Indiana Election Commission
Minutes
September 3, 2014

Members Present: Bryce H. Bennett, Jr., Chairman of the Indiana Election Commission ("Commission"); Adam Dickey, Proxy for S. Anthony Long, Vice Chairman of the Commission; Suzannah Wilson Overholt, member; Zachary E. Klutz, member.

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

Staff Attending: 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; Jenny L. Reeve, CSR-RPR, Notary Public, Stenographic Reporter, Connor Reporting.

Others Attending: Mr. David Allmon; Ms. Zanzer Anderson; Mr. Bradley Arey; Mr. Chris Becker; Mr. Jim Byers; Mr. Reid Dallas; Mr. Chris Douglas; Ms. Jodi Golden; Ms. Andrea Green; Mr. David Hadley; Ms. Patricia Halling; Mr. Jewell Harris; Ms. Laura Hodges; Mr. Brent Ingram; Mr. Tom John; Mr. Steve Keltner; Dr. Joseph Losco; Mr. Lwin Ko Latt; Mr. Paul Mannweiler; Mr. Mark Meadows; Mr. Michael D. Merrell; Mr. Zach Mulholland; Mr. Myat Thu; Mr. Michael Neal; Mr. Brandon Perry; Mr. Dan Rieke; Mr. Peter Rimsans; Mr. Nick Sabato; Dr. Raymond Scheele; Mr. Joseph Shank; Mr. David Tharp; Mr. Bradley Tracy; Mr. Darren Vogt; Ms. Erica Walsh; Mr. H.L. Whitis; Mr. John Willey.

1. Call to Order

The Chair called the September 3, 2014 meeting of the Commission to order at 1:00 p.m. EDT in Conference Rooms 4-5, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana.

The Chair recognized the Co-Directors of the Election Division, who noted that proper notice of the meeting had been given, as required by state law. A copy of the meeting notice and agenda 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. Jenny L. Reeve of Connor 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:

Page 7, line 7, replace “MR. KING” with “COMMISSION MEMBER KLUTZ”.
Page 37, line 1, replace "UNIDENTIFIED SPEAKER" with "MR. TRACY".

Page 38, line 3, replace "UNIDENTIFIED SPEAKER" with "MR. TRACY".

Page 119, delete line 17.

Page 119, between lines 18 and 19, insert the following:

"VICE CHAIRMAN PRO TEMPORE DICKEY: No".

Page 140, line 12, replace "Title III" with "Title 3".

Page 140, line 16, replace "Title III" with "Title 3".

Page 141, line 1, replace "364.2" with "3-6-4.2".

Page 141, line 22, replace "Title III" with "Title 3".

Page 142, line 7, replace "364.2" with "3-6-4.2".

Page 142, line 18, replace "Title III" with "Title 3".

Page 143, line 23, replace "Title III" with "Title 3".

Page 145, line 3, replace "Title III" with "Title 3".

3. Adjournment

The Commission meeting was then adjourned at 4:48 p.m.

Respectfully submitted,

Trent Deckard  
Co-Director

J. Bradley King  
Co-Director

APPROVED:

Bryce H. Bennett, Jr., Chairman
In the Matter Of:

INDIANA ELECTION COMMISSION HEARING

HEARING PROCEEDINGS
September 03, 2014
INDIANA ELECTION COMMISSION
PUBLIC SESSION AGENDA

Conducted on: September 3, 2014

Location: Indiana Government Center South
402 West Washington Street
Conference Center, Rooms 4 and 5
Indianapolis, Indiana 46204

A STENOGRAPHIC RECORD BY:

Jenny L. Reeve, CSR-RPR
Notary Public
Stenographic Reporter

Connor Reporting
Reporting and Videoconferencing
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APPEARANCES

INDIANA ELECTION COMMISSION:

Mr. Bryce Bennett - Chairman
Mr. Adam Dickey, Vice Chairman Pro Tempore
Ms. Suzannah Overholt - Commission Member
Mr. Zachary Klutz - Commission Member

INDIANA ELECTION DIVISION STAFF:

Mr. Bradley King - Co-Director
Mr. Trent Deckard - Co-Director
Mr. Dale Simmons - Co-Legal Counsel
Ms. Leslie Barnes - Co-Legal Counsel
Ms. Michelle Thompson - Campaign Finance
Ms. Abbey Taylor - Campaign Finance
CHAIRMAN BENNETT: This public session of the Indiana Election Commission is now open. I'd like to call the meeting to order and determine a quorum.

The following members of the Commission are present today. Chairman, myself, Bryce Bennett; Adam Dickey, proxy for Vice President Anthony Long; Member Suzannah Wilson Overholt, and Member Zachary Klutz.

The Indiana Election Division Staff consists of our co-directors, Trent Deckard and Brad King, and co-general counsels, Leslie Barnes and Dale Simmons.

Our court reporter today is Jenny Reeve from Connor & Associates.

Before we begin today's meeting, I want to remind everyone on behalf of the court reporter to identify yourself when you begin to speak, spell your name clearly when you identify yourself, speak clearly, and do not speak at the same time as others.

The documentation of compliance with the Open Door Law is appropriate at this point.

Mr. Deckard and Mr. King?

MR. KING: Mr. Chairman, Members of the Commission, this meeting of the Indiana Election Commission was properly noticed in compliance with
the Open Door Law.

CHAIRMAN BENNETT: At this time we would ask
for a ratification of Campaign Finance Settlement
Agreements as presented by Ms. Taylor and
Ms. Thompson.

MS. THOMPSON: Mr. Chairman, this is the list
of committees that have agreed to pay the settlement
agreement and waive the hearing.

CHAIRMAN BENNETT: And these are located in our
binders?

MS. THOMPSON: Yes.

CHAIRMAN BENNETT: Okay. Is there a motion to
ratify the Campaign Settlement Agreements as
presented?

COMMISSION MEMBER KLUTZ: So move.

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

COMMISSION MEMBER OVERHOLT: Second.

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

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, the same sign.
(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. Thank you.

The next item of business is campaign finance referrals to the attorney general for collection.
I understand there are referrals of committees to the Indiana attorney general for collection of fines, and that the Campaign Finance Staff can provide information regarding those referrals.

I would ask for a presentation from the staff on this issue.

MS. THOMPSON: Mr. Chairman, this is a list of the committees that we are planning to turn over to the AG's office for collection at this time.

CHAIRMAN BENNETT: It's my understanding that no further commission action is necessary, and these referrals will be made. Thank you.

At this point we would like to administer the oath to individuals testifying before the Commission. Everyone present who plans to testify today regarding any matter coming before the Commission today, including campaign finance or voting system matters, please stand for the administration of the oath.

I will recognize Dale Simmons to administer the oath.
MR. SIMMONS: Raise your right hand, and say, "I do," after the administration of the oath.

(At this time, the oath is administered.)

MR. SIMMONS: Thank you.

CHAIRMAN BENNETT: Thank you. Before proceeding with enforcement actions, we want to give any committee present a final opportunity to pay a reduced civil penalty by waiving the right to present evidence and arguments to the Commission.

Any committee is welcome to present evidence and arguments for the proposed penalty to be waived, but this is an opportunity for those who want to waive that presentation and accept a reduced penalty without making any arguments for presentation. And you will be free to leave after you do so.

The arrangements are the following: If this is the committee's first violation, the arrangement is for the committee to agree to pay 25 percent of the proposed fine, plus mailing costs.

If this is the committee's second violation, the arrangement is for the committee to agree to pay 50 percent of the proposed fine, plus mailing costs.

If this is the committee's third violation, the committee would agree to pay 75 percent of the
proposed violation, plus mailing costs.

Is there a motion from the Commission to approve this arrangement?

VICE CHAIRMAN PRO TEMPORE DICKEY: So moved.

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

MR. KING: Second.

CHAIRMAN BENNETT: The motion is seconded. Is there any discussion?

(No response.)

CHAIRMAN BENNETT: There being no further discussion, all in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. The procedure's adopted.

Are there any committees here today who would like to accept this arrangement? If so, come forward. Let's start with the closest ones to the front who are willing to accept this arrangement.

Yes, come have a seat at the table there. We'll start at the front and work our way back.

When you get comfortable, state your name, the committee's name, and the cause number. Indicate
that you are willing to accept the applicable penalty without further discussion.

MR. MANNWEILER: My name is Paul Mannweiler, M-A-N-N-W-E-I-L-E-R, with Bose McKinney & Evans. I represent FCCI Services, Inc. And I don't know if I have the cause number.

MS. THOMPSON: I've got it for you.

Mr. Chairman, that would be on your blue tab.

CHAIRMAN BENNETT: Very well.

MR. MANNWEILER: To the best of my knowledge, this is a first offense. We self-discovered it and corrected it, and then heard from the Commission about the violation.

CHAIRMAN BENNETT: And you do accept the 25 percent penalty, plus mailing costs?

MR. MANNWEILER: Yes.

CHAIRMAN BENNETT: Very well. That is approved, and you're free to go.

MR. MANNWEILER: Thank you.

CHAIRMAN BENNETT: Thank you.

MR. MANNWEILER: And I will get a tab from the Commission?

COMMISSION MEMBER OVERHOLT: Excuse me. I have a question.

So in terms of the parameters you laid out for
these settlements, this is an excess corporation issue, as opposed to --

MS. BARNES: And not a delinquent.

COMMISSION MEMBER OVERHOLT: Yeah. It's not a delinquent?

CHAIRMAN BENNETT: Are you proposing a different arrangement?

COMMISSION MEMBER OVERHOLT: Well, I guess I'm just wondering. I don't think that the procedures you mentioned earlier necessarily applied to these with the motion that was made previously.

CHAIRMAN BENNETT: Do you have a motion to make?

COMMISSION MEMBER OVERHOLT: I think we just need to clarify. I mean I guess we could just make a new motion and amend the previous motion, whatever, but to clarify that we are willing to have the same parameters apply.

CHAIRMAN BENNETT: Is that a motion to that effect?

COMMISSION MEMBER OVERHOLT: Sure. Yes, that is a motion to that effect.

CHAIRMAN BENNETT: So we have a motion for the parameters that we have laid out here for accepting the penalty to apply to excess corporations. Is
there a second?

COMMISSION MEMBER KLUTZ: I'll second that.

CHAIRMAN BENNETT: The motion is seconded.

COMMISSION MEMBER OVERHOLT: And before the
vote, I guess I would ask staff, are there other
categories in here? So that we don't keep having to
make motions and clarify what we're doing. Should
that, then, cover all of the categories before us?

MS. BARNES: Mr. Chairman, and Commissioner
Overholt, I'm not certain if it will cover all the
situations before the Commission. I think
Ms. Thompson and Ms. Taylor might be able to tell
us.

There are a variety of penalties other than
delinquent and excessive corporate contributions.
I don't know if we have those before us:

I mean Title 3-9 has a variety of penalties.

MS. THOMPSON: No, not today. Just delinquent
and the excess corporations.

COMMISSION MEMBER OVERHOLT: Okay, all right.

MS. BARNES: Thanks.

CHAIRMAN BENNETT: Any further discussion?

(No response.)

CHAIRMAN BENNETT: Hearing none, we have a
motion and a second. All in favor say aye.
THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. Settlement approved.

Now you're free to go.

MR. MANNWEILER: Very good. Thank you.

COMMISSION MEMBER OVERHOLT: Sorry about that.

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CHAIRMAN BENNETT: Next committee willing to accept this arrangement?


MS. THOMPSON: That's page 38.

CHAIRMAN BENNETT: And which offense is this for that committee? Do you know?

MR. AREY: The last I can find any violation was back in 2006. Same violation.

CHAIRMAN BENNETT: Can the Campaign Finance Staff confirm which number?

MS. TAYLOR: This is their second violation.

CHAIRMAN BENNETT: Second violation. And you're willing to accept the 50 percent proposal,
plus costs?

MR. AREY: Yes. We are prepared to pay it
today also.

CHAIRMAN BENNETT: You will receive an order
from the Commission to pay very soon.

MR. AREY: Okay.

CHAIRMAN BENNETT: But not today.

Okay. No further action by the Commission is
necessary. The agreement to accept the 50 percent
penalty is accepted, and you're free to go.

MR. AREY: Thank you.

CHAIRMAN BENNETT: Thank you.

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CHAIRMAN BENNETT: Have a seat, and please
state your name.

MS. HODGES: Thank you. Laura Hodges. It's
L-A-U-R-A, H-O-D-G-E-S. I represent the Indiana
Federation of Republican Women. The cause number
is 2014-321-86.

CHAIRMAN BENNETT: Which would be located at
what page of our book?

MS. THOMPSON: Page 71.

CHAIRMAN BENNETT: Okay. Thank you. You've
been before the board one time before; is that
correct?
MS. HODGES: I understood this was our first time. I'm not right about that?

MS. THOMPSON: No. You've been before the board back in 2003.

MS. HODGES: Okay. So second?

CHAIRMAN BENNETT: So according to the Campaign Finance Staff reports, this would be the second violation; is that correct?

MS. THOMPSON: Yes.

CHAIRMAN BENNETT: Second violation. And are you prepared to pay the 50 percent proposed fine, plus mailing costs?

MS. HODGES: Yes.

CHAIRMAN BENNETT: Then the agreement is accepted, and you're free to go.

MS. HODGES: Thank you.

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CHAIRMAN BENNETT: We just need to catch up with the page number here.

MS. THOMPSON: It's on page 48.

CHAIRMAN BENNETT: Do you know what number violation this is?

MR. DOUGLAS: This is the second.
CHAIRMAN BENNETT: Is that consistent with the
Campaign Finance Staff reports?

MS. THOMPSON: Yes.

CHAIRMAN BENNETT: Second offense. Are you
prepared to pay the 50 percent fine, plus mailing
costs?

MR. DOUGLAS: Yes.

CHAIRMAN BENNETT: Very well. The agreement is
accepted, and you're free to go.

MR. DOUGLAS: Thank you.

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MR. RIEKE: My name is Dan Rieke, D-A-N,
R-I-E-K-E. I'm here on behalf of Hoosiers for

MS. TAYLOR: Page 66.

CHAIRMAN BENNETT: What number violation was
this?

MS. TAYLOR: This is their first.

CHAIRMAN BENNETT: First violation. Are you
prepared to accept the agreement to pay 25 percent
of the fine, plus the proposed mailing costs?

MR. RIEKE: I am.

CHAIRMAN BENNETT: Very well. The agreement is
accepted, and you're free to go.

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1  CHAIRMAN BENNETT:  Next?
2  MR. MULHOLLAND:  Thank you. I'm Zach Mulholland. I'm here for Hoosiers for Zach
4  Oh, I'm sorry. First is Z-A-C-H, and last name
5  is M-U-L-H-O-L-L-A-N-D.
6  MS. TAYLOR:  That's on page 23, and this is his
7  first violation.
8  CHAIRMAN BENNETT:  Are you prepared to pay the
9  25 percent fine, plus mailing costs?
10  MR. MULHOLLAND:  Yes.
11  CHAIRMAN BENNETT:  All right. Then you're free
12  to go.
13
14  *****
15  CHAIRMAN BENNETT:  Do we have any more on the
16  east side of the room?
17  State your name, please.
19  I'm representing the College Democrats of Indiana,
21  CHAIRMAN BENNETT:  What violation number is
22  this?
23  MS. THOMPSON:  Page 83.
24  MS. TAYLOR:  And it's their first violation.
25  CHAIRMAN BENNETT:  Are you prepared to pay the
25 percent fine, plus the mailing costs?

MS. WALSH: Yes.

