DUMEZICH: Certainly.

7 MR. G. TERRY: I've got to have one for me.
8 In the cause hearing set for 1:00 p.m. today at
9 this particular place to determine if a civil
10 penalty should be assessed for failing to file a
11 campaign finance report required under IC 3-9-5
12 for the CFA-1 Candidate Statement of
13 Organization.

14 I acknowledge the facts presented by the
15 Commission to be accurate and true. However, there
16 are facts that the candidate would like to present.
17 No. 1. The original form for the CFA Statement,
18 No. 1 statement, was set aside at a restaurant at
19 an early meeting with a potential campaign manager
20 and forgotten upon completion of the meeting.

21 I later called to the restaurant, could not
22 locate the CFA-1 Form or any other of the other
23 material with it which consisted of the manual and
24 all the papers that were filed on February 9th. In
25 order to --

1 CHAIRMAN D. DUMEZICH: Excuse me, question?

2 MR. G. TERRY: Yes.

3 CHAIRMAN D. DUMEZICH: You said it was set
4 aside at a restaurant. Who was the person that
5 set it aside? I don't see an actor here.

6 MR. G. TERRY: Who was the person what?

7 VICE CHAIR A. LONG: Who left it?

8 CHAIRMAN D. DUMEZICH: Who left it?

9 MR. G. TERRY: I did.

10 CHAIRMAN D. DUMEZICH: Oh, okay.

11 MR. G. TERRY: Yeah, I did it. I had
12 all -- because I was going to interview a
13 potential campaign manager and he came in and I
14 knew he was not going to accept it.

15 CHAIRMAN D. DUMEZICH: Got it. I just
16 wanted to make sure I understood, who was the
17 person that left the form?

18 MR. G. TERRY: And when I recognized his
19 decision, I just set it aside and we talked, and
20 when I got up to leave, I didn't pick it up with
21 me.

22 CHAIRMAN D. DUMEZICH: Okay.

23 MR. G. TERRY: And when I contacted the
24 restaurant, they had no record of anybody having
25 picked it up so I was a little off. Now I go on

1 to say that once the loss was discovered, the
2 search did not find the articles. In order --
3 No. 3, an order form to acquire a new manual was
4 sought from the local Voter's Registration
5 Office and completed to order and pay for new
6 publications, which is this one -- I ordered
7 this and the red book at \$10 each.

8 Realizing the fact that the new form had not
9 arrived before the expiration date of 10 days after
10 the filing deadline, the candidate was aware of the
11 potential penalty of \$1000.00 that could be
12 following. It took several days for the mails to
13 return the manual, and the CFA-1 Form was hastily
14 completed on 2/22 and sent off by mail.

15 Actually, I didn't get the CFA-1 Form until I
16 was notified by your office that it was delinquent
17 and we completed it the next, the very next day.
18 The tolling of the time for the CFA-1 began on
19 2/9/12 or on 2/11/12 for the deadline to be either
20 2/19/12 or 2/18/12 or six days elapsed time before
21 the CFA-1 form was to be in the hands of the office
22 in Indianapolis.

23 The difference in five or six days rather than
24 the 13 days, which were sought in the settlement
25 cost of \$650.00 is the reason for me being present

1 today. Additionally, I would like to say the
2 assistance of the CF Office and the person, Abbey
3 Taylor, was wonderful throughout the seven weeks of
4 my being a candidate, and I have since withdrawn my
5 candidacy and I'm no longer seeking the office of
6 State Senate. That form has also been submitted
7 and the committee has been dissolved.

8 My hope and prayer is that the Commission will
9 exercise the power vested in it to modify the
10 penalty and decrease or waive it completely. There
11 was absolutely nothing to report of a financial
12 matter and no one was yet installed in the
13 positions in the organization by the time the
14 deadline arrived.

15 There was no attempt to at fraud or to hide
16 facts. There was no one individual hurt by the
17 episode other than myself. I thank you for your
18 attention and I stand to comply with your decision
19 and I'm signing this thing right here in your
20 presence.

21 VICE CHAIR A. LONG: You don't need to sign
22 it. You've stated it and that's good enough.

23 CHAIRMAN D. DUMEZICH: Entertain a motion.

24 VICE CHAIR A. LONG: I would move we
25 dismiss this cause.

1 CHAIRMAN D. DUMEZICH: There's a motion on
2 the floor to dismiss this cause, it will require
3 a vote 4-0, do I hear a second?

4 COMMISSION MEMBER B. BENNETT: Well, I
5 guess the question is what is the difference
6 between dismissing it and waiving the fine?

7 VICE CHAIR A. LONG: As far as I'm
8 concerned 6-1 half dozen -- I would move to
9 waive the fine entirely.

10 COMMISSION MEMBER B. BENNETT: I will
11 second that.

12 VICE CHAIR A. LONG: Okay.

13 CHAIRMAN D. DUMEZICH: Motion to waive the
14 fine, all in favor, indicate by saying aye?

15 THE COMMISSION: Aye.

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

18 (No response.)

19 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
20 it.

21 MR. G. TERRY: I thank you very much.

22 VICE CHAIR A. LONG: Thank you for driving
23 all the way down here. I make that trip once in
24 a while myself.

25 MR. G. TERRY: We've got to drive all the

1 way back, too.

2 CHAIRMAN D. DUMEZICH: Row 2.

3 MR. D. BROWN: Me?

4 CHAIRMAN D. DUMEZICH: Yeah, you.

5 MR. D. BROWN: All right. My name is David
6 Brown. That's D-A-V-I-D, B-R-O-W-N. It's Case
7 No. 2012-6385-222. I have two excuses, and
8 one --

9 CHAIRMAN D. DUMEZICH: Wait. You've said
10 your name and the fine.

11 MR. D. BROWN: Oh, they've got to do that
12 stuff.

13 CHAIRMAN D. DUMEZICH: Now we get to hear
14 from our talented staff.

15 MR. D. BROWN: I'm sorry.

16 CHAIRMAN D. DUMEZICH: That's quite all
17 right.

18 MS. A. TAYLOR: It's on Page 31. Brown for
19 State Representative, Cause No. 2012-6385-222,
20 was filed April 23rd, 2012, and a proposed civil
21 penalty of \$200.00. They have paid one
22 settlement agreement so this is their second
23 offense.

24 CHAIRMAN D. DUMEZICH: Okay. Your turn?

25 MR. D. BROWN: The first offense was I was

1 five hours late past noon on the CFA-1 because I
2 faxed it and it didn't get there in time.

3 CHAIRMAN D. DUMEZICH: So you faxed it
4 late?

5 MR. D. BROWN: I faxed the first -- the
6 CFA-1, and they said they didn't receive it
7 until 4:00 o'clock in the afternoon so it was
8 \$50 on that, which I've paid. I have, like I
9 said, two excuses, and one possible reason why
10 I'm not a candidate.

11 One is I had a heart attack and two surgeries
12 so I didn't pursue anything having to do with the
13 election. No. 2, according to my records, I made
14 this thing on 4/16/2012, which is my birthday, but
15 it apparently wasn't received until the 23rd. My
16 records are unclear on that so I may be wrong.

17 The third reason is kind of interesting, I
18 think. On Page 14 of the Campaign Finance Manual,
19 it states that -- under the definition of a
20 candidate that for campaign finance purposes an
21 individual becomes a candidate when the individual
22 or its committee or the person acting within the
23 consent of the individual receives more than \$100
24 in contributions or makes more than \$100 in
25 expenditures.

1 This is in -- under the definition of a
2 candidate. It additionally says -- regarding
3 filing the forms and so forth, these announcements
4 do not automatically make the individual a
5 candidate for the purpose of the Indiana Campaign
6 Finance Act IC 3-9.

7 I read that to say that for the purposes of
8 the finance part of this operation, you only become
9 a candidate when you receive \$100 in contributions
10 or makes more than \$100 in expenditures. That's
11 the way I read that part. It's on Page 14 of the
12 manual.

13 So those are my reasons -- no. 1, I have an
14 excuse, and No. 2, I may have mailed it on time but
15 I'm not sure, and No. 3, according to the book, I
16 wasn't even a candidate so...

17 VICE CHAIR A. LONG: You filed a
18 declaration of candidacy?

19 MR. D. BROWN: Yeah.

20 CHAIRMAN D. DUMEZICH: Then you're a
21 candidate.

22 MR. D. BROWN: Well, that's not what this
23 says. It says these announcements, referring to
24 the filing of declaration of candidacy, does not
25 automatically make an individual a candidate for

1 purposes of the Campaign Finance Act. It says
2 for campaign finance purposes an individual
3 becomes a candidate when the individual, etc.,
4 receives more than \$100, and I received no -- no
5 money and I spent no money so...

6 CHAIRMAN D. DUMEZICH: Have you stated your
7 case, sir?

8 MR. D. BROWN: Pardon?

9 CHAIRMAN D. DUMEZICH: Have you stated your
10 case?

11 MR. D. BROWN: I think so.

12 CHAIRMAN D. DUMEZICH: Okay. Dale?

13 VICE CHAIR A. LONG: Can I ask him a
14 question -- go ahead and get your opinion, but I
15 have a question of him.

16 CHAIRMAN D. DUMEZICH: Okay. Please pose
17 your question.

18 VICE CHAIR A. LONG: You said you -- as I
19 understand what you've said, you filed your
20 report on the 16th, your birthday?

21 MR. D. BROWN: That's what my records say,
22 which are not very clear.

23 VICE CHAIR A. LONG: Did you receive the
24 report?

25 CHAIRMAN D. DUMEZICH: Here's the report.

1 MS. A. TAYLOR: We did not receive a mailed
2 copy.

3 MR. D. BROWN: What's it say on here?

4 CHAIRMAN D. DUMEZICH: 4:20.

5 MR. D. BROWN: 4:20 -- well, I was wrong.
6 I thought I mailed it, but I was unclear.

7 CHAIRMAN D. DUMEZICH: Did you take the
8 oath -- you took the oath?

9 MR. D. BROWN: Yeah.

10 CHAIRMAN D. DUMEZICH: Okay.

11 VICE CHAIR A. LONG: I'm not suggesting
12 that you're not telling the truth.

13 MR. D. BROWN: Well, according to the
14 things I had written down but I couldn't find a
15 copy of that. I don't know. I probably mailed
16 the original so...