CHAIRMAN BENNETT: Very well. You're free to go. Thank you.

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CHAIRMAN BENNETT: Anyone else on the east side?

MR. WHITIS: Good afternoon. My name is H.L. Whitis, W-H-I-T-I-S. This is Administrative Cause No. 2014-6509-85. The name of my committee was Tad Whitis for State Senate, which I hope to disband as soon as I get all this stuff resolved, and forget this stuff.

This was an oversight on my part. You may not be asking for an explanation. It was a loan I made a couple days before.

CHAIRMAN BENNETT: Are you here to accept --

MR. WHITIS: I'm not here to contest it. I'm here to accept whatever is in your discretion and get this resolved. I'd like to pay today.

MS. THOMPSON: Page 70.

MS. TAYLOR: And it's their first violation.

CHAIRMAN BENNETT: You understand this is your opportunity to accept the 25 --

MR. WHITIS: I will accept.
CHAIRMAN BENNETT: -- percent fine, plus mailing costs, and then you don't have to present your case?

MR. WHITIS: Yes.

CHAIRMAN BENNETT: And you're willing to do that? You don't want to present your case? You're not hear to argue or contest, right?

MR. WHITIS: I'm not here to contest it.

CHAIRMAN BENNETT: Okay. And you're willing to pay the 25 percent fine, plus the mailing costs?

MR. WHITIS: Yes.

CHAIRMAN BENNETT: Okay, very well. The agreement is accepted, and you're free to go.

MR. WHITIS: I'd like to pay today, if I could, but I'm not sure of the process.

MS. THOMPSON: They'll send it to you.

MR. WHITIS: Oh, okay. Thank you.

CHAIRMAN BENNETT: Well, the process is that it will be sent to you in the mail.

MR. WHITIS: Okay.

CHAIRMAN BENNETT: What page number was that?

MS. TAYLOR: 70.

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CHAIRMAN BENNETT: Is there anyone else here who is willing to accept the agreement on the east
side of the room?
Yes, come forward.


I believe I'm -- I'm not sure -- as the -- under my chairmanship, this is the first violation.
I don't know if there have been any previously before that.

CHAIRMAN BENNETT: We'll check our records.

MR. NEAL: Thank you.

MS. TAYLOR: It's on page 83, and this is their third violation.

CHAIRMAN BENNETT: This is the third violation.

Are you prepared to accept the 75 percent fine, plus the mailing costs?

MR. NEAL: Yes, Mr. Chairman.

CHAIRMAN BENNETT: Okay, very well. You're free to go.

MR. NEAL: Thank you, sir.

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CHAIRMAN BENNETT: Anyone else on the east side of the room?

Seeing none, we will move to the west side.

Anybody in the first row? Second row? Third row?
Anyone on the west side of the room want to accept the deal and leave?

Seeing none, if you want to present evidence to the Commission or ask for a waiver of a proposed penalty, you will have that opportunity now that the other committees have been heard.

With regard to the remaining committees, you'll be called to present evidence in these matters.

But before doing so, I want to note that in the past, the Commission has followed certain procedures for conducting campaign finance hearings. And I move that the Commission use the following procedures today:

(A) When each campaign finance matter is called, the hearing will begin with recognizing Campaign Finance Staff to provide information about the documents in this matter provided to the Commission members, including letters from committees and the notice given to the campaign committee.

(B) Unless there is objection, the documents provided to the Commission by the Election Division will be entered into the record of this meeting.

(C) After Campaign Finance Staff completes presentation, a representative of the committee will
be recognized first and may present their case for
no more than five minutes.
(D) Commission members may ask questions
during a presentation, but the time spent answering
these questions will not be counted against the
presenter's time. The Election Division may signal
the chair when a presenter's time is up. If the
presenter offers additional documents or other
physical evidence not previously received by the
Commission, then the original must be provided to
the Election Division to preserve for the record.
(E) If the Commission finds that a committee
has violated the campaign finance statutes, state
law requires a unanimous vote of all four
commissioners to waive or reduce the amount of the
penalty set by law.
(F) If the Commission makes a decision at this
meeting to either fine a committee or dismiss the
case against the committee, then the Election
Division will prepare a final order for the
Commission to approve at a later meeting.
(G) If a committee is fined today, the
committee will receive a notice from the Election
Division to pay their fine after the Commission
adopts the final order. So it may be sometime after
today before a committee will be required to pay the fine.

(H) The Commission generally begins at the front of the room and asks those persons present to come forward to have their matter heard. It's very helpful if you can speak up and say the cause number on your hearing material so that the Commission and staff can quickly look it up on the spreadsheet.

Remember to identify yourself when you start speaking.

Is there a second to this motion?

VICE CHAIRMAN PRO TEMPORUM DICKEY: Second.

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

(NO response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(NO response. Motion carried.)

CHAIRMAN BENNETT: Motion carried, and we have our procedures established.

Commission will now proceed to open its hearings on campaign finance enforcement actions.

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CHAIRMAN BENNETT: Is there anyone in the front row here for that purpose? Let's start, I suppose, on the center aisle, going west.

MR. BYERS: Yes. My name is Jim Byers, B-Y-E-R-S. And I'm representing Harbaugh for District 52. The administrative cause number is 2014-6280-67.

MS. TAYLOR: It's on page 61.

CHAIRMAN BENNETT: All right. You may proceed with your presentation.

MR. BYERS: Yes. Basically, I'm asking for a waiver of the penalty. I missed the final report, which is my fault. I missed it by nine days. And this is the first time that I've been in the process.

So again, I'm just hoping that they will waive the penalty.

CHAIRMAN BENNETT: I would ask the staff for their position and introduction of the evidence into the record.

MS. THOMPSON: Yes, Mr. Chairman. This is Harbaugh For District 52, Cause No. 2014-6280-67. This committee's never been before the Commission before. Has a proposed civil penalty of $500.49, and the committee is closed at this time.
CHAIRMAN BENNETT: Thank you. Any further response after hearing that?

MR. BYERS: No, just other than I messed up and didn't get the final report in on time. And it was totally my fault.

CHAIRMAN BENNETT: Is there a motion by the Commission?

COMMISSION MEMBER OVERHOLT: I'd move to waive the penalty and costs in light of the fact that the committee is closed and the report was filed. It was just filed late.

COMMISSION MEMBER KLUTZ: I would second that motion.

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

(No response.)

CHAIRMAN BENNETT: No discussion. All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: The motion is carried, and the penalty is waived. You're free to go.

MR. BYERS: Thank you very much.

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MR. HADLEY: David Hadley, chairman of the Montgomery County Democratic Central Committee. And the administrative cause number is 2014-5519-102, and I seek waiver of the penalty.

CHAIRMAN BENNETT: If you would, spell your name, please.


CHAIRMAN BENNETT: We need to hear from the staff.

MS. THOMPSON: It's page 78.

CHAIRMAN BENNETT: Page 78?

MS. THOMPSON: Yes.

CHAIRMAN BENNETT: All right. The staff will proceed first, then.

MS. THOMPSON: This is the Montgomery County Democratic Central Committee. The cause number is 2014-5519-102. This committee has not been before the Commission before, and has a proposed civil penalty of $200.49.

MR. HADLEY: I do have a written submission that I have four copies of.

CHAIRMAN BENNETT: Well, I've only got three copies here.
MR. HADLEY: Well, I gave one to the staff.

CHAIRMAN BENNETT: All right. You may present.

MR. HADLEY: As chairman of the Montgomery County Democratic Central Committee, I did submit the required CFA4 form at 8:30 a.m. on April 21, 2014, the date on which the form was due.

I submitted it to Jennifer Bentley, the Montgomery County Clerk and chairwoman of the County Election Board. I have a time-stamped copy of the form submitted to Ms. Bentley.

In submitting it to the election board, I believed that we were complying with the requirements outlined in the 2014 Indiana Campaign Finance Manual published by the Election Commission.

And I quote the relevant passage on page 50, which reads, in part, that, "This report must be filed with the Election Commission or appropriate County Election Board by noon seven days before," yada, yada, yada. And that's what I did. I interpreted that to mean it could be filed either with the Election Division or the County Election Board.

We were in the middle of selecting the new treasurer, which we accomplished the day the report was due. And I was prepared to -- on the 21st of
April, to take the form in person to the -- to bring
it to the Election Commission.

But I believe that the Campaign Finance Manual
gave us the opportunity to file it at the
election -- County Election Board.

Indeed, when I went to the County Election
Board on -- or to the county clerk on -- at 8:30 in
the morning on the 21st, I said, "Here's the deal.
It says that I can file it with the Election Board
and county or the State Election Commission. Am I
correct?"

And she said, "Yes. You can file it with us,"
the Republicans did.

So anyway, I thought I was complying with the
campaign finance requirements.

I was completely prepared at 8:30 on that
Monday morning to drive to Indianapolis to file the
report in person. But receiving some validation of
my interpretation from the county clerk, I thought,
"Okay, I'm done here." And I thought I had
complied.

As soon as we found out that the Election
Commission didn't believe, or had a different
interpretation, I submitted it electronically as
soon as I could, stopping the clock.
So thought I'd complied. Didn't. It won't happen again. But we would like it to be waived.

CHAIRMAN BENNETT: Any response by the Commission or Campaign Finance Staff.

MS. THOMPSON: Pardon me.

MS. TAYLOR: She wants to check.

MR. HADLEY: My recollection -- while she's looking for that, my recollection is that I found out about our delinquency by a second party. And I then called the Election Division and was told, indeed, I had to file. And as soon as I got that word, I did email the documents.

VICE CHAIRMAN PRO TEMPORE DICKEY: Mr. Chairman, I would move to go ahead and waive the fine in light of the fact that they did attempt to file. This is the first violation.

Clearly they understand that they have to file up here too. So I would make a motion to waiver the penalty.

CHAIRMAN BENNETT: And I would add for the record that we do have documentation indicating it was timely filed.

So we have a motion. Is there a second?

COMMISSION MEMBER OVERHOLT: Second.

CHAIRMAN BENNETT: Motion and second. All in
favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. Fine waived.

MR. HADLEY: Thank you. Appreciate it.

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MR. JOHN: Tom John, Ice Miller, appearing on behalf of WellPoint, Inc., along with the senior director of public affairs, John Willey.

MR. WILLEY: W-I-L-L-E-Y.

MS. THOMPSON: It's at your blue tab.

CHAIRMAN BENNETT: I think we know how to spell your name.

MS. THOMPSON: This is WellPoint, Incorporated, Cause No. 14-126. Contributed to the Senate Majority Campaign Committee in the amount of $4,000.

This committee has never been before the Commission. And also, the Senate Majority Campaign Committee refunded $2,000 back to WellPoint.

And this proposed civil penalty is three times the excess amount.

CHAIRMAN BENNETT: Anything else?

MS. THOMPSON: That's it.
CHAIRMAN BENNETT: Mr. John?

MR. JOHN: So we are here seeking a dismissal of this action. In fact, what we have here is a company that is very careful to follow the campaign finance laws. In fact, as we go through the facts of this, you'll find that this is exactly how the system is supposed to operate.

We have a self-reporting system in our campaign finance laws where you have the ability to go back and to actually change your reports to ensure that the top goal of all the campaign finance reporting is, in fact, transparency to the voters and transparency to the public, not just to ensure whether people check the box, so to speak, or not.

In this case we have a client that -- what happened is, in January of 2013, there was a 2,000-dollar check that was cut. Specifically, that was on the 4th of January, 2013. That was cut to the senate committee.

It was entered into a database that WellPoint has that tracks all of their corporate contributions. It was inadvertently omitted from a database that was used to track the aggregate corporate limits to make sure that we were in compliance with that.
Then in August, another 2,000-dollar check was cut. That was August 12, 2013. It was once again entered in the first system. The second system did not pick it up because there had been the oversight of it not being put into the second system to track the aggregate limits.

The mistake was identified through a regular company audit by WellPoint to go through its system to ensure that they're actually complying with the finance laws.

The refund was requested from the Senate Majority Committee. That $2,000 was refunded to the -- from the Senate Majority Committee to WellPoint on November 7 of 2013.

So we've had a system where, with no intervention from the Commission or from the Division, we've got a corporate citizen who's gone through, policed itself. Yes, it had one fault that -- you know, somebody made a mistake. That happens. But it was caught due to the redundancies in the process.

Then, since that time, you have a system that already had multiple layers of review that has various reviews from director, senior director, senior VP, of where money is going, and when it's
going.

But since that time, they've newly added, in order to avoid a future problem like this, Democracy Data & Communications is a vendor which is a political compliance vendor. So they will actually be furthermore a live system that will check and hopefully ensure that this never happens again.

So in this case we're dealing with, based on past practices, my understanding of the Commission, where you have self-identification, you refund the money, you have remedial measures, it's the ideal situation for a dismissal.

We could answer any questions you have.

CHAIRMAN BENNETT: Any questions?
(No response.)

CHAIRMAN BENNETT: Hearing none, is there a motion from the Commission?

COMMISSION MEMBER KLUTZ: Mr. Chairman, the mitigating factors appear to be, according to the testimony, that there was a self-reporting internal audit, return of the contribution, and no prior actions by this -- by our commission against this committee. I would move that the fine be dismissed.

CHAIRMAN BENNETT: Is there a second?

I'll second the motion. Discussion?
(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried.

MR. JOHN: Thank you.

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MS. GOLDEN: Hi. My name is Jodi Golden, J-O-D-I, G-O-L-D-E-N. And I apologize. I'm representing the Richard Mourdock for State Treasurer Committee, but I was not given a cause number.

MS. THOMPSON: Okay. We'll get that.

MS. GOLDEN: So I apologize. I don't have that.

MS. THOMPSON: We'll give it to you.

MS. TAYLOR: This is on page 87.

CHAIRMAN BENNETT: Thank you. The staff may provide their report.

MS. THOMPSON: This is Richard Mourdock for State Treasurer. It's Cause No. 2014-4677-121. This committee has never been before the Commission before. Has a proposed civil penalty of
$900.49.

MS. GOLDEN: Thank you for letting us be here today.

As I said, my name is Jodi. We're asking to waive the penalties, if at all possible.

We've never been here before. I know that as soon as the committee staff was made aware of the oversight, we filed a report as soon as we could.

Part of the oversight was a misunderstanding with the Campaign Finance Manual. The language in it on page 8 with the chart does state that, "Statewide candidates on the 2014 election ballot."

Richard Mourdock is legally ineligible to appear on the ballot, so we assumed that we did not have to file a quarterly report since we are not technically on the ballot. So that was our oversight.

Our total liabilities actually exceed what we have in the account. And there was little activity in the account, so there was not a lot of public -- as far as not disclosing the activity.

And finally, obviously, the treasurer is no longer in office, so we plan to disband the committee as soon as possible.

So we'd appreciate your consideration.

CHAIRMAN BENNETT: Would you spell your last
name, Jodi?

MS. GOLDEN: Yes. G-O-L-D-E-N.

CHAIRMAN BENNETT: Any response from the staff?

MS. THOMPSON: No.

CHAIRMAN BENNETT: Any questions from the commissioners?

COMMISSION MEMBER OVERHOLT: I'd just like some clarification.

So when you say he is legally ineligible to be on the ballot ...

MS. GOLDEN: He's term-limited for state treasurer, so he's not able to appear on the ballot as state treasurer. So that's why we assumed, since he's not on the ballot, we didn't have to file the report.

COMMISSION MEMBER OVERHOLT: But there's still a committee that's --

MS. GOLDEN: Yes. And we did file as soon as, like I said, we were made aware of the oversight.

COMMISSION MEMBER OVERHOLT: I just have a question for the staff. How late was the report?

It was filed on May 2, I guess?

MS. TAYLOR: April 15.

COMMISSION MEMBER OVERHOLT: April 15.

MS. GOLDEN: And part of that is, the mail goes
to a P.O. Box which is down in Evansville where the
treasurer lives. So by the time staff got it, there
was a delay. And so we apologize for that delay.

CHAIRMAN BENNETT: Any other questions?

(No response.)

CHAIRMAN BENNETT: Is there a motion?

I had a question about the filing requirements
in this situation that perhaps counsel could help
with. Is it necessary to provide it if the
candidate is not eligible for the election?

MR. SIMMONS: Mr. Chairman, Members of the
Commission, what the requirement is key to in this
case, 3-9-5-6, is whether or not the office is up on
the ballot, not whether the candidate himself or
herself is on the ballot. It has to do with whether
that office is on the ballot.

So there may be folks with statewide committees
open where they're not on the ballot, but the office
is up, that still have to comply with that filing
requirement, that quarterly filing requirement.

CHAIRMAN BENNETT: Thank you. Leslie, do you
concur with that assessment?

MS. BARNES: Can I have about another 30
seconds, Mr. Chairman?

CHAIRMAN BENNETT: Absolutely.
MS. BARNES: Thank you.

CHAIRMAN BENNETT: And maybe I'll ask a question in the meantime.

You did testify that it is the committee's intention to disband?

MS. GOLDEN: Yes.

MS. BARNES: When would that occur?

MS. GOLDEN: Well, we plan sometime this year.

Now, with the actions that appeared last week, I believe we'll be disbanding as soon as possible, since he's no longer treasurer.

And we have the language, I guess, from page 8, is what we were looking at. It says, "Statewide candidates on the 2014 election ballot." So that's where we were coming from that we weren't an actual candidate.

MS. BARNES: Mr. Chairman, thank you for giving me a moment here.

I would concur with Mr. Simmons that 3956, Subsection (e), would apply to an office and not the candidate.

CHAIRMAN BENNETT: Thank you.

MS. BARNES: Sure.

CHAIRMAN BENNETT: Is there a motion?

COMMISSION MEMBER KLUTZ: Mr. Chairman, I'd
like to make a motion that we continue this until
the next meeting to confirm that the committee has
been closed.

CHAIRMAN BENNETT: Is there a second to that
motion?

VICE CHAIRMAN PRO TEMPORE DICKEY: I will
second that motion.

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

(No response.)

CHAIRMAN BENNETT: All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried.

We're going to continue this hearing to give
the committee an opportunity to close.

MS. GOLDEN: Okay. Thank you very much.

CHAIRMAN BENNETT: You'll receive notice of the
next hearing.

*****

CHAIRMAN BENNETT: Next one closest to the
front of the room.

UNIDENTIFIED SPEAKER: I think I'm the closest
one.
CHAIRMAN BENNETT: Are you new to this group over here?

UNIDENTIFIED SPEAKER: I have a lot, so maybe I should wait. I'll wait.

*****


CHAIRMAN BENNETT: Has staff found this cause number?

MS. TAYLOR: It's on page 67.

CHAIRMAN BENNETT: Thank you. We'll hear from the staff first.

MS. THOMPSON: This is Jodi for Indiana, Cause No. 2014-6541-80. This committee has never been before the Commission. The proposed civil penalty is $50.49, and they actually filed at 5:24 p.m.

CHAIRMAN BENNETT: Okay. Let's hear from the campaign.

MS. HALLING: We were electronically filing our report. Zanzer is our treasurer. She filed it at approximately 11:30 that morning. I had made the report over the weekend.
I use a Mac computer. When it was received by the Election Commission, they sent back the notification saying that they could not open that. And as you can see, that's the response there. It's on the lower left-hand corner. That time is 11:41 that that response was sent to us.

I was at work that day and unavailable, so I could not get back on my computer and change that to a different saved system. And when I got that information, then saved it in a different form, re-sent that in so that it could be opened.

So I'd like to have that dismissed as we did file it on time. It just could not be opened because of the difference in the saving systems.

CHAIRMAN BENNETT: Thank you. Does the Campaign Finance Staff have any additional information, comments?

(No response.)

CHAIRMAN BENNETT: Any questions from the commissioners?

(No response.)

CHAIRMAN BENNETT: Is there a motion?

COMMISSION MEMBER OVERHOLT: I'd move that we waive the penalty and the costs, the filing costs.

CHAIRMAN BENNETT: Is there a second?
VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

CHAIRMAN BENNETT: I have a motion and a

second. Any discussion?

MS. HALLING: Can I say just one more thing?

I'm sorry. This is just a suggestion. It's not a
defense.

It's just, in the regulations, if it can't be
opened in a certain file, to have that in the
information so that we know when you send it in,
whether or not your computer system can be opened.
And if it can only be opened in a PDF, please say
that, or if it needs to be in Word, have that in
there so we have that information.

CHAIRMAN BENNETT: Any further response from
staff or questions from the Commission based on that
additional testimony?

(No response.)

CHAIRMAN BENNETT: We have a motion pending
with a second. No further discussion.

All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried.

MS. HALLING: Thank you.
MS. ANDERSON: Thank you.

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MR. KELTNER: Good afternoon.

CHAIRMAN BENNETT: Good afternoon.

MR. KELTNER: My name is Steve Keltner, K-E-L-T-N-E-R. And I am here on behalf of the matter of Committee to Elect Steven Keltner. Administrative Cause No. 2014-5459-36.

MS. THOMPSON: Page 44.

CHAIRMAN BENNETT: Recognize the staff for the presentation.

MS. THOMPSON: The Committee to Elect Steven Keltner, Cause No. 2014-5459-36. This committee has been before the board at least five times. He's got a civil penalty of $1,000.49, and the report is not filed at this time.

CHAIRMAN BENNETT: Very well. Mr. Keltner?

MR. KELTNER: Thank you, Mr. Chairman. I was first notified that there was a concern with my committee on January 14, which was a Tuesday, of this year. I was told by an acquaintance, Dan Drexler, to get ahold of either Abbey Taylor or Michelle Thompson, who I believe you folks might be. And I believe I spoke with Michelle.

At that time I was informed that this had
actually occurred three times in the past. And
Mr. Drexler asked me if I was aware that I still had
a committee open. I said, no, I was not aware of
that, because initially I was told it would probably
be administratively resolved, and there was no more
action.

However, they also informed me at that time
that there was money in the account, and because of
that it could not be administratively resolved.

I have not been trying to be recalcitrant. I
mean not to cause you any extra work. The fact is
that when I talked to I believe Michelle, I was
informed that the committee -- the -- the
appropriate information of these problems was being
sent to the committee at 4940 Haynes Avenue, which,
on the CFA1 form, that was 2006 August, that was the
correct committee address.

However, on August 2000 -- I'm sorry -- April
of 2008, the committee changed their address to my
personal home address of 7527 Cape Cod Lane. That
information, then, would have been sent to the wrong
address per the CFA1 form, which is why I did not
receive that information.

I would -- I do not relish being in
noncompliance with any law. I hold one speeding
ticket in my entire life. And frankly, it's very
unnerving to me that this happened. And I'm here to
make sure that I have a clear expectation of what
needs to be done.

I would have disbanded this years ago had I
thought this was still going on. And it is my fault
that it still is, obviously, and I take full
responsibility for it.

But I'm hoping that you might -- and I have
these for you to look at just to prove what I'm --
my point. I'm sorry I didn't realize there would be
so many of you here or I would have made an
appropriate number of copies.

At the time when I called -- and I did receive
the proposal of settlement. And at that time I had
called back and said do I just file my CF -- the
appropriate file -- the appropriate paperwork that
was missing at that time, because I had to prove
that the money was taken out of the account and that
it has a zero balance.

At that time it was recommended, since it had
already been turned over to the secretary of state,
that I just come to this meeting and discuss with
you the appropriate way to close this account, file
the final paperwork, and make sure that the account
was closed and that the committee was closed.
And I had talked to my treasurer. In the
settlement it had, under -- line number three said
that the treasurer of the committee was notified by
the division. And she happens to be my accountant.
And I spoke with her, and she said she had not
received anything either.
So I believe that the problem was it just got
sent to the original CFA1 form that I was -- as
discussed on the phone originally, not to the -- the
refile a year and a half later.
And therefore, I believe I'm asking for a
waiver of the damages.
I would have pounced on this with alacrity at
an earlier date had I known that this was still
going on. But it is my oversight, and I do realize
that there were costs associated with that for the
committee in mailings and things.
So I realize that some settlement -- a complete
zero balance may not be reasonable, but some reduced
balance.
My goal -- as I understand, I can zero the
balance out and donate that money to a charity, and
then just show that it was zeroed by stapling the
account number and that printout to the CFA form to
prove that it's been balance -- zeroed out.

And I did check, if it matters. As of this morning there's $1,656.96 in that account that I will -- my plan is to donate that to charity, and then close this account at your pleasure, however time frame you see fit, to make sure that this is dealt with appropriately.

CHAIRMAN BENNETT: Anything further from the Campaign Finance Staff?

MS. THOMPSON: No.

CHAIRMAN BENNETT: Any questions from the commissioners?

COMMISSION MEMBER OVERHOLT: Yes, I have a couple of questions.

So I guess this is for staff. These prior delinquencies, these prior years, have there been hearings for these?

MS. THOMPSON: Yes.

COMMISSION MEMBER OVERHOLT: And has Mr. Keltner or someone from his committee appeared before?

MS. THOMPSON: No.

COMMISSION MEMBER OVERHOLT: Okay. Have any of these reports actually been filed?

MS. THOMPSON: I don't think so.
COMMISSION MEMBER OVERHOLT: And while you're looking for the file, I guess my other question would be do we know -- or what -- to which address have notices of these hearings been sent?

MS. THOMPSON: The last report was filed January 19 of 2011, and that --

MS. TAYLOR: That was the 2010 annual report.

MS. THOMPSON: Yeah. And that was sent to the Haynes Avenue. That has the 4940 Haynes Avenue address on here.

COMMISSION MEMBER OVERHOLT: And then the --

MS. THOMPSON: But nothing since that report.

COMMISSION MEMBER OVERHOLT: Okay. I'm sorry. So the 2010 report that was filed in 2011 had the Haynes Avenue address? Is that what you just said?

I'm sorry.

MS. THOMPSON: Yeah.

CHAIRMAN BENNETT: What address was the 2012 and 2013 sent to? Is it the same address?

MS. THOMPSON: I have the same address on everything, the Haynes address. All the delinquency notices and everything have that Haynes address.

COMMISSION MEMBER KLUTZ: What's the effect of this? I mean what -- is this the proper notice of address change?
MS. THOMPSON: Yeah. And he can do it on -- report on the 4 and the 1. Let me see if he did it on that one.

COMMISSION MEMBER KLUTZ: Does this filing constitute a change of address to Cape Cod Lane effective -- the filing date is April 2008?

MS. THOMPSON: Well, he changed it to the Haynes address -- let's see. In 2008 I still have the Haynes address.

COMMISSION MEMBER OVERHOLT: I guess the CFA1, section B, asks for -- line 14 asks for the mailing address of the committee, and line 22 asks for the mailing address of the chair.

And I guess my question would be which address does the Election Division consider the official address? Because these are two different addresses.

MS. TAYLOR: The committee address would be the one that our online system generates labels to for anything.

COMMISSION MEMBER KLUTZ: Appears the box is checked that this is a new address.

MS. THOMPSON: In 2008 he has the Cape Cod, but all the rest of the reports following that have the Haynes address.

CHAIRMAN BENNETT: Is there a motion? Any
COMMISSION MEMBER OVERHOLT: Well, so he's filed reports other than the -- the annual reports are the ones that have been delinquent, but he's filed the other reports, then?

MS. THOMPSON: Right. The annual reports of every year, because he wasn't on the ballot, obviously. He just has an annual report due.

COMMISSION MEMBER OVERHOLT: I thought you said that the last report that was filed was the 2010 annual report that would have been filed in 2011.

MS. TAYLOR: That's correct. He has not filed the 2011, '12, or '13 annual reports.

COMMISSION MEMBER OVERHOLT: And the 2010 report that he filed had the Haynes Avenue address?

MS. THOMPSON: Yes.

COMMISSION MEMBER OVERHOLT: Okay.

MS. THOMPSON: Do you want to see it?

COMMISSION MEMBER OVERHOLT: Yes, please. I'm sorry. I'm not trying to be ...

MS. THOMPSON: That's okay.

COMMISSION MEMBER OVERHOLT: I guess I have another question. So can the money in the account be used to pay fines? I should know the answer to that.
MS. BARNES: Yes.

MR. DECKARD: Yes.

COMMISSION MEMBER OVERHOLT: It's unusual that we have a candidate, someone with sufficient money in their account to cover the fine. That usually doesn't happen.

MR. KELTNER: It was actually odd to me. I didn't realize there was money in the account, but -- which, as I said, wasn't -- would have -- kinda was the problem, that there was money in the account.

CHAIRMAN BENNETT: Any motions?

I guess I would move that we continue this hearing, with the instructions that all past due reports be filed. And if that is accomplished and the campaign is closed, we can evaluate the situation at the next hearing that we have, take the matter up at that time.

COMMISSION MEMBER KLUTZ: I would second that.

CHAIRMAN BENNETT: Any discussion?

(No response.)

CHAIRMAN BENNETT: All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)
CHAIRMAN BENNETT: The ayes have it.

So you understand we're giving you the opportunity to submit all the past due reports and close out the campaign by the next hearing?

MR. KELTNER: Yes.

CHAIRMAN BENNETT: And we'll address the matter at that time.

MR. KELTNER: Thank you. For clarification, just so I'm clear, is that next meeting, I mean is that next week, or what's the time frame on that?

CHAIRMAN BENNETT: No date has been set.

COMMISSION MEMBER KLUTZ: Just for our clarification, what address do you want the notice of the meeting sent?

MR. KELTNER: The one you sent the last one.

MS. THOMPSON: Cape Cod?

MR. KELTNER: Yeah, the Cape Cod. And will you be -- can I get from your office, just for my --

MS. THOMPSON: You can get with us --

MR. KELTNER: -- with my treasurer to figure out why that didn't happen.

MS. THOMPSON: Okay.

MR. KELTNER: Is it just the annual reports since --

MS. TAYLOR: It will be 2011, '12, and '13.
There are three of them.

MR. KELTNER: 2011, '12, and 2013, annual.

MS. TAYLOR: Right.

MR. KELTNER: And as far as dating those?

MS. TAYLOR: They're all January 1 through December 31 of the previous year, or of that year, and January --

MR. KELTNER: Thank you.

CHAIRMAN BENNETT: Mr. Keltner, we would ask that you file an amended CFA1 to show your Cape Cod mailing address.

MR. KELTNER: Oh, that's the original, okay.

And that's for the -- at 22, line 22, you want that to be on there?

CHAIRMAN BENNETT: Yes, the --

COMMISSION MEMBER KLUTZ: -- committee information.

MR. KELTNER: And then go ahead and do the -- you know, have everything ready so that when I come in, I can show that we have zero balance and all that for you at that time, or would there be --

MS. TAYLOR: Do it before then. File it when you get it figured out.

MR. KELTNER: Yeah, yeah.

MS. TAYLOR: And then we'll bring everything to
the meeting so you won't need --

MR. KELTNER: Okay.

CHAIRMAN BENNETT: Yeah. Then --

MR. KELTNER: Okay.