17 VICE CHAIR A. LONG: It looks like you
18 faxed it then on the 23rd.

19 MR. D. BROWN: I faxed it, okay.

20 COMMISSION MEMBER B. BENNETT: What time
21 was it faxed?

22 VICE CHAIR A. LONG: The cover sheet --

23 CHAIRMAN D. DUMEZICH: -- indicates 4:17,
24 when it was received.

25 VICE CHAIR A. LONG: No.

1 CHAIRMAN D. DUMEZICH: Right here.

2 VICE CHAIR A. LONG: Oh, 4:17 -- yeah, I'm
3 sorry. I was thinking April 17th -- April 23rd
4 at 4:17, it was stamped in, but...

5 COMMISSION MEMBER B. BENNETT: Is there a
6 transmission time?

7 VICE CHAIR A. LONG: I didn't see a
8 transmission page on top of it.

9 MR. D. BROWN: As I said, I was unclear.
10 My records were not clear on that, but that's --
11 I've been under a littl bit of stress lately so
12 I may have forgotten.

13 CHAIRMAN D. DUMEZICH: I understand. Okay,
14 Dale?

15 MR. D. SIMMONS: May I address a legal
16 argument?

17 CHAIRMAN D. DUMEZICH: Yes, please.

18 MR. D. SIMMONS: Mr. Chairman and Members
19 of the Commission, the legal argument posed to
20 the Commission in this case involves
21 interpretation of the definition of candidate,
22 but that's not, as you know, the only section in
23 the code.

24 That can only be read and understood with
25 respect to reading 3-9-15 which sets out when you

1 have to file your statement of organization, and
2 it's kind of an earlier of the following date --
3 noon, ten days after you reach that threshold of
4 raising or spending \$100, that relates to the
5 section of the code that he's referring to, or when
6 you actually file within seven days of actually the
7 deadline of filing your declaration.

8 This is the way that the Commission has
9 applied this particular section for the 12 years
10 I've been here. Other candidates have even sued us
11 on that particular issue and no candidate has ever
12 been successful in arguing that in a court of law
13 so this is consistently how the Commission's
14 applied this particular rule.

15 CHAIRMAN D. DUMEZICH: Okay. With that, do
16 I hear a motion?

17 VICE CHAIR A. LONG: I would move to reduce
18 the fine to 50 percent, according to our
19 standard policy, \$100 plus the cost of mailing.

20 CHAIRMAN D. DUMEZICH: Motion on the floor
21 to reduce to \$100 plus mailing costs, do I heard
22 a second?

23 COMMISSION MEMBER B. BENNETT: I just want
24 clarification. This -- you said to \$100?

25 VICE CHAIR A. LONG: Half of it would be

1 \$100. It's a \$200 fine.

2 COMMISSION MEMBER B. BENNETT: Yeah, I'll
3 second -- I'll second the motion.

4 CHAIRMAN D. DUMEZICH: Okay. Any
5 discussion?

6 (No response.)

7 CHAIRMAN D. DUMEZICH: Hearing none, all in
8 favor of the motion, indicate by saying aye?

9 THE COMMISSION: Aye.

10 CHAIRMAN D. DUMEZICH: Opposed, nay?

11 (No response.)

12 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
13 it.

14 MR. D. BROWN: Thank you.

15 CHAIRMAN D. DUMEZICH: Second row, come on
16 up.

17 MR. A. HARLOW: Andrew Harlow, A-N-D-R-E-W,
18 H-A-R-L-O-W, representing Elkhart Builders
19 Association, 2012-5251-188.

20 MS. A. TAYLOR: On Page 16. This is the
21 Builders Association of Elkhart County, Cause
22 No. 2012-5251-188. The report was filed May
23 29th. This is their third time before the Board
24 and a proposed civil penalty of \$1000.00.

25 CHAIRMAN D. DUMEZICH: Okay, sir?

1 MR. K. HARDIN: I'll start off by saying
2 guilty as charged. There is no doubt that we
3 are guilty. We did not file it on time as we
4 should. I am also very embarrassed to be
5 sitting here and finding out about 20 minutes
6 ago that it was the third time we've been in
7 front of you.

8 I've been the treasurer since beginning of
9 January. Some of the things that I would like to
10 offer as potential dispensation is the outgoing
11 executive officer, Gretchen Helman, she was with
12 the association for 30 years, then she retired
13 during the first quarter, and this was something
14 that she did on an annual basis, as I could tell by
15 the records, and either she -- she didn't do it.
16 I'm not going to say why or whatever.

17 There is a new executive officer in place and
18 she's been in place since the first quarter. I
19 have assumed the new position as the treasurer. I
20 followed the treasurer that had been in the
21 position for many many years. The reports are
22 filed now, albeit they were late.

23 There was no activity during the reporting
24 period. We are a nonprofit organization. We
25 support builders in the building trade in Elkhart

1 County, which has been rocked, as you can imagine,
2 throughout the State of Indiana, and I guess I need
3 to say that failure to do this by omission or
4 ignorance doesn't make it right, but paying the
5 fine would be a financial hardship to us.

6 CHAIRMAN D. DUMEZICH: How much do you have
7 in your accounts?

8 MR. A. HARLOW: Liquid accounts, we had --
9 we just did our -- about 50. We have money. We
10 can pay the fine. It would create a financial
11 hardship, though.

12 CHAIRMAN D. DUMEZICH: Can you tell us how
13 much are in the accounts, though, approximately?

14 MR. A. HARLOW: Approximately, 50,000.

15 CHAIRMAN D. DUMEZICH: 50,000, okay.

16 MR. A. HARLOW: We can pay the fine. It
17 would create a hardship going forward and I just
18 ask for special dispensation, and anything you
19 could do, I would appreciate it, and I commit I
20 will never be sitting in front of you never
21 again.

22 CHAIRMAN D. DUMEZICH: Are you going to
23 retire from your position then?

24 MR. A. HARLOW: I don't plan on doing that,
25 but I can't control what's going on in the

1 future. I have to drive to South Bend, too,
2 today so I understand the drive.

3 CHAIRMAN D. DUMEZICH: I'll entertain a
4 motion.

5 VICE CHAIR A. LONG: I would move to reduce
6 it by 25 percent, so \$750.00.

7 CHAIRMAN D. DUMEZICH: Plus mailing costs?

8 VICE CHAIR A. LONG: Yes, I'm sorry.

9 CHAIRMAN D. DUMEZICH: Motion on the floor,
10 second?

11 COMMISSION MEMBER B. BENNETT: I'll second
12 that motion.

13 CHAIRMAN D. DUMEZICH: Second for
14 discussion?

15 (No response.)

16 CHAIRMAN D. DUMEZICH: Hearing none, all in
17 favor of the motion to reduce the fine by 25
18 percent to \$750, plus mailing costs, please
19 indicate by saying aye?

20 THE COMMISSION: Aye.

21 CHAIRMAN D. DUMEZICH: Opposed, nay?

22 (No response.)

23 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
24 it.

25 MR. A. HARLOW: You will never see me

1 again, I promise. Thank you very much for your
2 time.

3 MS. K. BUILTA: Kim Bulta, B-U-I-L-T-A,
4 Cause No. 2012-5891-64.

5 MS. A. TAYLOR: This is on Page 7,
6 Committee to Elect Kim Bulta, Cause No.
7 2012-5891-64, proposed civil penalty of
8 \$1000.00, but at our February meeting, this was
9 continued to give her an opportunity to close
10 the committee. It has been closed.

11 CHAIRMAN D. DUMEZICH: Okay. Do you want
12 to state your case?

13 MS. K. BUILTA: I ran for office in 2010,
14 always filed everything on time, filed
15 January 11th. They asked that I leave a little
16 bit of money in the account to see if I WAS
17 going to run again.

18 CHAIRMAN D. DUMEZICH: Who was they?

19 MS. K. BUILTA: My committee. They -- they
20 just said we want you to run again and several
21 people that I had talked to here in
22 Indianapolis. In late 2010, I was diagnosed
23 with lung cancer, and 2011, I went through all
24 kinds of treatments. I hoped that -- my last
25 one was right before the February meeting, which

1 I was pretty ill the last time, but I was here,
2 and quite frankly, the notice had gone to my
3 office. I hadn't -- I had taken a leave of
4 absence for over a year from my office so I had
5 not been given these bank statements or anything
6 else.

7 When we received the letter, I came -- I made
8 sure it was filed and then spoke with you guys.
9 You guys said do the final because I wasn't going
10 to run anymore. I did the final immediately and
11 now I'm here.

12 CHAIRMAN D. DUMEZICH: But the...

13 MS. K. BUILTA: The \$150 was sent off to
14 Pence committee.

15 VICE CHAIR A. LONG: What?

16 MS. K. BUILTA: Sorry. I'm just being
17 honest. You can look at the report. We asked
18 what to do with the money, since I wasn't
19 running, and they said give it to another
20 committee so we chose Pence.

21 VICE CHAIR A. LONG: I'll move -- in light
22 of the circumstances, she's done everything
23 we've asked to do, to waive the fine.

24 CHAIRMAN D. DUMEZICH: There's a motion on
25 the floor to waive, second?

1 COMMISSION MEMBER B. BENNETT: Second.

2 CHAIRMAN D. DUMEZICH: We have a second,
3 all in favor of the motion, indicate by saying
4 aye?

5 THE COMMISSION: Aye.

6 CHAIRMAN D. DUMEZICH: All opposed, nay?
7 (No response.)

8 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
9 it.