CHAIRMAN BENNETT: -- asked if that had all
been submitted so you'll --

MR. KELTNER: Okay.

CHAIRMAN BENNETT: -- have it before the
meeting.

MR. KELTNER: I guess, for practicality
purposes, I'm just trying to make sure that if there
are fines outstanding, might still have some money
to use for that. But I'd rather try and use the
money, like I say, for charity purposes, or some
other thing. So that was the reason I was having a
hard time figuring out how to close it out first or
second.

MS. THOMPSON: The previous fines that have
already come before the Commission have already been
turned over to the attorney general.

MR. KELTNER: Okay.

MS. THOMPSON: So it's out of my hands there.

I don't know.

MR. KELTNER: All right. Can I just contact
them to find out on that, or ...
1  MS. THOMPSON: I don't know. Why don't you
2  check with us. Give us a call tomorrow.
3  MR. KELTNER: Okay, that's fine. Thank you.
4  I don't mean to take more time. Thank you very
5  much. I appreciate the opportunity to rectify the
6  situation.
7  CHAIRMAN BENNETT: Thank you.
8  *****
9  MR. HARRIS: Good evening. My name is Jewell,
10   J-E-W-E-L-L, last name Harris. And I'm the chairman
11   of the JGH Political Action Committee. The
12   administrative cause number is 2011-4941-36.
13   MS. THOMPSON: Page 7. This is JGH Political
14   Action Committee; is that correct?
15   MR. HARRIS: Yes.
16   MS. THOMPSON: This one has motions to
17   reconsider, several. If you'll see, it's also on
18   page 8 and page 13, page 15, page 16, 17.
19   MS. TAYLOR: 18, 20, 21, 25, 26, and 27.
20   MR. DECKARD: Is it also the green tab?
21   MS. THOMPSON: I don't think so. If you go to
22   the green tab, second page there, it's from -- and
23   then it's all the previous reports that she filed
24   online.
25   CHAIRMAN BENNETT: From the Campaign Finance
Staff, any further presentation?

MS. THOMPSON: Do you want me to read each one of these causes individually?

CHAIRMAN BENNETT: I think we need the numbers in the record.

MS. THOMPSON: This is JGH Political Action Committee. This is Cause No. 2006-4941-94; Cause No. 2009-4941-189; Cause No. 2009-4941-234; Cause No. 2010-4941-21; Cause No. 2011-4941-86; Cause No. 2011-4941-36; Cause No. 2010-4941-42; Cause No. 2011-4941-32; Cause No. 2012-4941-114; Cause No. 2011-4941-348; Cause No. 2013-4941-36; Cause No. 2013-4941-99; Cause No. 2012-4941-200. And that's it.

CHAIRMAN BENNETT: Any further recitation with regard to his situation, his case?

MS. THOMPSON: All these reports at this time have been filed.

MS. TAYLOR: And 2014 pre-primary report was filed on time.

COMMISSION MEMBER KLUTZ: When were all these prior reports filed?

MS. THOMPSON: December 30 of '13, and January 7 of 2014.

CHAIRMAN BENNETT: Presentation by the
MR. HARRIS: I take full responsibility that the committee did not file when we should have. The treasurer moved, and -- to Michigan, but she was also under the impression that since there was no activity going on, that for some reason, she felt she did not need to file and did not inform me that she was not filing.

And so she's no longer -- she moved to Michigan. She's no longer there, and I'm trying to get it all straightened out the way it is supposed to be done.

I think we've talked back and forth to your staff to let you know that yes, we want this cleared up and done correctly.

CHAIRMAN BENNETT: Is the committee still active?

MR. HARRIS: The committee still intends to be active, yes. We have no funds in the account. We're not distributing any money.

CHAIRMAN BENNETT: Any questions by the Commission?

VICE CHAIRMAN PRO TEMPORE DICKEY: Notices were sent prior, correct?

MS. THOMPSON: Yes.
VICE CHAIRMAN PRO TEMPORE DICKEY: Did you receive those prior notices?
MR. HARRIS: No. I didn’t find out about it until I started inquiring about it.
VICE CHAIRMAN PRO TEMPORE DICKEY: Do we know where the notices were sent to?
MS. TAYLOR: They have since updated the address. They were going to Lincoln Way in Valpo, I believe. It is now going to 706 Roosevelt Street in Gary.
MR. HARRIS: May I ask a question? What’s Lincoln Way in Valpo?
MS. TAYLOR: I could be wrong about that. I could have it confused with another committee in my head.
CHAIRMAN BENNETT: Let’s double-check.
COMMISSION MEMBER OVERHOLT: While she’s looking, do you have a treasurer going forward, a different treasurer going forward?
CHAIRMAN BENNETT: Anyone have a motion?
MS. THOMPSON: The previous address was 13 West Sixth Street in Gary?
MR. HARRIS: Uh-huh.
1  MS. THOMPSON: That's where they were being
2  sent to.
3  MR. HARRIS: I don't know.
4  MS. THOMPSON: Since then they've been updated.
5  MR. HARRIS: Yes, yes.
6  VICE CHAIRMAN PRO TEMPORE DICKEY: Is that an
7  address that was linked to your organization, or is
8  that --
9  MR. HARRIS: Yes, yes. We're no longer there.
10  But it was a correct address at the time.
11  CHAIRMAN BENNETT: Is there a motion?
12  COMMISSION MEMBER KLUTZ: I'll make a motion.
13  I do appreciate the fact that the reports are up to
14  date and filed, but it does appear to be a repeated
15  failure to comply for multiple years, and intent to
16  keep the committee active and open.
17  So I would propose that -- and I'm making this
18  proposal and this motion based upon all of the
19  matters pending -- that a fine be levied of
20  10 percent of the collective fine amount, which I
21  believe to be around $11,000, or whatever all the
22  cause numbers add up to -- but a fine of 10 percent
23  of all pending funds.
24  CHAIRMAN BENNETT: Is there a second?
25  I'll second the motion.
Any discussion? We have a motion and second.

COMMISSION MEMBER OVERHOLT: Well, for clarification, I mean flipping through all of this, the total fines in here, the total proposed fines looks to me like it would be in excess of over $11,000 probably?

MS. THOMPSON: Yeah.

COMMISSION MEMBER OVERHOLT: Okay. So the 10 percent is about $1,100.

CHAIRMAN BENNETT: All in favor of the pending motion say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. The fine is 10 percent of the collected fines, plus costs.

Thank you.

MR. HARRIS: Do I have to wait to get notification from the state?

CHAIRMAN BENNETT: Yes, you will get notification from them.

MR. HARRIS: Thank you very much.

CHAIRMAN BENNETT: Thank you.

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CHAIRMAN BENNETT: Would you state your name,
please, for the record.


CHAIRMAN BENNETT: Do you know the cause number?

MS. THOMPSON: I have it for you. This is Citizens for Robert D. Green. It starts on page 2, Mr. Chairman. This is, again, another one of the motions to reconsider. So I'll just read you the cause numbers, if that's okay.

CHAIRMAN BENNETT: Okay.


CHAIRMAN BENNETT: What is the total amount of the fines?

MS. TAYLOR: They're each a thousand dollars.

MS. BARNES: Twenty-two. I counted 22.
CHAIRMAN BENNETT: So $22,000?

MS. TAYLOR: That sounds about right.

CHAIRMAN BENNETT: Anything else from the Campaign Finance Staff regarding these violations?

MS. THOMPSON: No. They've all been filed at this time.

CHAIRMAN BENNETT: And the campaign has filed a motion to reconsider?

MR. TRACY: Yes, sir. Robert couldn't be here. He lives in Florida now. And he contacted me on August 15 of 2013, shortly after Mr. King had contacted him via the local county commissioner or chairman or county council or something finding his address, and notifying Robert that his committee had been delinquent for 10 years. And then so Robert really started making a few phone calls, and called me and asked me if I would clean it up.

To the point that he was so unaware of this, we had to spend the first three months going through unclaimed property at the attorney general's office to reclaim the funds that were even in the account, because it was Robert's understanding that in 2003, that the committee was going to be resolved -- dissolved, and all of the funds were going to be sent to the state party. Since he was a Republican,
they were going to send it to the state Republican party, since he was leaving the country.

So he was somewhat surprised and called me. So we had to go through the process of reclaiming the funds. We had to go through the process of reinstating an EIN number in order for us to be able to open a checking account to accept the funds to disburse the funds to close the account out.

In the meantime, on the 3rd of October, I made the suggestion that I become his treasurer to make it simple since I could take care of all of this for him. We did that on October 4.

I was granted access to the online Campaign Finance System. And by August 8, I had all the campaign reports updated.

But I will clarify. The funds were not available at that time. But since we knew he had spent no money, because he didn't even know what bank it was in, I had to go through the process of finding out what bank it was in to even come up with this.

So the bottom line is, we're up to date. There have been some fees involved just for the fact that there was time on my part and some other people's doing some travel in order to find this.
And it's his intention immediately upon the decision of the Commission to close this account out immediately and turn over any leftover funds to the -- his original intent, which was to the party. VICE CHAIRMAN PRO TEMPORE DICKEY: Was he his own treasurer?
MR. TRACY: No. He had a volunteer treasurer. And he was living in Florida at the time. And when he moved to the Arab states to teach the class, he thought it was being closed out, and the treasurer just kind of just -- so there was just this lack of communication.
And like I said, the funds had been sitting in the AG's unclaimed property for like eight years. So I would just ask mercy on the Court, I guess, you know, and let's resolve this. I'm prepared -- I can close this committee out within 24 hours, as soon as -- I didn't want to close it out because I wanted to make sure I filed the proper paperwork showing the zero balance, et cetera. So that's all it's waiting for.
And there was no political activity, obviously, during that entire time from the last filing. COMMISSION MEMBER KLUTZ: Mr. Chairman, it seems it would have been fairly easy for Mr. Green
to sit in Florida and just ignore this and not take
the actions that he did. But he did take what
appears to be significant actions to remedy this
issue. He took action to clean it up.

We have representation that the committee will
be closed as soon as the matter is finalized.

I would make a motion that we waive the
collective fines now pending.

CHAIRMAN BENNETT: Okay. Is there a second?

I'll second the motion for purposes of
discussion.

VICE CHAIRMAN PRO TEMPORE DICKEY: For
consistency's sake, should we not continue this
just to make sure that the committee is closed out,
consistent with what we've done previously in other
cases today? I completely agree with you. I just
want to be consistent with our decisions.

COMMISSION MEMBER KLUTZ: I understand that.

I will withdraw the motion and make a motion that
we continue this until confirmation that the
committee has been closed.

CHAIRMAN BENNETT: We have an amended motion.

Is there a second to that amended motion?

VICE CHAIRMAN PRO TEMPORE DICKEY: I'll second

that.
CHAIRMAN BENNETT: We have an amended motion with a second. Any further discussion?

COMMISSION MEMBER OVERHOLT: I just want to make sure we all understand. In my mind, the distinction between this and the hearing we just had is that in this one, we've got the statement that the committee is going to be closed, and in the last one there was the statement that the committee was going to remain open.

So I think, in my mind, it makes a difference that the committee is supposedly going to close.

CHAIRMAN BENNETT: All in favor of the pending motion say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. This matter will be continued.

MR. TRACY: So I can close the report out?

CHAIRMAN BENNETT: Yes.

MR. TRACY: All right. Thank you very much.

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CHAIRMAN BENNETT: State your name, please.

MR. MERRELL: Michael D. Merrell,

M-E-R-R-E-L-L. And I'm here on behalf of the
Mid-America Political Action Committee. We received notice of an untimely filing.

CHAIRMAN BENNETT: Do you have a cause number?

MR. MERRELL: I don't have a cause number. I apologize. I have a file number, if that helps.

It's 3982.

MS. TAYLOR: It's on page 72.

CHAIRMAN BENNETT: Is there a presentation on the part of the Campaign Staff?

MS. THOMPSON: Yes. This is Mid-America Political Action Committee, Cause No. 2014-3982-91. This committee has been before the board twice, and it also -- there have been two settlement agreements. And the proposed civil penalty is $1,000.49.

CHAIRMAN BENNETT: All right. I will turn the floor over to the committee.

MR. MERRELL: Okay. Thank you. And with myself today is Andrea Green, who did submit a letter to the committee. You may have that in the file. There's some copies to further explain what happened here.

MS. THOMPSON: Mr. Chairman and Members, behind the green tab are letters.

CHAIRMAN BENNETT: Does the committee have
anything to add to the documents which it has submitted?

MR. MERRELL: Yes. It's a new responsibility of myself and Andrea. In the past we had an office manager who was responsible for the filings.

Being that we are very cognizant and aware that we've been late in the past, we were trying to ensure that this was not going to happen at this time.

I made copies for you. I have this programmed in my calendar on my phone. I had it on my Google desktop. So we're very aware of the filing deadline, and did, in fact, fill out the reports on April 10 so that we would be well ahead of the deadline. And we have a P.O. Box that I don't check but every month or so. And when I went over, I discovered this was in the P.O. Box.

And I thought, "Why are we mailing something from ourselves to ourselves?" And inside I discovered that was the report that was supposed to go to you all.

So when I received the letter stating that this had happened, then I did call the office and asked what can we do. And so we faxed it in that day.

But it was all done on the 10th. It was just mailed
to the wrong address.

CHAIRMAN BENNETT: Okay. Any response by the Campaign Finance Staff?

MS. TAYLOR: No.

CHAIRMAN BENNETT: Any questions from the commissioners?

This committee is still open; is that correct?

MR. MERRELL: Yes.

CHAIRMAN BENNETT: Is there a motion?

COMMISSION MEMBER OVERHOLT: I have a question.

For the prior -- with the prior settlement agreements or delinquent reports, has this issue arisen before with them having mailed it to themselves?

MS. THOMPSON: No.

VICE CHAIRMAN PRO TEMPORE DICKEY: That was under clearly different leadership.

MS. GREEN: I take full responsibility for that. My name is Andrea Green, A-N-D-R-E-A, G-R-E-N.

I totally feel ridiculous because he had it, he told me it was coming, he laid it on my desk. I was really busy. I didn't even see an address. I just saw a P.O. Box. I didn't even know our company had P.O. Box.
And I do apologize. And I respectfully request that you do waive those fees. And this will not happen again.

CHAIRMAN BENNETT: Is there a motion?

VICE CHAIRMAN PRO TEMPORE DICKEY: I'll make a motion to do a reduction to 10 percent of the -- in recognition of the error.

CHAIRMAN BENNETT: Is there a second?

COMMISSION MEMBER OVERHOLT: Second.

CHAIRMAN BENNETT: I guess, do you think 10 percent is appropriate with the previous two violations?

COMMISSION MEMBER OVERHOLT: Well, we've had other people with, what, 16 violations, and we gave them 10 percent, so ...

VICE CHAIRMAN PRO TEMPORE DICKEY: I think there's also a recognition here that this does appear to be clearly a clerical error.

I would also argue that this is new leadership. And even though there have been two other violations that occurred under the old leadership, I'm willing to give them a chance to make sure that they get this right.

CHAIRMAN BENNETT: Any further discussion?

(No response.)
CHAIRMAN BENNETT: All in favor say.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried.

MR. MERRELL: Thank you.

MS. GREEN: Thank you so much.

CHAIRMAN BENNETT: That will be reduced to 10 percent.

MS. GREEN: Thank you.

MR. MERRELL: Thank you.

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MR. DALLAS: Good afternoon.

CHAIRMAN BENNETT: Good afternoon.