10 MS. K. BUILTA: Thank you.

11 MR. D. BROWN: Donn Brown, D-O-N-N,
12 B-R-O-W-N, Cause No. 2012-5952-72.

13 VICE CHAIR A. LONG: What's the last two
14 numbers?

15 MR. D. BROWN: 72.

16 MS. A. TAYLOR: It's on Page 8. Committee
17 to Elect Donn Brown, Cause No. 2012-5952-72.
18 The committee is closed, this is their third
19 violation, and proposed civil penalty is
20 \$650.00.

21 MR. D. BROWN: Third or second?

22 MS. A. TAYLOR: Third.

23 MR. D. BROWN: What was the second one?

24 MS. A. TAYLOR: The 2009 Annual.

25 VICE CHAIR A. LONG: 2009 Annual.

1 MR. D. BROWN: What was the first one?

2 MS. A. TAYLOR: The late Statement of

3 Organization.

4 MR. D. BROWN: 2009, I ran in 2010.

5 MS. A. TAYLOR: The Statement of

6 Organization was due in 2009, so then the annual

7 report was late for 2009, and then most

8 recently, the 2011 Annual.

9 CHAIRMAN D. DUMEZICH: And this is -- this

10 account is closed?

11 MS. A. TAYLOR: Yes.

12 CHAIRMAN D. DUMEZICH: Your side, sir.

13 MR. D. BROWN: In 2010, when I ran for

14 office and I lost, I had no intention of running

15 again and the account was closed and I failed to

16 discuss with my treasurer the paperwork to

17 dissolve the committee and I just didn't do it

18 or get it done.

19 I have no -- I mean, I did eventually do it,

20 but I have no idea when. She would have to tell

21 you that. After I got a notice from them, I did

22 get it done so I'm just here today to ask you to

23 reduce my fines to the maximum legal amount that

24 you're allowed.

25 There was no intention of doing anything

1 unlawful with my committee, and like I said, it was
2 not intentional, and again, my account is closed.

3 VICE CHAIR A. LONG: I would move because
4 it's -- the report indicated he didn't have any
5 fines, it was just done to close the committee,
6 so I think we should waive the fine.

7 CHAIRMAN D. DUMEZICH: Motion on the floor
8 to waive the fine in light of the fact the
9 committee had no money and it is closed.

10 COMMISSION MEMBER B. BENNETT: Second.

11 CHAIRMAN D. DUMEZICH: All in favor of the
12 motion, indicate by saying aye?

13 THE COMMISSION: Aye.

14 CHAIRMAN D. DUMEZICH: Opposed, nay?

15 (No response.)

16 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
17 it.

18 MR. D. BROWN: Thank you.

19 CHAIRMAN D. DUMEZICH: Second row -- ma'am,
20 are you...

21 MS. L. GRAINGER: Me?

22 CHAIRMAN D. DUMEZICH: Yeah.

23 MS. L. GRAINGER: Sorry.

24 CHAIRMAN D. DUMEZICH: Quite all right.

25 MS. L. GRAINGER: I'm Loretta Grainger, and

1 I'm with the Monroe County Democratic Women's
2 Political Action Committee, and the number is
3 2012-6060-211.

4 MS. A. TAYLOR: On Page 26, Democratic
5 Women's Political Action Committee, Cause No.
6 2012-6060-211. This is the first time before
7 the Board and proposed civil penalty of
8 \$1000.00.

9 CHAIRMAN D. DUMEZICH: Okay. Could you
10 tell us your side of it, ma'am?

11 MS. L. GRAINGER: I am a new treasurer to
12 the PAC, and when the person trained me, who was
13 my predecessor, she said you may fax these forms
14 into Indianapolis. I didn't realize she said I
15 must fax these forms to Indianapolis, and they
16 were filed in Monroe County.

17 I assumed that was correct. The person at the
18 Monroe County office said it was correct. I have
19 the form with the date on it, and now I know I must
20 fax it to Indianapolis and not Monroe County. I
21 was just confused. It's my fault. I thought since
22 we were local, filing in Monroe County would be
23 fine. I apologize.

24 CHAIRMAN D. DUMEZICH: You're saying you
25 didn't mail it, you didn't fax it, you just

1 didn't turn it into Indianapolis because you
2 were unaware of...

3 MS. L. GRAINGER: Right.

4 CHAIRMAN D. DUMEZICH: Okay.

5 MS. L. GRAINGER: I've got the forms here
6 with the date.

7 VICE CHAIR A. LONG: May I see your forms?

8 MS. L. GRAINGER: Uh-huh.

9 VICE CHAIR A. LONG: What was the due date
10 on that?

11 MS. A. TAYLOR: April 20th.

12 CHAIRMAN D. DUMEZICH: Bryce, do you want
13 to see it?

14 COMMISSION MEMBER B. BENNETT: No. I heard
15 what you said. It was filed timely in
16 Bloomington; right?

17 CHAIRMAN D. DUMEZICH: May we keep this for
18 our record?

19 VICE CHAIR A. LONG: Do you have it?

20 MS. A. TAYLOR: If I have -- I can see the
21 stamp on the copy.

22 VICE CHAIR A. LONG: You can read it?

23 MS. A. TAYLOR: Yes.

24 VICE CHAIR A. LONG: I thought she faxed it
25 after she learned of it.

1 MS. A. TAYLOR: Yeah. I have the stamp of
2 Monroe County.

3 CHAIRMAN D. DUMEZICH: I will entertain a
4 motion.

5 VICE CHAIR A. LONG: I would move to waive
6 the fine.

7 COMMISSION MEMBER B. BENNETT: I'll second
8 that.

9 CHAIRMAN D. DUMEZICH: Motion on the floor
10 to waive the fine, all in favor indicate by
11 saying aye?

12 THE COMMISSION: Aye.

13 CHAIRMAN D. DUMEZICH: Opposed, nay?

14 (No response.)

15 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
16 it and the fine is waived.

17 MS. L. GRAINGER: Thank you. I apologize
18 again.

19 CHAIRMAN D. DUMEZICH: You're welcome.

20 MR. J. HENZLER: I'm Joseph Henzler,
21 H-E-N-Z-L-E-R, representing the Constitution
22 Party of Indiana. The cause number is
23 2012-6178-215.

24 MS. A. TAYLOR: It's on Page 28.
25 Constitution Party of Indiana, Cause No.

1 2012-6178-215. This is their first time before
2 the Board and a proposed civil penalty of
3 \$300.00.

4 CHAIRMAN D. DUMEZICH: Sir?

5 MR. J. HENZLER: Mr. Chairman, I'll begin
6 by admitting the fault of the party in this
7 matter. It was an oversight on behalf of our
8 treasurer who got his months jumbled up. He
9 thought the report was done -- due in May and it
10 was due in April.

11 As soon as we discovered the error, we
12 submitted the report. Mr. Baily, our treasurer,
13 has agreed to step down from being treasurer as a
14 result of this action as soon as we get things
15 settled.

16 I also freely admit that part of the
17 responsibility is mine as chairman for not checking
18 the checker. I do ask leniency in this matter and
19 I do have a statement from Mr. Bailey, if you'd
20 like to see that, admitting that it was an
21 oversight on his part. We thought the report was
22 due the following month.

23 CHAIRMAN D. DUMEZICH: If you care to put
24 it in the record, that would be fine, but we
25 have no need to see it.

1 MR. J. HENZLER: Very good. That's my
2 case, sir.

3 CHAIRMAN D. DUMEZICH: Okay. I'll
4 entertain a motion.

5 VICE CHAIR A. LONG: I'd move to reduce the
6 motion to 25 percent, which would be \$75 plus
7 mailing costs.

8 CHAIRMAN D. DUMEZICH: There's a motion on
9 the floor --

10 COMMISSION MEMBER B. BENNETT: Second.

11 CHAIRMAN D. DUMEZICH: Okay. Hearing a
12 second, there's a motion on the floor to reduce
13 the fine to 25 percent of the cost or \$75.00
14 plus mailing costs, all in favor of the motion,
15 indicate by saying aye?

16 THE COMMISSION: Aye.

17 CHAIRMAN D. DUMEZICH: All opposed, nay?
18 (No response.)

19 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
20 it.

21 MR. J. HENZLER: Cheaper than divorce
22 court.

23 CHAIRMAN D. DUMEZICH: And much more
24 efficient. Next row.

25 MR. D. MARQUARDT: Don Marquardt,

1 M-A-R-Q-U-A-R-D-T, representing Indiana Licensed
2 Beverage Association, Case No. 2012-4381-29.

3 MS. A. TAYLOR: It's on Page 5. Indiana
4 Licensed Beverage Association PAC Fund, Cause
5 No. 2012-4381-29. This is the third time before
6 the Board, proposed civil penalty of \$400.00,
7 and the committee is closed.

8 MR. D. BROWN: This is the second time that
9 I've been in front of the committee. I'm the
10 state president. We've had executive directors
11 to run the office. We're a nonprofit
12 organization comprised of owners throughout the
13 State. I live in Angola. It's hard to run an
14 Indianapolis office.

15 We have had some problems in the past with the
16 Commission not filing on time because we have gone
17 through different executive directors and
18 have -- just don't have the operational structure.

19 Considering you don't want to continue seeing
20 me, nor I you, I made a motion the last time we got
21 this fine -- we had a lobby registration report
22 that was due around the same month, around the same
23 time, and our lobbyist filled out those forms and
24 we thought it was this form, so once again, some
25 confusion.

1 Therefore, I made a motion that we dissolve
2 our PAC account, which we did. We have had no
3 activity in our PAC account for I believe at least
4 the last couple of years. We've had no money
5 really coming in or out so we did close the
6 account. There was money in it and there was no
7 activity and we did close it.

8 I talked to your office and said go ahead and
9 close it so we could stop continuing to see each
10 other.

11 CHAIRMAN D. DUMEZICH: First of all, we
12 enjoy seeing you, Mr. Marquardt. Second of all,
13 I'll entertain a motion.

14 VICE CHAIR A. LONG: Since it's closed with
15 no money, and we're obviously not going to get
16 to see him anymore, we can waive the fine.