MR. DALLAS: My name’s Reid Dallas. I want to thank everyone for your time and consideration.

I'm Reid Dallas, spelled R-E-I-D, D-A-L-L-A-S.

And this is in regards to Cause No. 2014-6186-60.

CHAIRMAN BENNETT: Do you have the page number?

MS. THOMPSON: Page 57.

UNIDENTIFIED SPEAKER: Excuse me. Weren't we going in order from front to back? This guy just came walking up from the back.

MR. DALLAS: I apologize. I though we were alternating.
UNIDENTIFIED SPEAKER: Pardon me?

MR. DALLAS: I thought we were alternating sides, but --

CHAIRMAN BENNETT: I'll take care of this. We're going to hear this hearing, and we'll take care of going from front to back after this.

UNIDENTIFIED SPEAKER: Okay.

CHAIRMAN BENNETT: Okay. We're ready to hear from the staff.

MS. THOMPSON: This is Reid Dallas for Senate, Cause No. 2014-6186-60. Has never been before the Commission before. Has a proposed civil penalty of $1,000.49, and at this time the committee is closed.

CHAIRMAN BENNETT: Any presentation you'd like to make?

MR. DALLAS: Only that, I mean this was clearly an oversight. Of course I'm here to take full responsibility. I would just ask for leniency and/or a waiver from the Commission.

CHAIRMAN BENNETT: And the committee is closed; is that correct?

MR. DALLAS: The committee is closed, yes, as of -- I filed the report.

CHAIRMAN BENNETT: Any questions from the commissioners?
(No response.)

CHAIRMAN BENNETT: Any motion?

COMMISSION MEMBER OVERHOLT: I'd move that we waive.

CHAIRMAN BENNETT: Motion to waive. Is there a second?

VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

CHAIRMAN BENNETT: Motion and second. Any discussion?

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. Fine waived.

MR. DALLAS: Thank you very much. Appreciate it. Appreciate your time.

CHAIRMAN BENNETT: All right.

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MR. MEADOWS: Good evening. My name's Mark Meadows, M-E-A-D-O-W-S. I represent the Elect Mark Meadows Campaign. This stems from -- excuse me. I don't have a cause number. I apologize.
MS. THOMPSON: Page 61.

CHAIRMAN BENNETT: Page 61. We'll hear from the staff first.

MS. THOMPSON: This is Elect Mark Meadows, Cause No. 2014-6282-68. He has had a settlement agreement with us once before. He has a proposed civil penalty of $1,000.49, and the committee is now closed.

CHAIRMAN BENNETT: You may make your presentation.

MR. MEADOWS: Thanks for hearing this today.

This stems from a 2012 committee that was started. I filed a -- I'm also the treasurer of the account. I filed a 2012 annual report in January of 2013. Thought I had actually ended the account, and had not.

A year later, since I wasn't on the ballot, I got another letter saying, "You need to file for 2013," which I believe I contacted Ms. Thompson here at that point. I went online. This is the first time I've ever done it online before. I've always done it the old paper route.

So anyhow, I filled out 2013. And I thought, "Why isn't this closing out? I keep closing this thing out."
A couple months later I got another letter from you guys about it. And I thought -- I got online again and looked at it. And what it was, the expenditures from 2012 had not hit because I filed in 2013.

So today I'm talking to Michelle about it and saying, "What do I need to do? How do I need to do this? I need to amend it." And showed me how to do it so I could close out the account.

We're closed out now. It was an oversight because I don't know how to work the computer well enough. And I'm asking for a waiver.

CHAIRMAN BENNETT: Any response from the Commission or the staff?

(No response.)

CHAIRMAN BENNETT: Questions?

(No response.)

CHAIRMAN BENNETT: Is there a motion?

VICE CHAIRMAN PRO TEMPORE DICKEY: I'd make a motion to waive.

CHAIRMAN BENNETT: Motion to waive. Second?

COMMISSION MEMBER KLUTZ: I'll second.

CHAIRMAN BENNETT: Motion and second. Any discussion?

(No response.)
CHAIRMAN BENNETT: All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

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

MR. MEADOWS: Thank you very much.

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CHAIRMAN BENNETT: Let's see. Who's left? Can we have a show of hands? We'll take the closest one to us first.

State and spell your name, please, for the record.

MR. PERRY: Brandon Perry, B-R-A-N-D-O-N, P-, as in Peter, E-R-R-Y.

CHAIRMAN BENNETT: Okay. And you're here on behalf of?

MR. PERRY: I'm here on behalf of Perry for Indiana House Committee, Cause No. 2014-6451-76.

MS. TAYLOR: It's on page 65.

CHAIRMAN BENNETT: We'll hear from the Campaign Finance Staff.

MS. THOMPSON: Okay. This is Perry for Indiana House, Cause No. 2014-6451-76. This committee has never been before the Commission before and has a
proposed civil penalty of $1,000.49.

CHAIRMAN BENNETT: Okay. Mr. Perry, the floor

is yours.

MR. PERRY: Okay. Well, thanks for taking the
time to hear my case today. And we are fortunate to
live in a state where officials take campaign laws
seriously. I've been involved with campaigns for
several years with candidates of both parties,
Republicans in Marion County, now Democrats in
Hancock County, and have always taken campaign laws
seriously. And that is why, up until this point,
there has been no problems with the process.

Today I wanted to not dispute what has
happened, but to appeal for a waiver for several
different reasons. And I would like to summarize
those reasons as succinctly as possible.

The first is that this is a first-time offense.
It's an unfortunate mistake and oversight on behalf
of the committee. Throughout 2012, all forms were
filed properly and on time. There was just a little
misunderstanding as to, you know, a report being
filed for 2013, given that it's not an election
year, really not any political activity.

But as soon as the mistake was detected, it was
corrected. And furthermore, I'm not a candidate for
state office this year, nor do I plan to be a candidate for state office in the near future.

The committee does plan to disband soon. This is an election year, and there are probably candidates and committees who would love to have a drop in the bucket. And so this committee will be disbanded. I'm a candidate for township trustee in Hancock County.

And the second reason -- that leads me to the second reason -- is that with this campaign that's currently being waged now on a local level, nonpartisan observers have indicated that it could be a tossup. And my opponent would love nothing more than to -- since this is public information -- to use this as a muscling tactic.

And the voters of McCordsville deserve much more than that. They deserve a campaign about the issues, about consolidation of prior services, about listening to the township board, about improving services without raising taxes, about moving this township forward as one of the fastest growing townships in Indiana. Those are the issues that the voters deserve to have a discussion about.

So I would like to humbly and respectfully impress upon the committee that whatever decision is
made today is not only going to impact this
committee, but possibly the quality of campaign that
the voters of Vernon Township will have in the fall.

    The second [sic] reason why I'm requesting a
waiver is because, as I mentioned, the committee
will be closed.

    The fourth [sic] reason, and at risk of placing
my own personal dignity on the line, I am -- I have
recently been laid off from my position with a media
firm. It's been a tough time, as many of us know,
for the print media industry. And given that I'm
not a candidate for office, and given that those
involved with the committee are no longer working
with the committee in a practical sense, probably
not too many people who will donate to a campaign
just to -- or a committee -- to pay a levy issued by
the state. So that will come -- that levy will
probably come out of pocket. And at this time, that
would not be a possibility in an immediate sense.

    But I do have documentation with the state of
Indiana, Indiana Department of Workforce
Development, if it pleases the Commission to review
that, indicating my status, employment status.

    And those are the reasons why I would like to
request a waiver at this time.
CHAIRMAN BENNETT: Do you have any documents to admit into the record?

MR. PERRY: I have this document indicating my unemployment status. I have documents that's got some of my chicken scratch on here. I apologize. I have documentation indicating the dates as to which each report has been filed to show that they have been filed.

COMMISSION MEMBER KLUTZ: I just want to confirm that you're using a different campaign committee for your trustee campaign?

MR. PERRY: Yes, yes.

CHAIRMAN BENNETT: Anything further from the Campaign Finance Staff?

MS. THOMPSON: No.

CHAIRMAN BENNETT: Questions from the commissioners?

COMMISSION MEMBER OVERHOLT: Is there a balance in this account?

MR. PERRY: Yes.

COMMISSION MEMBER OVERHOLT: What's the balance?

MR. PERRY: It is $102.

CHAIRMAN BENNETT: And it is the intent to close out that account, close out the campaign?
MR. PERRY: Yes, Mr. Chairman.

CHAIRMAN BENNETT: Is there a motion?

COMMISSION MEMBER KLUTZ: I'd make a motion that we continue this until the next meeting to confirm the committee has been disbanded.

CHAIRMAN BENNETT: Is there a second?

VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

CHAIRMAN BENNETT: Motion and second. Any discussion?

COMMISSION MEMBER OVERHOLT: Well, I guess I'd just like to say that to continue that -- if we vote to continue it to the next hearing to see if it's been disbanded doesn't indicate what action will be taken with respect to the fine.

CHAIRMAN BENNETT: That's right.

COMMISSION MEMBER OVERHOLT: I just wanted to clarify that so he's aware of that.

CHAIRMAN BENNETT: Any further discussion? We have a motion and a second. All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. We will continue this matter until our next meeting, which is yet to be set. And in the meantime, you should
take whatever action you deem appropriate with
regard to closing out the campaign.

MR. PERRY: Thank you.

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CHAIRMAN BENNETT: Next?

MR. VOGT: Good afternoon. My name is Darren
Vogt, D-A-R-R-E-N, V-O-G-T. I'm here on behalf of

CHAIRMAN BENNETT: Thank you.

MS. TAYLOR: Page 88.

CHAIRMAN BENNETT: Do we have a presentation
from the Campaign Finance Staff?

MS. THOMPSON: Yes. This is Friends of Darren
Vogt for Senate, Cause No. 2014-6531-124. This is
for a supplemental report. He's never been before
the Commission before, and he has a proposed civil
penalty of $350.49.

CHAIRMAN BENNETT: Okay. Mr. Vogt, the floor's
yours.

MR. VOGT: Thank you. When I received the
notice, I immediately called Michelle in the office
and tried to figure out what the issue was because I
assumed that everything was filed appropriately.

After discussion with her, what we realized was
that the 2,000-dollar campaign contribution from the
Insurance Political Action Committee was filed with
the date received of 4/29.

That is actually the date on the check that I
received. I have a copy of that check as well as a
copy of the amended report. That check was received
on May 5 at about 8:30 in the evening, after walking
the neighborhoods from representatives that were
helping with the campaign on the -- that evening at
a pizza place, after dinner. And then we recorded
it, actually, on May 7. May 6 was the election,
recorded it on May 7, and deposited it on May 7 as
well.

So it was really more of an error on the actual
report. We reported it. It should have -- I don't
know if it did, but I don't recall that it was
red-flagged, saying it should have been reported,
but it didn't.

We filed the report. I have the amended report
signed by myself and my treasurer saying the report
was when the campaign was -- received the cash,
which was on May 5.

CHAIRMAN BENNETT: Is it your intent to keep
the campaign open?

MR. VOGT: There are funds in there. It will
stay open, yes.
COMMISSION MEMBER KLUTZ: What we have here is a situation where you reported the money as received 4/29, the date of the check. But really, you didn't receive it until May 5?

MR. VOGT: That's correct, yeah, the evening, about 8:30, 9:00.

COMMISSION MEMBER KLUTZ: So when you received it, that triggered some type of supplemental filing. So then you didn't file until May 7?

MR. VOGT: I would have filed it May 6, but that was election day, so I was actually campaigning all day that day.

COMMISSION MEMBER OVERHOLT: What's the time period -- if it were received on the 5th, what's the requirement for when it has to be reported? Is it within 48 hours?

MR. VOGT: 48 hours.

CHAIRMAN BENNETT: The chair recognizes Mr. Simmons.

MR. SIMMONS: Mr. Chairman, Members of the Commission, we have a reporting period, and this is large contribution reporting.

MS. TAYLOR: Yes.

MR. SIMMONS: Which is -- let's see -- 3-9-5-20.1. Actually, the reporting period
begins -- for the large contribution begins after
the regular reporting period ends, which is 25 days
before the election.

But that reporting period also, for those large
contributions, ends that Sunday. I'm looking at my
calendar. That Sunday would have been Sunday,
May 4, at 6:00 a.m. That's the kind of date we put
in our calendar.

So if a contribution is actually received on
the 5th -- and I'm not saying it was; I mean that's
some of the testimony, at least -- then that would
actually be something -- it would be included on the
next campaign finance report since it's within 48
hours of the election.

CHAIRMAN BENNETT: Under the statute, when is a
contribution considered to be received?

MR. SIMMONS: A contribution is considered
received under a statute 3-9-1-25, and I think, in
this case, subsection (b), is when it's received and
deposited. So it takes both the receipt and deposit
into the account.

Up to that time, of course, the recipient has
the opportunity to return the contribution and not
have to report it. But if it's received, and once
it's deposited, that's when it's considered received.
by the committee.

CHAIRMAN BENNETT: Received, and money's in the bank.

MR. SIMMONS: Money's in the bank.

MR. VOGT: I do have a copy of that receipt.

It shows May 7 was the date it was deposited in the account.

CHAIRMAN BENNETT: Ms. Barnes, do you concur with Mr. Simmons?

MS. BARNES: I do. Thank you.

CHAIRMAN BENNETT: Do you have documentation of the date of deposit?

MR. VOGT: Yes, I do.

CHAIRMAN BENNETT: Can you show that to us?

COMMISSION MEMBER KLUTZ: Based upon the testimony and explanation from Mr. Simmons, I move that we waive the proposed fine.

VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

CHAIRMAN BENNETT: We have a motion and a second. I guess the only other option would be to dismiss it because it does appear that there was actually no violation. It was simply an error on the campaign report. We have --

COMMISSION MEMBER KLUTZ: -- how it was filled out, perhaps. I don't know.
CHAIRMAN BENNETT: Well, we have a motion and a second to waive the fine, and we can certainly do that. Is there any further discussion?

COMMISSION MEMBER OVERHOLT: Well, yes, that's a good point. I was going to ask, for purposes of the record before the Commission. So if it's waived, does it show -- if there's something that happens in the future, does it show -- would it reflect that there's a past violation if we waive the fine? And if we dismissed it, would that mean that there wasn't? That should be noted in the record.

CHAIRMAN BENNETT: I would ask for legal counsel -- or maybe that's a practical matter.

COMMISSION MEMBER OVERHOLT: I just wanted to make sure.

CHAIRMAN BENNETT: Does the Campaign Staff have anything they --

MS. THOMPSON: I can't say --

COMMISSION MEMBER KLUTZ: Well, let me do this.

I would tend to agree with that.

So this will now be the second motion I've withdrawn. I'm messing up the whole process.

COMMISSION MEMBER OVERHOLT: Well, before you withdraw it, let me ask another question.
I may have misunderstood. I thought you said that there was an amended report that has been filed?

MR. VOGT: No. When I talked to Michelle, she said to bring an amended form. So I did, and I have it. It hasn't been filed. She told me just to bring it with me.

So I did not file it yet because she told me to bring it here.

COMMISSION MEMBER OVERHOLT: Okay.

COMMISSION MEMBER KLUTZ: He has indicated that he's going to keep it open, so I don't want another -- I don't want this to appear --

COMMISSION MEMBER OVERHOLT: Right.

COMMISSION MEMBER KLUTZ: So I will withdraw, for a second time, my pending motion, but leave it to someone else to make the next --

CHAIRMAN BENNETT: I guess I would make a motion that we dismiss the cause, because it does not appear that there was a violation.

VICE CHAIRMAN PRO TEMPORE DICKEY: I'll second that. Just make sure you file that before you leave today.

CHAIRMAN BENNETT: We have a motion to dismiss, and a second. All in favor say ayes.
THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: The cause is dismissed.

Thank you.

MR. VOGT: Thank you.

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CHAIRMAN BENNETT: Whoever is the closest one to us, come forward.

MR. CLARK: Good afternoon.

CHAIRMAN BENNETT: Good afternoon.


MS. TAYLOR: It starts on page 2.

CHAIRMAN BENNETT: Campaign Finance Staff has the floor for presentation.

MS. THOMPSON: This is the Howard County Democratic Party, Cause No. 2014-6554-6. And he's got several as well.

Cause No. 2014-6554-7; Cause No. 2014-6554-8;


CHAIRMAN BENNETT: Is that it?
MS. THOMPSON: Yes. These are all 1,000-dollar proposed civil penalties. This committee has never been before the Commission before.

And all the reports are filed?

MS. TAYLOR: Yes.

MS. THOMPSON: And all the reports are filed.

CHAIRMAN BENNETT: So the fine would be $6,000, plus costs?

MS. TAYLOR: $7,000.

CHAIRMAN BENNETT: $7,000. You may proceed.

MR. THARP: Thanks for giving me the opportunity.

What this stems from, these are two -- the Howard County Democratic party's 2011 and 2012 finance forms, as well as the file CFA3. All of those reports were actually filed with the Howard County Clerk's Office.

I was elected chairman last year. And as we were preparing our '13 year report late last fall, we noticed that we were actually filing with the clerk's office, even though since we make very modest contributions to local state rep campaigns, we should have been filing with the Election Division. So these reports were just actually filed with the wrong agency.
As soon as we discovered that error late last fall, I called Trent and Abbey at the Election Division and said, you know, that my predecessor had been filing these to the wrong agency, and what do we do?

And the advice was, "Go back and resubmit '11 and '12 and a statement of organization," which we did.

And then, once we got the letter about the fines that were being imposed, we called again. They said there would be a hearing, and to wait for the hearing.

And of course, as soon as we got the hearing notice, we called and made sure what the process was.

We did self-report this error. We did actually fulfill public transparency because these were available to members of the public and to the media and to the Howard County Clerk's Office. All of these except for the 2012 year-end were actually submitted on time.

The -- you know, we had tried to stay up with the process in going forward, being in constant contact with folks in the Election Division. These were all committed under previous leadership, a
different chairman, a different treasurer, and, I think perhaps more importantly, a completely different process for handling campaign finance reports. So we changed both leadership and our SOPs.

And then also, we are a volunteer organization. And this fine is a very large fine and would cripple our ability to fulfill our mission.

So based on all those facts, I would humbly request that you waive the fines.

CHAIRMAN BENNETT: Anything else from the staff?

(No response.)

CHAIRMAN BENNETT: Questions from the Commission?

COMMISSION MEMBER OVERHOLT: So is it accurate that there was one report that was late, the 2012 one?

MS. TAYLOR: I believe that was late with the county? Filed late with the county?

MR. THARP: That's correct, yes. They're all late to the Election Division, but --

COMMISSION MEMBER OVERHOLT: Right, exactly.

So that one was filed late to the county?

MR. THARP: Correct, yes. And that was
actually due right before our party's reorganization. So again, we have a different treasurer. And as we were going through that process, it was not filed.

So once we came to understand those facts late last fall, we immediately started to compile those reports and submit them to the right agency.

COMMISSION MEMBER OVERHOLT: Okay. And I think this question is for staff, counsel, whoever.

So let's assume for purposes of argument that all of these were filed with the Election Division, and that they were all timely filed, with the exception of the 2012 report. What would the proposed fine be for the delinquent 2012 report?

Is that a thousand dollar fine?

MS. TAYLOR: I'm not sure how late it was filed with the county.

COMMISSION MEMBER OVERHOLT: Well, okay. That's right, because it's a per-day.

MS. TAYLOR: $50 a day.

COMMISSION MEMBER OVERHOLT: Do you know how late it was filed with the county?

MR. THARP: It actually -- we discovered that it hadn't been filed. So that was the only one that was never filed with the county clerk's office.
So when we submitted that one to the Election Division, that was the initial filing.

MS. TAYLOR: So that was $1,000.

COMMISSION MEMBER OVERHOLT: So that's a thousand dollars?

MS. TAYLOR: Yes.

COMMISSION MEMBER OVERHOLT: Okay.

CHAIRMAN BENNETT: Is there a motion?

VICE CHAIRMAN PRO TEMPORE Dickey: Mr. Chairman, I would propose that we make a motion, and I'm going to try and break this down into two pots.

The first pot would be for those that were filed locally, but not filed in Indianapolis with the Election Division, that we propose to waive those fines.

And then the remaining one that was not filed at all, I would propose a 10 percent fine on the penalty of a thousand dollars, plus the costs, taking into account similar conditions that we've heard in other cases today, that we have new leadership in the committee, and that it's their first time, and essentially they caught the error themselves.

CHAIRMAN BENNETT: Is there a second to that motion?
COMMISSION MEMBER OVERHOLT: Second.

CHAIRMAN BENNETT: Motion and second. Any further discussion?

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. The fine will be 10 percent of the one late filing, and waived for the locally filed reports.

MR. THARP: Thank you very much.

CHAIRMAN BENNETT: Thank you.

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MR. RIMSANS: My name is Pete Rimsans. The last name is spelled R-I-M-S, as in Michael, S-A-N-S. I'm here today representing Citizens for Better Schools, and it is Cause No. 2014-5832-41.

This is sort of a simple matter.

CHAIRMAN BENNETT: Can you wait until -- first we need the staff to give us a page number in our books, and then they'll make the presentation to us, and then you'll be following that.

MR. RIMSANS: Okay.
MS. TAYLOR: It's on page 46.

MS. THOMPSON: Mr. Chairman, this is Citizens for Better Schools, Cause No. 2014-5832-41. This committee has done a settlement agreement with us in the past, and has a proposed civil penalty of $700.49.

COMMISSION MEMBER OVERHOLT: What's the page number?

MS. THOMPSON: I'm sorry. It's 47.

CHAIRMAN BENNETT: It starts on 46 and goes on to 47.

VICE CHAIRMAN PRO TEMPORE DICKEY: Love the page breaks.

CHAIRMAN BENNETT: Anything further from the staff?

MS. THOMPSON: Pardon me?

CHAIRMAN BENNETT: Anything further?

MS. THOMPSON: No.

VICE CHAIRMAN PRO TEMPORE DICKEY: Just for point of clarification, were you sworn in earlier, or did you arrive late?

MR. RIMSANS: I arrived late.

VICE CHAIRMAN PRO TEMPORE DICKEY: We should swear him in, I think.

CHAIRMAN BENNETT: Yes, you're absolutely
right.

Dale, would you do that, please?

MR. SIMMONS: Please stand and raise your right hand.

(At this time, the oath is administered.)

MR. SIMMONS: Thank you.

CHAIRMAN BENNETT: You may proceed.

MR. RIMSANS: Essentially, Citizens for Better Schools is a political action committee established in 2008. It was primarily used in the 2008 elections.

There were a couple of transactions I think that were conducted in 2009. But otherwise, this PAC has been dormant. It has a zero balance in the account. We've really honestly been debating about whether or not we should close it out in its entirety.

But with regard to our 2013 filing, which was due on January 13, we -- several days after that, on the 20th, we received a letter informing us of our error.

We attempted to, then, on the 21st, file the electronic reports, and we were locked out of the system. And we were unable to -- we were able to -- we made repeated phone calls on the 21st, 22nd,
24th, and 27th.

And finally, on the 28th, we were able to establish contact with the Elections Division, and at that time we were able to file a report.

So from the period of the 21st through the 28th, we were unable to file the report. And we would ask that those fines be waived.

With regard to the time period of January 15th through the 20th, we would just ask for leniency since the PAC has no funds in it, and it hasn't for some time.

CHAIRMAN BENNETT: And why has it not been closed?

MR. RIMSANS: I think people just wanted to keep it around in case we wanted to use it for something in the past. And quite honestly, we're -- we're agreeable to closing it.

CHAIRMAN BENNETT: Any further -- any questions by the commissioners?

(No response.)

CHAIRMAN BENNETT: Hearing none, any motions?

COMMISSION MEMBER OVERHOLT: I would move to continue until closing.

CHAIRMAN BENNETT: Is there a second?

COMMISSION MEMBER KLUTZ: Second.
CHAIRMAN BENNETT: Motion and a second. Any further discussion?
(No response.)
CHAIRMAN BENNETT: Hearing none, all in favor say aye.
THE COMMISSION: Aye.
CHAIRMAN BENNETT: All opposed, same sign.
(No response. Motion carried.)
CHAIRMAN BENNETT: Motion carried. We will continue this hearing until our next meeting, and your committee should make a decision on closing before that time.
MR. RIMSANS: All right. So I'm taking it, without you saying that, that it would probably be in the best interest to close it before the next meeting, or I'll assume that's the case.
CHAIRMAN BENNETT: Very well.
MR. RIMSANS: Thank you.
CHAIRMAN BENNETT: Thank you.
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MS. THOMPSON: That's on page 31 and 32.
CHAIRMAN BENNETT: Okay. We would ask for a presentation from the staff.

MS. THOMPSON: This is for a large supplemental report. This is Beth White for Indiana, Cause No. 2014-6526-13; 2014-6526-14; 2014-6526-15; and 2014-6526-16.

CHAIRMAN BENNETT: And what are the total fines?

MS. TAYLOR: The total is $3,850, and the mailing costs are $52.

CHAIRMAN BENNETT: Okay. The floor is yours.

You may proceed.

MR. BECKER: Thank you. These, I guess, four constitute the first violations for the committee. The staff and treasurer of -- these all stem from 2013 to 2014. The 10,000-dollar supplemental contributions were filed with the annual report and not with the supplemental reports that were due.

The staff and treasurer from 2013 are no longer involved with the committee. The current staff and treasurer have made sure the reports were filed. The supplemental reports were filed, and additional contributions that have come in have been -- have been filed on time.

We've also worked with the staff, the Election
Division, to make sure we were -- we have a full understanding of the campaign finance compliance laws, to make sure that we're compliant in the future.

So we're just asking for leniency from the Commission.

CHAIRMAN BENNETT: Anything further from the staff?

MS. THOMPSON: No.

CHAIRMAN BENNETT: Questions from the Commission?

I'm assuming that the campaign intends to remain open?

MR. BECKER: Yes.

VICE CHAIRMAN PRO TEMPORE DICKEY: I want to make sure I'm reading this correctly. I'm assuming you changed your -- or you took care of the filings or changed your staff in January?

MR. BECKER: Correct.

VICE CHAIRMAN PRO TEMPORE DICKEY: So in essence, you self-reported by catching this, or did you get a notice?

MR. BECKER: I believe we were notified by staff from the Election Division. It was sort of the -- at the same time that we -- you know, the new
treasurer and staff became -- realized that these
can't -- that these reports weren't filed, and then
received official notice from the Election Division,
and then made the filings.

CHAIRMAN BENNETT: What was the reason for the
change in staff and the treasurer?

MR. BECKER: To be honest with you, I'm not
sure. I started with the campaign in February,
so ... 

CHAIRMAN BENNETT: Do you know if it had
anything to do with these violations?

MR. BECKER: It's possible, but I don't know,
other than the committee decided to make a change
with the treasurer and with the staff.

I guess the only thing I would add is that
we've also changed how our -- our internal
protocols, and how we're handling campaign finance
stuff to make sure that we're compliant in the
future, and that the other contributions are -- make
sure that we follow the protocols that ...

CHAIRMAN BENNETT: Make sure what?

MR. BECKER: So we've also -- you know, we have
built-in protocols in the campaign to make sure that
we've -- that the treasurer is aware of the funds
that are coming in as they come in. And we have a
redundancy to make sure that any receipts that come in are duly reported, as they're supposed to be.

CHAIRMAN BENNETT: Any other questions from the Commission?

(No response.)

CHAIRMAN BENNETT: Any motions to be made by the Commission? Hearing no motions --

COMMISSION MEMBER OVERHOLT: Well, I guess what I'm trying to recall is what -- I thought we had a -- I'm trying to be consistent. I think we've had some earlier cases today that were similar, but I can't remember what action we took in terms of that.

VICE CHAIRMAN PRO TEMPORE DICKEY: With regards to the excesses, it looks like this may be different, maybe. But we waived WellPoint, and we settled the other.

COMMISSION MEMBER OVERHOLT: And I'm wondering about candidate committees that were -- may have been -- that had delinquent filings, for starters.

CHAIRMAN BENNETT: That had what? I didn't hear what you said.

COMMISSION MEMBER OVERHOLT: Delinquent filings.

CHAIRMAN BENNETT: WellPoint was self-reporting.
COMMISSION MEMBER OVERHOLT: Right. So candidate committees that...

What did we do with Mr. Green?

MS. BARNES: Mr. Chairman and Commissioner Overholt, on page 70 of your binder, there was a similar one, if you want to consider it, Candidate Tad Whitis for State Senate who had a large contribution report that was filed late.

Do you want to know what the Commission did?

COMMISSION MEMBER OVERHOLT: Oh, I found it in my notes. Am I right that we did 25 percent, plus costs?

MS. BARNES: Plus mailing costs. And it was his first time. I don't know if that's similar.

MS. TAYLOR: He accepted the deal at the beginning.

VICE CHAIRMAN PRO TEMPORE DICKEY: Yeah. He accepted the deal. Let's be clear about that.

MS. BARNES: Okay. I think that's the only other large...

MR. DECKARD: That's the only one similar that I'm seeing.

MS. BARNES: We had other reports that are late.

CHAIRMAN BENNETT: Is there a motion?
COMMISSION MEMBER KLUTZ: We have an ongoing committee, ongoing campaign. We have repeated failures to comply with the statute. I see a difference between WellPoint in that there was no self-reporting.

I'll make a motion that the fines be 10 percent of the total $3,850, plus costs.

CHAIRMAN BENNETT: Is there a second?

VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

CHAIRMAN BENNETT: We have a motion and second.

Any further discussion?

(No response.)

CHAIRMAN BENNETT: All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. The fine will be 10 percent of the $3,850, plus costs.

MR. BECKER: Thank you very much.

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MR. INGRAM: I'm Brent Ingram with the Republican Central Committee for Miami County. I'm here about the late filing for reporting period of 1/1/2013 through 12/31/2013.

CHAIRMAN BENNETT: Can you spell your name,
please?

MR. INGRAM: Brent, B-R-E-N-T; Ingram,

I-N-G-R-A-M.

CHAIRMAN BENNETT: Do you have a cause number?

MR. INGRAM: I failed to bring that with me.

CHAIRMAN BENNETT: Okay. Give us a minute and

we'll look it up.

MS. THOMPSON: It's on page 70. This is the

Miami County Republican Central Committee,

Cause No. 2014-6494-84. This committee has never

been before our commission before and has a penalty

of $250.49.

CHAIRMAN BENNETT: Okay. Proceed.

MR. INGRAM: I took over as treasurer in 2013,

and this was my first filing. I talked with the

outgoing treasurer, and he told me to file this at

the courthouse. I talked to voter registration, and

they told me to file it at the courthouse. I talked

to our new president, or new chairman. Told me to

file it at the courthouse.

This is a case that was my mistake. It was a

case where I was following the sheep instead of

asking the shepherd where I should go.