17 CHAIRMAN D. DUMEZICH: Motion on the floor
18 to waive the fine, do I hear a second?

19 COMMISSION MEMBER B. BENNETT: Second.

20 CHAIRMAN D. DUMEZICH: Hearing a second,
21 any discussion?

22 (No response.)

23 CHAIRMAN D. DUMEZICH: Hearing none, all in
24 favor of waiving the fine, please indicate by
25 saying aye?

1 THE COMMISSION: Aye.

2 CHAIRMAN D. DUMEZICH: Opposed, nay?

3 (No response.)

4 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
5 it, and Mr. Marquardt, go in peace.

6 MR. D. MARQUARDT: Thank you.

7 CHAIRMAN D. DUMEZICH: Next row -- the
8 gentleman in the green shirt, what's your name?

9 MR. K. DOBBS: My name is Kiefer,
10 K-I-E-F-E-R, Dobbs, D-O-B-B-S, and my cause
11 number is 2012-6383-180.

12 MS. A. TAYLOR: It's on Page 2, Dobbs for
13 State Representative, Cause No. 2012-6383-180.
14 This is the first time before the Board. The
15 committee is closed and proposed civil penalty
16 of \$1000.00.

17 CHAIRMAN D. DUMEZICH: Sir, tell us what
18 happened?

19 MR. K. DOBBS: The week after the withdraw
20 date of candidacy, the deadline, a week after I
21 decided to withdraw due to my current residence
22 was in West Lafayette and I have the withdrawal
23 form right here for evidence.

24 During my time at Purdue University, I
25 was -- I did not receive any of the campaign

1 documents. They were sent to my Indianapolis
2 residence. By the time I got home, I saw the
3 financial disclosure document. It is past the
4 deadline. I did turn it in, though, about a month
5 ago, and I have no way of paying the fine.

6 CHAIRMAN D. DUMEZICH: Okay. How long were
7 you a candidate?

8 MR. K. DOBBS: I was a candidate for a
9 week.

10 CHAIRMAN D. DUMEZICH: Okay.

11 VICE CHAIR A. LONG: This is a CFA-1?

12 MS. A. TAYLOR: Yes.

13 VICE CHAIR A. LONG: Has he filed financial
14 forms?

15 MS. A. TAYLOR: Yes.

16 VICE CHAIR A. LONG: And it's closed?

17 MS. A. TAYLOR: Yes.

18 VICE CHAIR A. LONG: I move that we waive
19 it.

20 CHAIRMAN D. DUMEZICH: Motion on the floor
21 to waive it, do I hear a second?

22 COMMISSION MEMBER B. BENNETT: Second.

23 CHAIRMAN D. DUMEZICH: Hearing a second,
24 all in favor of the motion to waive, indicate by
25 saying aye?

1 THE COMMISSION: Aye.

2 CHAIRMAN D. DUMEZICH: Opposed, nay?

3 (No response.)

4 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
5 it. Very good, sir.

6 MR. K. DOBBS: Thank you.

7 VICE CHAIR A. LONG: Still at Purdue?

8 MR. K. DOBBS: Yes.

9 VICE CHAIR A. LONG: Be good to the
10 Governor. You might learn from his educational
11 philosophy.

12 MR. K. DOBBS: Thank you so much.

13 MR. D. METZLER-SMITH: I'm Don
14 Metzler-Smith, M-E-T-Z-L-E-R, dash, SMITH,
15 S-M-I-T-H, and this is my treasurer Ron Troyer,
16 T-R-O-Y-E-R, from Elkhart, Indiana.

17 CHAIRMAN D. DUMEZICH: The cause number?

18 MR. D. METZLER-SMITH: The cause number
19 is --

20 MS. A. TAYLOR: I've got it.

21 CHAIRMAN D. DUMEZICH: She's got it.

22 MR. D. METZLER-SMITH: -- 2012-5624-50.

23 This is on Page 6, Committee to Elect Don

24 Metzler-Smith State Senator, Cause No.

25 2012-5624-50. This is the third time before the

1 Board. The first two, he paid settlement
2 agreements, proposed civil penalty of \$300.00,
3 and the committee is closed?

4 CHAIRMAN D. DUMEZICH: Tell us your side of
5 the story, sir?

6 MR. D. METZLER-SMITH: Well, I was not
7 aware that this was the third time -- I knew it
8 was the second time, but that's interesting -- I
9 would have to go back and check my notes.

10 In 2008, after the election, what happened was
11 we kept a balance in 2009, and we filed a year end
12 report on time, and by 2010, we also had a balance
13 but we filed the correct report for that, and in
14 2011, we did not have a balance and zeroed
15 everything out.

16 After we zeroed everything out, my treasurer
17 inadvertently checked the wrong box, or did not
18 check the box at all, and that --

19 CHAIRMAN D. DUMEZICH: Treasurer, is that
20 true? This is your fault?

21 MR. R. TROYER: That's my fault.

22 MR. D. METZLER-SMITH: Yeah, he will admit
23 to that. Then what happened was we were not
24 aware that that box was not checked so I guess
25 the reason I'm sitting before this committee

1 this afternoon is that I would encourage the
2 Board and also the co-directors to articulate in
3 the letter what exactly is the problem, because
4 as soon as we found out that it was a matter of
5 one box, we faxed the report immediately, and
6 hence, it was what, within -- you still fined us
7 for two or three days, I believe.

8 CHAIRMAN D. DUMEZICH: Okay. Thank you for
9 your suggestion and we'll take it under
10 consideration. Hearing that, is there any
11 motion?

12 VICE CHAIR A. LONG: And I agree this
13 report -- just a second. I wanted to see if
14 it's closed -- he closed it -- it look like he
15 was attempting to close it and it was a mistake,
16 I would move we waive it.

17 CHAIRMAN D. DUMEZICH: Motion on the floor
18 to waive the penalty, do I hear a second?

19 COMMISSION MEMBER B. BENNETT: I second
20 that.

21 CHAIRMAN D. DUMEZICH: Second, any
22 discussion?

23 (No response.)

24 CHAIRMAN D. DUMEZICH: Hearing none, all in
25 favor of waiving the penalty, please indicate by

1 saying aye?

2 THE COMMISSION: Aye.

3 CHAIRMAN D. DUMEZICH: Opposed, nay?

4 (No response.)

5 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
6 it.

7 MR. D. METZLER-SMITH: Thank you so much.

8 CHAIRMAN D. DUMEZICH: You're welcome.

9 MR. D. METZLER-SMITH: Keep cool.

10 CHAIRMAN D. DUMEZICH: Yeah.

11 VICE CHAIR A. LONG: You put too much on
12 him.

13 MR. D. METZLER-SMITH: Well, he's a
14 councilman so it's a reciprocal agreement.

15 CHAIRMAN D. DUMEZICH: Oh, in that case, we
16 should have fined him. Next row.

17 MR. J. MORRELL: My name is Jeremiah,
18 J-E-R-E-M-I-A-H, Morrell, M-O-R-R-E-L-L, and my
19 administrative cause number is 2012-6236-190.

20 MS. A. TAYLOR: It's on Page 15. Hoosiers
21 for Jeremiah Morrell, Cause No. 2012-6236-190.
22 This is the first time before the Board, and the
23 proposed civil penalty of \$1000.00.

24 MR. J. MORRELL: All right. The first
25 thing I want to do is apologize for being here.

1 I'm guilty as prescribed by the letter of the
2 law. I'm a first time candidate with the
3 Libertarian Party.

4 I filed back in the fall, filed my CFA-1 Form
5 and my first reporting period -- I guess, the 2011
6 annual report. However, for the Libertarians, we
7 have a different schedule, as I now understand,
8 between preprimary and convention candidates, and I
9 followed the incorrect reporting schedule.

10 So I -- our convention was in March rather
11 than May. As it turns out, our filing deadline
12 would have actually been in February. I was
13 unaware of that. I filed in March and was fined a
14 thousand dollars so I would appreciate your
15 leniency because of the amount.

16 CHAIRMAN D. DUMEZICH: Are you candidate
17 currently?

18 MR. J. MORRELL: I am currently a
19 candidate. I received our nomination. I've got
20 very little money raised as a Libertarian
21 candidate.

22 CHAIRMAN D. DUMEZICH: How much money do
23 you have in your account?

24 MR. J. MORRELL: There's, approximately,
25 \$300 working.

1 VICE CHAIR A. LONG: And again, the dates,
2 but Libertarian candidates, they need to file
3 prior to their convention?

4 MS. A. TAYLOR: If they've already opened a
5 committee, they need to file prior to the
6 convention.

7 MR. J. MORRELL: Right, and I can add to
8 that as well. I don't think in the past
9 Libertarian candidates have filed CFA-1s until
10 the convention time. We were trying to follow
11 the letter of the law because I announced and
12 had some minor publicity in the local paper.

13 I filed that, which created the reporting
14 periods for me. In addition, I think there was an
15 issue, and I don't fully understand it, but there's
16 a letter that -- there's some correspondence
17 between Dale Simmons and Chris Spangle with the
18 Libertarian Party, where the filing dates were also
19 different on your records based upon a convention
20 date that you folks had so I'm not entirely sure of
21 the mechanics of that, but either way, I was you
22 know -- I was late before I knew it.

23 VICE CHAIR A. LONG: What are you running
24 for?

25 MR. J. MORRELL: State Representative.

1 VICE CHAIR A. LONG: Okay. Everything's
2 current now?

3 MS. A. TAYLOR: Yes.

4 CHAIRMAN D. DUMEZICH: Entertain a motion.

5 VICE CHAIR A. LONG: I would move to waive
6 the fine.

7 CHAIRMAN D. DUMEZICH: In light of the fact
8 that the -- there's a motion on the floor to
9 waive the fine, do I hear a second?

10 COMMISSION MEMBER B. BENNETT: Second.

11 CHAIRMAN D. DUMEZICH: Hearing a second,
12 discussion?

13 (No response.)