This was filed January 14, 2014 at the

courthouse. So we were several months ahead of it.
Our intent was to be on time, and we were ahead of the ballgame. We just didn't get it sent everywhere we needed to send it.

And as far as our attempt to be transparent, we were. We tried to keep everything aboveboard. And I'd just ask to waive the fine on this.

And I have documentation here from the courthouse when we filed this.

CHAIRMAN BENNETT: Okay. Would you bring that up for the record? This was timely filed at the courthouse?

MR. INGRAM: Yes.

VICE CHAIRMAN PRO TEMPORE DICKEY: This is the first incident, correct?

MR. INGRAM: Yes.

CHAIRMAN BENNETT: Are there any questions from the commissioners?

(No response.)

CHAIRMAN BENNETT: Any motions?

VICE CHAIRMAN PRO TEMPORE DICKEY: I'll make a motion to waive.

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

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: Motion and second. Any
further discussion?
(No response.)

CHAIRMAN BENNETT: All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: Opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried.

MR. INGRAM: Thank you very much.

CHAIRMAN BENNETT: Thank you.

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CHAIRMAN BENNETT: Good afternoon.


MS. TAYLOR: It's on page 36.

CHAIRMAN BENNETT: Staff, please proceed.

MS. THOMPSON: This is the Columbus Firefighters Political Action Committee, Cause No. 2014-3449-23. This committee has been before the board three other times, and has a proposed civil penalty of $450.49.

CHAIRMAN BENNETT: The floor is yours, sir.

MR. ALLMON: Really don't have an excuse. I got appointed the chief down in Columbus.
Unfortunately, I still had -- was the treasurer --
secretary/treasurer of the Columbus PAC, and I just
missed the timing of it, to get the reporting on
time. It was filed, I believe, a week late,
something along those lines. I've got the notice.

We are in the process of shutting it down,
shutting down the committee, but we have not done
that yet because we wanted to find out what the fine
was going to be so that we had the money to pay the
fine, if we had a fine to pay.

So as soon as we can get done with this, we're
going to shut down the committee.

CHAIRMAN BENNETT: Any questions from the
commissioners?

(No response.)

CHAIRMAN BENNETT: Is there a motion?

COMMISSION MEMBER OVERHOLT: I'd move to
continue pending closure of the committee.

CHAIRMAN BENNETT: Second?

COMMISSION MEMBER KLUTZ: Second that.

CHAIRMAN BENNETT: Motion and second. Any
discussion?

(No response.)

CHAIRMAN BENNETT: All in favor say aye.

THE COMMISSION: Aye.
CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. This action will be continued pending our next meeting.

MR. ALLMON: Okay. I guarantee it will be closed. Thank you. Have a good day.

CHAIRMAN BENNETT: You too.

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CHAIRMAN BENNETT: Is this the final one?


CHAIRMAN BENNETT: Could you spell your last name, please?

MR. SHANK: Shank, S-H-A-N-K.

MS. TAYLOR: It's on page 67.

MS. THOMPSON: This is Shank for State Representative, Cause No. 2014-6539-79. Never been before the Commission before. Has a proposed civil penalty of and $450.49, and the committee is closed.

CHAIRMAN BENNETT: Mr. Shank?

MR. SHANK: I made a mistake. I forgot about it.

CHAIRMAN BENNETT: And the committee is closed?

MR. SHANK: Yes. It was closed as soon as I
filed it. I called the office and made sure what I
had to do and closed it.

CHAIRMAN BENNETT: Okay. Any questions from
any commissioners?

VICE CHAIRMAN PRO TEMPORE DICKEY: Motion to
waive.

CHAIRMAN BENNETT: Motion to waive. Second?
COMMISSION MEMBER KLUTZ: Second.
CHAIRMAN BENNETT: We have a second. Any
discussion?

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: The fine is waived. You're
free to go.

MR. SHANK: Thank you. Have a good day.

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CHAIRMAN BENNETT: At this time, I would ask
the Campaign Finance Staff to identify any matters
for which a motion for continuance was received for
today's meeting.

MS. TAYLOR: We received three motions to
continue. The first was for CHA Consulting PAC, Cause No. 2014-6475-118. It's on page 86.
The second was Bill McDonald for State Senate, Cause No. 2014-6596-119.
And the third is Jeffersonville Political Action Committee, Cause No. 2014-6618-120.
VICE CHAIRMAN PRO TEMPORE DICKEY: What were the page numbers?
MS. TAYLOR: 86 and 87.
VICE CHAIRMAN PRO TEMPORE DICKEY: Oh, they're all together. Sorry. I should have read further.
CHAIRMAN BENNETT: Is there a motion to grant the requests for continuance for these three cause numbers?
COMMISSION MEMBER KLUTZ: So move.
CHAIRMAN BENNETT: We have a motion. Is there a second?
COMMISSION MEMBER OVERHOLT: Second.
CHAIRMAN BENNETT: Any discussion?
(No response.)
CHAIRMAN BENNETT: All in favor say aye.
THE COMMISSION: Aye.
CHAIRMAN BENNETT: All opposed, same sign.
(No response. Motion carried.)
CHAIRMAN BENNETT: Motion granted. The
continuances for the three are granted.

MS. TAYLOR: I found another one. Sorry.

Washington for State Senate on page 60 and 61.


CHAIRMAN BENNETT: Was this motion timely filed?

MS. TAYLOR: Yes.

CHAIRMAN BENNETT: Is there a motion to grant that continuance?

COMMISSION MEMBER OVERHOLT: So move.

CHAIRMAN BENNETT: Motion. Is there a second?

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: Any discussion?

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion for continuance is granted.

Now, we wanted to review correspondence received from the committees. I understand that the Campaign Finance Staff received correspondence from some committees which have not appeared at today's
meeting. I’d like to give the members an
opportunity to review that correspondence which is
included in their binders to identify any matters
which may require Commission consideration other
than having a default entered against the committee
for failing to appear.

MR. KING: Mr. Chairman, Members of the
Commission, Ms. Thompson has received communication
from Candidate Thomas B. Knollman and his wife who
were unable to be physically present today, but
submitted a letter that is included in your binders.

It’s 2014-5269-32.

MS. THOMPSON: It’s on page 42.

MR. DECKARD: Mr. Chairman, we also have, in
addition to many other correspondence here, a letter
from candidate Steve Spinks, who could not be in
attendance as well because of some work obligations.

CHAIRMAN BENNETT: I’m sorry. Because of what?

MR. DECKARD: Some work obligations and travel.

MS. TAYLOR: That’s on page 89. Elect Steve
Spinks State representative, District 75 Cause

MR. KING: Mr. Chairman, Members of the
Commission, I would yield to Campaign Finance Staff
to discuss further. I just have a copy of the
letter from former State Representative Knollman indicating he is suffering from a serious illness and is unable to physically be present or complete the reports required.

VICE CHAIRMAN PRO TEMPORE Dickey: Mr. Chairman, it appears that some of these may be worth discussing for a second.

With regards to the case involving former State Representative Knollman, I believe the committee has now been closed?

MS. THOMPSON: Yes.

VICE CHAIRMAN PRO TEMPORE Dickey: I think it would be consistent with other actions taken today to simply waive the penalties and costs and to dispense with that matter.

CHAIRMAN BENNETT: Is that a motion?

VICE CHAIRMAN PRO TEMPORE Dickey: That is a motion.

CHAIRMAN BENNETT: Is there a second?

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: Motion and second. Any discussion? (No response.)

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

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: With regard to Mr. Knollman, the fines are waived.

Do you have another one to discuss?

VICE CHAIRMAN PRO TEMPORE DICKEY: Maybe. One second.

COMMISSION MEMBER OVERHOLT: Are any of these other letters from -- well, letters for the ones that we haven't addressed because they appeared -- like with -- well, are any of these other letters involved in closed committees?

I'm sorry, I'm sorry. There's also more ...

MS. TAYLOR: Kristopher Owens, his committee is closed. He has a handful, so give me a second to find them. He starts on page 15 and 16.

The first one is Kristopher Owens for Indiana House, Cause No. 2011-6010-215. The second one is on page 19, Cause No. 2012-6010-79. The next one is on page 25, Cause No. 2013-6010-68. And the last one is on page 52, Cause No. 2014-6010-51.

He has closed his committee. I don't remember which report was filed, but he closed his committee, but the other reports were not filed.
COMMISSION MEMBER OVERHOLT: So with respect to Mr. Owens' violations, I would move that we waive. Because this committee is closed, I would move that we waive the fines and costs.

CHAIRMAN BENNETT: Is there a second to that motion, or any discussion?

VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

CHAIRMAN BENNETT: We have a second for purposes of discussion.

I'm wondering whether we should continue it in order to find out if he does file the reports. Closes the committee, but still owes the reports.

VICE CHAIRMAN PRO TEMPORE DICKEY: The reports that are in question are for what years again?


COMMISSION MEMBER KLUTZ: I guess I question one's ability to be able to close a committee if they have outstanding reports due.

VICE CHAIRMAN PRO TEMPORE DICKEY: I mean what he states in the letter is that he closed his committee's bank account, and canceled the P.O. Box immediately after his primary defeat in 2010. So presumably the first few weeks in May.

COMMISSION MEMBER OVERHOLT: My motion was based on the understanding that he had closed his
account -- closed his committee. If he hasn't done
that, then I'll withdraw the motion.

CHAIRMAN BENNETT: Okay.

VICE CHAIRMAN PRO TEMPORE DICKEY: I'm
wondering if the issue is simply that we've got some
reports that more than likely are not going to yield
much information. I'm wondering if we could
essentially do a motion to waive the penalty,
subject to the closing of the account -- or the
campaign, which has happened, and the filing of the
remaining reports, which should not be too difficult
to accomplish.

MS. TAYLOR: Mr. Owens has not filed for
several years. He was on our list to be
administratively disbanded. He came into the office
for -- I don't remember which reason. Had to file
something. Closed his committee. We will never
hear from him again.

So he's not going to file reports. We lucked
out that he walked into the office, closed his
committee, and we got rid of him.

CHAIRMAN BENNETT: Was he notified of this
meeting?

MS. THOMPSON: Yes.

CHAIRMAN BENNETT: Do we know why he did not
MS. THOMPSON: No.

MS. TAYLOR: No.

CHAIRMAN BENNETT: I don't know why we wouldn't impose a fine and try to collect it.

MS. TAYLOR: We have. These are all motions to reconsider. I believe that those have likely even already been sent to the attorney general's office for collection. He was asking us to reconsider, and then gave us another address, and then another bad address, and ... 

CHAIRMAN BENNETT: But didn't show up for the hearing?

MS. TAYLOR: Right.

COMMISSION MEMBER KLUTZ: I'll move to deny the motion to reconsider.

CHAIRMAN BENNETT: I'll second that motion.

Any discussion?

(No response.)

CHAIRMAN BENNETT: Hearing none --

VICE CHAIRMAN PRO TEMPORE DICKEY: Well, I mean let me get to the staff here for a second.

You guys instructed him to -- when he was in the office to do what exactly?

MS. TAYLOR: Close the committee.
VICE CHAIRMAN PRO TEMPORE DICKEY: And he did that?

MS. TAYLOR: Yeah.

VICE CHAIRMAN PRO TEMPORE DICKEY: Although the issue notwithstanding of the previous fines, he's thinking he's done with this and complied with what you've asked?

MS. THOMPSON: Right. His previous fines have already been turned over to the attorney general.

CHAIRMAN BENNETT: Was he aware that his motion to reconsider would be heard at this hearing?

MS. TAYLOR: We sent notice to the last address he provided.

MS. THOMPSON: We sent notice.

VICE CHAIRMAN PRO TEMPORE DICKEY: Are we sure -- did the notice come back?

MS. TAYLOR: I have no idea.

CHAIRMAN BENNETT: Did he file his motion before or after he was told to close his committee?

MS. TAYLOR: All on the same day.

COMMISSION MEMBER OVERHOLT: Yeah, because if it's this letter, February 21, that's when he wrote to disband the committee, and then requested the motion to reconsider the fines, according to this letter.
CHAIRMAN BENNETT: Is there any other motion?

I guess --

COMMISSION MEMBER OVERHOLT: Well, I --

CHAIRMAN BENNETT: -- on the table was withdrawn, so --

COMMISSION MEMBER OVERHOLT: -- withdrew mine, the motion to reconsider the --

CHAIRMAN BENNETT: Oh, to deny --

COMMISSION MEMBER OVERHOLT: -- to deny --

CHAIRMAN BENNETT: I'm sorry. We have a motion to deny. Any further discussion?

(No response.)

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

COMMISSION MEMBER KLUTZ: Aye.

CHAIRMAN BENNETT: Aye.

VICE CHAIRMAN PRO TEMPORE DICKEY: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

COMMISSION MEMBER OVERHOLT: No.

CHAIRMAN BENNETT: No?

COMMISSION MEMBER OVERHOLT: I would move that we give him -- send him notice of our next hearing and give him one last opportunity to appear since he has closed the committee, because I guess it's unclear whether he understands there might have been
an issue about the outstanding reports, or just

thought he was doing what he needed to do.

CHAIRMAN BENNETT: So we have a motion to

continue, then. Is there a second for that?

VICE CHAIRMAN PRO TEMPORE DIXEY: I'll second

that.

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. We will
continue the matter and notify Mr. Owens, and then

take appropriate action at our next meeting.

VICE CHAIRMAN PRO TEMPORE DIXEY: Mr. Chairman,

with regards to the -- have we -- we have not

addressed this letter from Mr. Fuller, correct?

CHAIRMAN BENNETT: Not yet.

VICE CHAIRMAN PRO TEMPORE DIXEY: Could the

staff provide a little bit more background here?

And I understand you have -- it's --

MS. THOMPSON: Pardon me?

VICE CHAIRMAN PRO TEMPORE DIXEY: Fuller for

State Representative, could you provide a little

background?
I've seen -- there's a proposed 400-dollar fine, plus costs. It appears he filed late.

MS. TAYLOR: This is on page 1, Fuller for State Representative Committee. The cause number is 2014-6612-4.

It's a late statement of organization.

VICE CHAIRMAN PRO TEMPORE DICKEY: Is the committee still open, I presume?

MS. THOMPSON: Yes.

MS. TAYLOR: Mr. Fuller is a candidate on the ballot in the fall.

MR. DECKARD: Mr. Chairman, if I may add, based on correspondence that I've seen here and other past communications with Mr. Fuller, I think each time the finance staff are sending hearing notices, you're typically getting a response similar to this where he's maybe not aware of what the finance notice is telling him to do.

You may be seeing a little bit of that here. But he is a candidate on the ballot.

CHAIRMAN BENNETT: I guess I would think and hope that a candidate on the ballot would respect the legal procedures of the Indiana Election Commission, and if they don't understand them, get appropriate help.
Is there a motion on this?

COMMISSION MEMBER KLUTZ: I'll make a motion to deny the motion to reconsider.

CHAIRMAN BENNETT: Is there a second for that?

I will second the motion.

Any discussion?

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carries.

Mr. Fuller's motion to reconsider is denied.

Any other matters we need to consider?

MS. THOMPSON: Mr. Chairman, I think the only other one is on page 89.

It's the last three pages of the green tab, the paper-clipped stuff.


VICE CHAIRMAN PRO TEMPORE DICKEY: He's alleging that the paper copy arrived. Do we know the postmark?

MS. TAYLOR: Yeah. It's in the -- it's on the
third page, postmarked July 19. We didn't receive it until July 25.

MS. BARNES: Although expected delivery is noted on the 21st by the U.S. Postal Service.