14 CHAIRMAN D. DUMEZICH: In light of the
15 complexity this caused because of the timing, I
16 can understand how this would happen, even under
17 the most diligent care. So with that in mind,
18 there's a motion on the floor to waive the fine,
19 all in favor, indicate by saying aye?

20 THE COMMISSION: Aye.

21 CHAIRMAN D. DUMEZICH: Opposed, indicate
22 nay?

23 (No response.)

24 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
25 it. The fine is waived.

1 MR. J. MORRELL: Thank you.

2 CHAIRMAN D. DUMEZICH: Good luck.

3 MR. J. HAUPTMANN: Good afternoon. My name
4 is Joe Hauptmann, H-A-U, P as in Paul, T as in
5 Tom, M as in Mary, A-N-N. My cause number is
6 2012-6070-90.

7 MS. A. TAYLOR: It's on Page 9. Joe
8 Hauptmann for State Representative, Cause No.
9 2012-6070-90. This is for the 2011 annual, this
10 is the third time before the Board, a proposed
11 civil penalty of \$1000.00, and the report has
12 not been filed.

13 CHAIRMAN D. DUMEZICH: Yes, sir.

14 MR. J. HAUPTMANN: Okay. I really wish I
15 could say I was a newcomer at this, but I've
16 been doing this since 1980. When I ran for
17 Super -- I've run for so many things over the
18 years, but when I ran for State Representative,
19 my wife said I would only be allowed to do it if
20 I had nothing to do with the money, her evidence
21 being when I was in charge for the checkbook for
22 the family.

23 So I asked in the Party, do you -- anybody
24 willing to be my treasurer, and a young single mom
25 who had a single law practice here in town said

1 that she would do it, and she filed as my
2 secretary. I have never had anything to do with
3 the money other than to pay the \$1,600.00 in fines
4 that have already been incurred through this
5 committee.

6 I was not aware that showing up would have
7 allowed me to close the committee. My problem has
8 been getting it closed. She indicated that she
9 thought that she had closed it. When I finally was
10 able to track her down -- by the way, the office
11 was very helpful in that, in getting me new contact
12 information, and as you can imagine, being a school
13 teacher it's hard to track people down during the
14 day.

15 During this Spring Break, I tracked her down
16 found her office downtown. She seemed shocked,
17 said that she had -- would take care of it. When I
18 got notice of this, I contacted her again and
19 actually got a return call. Again, she said she
20 thought she had taken care of all of it, and
21 apparently, she hasn't.

22 I realize as a candidate, it's ultimately my
23 responsibility. I could only say that I was once
24 25 years ago a young attorney with a young family
25 in a solo practice so I've not tried to get the

1 money from her or anything. Whatever you decide
2 or -- although can I close it just by appearing
3 here or...

4 VICE CHAIR A. LONG: No.

5 CHAIRMAN D. DUMEZICH: No. You've got to
6 file something.

7 MR. J. HAUPTMANN: Okay. I have no idea
8 what the account number is. I mean, I -- that's
9 been the problem the whole time along.

10 CHAIRMAN D. DUMEZICH: Give him a card so
11 he can call you up and get the thing closed.

12 VICE CHAIR A. LONG: It's your intent to
13 close, not...

14 MR. J. HAUPTMANN: It's been my intent to
15 close for over a year. There's been no
16 activity. There's been no money this entire
17 time.

18 CHAIRMAN D. DUMEZICH: Just continue it.

19 VICE CHAIR A. LONG: Would you make a note?
20 I'd move to continue this to the next hearing,
21 and with -- if you all don't mind, at our next
22 meeting, if he's closed, as far as I'm
23 concerned, he doesn't have to come in, I would
24 commit to making a motion to waive it at that
25 time, if he's got everything closed and done.

1 CHAIRMAN D. DUMEZICH: Motion to continue
2 on the floor, do I heard a second?

3 COMMISSION MEMBER B. BENNETT: Second.

4 CHAIRMAN D. DUMEZICH: All in favor of the
5 motion to continue, signify by saying aye?

6 THE COMMISSION: Aye.

7 CHAIRMAN D. DUMEZICH: Opposed, nay?

8 (No response.)

9 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
10 it. Now you understand what you have to do?

11 MR. J. HAUPTMANN: Absolutely. That's my
12 summer project.

13 VICE CHAIR A. LONG: If you don't get it
14 closed, you can come back to the next hearing
15 with your checkbook, and you'll probably looking
16 at \$2,600 in paying fines, okay?

17 MR. J. HAUPTMANN: That's no problem with
18 me. Thank you.

19 CHAIRMAN D. DUMEZICH: Take care. Next
20 person, please.

21 MR. C. SPANGLE: Okay.

22 CHAIRMAN D. DUMEZICH: Yes, sir?

23 MR. C. SPANGLE: Chris Spangle, Case No. --

24 I'm sorry, S-P-A-N-G-L-E, Case No.

25 2012-6204-126.

1 MS. A. TAYLOR: It's on Page 12.

2 VICE CHAIR A. LONG: Page 12. There, I'm
3 with you. You almost got me confused, Abbey.
4 After all these years, I've figured out these
5 cause numbers.

6 MS. A. TAYLOR: Libertarian Party of
7 Vanderburgh County, Cause No. 2012-6204-126.
8 This is the first time before the Board and a
9 proposed civil penalty of \$1000.00. At our
10 February hearing, we continued it so they could
11 get the report filed. They did file it shortly
12 after that hearing.

13 CHAIRMAN D. DUMEZICH: Okay.

14 MR. C. SPANGLE: The chairman, Bart Gadau,
15 was not able to be here so he asked me to
16 testify on their behalf. He did not file
17 anything in advance, I do not believe, so I
18 wanted to make what clear to the Commission.

19 He did testify last time. He came before the
20 Commission and informed the Commission that they
21 re-affiliated at the end of the filing quarter and
22 they only had a couple of weeks left. They hadn't
23 collected any money so the new treasurer, who had
24 never been a treasurer before, just didn't think he
25 had to file the paperwork, and the chairman didn't

1 realize that it hadn't been filed or that they had
2 done something wrong until they got a letter
3 notifying them that they had a fine.

4 They appeared before the Board. He --
5 according to him, there -- it's basically similar
6 to what would happen with Joe, the fine would be
7 waived if they appeared before the Commission
8 again. I don't know that to be true, but that's
9 according to the chairman of the committee.

10 VICE CHAIR A. LONG: You know you're down
11 here next door to the Lieutenant Governor
12 candidate, and he may be mad at you over this.

13 MR. C. SPANGLE: Someone's always mad at me
14 for something, sir.

15 VICE CHAIR A. LONG: He's a nice guy. He
16 used to come to our meetings all the time. They
17 don't have any money and they're current in
18 their filing; is that correct?

19 MS. A. TAYLOR: Yes.

20 CHAIRMAN D. DUMEZICH: I'll entertain a
21 motion.

22 VICE CHAIR A. LONG: You promise to do it
23 right from now on?

24 MR. C. SPANGLE: We will.

25 VICE CHAIR A. LONG: All right. I'll move

1 to waive the fine.

2 MR. C. SPANGLE: Thank you very much.

3 COMMISSION MEMBER B. BENNETT: Second.

4 CHAIRMAN D. DUMEZICH: Motion to waive the
5 fine, hearing a second, any discussion?

6 (No response.)

7 CHAIRMAN D. DUMEZICH: Hearing none, all in
8 favor of the motion, please indicate by saying
9 aye?

10 THE COMMISSION: Aye.

11 CHAIRMAN D. DUMEZICH: Opposed, nay?

12 (No response.)

13 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
14 it. Fine waived.

15 MR. C. SPANGLE: Thank you.

16 CHAIRMAN D. DUMEZICH: Sure. Next. Now is
17 there --

18 VICE CHAIR A. LONG: I'm not going to waive
19 his fine, the one with the red tie there.

20 CHAIRMAN D. DUMEZICH: Come on up. After
21 this gentleman, if there's anyone else with
22 campaign finance, come up after this gentleman
23 is done. We have some other things to take care
24 of after that.

25 MR. F. VOORHIES: My name is Franklyn

1 Voorhies, F-R-A-N-K-L-Y-N, V as in Victor,
2 O-O-R-H-I-E-S, cause number is 2012-6273-217.

3 VICE CHAIR A. LONG: You're going to Page
4 29.

5 MS. A. TAYLOR: You beat me. This is
6 Franklyn Voorhies Indiana 25, Cause No.
7 2012-6273-217. This is the first time before
8 the Board, proposed civil penalty of \$700.00,
9 and the committee is closed.

10 CHAIRMAN D. DUMEZICH: Tell us your side,
11 sir?

12 MR. F. VOORHIES: All right. I'd like to
13 thank the committee for giving me a chance to
14 appear. I mistakenly had filed the CFA-5
15 instead of the CFA-4. Michelle Thompson and the
16 campaign finance office was very very helpful.
17 A financial penalty would be more than I could
18 bear. I didn't even raise \$200 for my committee
19 and everything is closed and there is nothing
20 there.

21 VICE CHAIR A. LONG: You ran in the
22 primary?

23 MR. F. VOORHIES: Yes.

24 VICE CHAIR A. LONG: And you filed a report
25 after that?

1 MR. F. VOORHIES: Yes.

2 VICE CHAIR A. LONG: And you closed it?

3 MR. F. VOORHIES: Right.

4 VICE CHAIR A. LONG: And your final

5 report...

6 MR. F. VOORHIES: I filed at all the right

7 deadlines, but for the preprimary, I filed the

8 wrong report.

9 MS. A. TAYLOR: Yes, on time.

10 CHAIRMAN D. DUMEZICH: I think you had a

11 motion?

12 VICE CHAIR A. LONG: Motion to waive.

13 COMMISSION MEMBER B. BENNETT: Second.

14 CHAIRMAN D. DUMEZICH: Motion to waive,

15 second, any discussion?

16 (No response.)

17 CHAIRMAN D. DUMEZICH: Hearing none, all in

18 favor of waiving the fine, indicate by saying

19 aye?

20 THE COMMISSION: Aye.

21 CHAIRMAN D. DUMEZICH: All opposed, nay?

22 (No response.)

23 CHAIRMAN D. DUMEZICH: 4-0, the ayes have

24 it. The fine is waived. Thank you, sir.

25 MR. F. VOORHIES: Thank you very much.

1 MR. J. NEASE: Okay. Before I begin, I
2 just came in during the swearing in, but my name
3 is James Nease, N-E-A-S-E, and my case number --
4 I think Abbey has all my paperwork.

5 MS. A. TAYLOR: I've got it.

6 MR. J. NEASE: You have it?

7 MS. A. TAYLOR: Yes.

8 VICE CHAIR A. LONG: Darn, Abbey. I'm just
9 trying to...

10 CHAIRMAN D. DUMEZICH: She beat you to the
11 punch.

12 VICE CHAIR A. LONG: I can't get them by
13 names.

14 MS. A. TAYLOR: Do the oath first or...

15 CHAIRMAN D. DUMEZICH: What page?

16 MS. A. TAYLOR: Page 15.

17 VICE CHAIR A. LONG: You can do that. I
18 just wanted to find it.

19 CHAIRMAN D. DUMEZICH: I'm going to go off
20 the record for a moment.

21 VICE CHAIR A. LONG: You want to take a
22 break?

23 CHAIRMAN D. DUMEZICH: Yeah, let's take a
24 break, and when we come back, we'll do the...

25 (A discussion was held off the record.)

1 CHAIRMAN D. DUMEZICH: Back on the record,
2 please. Sorry about that. I apologize. Have
3 you sworn the...

4 MR. D. SIMMONS: No.

5 CHAIRMAN D. DUMEZICH: Okay.

6 MR. D. SIMMONS: Please stand and raise
7 your right hand and say I do after the
8 administration of the oath.

9 (Mr. Nease complied.)

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

15 MR. J. NEASE: I do.

16 MS. A. TAYLOR: This is James Nease
17 Election Committee, Cause No. 2012-6272-191.
18 This is the first time before the Board.
19 There's a proposed civil penalty of \$850.00.

20 CHAIRMAN D. DUMEZICH: Okay.

21 MR. J. NEASE: In the same manner that
22 Jeremiah, who's my father reported, I think -- I
23 guess late would be the pre-convention report.
24 We opened the committee on January 13th and we
25 had to file a CFA-4 and CFA-1s -- I guess I

1 filed it on March 28 as a recourse because I
2 wasn't aware when we had to turn those
3 pre-convention reports in.

4 As I turned them in, I was informed by this
5 gentleman over here that it would be late. So
6 that's when I informed Chris Spangle -- I was the
7 first one to realize that it was late, so we ended
8 up turning it in at the time, and then we got -- my
9 treasurer got the letter saying that we were fined
10 \$850.00.

11 We just didn't understand where it came from
12 because we thought we filed it on time, but I guess
13 it was late because of how we -- you know, like the
14 convention dates. So I would like to say we're
15 sorry for filing it late. We didn't really
16 intentionally try to file it late. I tried to get
17 everything in on time, at least before time, so I
18 apologize for actually filing the reports late.

19 My treasurer isn't here. He has the papers.
20 He's actually out of state right now and he usually
21 handles these things. This is the first time I got
22 a fine from the Election Division so I...

23 CHAIRMAN D. DUMEZICH: Is this the first
24 time you've run?

25 MR. J. NEASE: Yeah.

1 CHAIRMAN D. DUMEZICH: Okay. And I think
2 that the prior rationale -- you're suggesting
3 that the prior rationale we used with the
4 Libertarian candidate should be extended to you
5 as well?

6 MR. J. NEASE: No. It's at your
7 discretion. I'm not saying like because you did
8 it with him that you have to do it with me.

9 VICE CHAIR A. LONG: Your committee still
10 active, it appears?

11 MR. J. NEASE: Yes.

12 CHAIRMAN D. DUMEZICH: As was the
13 Libertarian.

14 VICE CHAIR A. LONG: Yeah, and I don't --
15 is this -- the pre-convention report shows March
16 22nd. I'm having a hard time. I don't see a
17 March 22nd file here in mine. I've got April
18 1st -- oh, here it is. All right. It was
19 filled out January 13th. Everything is in order
20 now?

21 MS. A. TAYLOR: Yes.

22 VICE CHAIR A. LONG: I believe same
23 rationale would apply. I would move to waive
24 the penalty.

25 CHAIRMAN D. DUMEZICH: Motion on the floor

1 to waive the penalty, do I hear a second?

2 COMMISSION MEMBER B. BENNETT: I'll second
3 it.

4 CHAIRMAN D. DUMEZICH: Hearing a second,
5 any discussion?

6 (No response.)

7 CHAIRMAN D. DUMEZICH: Hearing none, all in
8 favor of waiving the penalty, please indicate by
9 saying aye?

10 THE COMMISSION: Aye.

11 CHAIRMAN D. DUMEZICH: Opposed, nay?

12 (No response.)

13 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
14 it. The penalty is waived.

15 MR. J. NEASE: All right. Thanks.

16 CHAIRMAN D. DUMEZICH: Sure.

17 MR. A. AVERY: My name is Alexander Avery,
18 A-V-E-R-Y, Administrative Cause No.
19 2012-6248-189.

20 VICE CHAIR A. LONG: Page 14.

21 MS. A. TAYLOR: On Page 14 -- you did good.
22 I'm impressed. Elect Alex, Cause No.
23 2012-6248-189. This is the Committee's first
24 time before the Board. There's a proposed civil
25 penalty of \$1000.00.

1 CHAIRMAN D. DUMEZICH: Sir, what's your
2 side of it?

3 MR. A. AVERY: This might sound familiar,
4 I'm a Libertarian tear candidate, and I was
5 going off of the wrong schedule. I thought that
6 the next -- that the report was due late in
7 April and it was supposed to have been done
8 early in March.

9 It, obviously, was my responsibility to make
10 sure I'm aware of any -- of what the actual dates
11 were. I do accept full responsibility for that
12 error and would just state that the proposed
13 penalty would be a significant financial hardship
14 for me.

15 CHAIRMAN D. DUMEZICH: How much do you have
16 in your account currently?

17 MR. A. AVERY: Currently, sir, nothing.

18 CHAIRMAN D. DUMEZICH: Nothing.

19 VICE CHAIR A. LONG: That would be a
20 hardship.

21 CHAIRMAN D. DUMEZICH: And I would suppose
22 that you would be arguing for treatment
23 consistent with your prior two Libertarian
24 friends?

25 MR. A. AVERY: That would be nice.

1 VICE CHAIR A. LONG: I would move that we
2 waive the fine.

3 COMMISSION MEMBER B. BENNETT: I would
4 second it.

5 CHAIRMAN D. DUMEZICH: Hearing a motion and
6 a second, anybody -- everyone in favor of
7 waiving the fine, please indicate by saying aye?

8 THE COMMISSION: Aye.

9 CHAIRMAN D. DUMEZICH: Opposed, nay?

10 (No response.)

11 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
12 it. The fine is waived, sir.

13 MR. A. AVERY: Thank you very much.

14 VICE CHAIR A. LONG: Good luck to you.

15 CHAIRMAN D. DUMEZICH: Good luck.

16 MR. D. HARRIS: Donnie, D-O-N-N-I-E,
17 Harrold, H-A-R-R-O-L-D, Harris, H-A-R-R-I-S.
18 The cause number is 2012-5894-209.

19 MS. A. TAYLOR: Page 25. This is the
20 Public Party, Cause No. 2012-5894-209. This is
21 the second time before the Board, proposed civil
22 penalty of \$1000.00, and this report has not
23 been filed.

24 MR. D. HARRIS: I -- me -- I can talk?

25 CHAIRMAN D. DUMEZICH: Yes, sir.

1 MR. D. HARRIS: Okay. I wasn't aware that
2 I had anything that I needed to file. Even til
3 now, I didn't realize that. I did file my last
4 paperwork there at the -- at this building here
5 sometime in May, I believe, and at that time I
6 asked if all of my paperwork was caught up, and
7 I was told yes -- not that I'm making anyone
8 responsible for my paperwork.

9 But it's -- starting your own party and doing
10 everything is a one-man show. After experiencing
11 what I experienced and why I decided to start my
12 own party, it's quite a -- it's quite an ordeal. I
13 have no money. I've never collected a penny.

14 Personally, I've lost everything. I'm still
15 in bankruptcy court with the federal government and
16 I have no money so I guess I misfiled and I will
17 file that form today.

18 CHAIRMAN D. DUMEZICH: Do you intend to
19 stay active and keep your party going?

20 MR. D. HARRIS: At this particular time,
21 yes.

22 CHAIRMAN D. DUMEZICH: Okay.

23 VICE CHAIR A. LONG: I would move to
24 continue it til the next meeting and see what he
25 files.

1 CHAIRMAN D. DUMEZICH: Motion to continue.

2 COMMISSION MEMBER B. BENNETT: Second.

3 CHAIRMAN D. DUMEZICH: Everyone in favor of
4 the motion to continue, please indicate by
5 saying aye?

6 THE COMMISSION: Aye.

7 CHAIRMAN D. DUMEZICH: Opposed, nay?

8 (No response.)

9 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
10 it. The motion carries. It's continued.

11 MR. D. HARRIS: So I'll get something in
12 the mail?

13 CHAIRMAN D. DUMEZICH: Yeah. You're going
14 to get a notice.

15 VICE CHAIR A. LONG: Get a notice of the
16 hearing.

17 CHAIRMAN D. DUMEZICH: You're going to get
18 a card from this young lady and find out what
19 you need to file, and, you're going to have it
20 filed, and you're going to show up at this next
21 meeting and we're going to make sure that
22 everything is filed and that you are up to
23 speed.

24 MR. D. HARRIS: Perfect.

25 CHAIRMAN D. DUMEZICH: And we'll make a

1 determination with respect to the fines at that
2 time.

3 MR. D. HARRIS: Thank you very much.

4 CHAIRMAN D. DUMEZICH: Any more campaign
5 finance? Any more campaign finance?

6 MS. A. TAYLOR: We have a couple of
7 clean-ups.

8 CHAIRMAN D. DUMEZICH: I'd ask the finance,
9 the campaign finance staff to identify any
10 matters for which a motion to continue was
11 received for today's meeting?

12 MS. A. TAYLOR: We received seven motions
13 to continue. Do you want me to read the cause
14 numbers off? What do you want?

15 CHAIRMAN D. DUMEZICH: Yep, cause numbers.

16 MS. A. TAYLOR: Cause No. 2012-6357-242,
17 for Committee to Elect Michael S. Scott; Cause
18 No. 2012 --

19 VICE CHAIR A. LONG: Just a -- wait just a
20 second. Can we go sort of a slow because I'm in
21 catch-up motion here -- 242?

22 MS. A. TAYLOR: Yes.

23 VICE CHAIR A. LONG: I can find them.

24 MS. A. TAYLOR: Now that you've figured out
25 the secret...

1 VICE CHAIR A. LONG: I've got 14 years.

2 All right.

3 MS. A. TAYLOR: On Page 40.

4 VICE CHAIR A. LONG: On Page 40?

5 MS. A. TAYLOR: Yes. Cause No.

6 2012-6390-223 for SAM-PAC.

7 VICE CHAIR A. LONG: That's on Page 32?

8 MS. A. TAYLOR: Yes. Cause Nos.

9 2012-6171-186, 187, 228, 229, 230, 231, 232,
10 233, 234, 235, 236, 237, 238 for Pence for
11 Indiana.

12 VICE CHAIR A. LONG: Starts on Page 13.

13 MS. A. TAYLOR: And then it jumps to the
14 back.

15 VICE CHAIR A. LONG: That's all right. I
16 can remember that one.

17 MS. A. TAYLOR: Cause No. 2012-6117-95 for
18 the Committee to Elect Benjamin Jarvis.

19 VICE CHAIR A. LONG: And that's Page 9.

20 MS. A. TAYLOR: Cause No. 2012-128 for HCO,
21 Inc.

22 VICE CHAIR A. LONG: What's the number?

23 MS. A. TAYLOR: 2012-128, that one is not
24 in your packet.

25 VICE CHAIR A. LONG: No wonder.

1 MS. A. TAYLOR: I forgot.

2 VICE CHAIR A. LONG: That's all right.

3 MS. A. TAYLOR: Cause No. 2012-5239-203,

4 Coalition for United Professionals.

5 VICE CHAIR A. LONG: That's 22.

6 MS. A. TAYLOR: And Cause No. 2012-5398-41

7 for Greaves for Senate on Page 5.

8 VICE CHAIR A. LONG: 41?

9 MS. A. TAYLOR: Yes.

10 VICE CHAIR A. LONG: I would move that --

11 at least the ones in the book, unless

12 somebody -- to get it on the floor, I move that

13 we grant the motions for a continuance.

14 CHAIRMAN D. DUMEZICH: There's a motion on

15 the floor to grant them, do I hear a second?

16 COMMISSION MEMBER B. BENNETT: Second.

17 CHAIRMAN D. DUMEZICH: Hearing a second,

18 any discussion?

19 (No response.)

20 CHAIRMAN D. DUMEZICH: Hearing none, all in

21 favor of a motion to continue on matters that

22 have been read into the record, please indicate

23 by saying aye?

24 THE COMMISSION: Aye.

25 CHAIRMAN D. DUMEZICH: All opposed, nay?

1 (No response.)

2 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
3 it, and those matters are continued.

4 MS. A. TAYLOR: We've got one where we
5 goofed and we would like to ask you to dismiss
6 the...

7 CHAIRMAN D. DUMEZICH: When you say we...

8 MS. A. TAYLOR: Michelle Thompson and I
9 goofed. On Page 6 --

10 VICE CHAIR A. LONG: You and Michelle
11 goofed. She's not here.

12 MS. A. TAYLOR: I'll admit it. It doesn't
13 make a sense. I know we did it. It's Cause No.
14 2012-5612-48, we fined him for not filing the
15 2011 Annual report, and we fined him at the
16 February hearing, but he closed his committee
17 with his 2010 Annual so he didn't owe us 2011
18 Annual.

19 VICE CHAIR A. LONG: Motion to dismiss that
20 cause.

21 COMMISSION MEMBER B. BENNETT: Second.

22 CHAIRMAN D. DUMEZICH: Hearing a motion to
23 dismiss and second, is there any discussion?

24 (No response.)

25 CHAIRMAN D. DUMEZICH: Hearing none, all in

1 favor of the motion to dismiss, please indicate
2 by saying aye?

3 THE COMMISSION: Aye.

4 CHAIRMAN D. DUMEZICH: Opposed, nay?

5 (No response.)

6 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
7 it.

8 MS. A. TAYLOR: And that's it.

9 CHAIRMAN D. DUMEZICH: Can we get a
10 description on what -- where we're going with
11 these?

12 MR. T. DECKARD: The HCO, Inc.

13 MS. A. TAYLOR: That was the one -- Cause
14 No. 2012-128 that didn't --

15 CHAIRMAN D. DUMEZICH: Oh, that were not
16 put in the packets?

17 MS. A. TAYLOR: Yes.

18 CHAIRMAN D. DUMEZICH: Okay. So it's been
19 dealt with? There's no...

20 MS. A. TAYLOR: Yes.

21 VICE CHAIR A. LONG: It was under the
22 request to continue it as well. That's what I
23 understood it to be.

24 MS. A. TAYLOR: Yes.

25 CHAIRMAN D. DUMEZICH: Okay. Then I'd ask

1 the campaign finance staff to identify any cause
2 which was previously granted a continuance for
3 today's meeting to permit the committee to
4 disband if it so chose to do.

5 MS. A. TAYLOR: The one committee that did
6 that was the Committee to Elect Kim Builta, but
7 she showed up today.

8 CHAIRMAN D. DUMEZICH: Okay. So there's no
9 need for a motion in that regard?

10 MS. A. TAYLOR: That's it.

11 CHAIRMAN D. DUMEZICH: Okay. Is there
12 anyone here that is remaining to testify in
13 campaign finance?

14 (No response.)

15 CHAIRMAN D. DUMEZICH: Okay. So then I
16 declare the meetings on all the remaining
17 matters scheduled to be closed for today. Is
18 there a motion to impose the entire amount of
19 proposed penalty plus mailing costs in all
20 remaining finance enforcement actions?

21 VICE CHAIR A. LONG: So moved.

22 CHAIRMAN D. DUMEZICH: Is there a second?

23 COMMISSION MEMBER B. BENNETT: Second.

24 CHAIRMAN D. DUMEZICH: Hearing a second, is
25 there any discussion?

1 (No response.)

2 CHAIRMAN D. DUMEZICH: Hearing none, all in
3 favor of the motion, please indicate by saying
4 aye?

5 THE COMMISSION: Aye.

6 CHAIRMAN D. DUMEZICH: Opposed, nay?

7 (No response.)

8 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
9 it. Voting systems, now we go to our voting
10 systems entertaining section of this meeting. I
11 note that we received a report from Ball State
12 in our binders regarding the voting systems
13 issue.

14 I'd recognize Dr. Raymond Scheele from VSTOP
15 Program to provide us with more detailed
16 information regarding voting system issues. The
17 first item on the agenda is recommended --
18 concerning Engineering Change Orders or ECOs from
19 the Election Systems and Software Company also
20 known as ES&S?

21 DR. R. SCHEELE: Yes. Thank you, Mr.
22 Chairman and Commissioners. We have a couple of
23 reports on the front end here. One of them is
24 the Engineering Change Order No. 864 from ES&S.
25 This is a change order to the existing certified

1 voting system that ES&S has in Indiana.

2 The change order is to replace a power control
3 board because the current piece of equipment, the
4 current control board is ending its life-span for
5 the equipment, so this is just a replacement.

6 And we've checked the lab reports on this and
7 we found it to be de minimis and agreed with the
8 EAC as well that looked at it. So we would
9 recommend that you approve Engineering Change Order
10 864 for ES&S approved machines.

11 VICE CHAIR A. LONG: So moved.

12 COMMISSION MEMBER B. BENNETT: Second.

13 CHAIRMAN D. DUMEZICH: Hearing a motion on
14 the floor, any discussion?

15 (No response.)

16 CHAIRMAN D. DUMEZICH: Hearing none, all in
17 favor of the motion, please indicate by saying
18 aye?

19 THE COMMISSION: Aye.

20 CHAIRMAN D. DUMEZICH: Opposed, nay?

21 (No response.)

22 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
23 it.

24 DR. R. SCHEELE: Secondly, we have the
25 Unisyn Voting System that was field tested by

1 the VSTOP Program on the campuses of Ball State
2 University on June 21st, which was just a couple
3 of weeks ago here this month. The report on the
4 application of Unisyn Voting Systems, you should
5 have in your folder.

6 It is a comprehensive list off of the -- we
7 had to go through several iterations of the IEC-11
8 Form to make sure that everything was precise, in
9 terms of what was being tested, as well as what was
10 eventually recommended.

11 I want to certainly thank our new member of
12 the VSTOP team, who is with me, who did much of
13 this, Jason Schultz, who's our computer specialist
14 with our team now. We have found that this Unisyn
15 voting system with the components, the hardware and
16 the firmware and the software that's listed on the
17 firm before you, conforms to all aspects of the EAC
18 certificate of conformance, and likewise, meets all
19 of the requirements of the Indiana Code for use in
20 our state.

21 This includes compliance with the legal
22 requirements of voters with disabilities. We
23 provided another form that is attached to this with
24 a little more description of each of the
25 components. A couple of nomenclatures here, when

1 you see the word COTS, C-O-T-S, on this form, that
2 stands for Commercial Off-The-Shelf Hardware, okay.
3 That anymore is standard and can be replaced by
4 commercial. For example, a Dell laptop would be
5 considered a commercial off-the-shelf piece of
6 hardware.

7 So we would recommend that this system from
8 Unisyn be certified by the Commission for use and
9 sales and marketing in Indiana.

10 VICE CHAIR A. LONG: A question on that?
11 This system, I don't think we've seen it, have
12 we?

13 DR. R. SCHEELE: Yes.

14 VICE CHAIR A. LONG: Please remind he which
15 one it is?

16 DR. R. SCHEELE: It's an optical scan unit.
17 It is -- the optical scan is where you have to
18 feed it this way so there are ballots that are
19 indeed produced so there is that paper ballot.

20 VICE CHAIR A. LONG: You have a paper
21 ballot and you scan it?

22 DR. R. SCHEELE: Right.

23 VICE CHAIR A. LONG: Okay. I -- they had
24 the tray deals with it?

25 DR. R. SCHEELE: Exactly.

1 VICE CHAIR A. LONG: I remember that now.

2 CHAIRMAN D. DUMEZICH: When did we see it?

3 VICE CHAIR A. LONG: I'm trying to think
4 when we saw it?

5 DR. R. SCHEELE: That was a previous system
6 but it's the same type.

7 VICE CHAIR A. LONG: It's the same thing?

8 DR. R. SCHEELE: It's the same thing,
9 right.

10 VICE CHAIR A. LONG: Okay, that's -- I
11 remember we had the big bins. I would move we
12 approve the application in accordance with the
13 recommendations.

14 CHAIRMAN D. DUMEZICH: Motion to approve
15 the application in accordance with the
16 recommendation of the VSTOP Team, do I have a
17 second?

18 COMMISSION MEMBER B. BENNETT: I'll second
19 it.

20 COMMISSION MEMBER S. OVERHOLT: Can I ask a
21 question?

22 CHAIRMAN D. DUMEZICH: For discussion?

23 COMMISSION MEMBER S. OVERHOLT: Yeah.

24 CHAIRMAN D. DUMEZICH: Sure.

25 COMMISSION MEMBER S. OVERHOLT: And just so

1 I understand, so this new system is for -- you
2 said for assistance for disabled voters, or is
3 that...

4 DR. R. SCHEELE: Yes. Every system that we
5 certify has to have an accessibility unit to it
6 for the disabled and we test that as well with
7 the system and different vendors do it a little
8 differently, obviously, depending on their
9 equipment, but each of those vendors have to
10 meet the ADA standard and the HAVA standards for
11 accessibility for the disabled. So that's the
12 protocol that we follow in testing those.

13 COMMISSION MEMBER S. OVERHOLT: So do this
14 have an audio component as well or is it...

15 DR. R. SCHEELE: Yes.

16 COMMISSION MEMBER S. OVERHOLT: Okay.

17 DR. R. SCHEELE: They have an audio
18 component. They have sip and puff. They have
19 mobility. They have all of the various
20 standards that the federal law has required.

21 COMMISSION MEMBER S. OVERHOLT: Okay.

22 Thank you.

23 VICE CHAIR A. LONG: The question I
24 normally try to ask is I like to see hard paper
25 documentation that somehow gets generated;

1 although that's not a requirement, I don't
2 believe, currently in our law.

3 But I just -- marketing purposes, there seems
4 to be great voter concern or lack of confidence in
5 purely electronic systems that don't have some kind
6 of paper trail.

7 DR. R. SCHEELE: The -- we have on our --
8 in our inventory all of the voting system
9 technical lab reports that have the pictures of
10 the units -- every unit, all broken down and
11 tested, of course, by the federal certified
12 labs, and we can certainly make that available
13 to you at any time.

14 CHAIRMAN D. DUMEZICH: Okay.

15 DR. R. SCHEELE: And perhaps with that
16 discussion, it might be relevant for me to say
17 that we brought some gifts for your
18 entertainment. These are disks. We videotaped
19 the field tests that we conduct for every
20 vendor, and so rather than bringing copies for
21 each of the commissioners, I'm going to leave
22 one for Mr. King and Mr. Deckard, and if you
23 want to check them out from their library, you
24 can certainly see...

25 COMMISSION MEMBER S. OVERHOLT: A detailed

1 report.

2 VICE CHAIR A. LONG: There's a very
3 detailed report.

4 DR. R. SCHEELE: Yeah. There's about six
5 to seven hours of video on these.

6 VICE CHAIR A. LONG: Very nice of you to do
7 that. I appreciate that.

8 CHAIRMAN D. DUMEZICH: I believe there's a
9 motion on the floor to approve the system
10 pursuant to the VSTOP recommendation that has
11 been seconded, do I have any more discussion?

12 (No response.)

13 CHAIRMAN D. DUMEZICH: Hearing none, all in
14 favor of the motion, please indicate by saying
15 aye?

16 THE COMMISSION: Aye.

17 CHAIRMAN D. DUMEZICH: Opposed, indicate
18 nay?

19 (No response.)

20 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
21 it. Very good.

22 DR. R. SCHEELE: A couple of quick reports.
23 We also tested two weeks ago, approximately, on
24 campus the MicroVote system. We are in touch
25 with MicroVote. There was a problem with the

1 field tests that we are going to address with
2 MicroVote in their application for the new
3 system, and consequently, we have suggested to
4 MicroVote that we will retest that system that
5 we found the problems with -- in fact, the test
6 could not be completed -- later in July. We set
7 a tentative date with MicroVote on July 19th to
8 retest the MicroVote system that's under
9 application to the Commission. So we're working
10 along on that.

11 Then finally, I'd like to thank the
12 commissioners and the Election Division staff for
13 contributing mightily to our national conference
14 that we held in mid-June here at the Ball State
15 Indy Center.

16 Secretary of State, Connie Lawson, gave the
17 welcoming address, both at a pre-dinner the
18 previous evening, and then at the conference itself
19 on Thursday, and she expressed her continuing
20 commitment to the integrity of the voting systems
21 in the State of Indiana, and I think was very well
22 received by the national people that are all
23 involved in state certification and testing of
24 voting systems around the country.

25 We have representatives all the way from

1 Connecticut to California and in between, as well
2 as members from the Federal EAC, so I would just
3 like to express my appreciation. Trent and Brad
4 were there, as well as others, being able to attend
5 different functions in and out.

6 So it was a very successful meeting and they
7 were impressed, I think, with the way the testing
8 and certification is going in Indiana, and they
9 particularly liked Indianapolis, so that with good.

10 COMMISSION MEMBER B. BENNETT: We'd extend
11 our congratulations for your successful
12 conference.

13 DR. R. SCHEELE: Thank you. Any questions?

14 CHAIRMAN D. DUMEZICH: Any questions in
15 response -- do you have any questions for VSTOP?

16 (No questions.)

17 CHAIRMAN D. DUMEZICH: Thank you very much.

18 DR. R. SCHEELE: Thank you.

19 CHAIRMAN D. DUMEZICH: Gentlemen, do you
20 have any comments, anything you want to add?

21 MR. C. ORTIZ: No. We thank the
22 Commission. We represent the Unisyn system that
23 you just spoke about.

24 CHAIRMAN D. DUMEZICH: Thanks for your
25 work, guys. We appreciate it.

1 DR. R. SCHEELE: Thank you.

2 CHAIRMAN D. DUMEZICH: I'd like to take a
3 moment before we adjourn to state that Sarah
4 Riordan's last -- this would be the last time
5 she would serve on the Commission today -- of
6 course, she was replaced by a proxy today.

7 But in the last six years or five years since
8 I've been here, I've really enjoyed her presence on
9 the Commission. She's a great professional and a
10 good friend. Tony?

11 VICE CHAIR A. LONG: I would join with
12 that. She's very thorough. She's very
13 professional. Like all of us on this
14 commission, we have become friends, and I think
15 we as a group and Sarah, certainly, was a real
16 instrumental part of that, being able to rise
17 above the perception of a four-member board with
18 two Democrats and two Republicans that you could
19 never get anything done.

20 We make this an important part of our -- Sarah
21 has contributed greatly to that. I think that
22 we'll all miss her, but we welcome our new member
23 and look forward to working with her. And
24 unfortunately, we brought her in here on a day of
25 campaign finance which usually is not our most

1 exciting days, but I hope that she'll wait for
2 another opportunity to let us -- we say goodbye to
3 Sarah sadly, but welcome you with open arms.

4 COMMISSION MEMBER S. OVERHOLT: Thank you.

5 COMMISSION MEMBER B. BENNETT: If I could
6 just add that I wish I had more time to serve
7 with Sarah. I enjoyed the time with her and she
8 will be missed.

9 MR. T. DECKARD: Mr. Chairman?

10 CHAIRMAN D. DUMEZICH: Yes.

11 MR. T. DECKARD: Commissioner Riordan did
12 send her appreciation to the commissioners and
13 honest working colleagues as well, and was sorry
14 she couldn't be here today to convey that,
15 personally.

16 CHAIRMAN D. DUMEZICH: Thank you, Mr.
17 Deckard. The Indiana Election has finished its
18 business for today. Is there a motion for the
19 Indiana Election Commission to adjourn?

20 VICE CHAIR A. LONG: So moved.

21 COMMISSION MEMBER B. BENNETT: Second.

22 CHAIRMAN D. DUMEZICH: Second, any
23 discussion?

24 (No response.)

25 CHAIRMAN D. DUMEZICH: Hearing none, all in

1 favor of adjournment, please indicate by saying
2 aye?

3 THE COMMISSION: Aye.

4 CHAIRMAN D. DUMEZICH: Opposed, nay?

5 (No response.)

6 CHAIRMAN D. DUMEZICH: 4-0, that's a
7 perfect score for today. This Commission is
8 adjourned.

9 (At this time the proceedings were adjourned.)

10 (Time noted: 3:11 p.m.)

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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 28th day of June, 2012, 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 _____
 13 day of July, 2012.

14

15

16

 N O T A R Y P U B L I C

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18 My Commission Expires:
 August 24, 2017
 19 County of Residence:
 Hendricks County

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