COMMISSION MEMBER OVERHOLT: I'm sorry. What was the date?

MS. TAYLOR: 24th.

VICE CHAIRMAN PRO TEMPORE DICKEY: So the U.S. Postal Service failed Mr. Spinks?

MS. TAYLOR: Yes.

COMMISSION MEMBER OVERHOLT: So the postmark doesn't control? It's the --

MS. TAYLOR: Correct.

MS. BARNES: Not according to state law, not for campaign finance reports.

VICE CHAIRMAN PRO TEMPORE DICKEY: It's actually when it's received in the office.

MS. BARNES: And when we affix a file-stamp.

So if it's received by us on a Friday night and we don't get to it until Monday or Tuesday, it's not filed until we affix a file-stamp.

COMMISSION MEMBER OVERHOLT: Well, wait. This isn't -- the problem is that this isn't really a postmark. Well, it's a --

VICE CHAIRMAN PRO TEMPORE DICKEY: You might be
right there. It's a --

COMMISSION MEMBER OVERHOLT: It's one of those

-- it's --

CHAIRMAN BENNETT: Mr. Simmons, do you agree

with Ms. Barnes?

MR. SIMMONS: Yes, Mr. Chair, Members of the
Commission. That's our definition of filing in the
code with respect to campaign finance documents.

VICE CHAIRMAN PRO TEMPORE DICKEY: Have we seen

the original?

MS. THOMPSON: Yes.

VICE CHAIRMAN PRO TEMPORE DICKEY: Did we

receive the original?

MS. THOMPSON: Yes (indicating).

VICE CHAIRMAN PRO TEMPORE DICKEY: What's the

proposed fine on this?

MS. TAYLOR: $100.49.

COMMISSION MEMBER OVERHOLT: For purposes of

the discussion, one of the issues I have is that I

-- I mean I understand that if, under state law,
it's when it's received and file-marked in the

office.

I do think, though, in every other area of the

law, generally, you can reasonably assume that we

operate under the assumption that once you put
something in the mail, it's going to have three days
for delivery. Unless you're in Lake County, and
then it can be two weeks. Sorry. That's based on
personal experience.

So I don't know. I'd be tempted either to --
I'm just throwing this out because I guess I don't
really know what to do.

I mean either it would be to continue to give
him another opportunity to appear so we can kind of
ask when he put it in the mail -- but I guess we
have that.

Or we can just waive the fine, because it seems
to me he was -- go ahead.

COMMISSION MEMBER KLUTZ: Can I just make a
general comment? I don't know what the past
practice has been. I kind of have a problem with
making decisions on these letters that people just
submit in lieu of showing up.

I say that because this is -- I mean we would
probably have granted that, even saying this,
because of the circumstances.

But, you know, guessing what these letters say,
what they mean, they could have shown up like
everybody else did.

So I really don't enjoy reading these letters
1 and trying to make decisions. My preference would
2 have been to deny most if not all of them.
3 
4 But that's just commentary about what I'm
5 thinking when reading these letters and trying to
6 figure out the intent of the writer.
7 
8 CHAIRMAN BENNETT: It seems to me the most you
9 could possibly get out of the letter would be a
10 continuance. I would not want to start granting
11 waivers on the basis of letters.
12 
13 And the Commission has to have some teeth, has
14 to have some respect. And if people aren't willing
15 to show up and talk to us about it, they shouldn't
16 expect -- I mean ...
17 
18 COMMISSION MEMBER KLUTZ: There's some
19 candidates that would have much rather submitted a
20 letter today --
21 
22 CHAIRMAN BENNETT: Several.
23 
24 COMMISSION MEMBER KLUTZ: -- and had us just
25 decide on the letter than having to sit right
26 there and let us decide what to do.
27 
28 So that's why I give these letters little
29 weight.
30 
31 VICE CHAIRMAN PRO TEMPORE Dickey: Well, then,
32 since it sounds like they're something senseless,
33 let's make a motion to continue.
And if the staff will contact Mr. Spinks and ask him to attend the next meeting?

MS. THOMPSON: Okay.

VICE CHAIRMAN PRO TEMPORE DICKEY: Or suffer the consequences.

CHAIRMAN BENNETT: There's a motion. Is there a second?

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: Motion and second. Any further discussion?

(No response.)

CHAIRMAN BENNETT: All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. I hate to ask, but are there any other letters? If not, let's talk about the -- is there -- there's no one in this room present to testify on any remaining campaign finance -- yeah. I would ask if there's anyone else in the room here today at this point in time to talk about campaign finance violations.

(No response.)

CHAIRMAN BENNETT: Seeing none, hearing none,
I would note that no one is present to testify on any remaining campaign finance violations, and on the hearings scheduled for today -- I'll declare the hearings on all the remaining campaign finance matters scheduled for today closed.

Is there a motion to impose the entire amount of the proposed penalty, plus mailing costs, in all remaining campaign finance enforcement actions?

COMMISSION MEMBER KLUTZ: So move.

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

COMMISSION MEMBER OVERHOLT: Second.

CHAIRMAN BENNETT: We have a second. Any discussion?

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried, and the penalties will be adopted.

We can now talk about administrative dissolutions. And I'll recognize the staff for their recommendations regarding administrative
solutions on the committees.

MS. THOMPSON: That's the purple tab.

Mr. Chairman, Members of the Commission, these are committees that can be administratively dissolved. They have not filed a report in three years and have a balance of less than a thousand dollars. Both chairman and treasurer of all these committees have been notified.

CHAIRMAN BENNETT: Is anyone present here to testify regarding these proposed administrative dissolutions?

(No response.)

CHAIRMAN BENNETT: Seeing or hearing no one -- that no one is present to testify in these matters, I declare that the hearings on these administrative dissolutions are closed.

Is there a motion to administratively dissolve these committees in accordance with the information presented by the Campaign Finance Staff?

COMMISSION MEMBER KLUTZ: So moved.

CHAIRMAN BENNETT: Is there a second?

VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

CHAIRMAN BENNETT: Motion and a second. All in favor of the motion say aye.

THE COMMISSION: Aye.
CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. And the motion to close the committees is granted. They're administratively dissolved.

We will now talk about the campaign finance complaints.

COMMISSION MEMBER OVERHOLT: Mr. Chairman, we're hearing from our counsel on this end that there are certain findings of fact we need to make before we can administratively dissolve the committees.

MS. BARNES: The Campaign Staff pointed out several findings of fact, Mr. Chairman.

But the state statute 3-9-1-12, subsection (e)(4), clause 4, says, "The Commission may issue an order to administratively dissolve the committees if they make the following finding: That there is no evidence that the committees continue to receive contributions, that the committee's no longer making expenditures or otherwise functioning, and according to the best evidence available, the dissolution will not impair any contract or impede the collection of a debt."

CHAIRMAN BENNETT: Mr. Simmons, do you concur
MR. SIMMONS: Yes, I do, Mr. Chairman.

I would add that that would involve the dissolution. The Commission could go on and waive any outstanding fines.

And the next subparagraph here finds that the, "Use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust." That's just an option. That doesn't -- it's not required to dissolve the committee. It's just an option to dissolve.

And if you want to go the extra finding, you can go ahead and waive the penalty.

COMMISSION MEMBER KLUTZ: Are there existing penalties pending?

MS. THOMPSON: Uh-huh.

COMMISSION MEMBER KLUTZ: And collection efforts have been --

MS. THOMPSON: They've been turned over to the attorney general for collection.

COMMISSION MEMBER KLUTZ: How long ago?

MS. TAYLOR: Last fall, maybe?

MS. THOMPSON: Yeah, probably. Probably last fall is the last candidate one we did.
Most of the ones I'm turning over today, after today, Hoosier Heartland is on the list because they're a political action committee.

COMMISSION MEMBER KLUTZ: Do you believe the efforts of collection is --

MS. THOMPSON: For -- for us? No. We've been doing it for three years, and they haven't filed a report. We've been fining the fines and sending the notices, and we get nothing in return.

COMMISSION MEMBER KLUTZ: In your work to do these dissolutions or administrative dissolutions, is there any evidence that any of the committees listed on this sheet continue to receive contributions, make expenditures, or otherwise function as a committee?

MS. TAYLOR: No. I mean they all have a balance of less than a thousand dollars, so they weren't big campaigns to begin with.

COMMISSION MEMBER KLUTZ: And the best evidence we have available to the Commission and the staff, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment of any person?

MS. TAYLOR: Huh-uh.

COMMISSION MEMBER KLUTZ: Based on just the
evidence we have?

MS. TAYLOR: Correct.

COMMISSION MEMBER KLUTZ: I make a motion that we administratively dissolve the committees listed on the sheet you've provided.

And also, based upon what you've told us, the prudent use of the public resources makes further efforts of collecting outstanding penalties of the committees wasteful and unjust.

So I'd move that we waive any outstanding civil penalties previously imposed by the Commission against these committees.

CHAIRMAN BENNETT: Is there a second to the motion?

VICE CHAIRMAN PRO TEMPORE DICKEY: I'll second for purposes of discussion.

I'm curious, if they've been turned over to the attorney general, why we would bother. They obviously -- the committees failed -- you know, we previously are making judgment calls not to have leniency on other bodies because they haven't appeared. They haven't given us the respect of the way of law, and whatnot. Why would we choose to be lenient on these and waive those fines? I wanted to hear your logic.
COMMISSION MEMBER KLUTZ: My logic was that somebody at the attorney general's office is going to have to spend their time and resources chasing these down. And it appears those efforts will produce no results in terms of a payment of the penalties. It's been maybe three years now?

MS. THOMPSON: Yes.

COMMISSION MEMBER KLUTZ: And I just feel like we can lighten the load and not spin wheels and spend resources that do not produce any results.

COMMISSION MEMBER OVERHOLT: Well, something for clarification. Did you say that all of the penalties have been turned over to the attorney general's office for these, or are there some fines that haven't been turned over yet for these entities?

MS. THOMPSON: The ones you imposed today have not been turned over to the attorney general.

COMMISSION MEMBER OVERHOLT: Right. Because maybe, as a -- because I don't -- I don't know if I want to tread on whatever might already be going on in the attorney general's office.

But I would say -- I guess my suggestion might be to say that the fines that haven't yet been turned over to the attorney general's office don't
get turned over perhaps? Because who knows what
they've got going on over there. For all we know,
they could be on the cusp of entering a settlement
agreement.

COMMISSION MEMBER KLUTZ: With some of these on
the sheet?

COMMISSION MEMBER OVERHOLT: Yeah, yeah.

VICE CHAIRMAN PRO TEMPORE DICKEY: Is that an
acceptable compromise?

COMMISSION MEMBER KLUTZ: Yeah. I mean my
understanding was that these were old and cold, and
nothing's been --

MS. TAYLOR: Right.

COMMISSION MEMBER KLUTZ: But maybe I was
mistaken in that assumption.

COMMISSION MEMBER OVERHOLT: I think we just
added to their bill today, right? Is that what we
did? I mean we've added to the total fines pending
against these folks today, right?

MS. TAYLOR: Right.

COMMISSION MEMBER OVERHOLT: So I'm thinking
let's cut it off so they don't incur any more. We
close on them, and they don't incur any more in
front of us. But then it doesn't necessarily --
because the attorney general's office can decide how
to resolve that. I mean that's beyond our purview at this point.

COMMISSION MEMBER KLUTZ: Well, I can --
CHAIRMAN BENNETT: Do you want to amend --
COMMISSION MEMBER KLUTZ: -- motion to just provide for administrative dissolution, and withdraw the portion of the motion to waive the existing fines and penalties.

CHAIRMAN BENNETT: So I just want to understand. The motion would be to administratively dissolve these committees that are listed in our booklet, but not waive any of the fines?

COMMISSION MEMBER KLUTZ: Correct.
CHAIRMAN BENNETT: Is there a second?
COMMISSION MEMBER OVERHOLT: Sure, I'll second that.

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

(No response.)

CHAIRMAN BENNETT: All in favor say aye.
THE COMMISSION: Aye.
CHAIRMAN BENNETT: All opposed, same sign.
(No response. Motion carried.)
CHAIRMAN BENNETT: Motion carried.

It is my understanding that the Commission has
received several complaints which may allege
violations of certain campaign finance requirements.
I would ask Mr. Deckard and Mr. King to inform us
about the status of these complaints, beginning with
the first set of documents in our binders.

MR. KING: Mr. Chairman, Members of the
Commission, behind the tab labeled Carmichael is a
complaint filed on August 4 by Indiana Beverage
Alliance concerning Monarch Beverage Company, Inc.
and Vision Concepts, LLC.

The co-directors gave notice to those entities,
furnished a copy of the complaint, and on August 15,
received a response from Mr. Brian J. Paul of Ice
Miller regarding Monarch Beverage, who indicated
that Monarch would be responding in due course.
Nothing further to report on that.

CHAIRMAN BENNETT: Thank you. Mr. Deckard, is
there anything further to report on?

MR. DECKARD: No, Mr. Chairman, just that we
are waiting to hear the response back from -- after
now having received the appearance.

CHAIRMAN BENNETT: Thank you. Which one is
next?

MR. KING: Mr. Chairman, Members of the
Commissions, the second complaint is behind the tab
designated Kolbe, K-O-L-B-E.

The Election Division received a complaint on
August 18 from Mr. Kolbe concerning Curt Nisly,
N-I-S-L-Y, Candidate for Indiana State
Representative District 22, and Ms. Wendy Hudson,
the Elkhart County Clerk.

At this point I have asked my counsel to review
the complaint, and that -- as the email indicates
that I included with the filing, Mr. Deckard has
indicated that his counsel may be reviewing this as
well.

MR. DECKARD: That's right.

CHAIRMAN BENNETT: Mr. Deckard, do you concur
with that report?

MR. DECKARD: I do, Mr. Chairman. And I would
yield to my counsel, but she had to step out for a
moment to use some facilities that we have here.

But yes, I know she's done analysis of this
report per my direction.

VICE CHAIRMAN PRO TEMPORE DICKEY: Do we want
to wait and move on to the next one, and come back
to that when she's back in the room?

MR. DECKARD: If that's the will of the
Commission, certainly.

CHAIRMAN BENNETT: Well, while Ms. Barnes is
out, let's move to the next one.

MR. KING: Mr. Chairman, Members of the Commission, the tab designated Heitzman, H-E-I-T-Z-M-A-N, is a referral from the Hamilton County Election Board regarding a matter that was presented to that body and dismissed.

There is a lengthy series of emails that focus around the Royal Tiger Political Action Committee. There is, in addition to several emails from Mr. Maurice Heitzman, a response to Mr. Deckard and myself. And we forwarded Royal Tiger PAC a copy of this complaint. It's the last item behind this tab from Mr. Andrew Greider. And it sets forth the responses made on behalf of Royal Tiger PAC at this time.

CHAIRMAN BENNETT: Mr. Deckard, is there anything you'd like to add further?

MR. DECKARD: No, Mr. Chairman, only to say that we have now received, obviously, as Mr. King was saying, a response back. The information is there for the Commission to review.

And if you have any further instruction upon division staff with more information related to the Heitzman complaint, we would certainly follow the direction of the Commission.
CHAIRMAN BENNETT: Okay. Ms. Barnes, while you were out of the room, we discussed the Kolbe matter. Do you have anything to add to our discussion on that?

MS. BARNES: Thank you, Mr. Chairman. I'm sorry I had to step out.

We oftentimes receive letters, or we encourage individuals to submit a complaint in writing. And oftentimes it will be a compilation of facts in which we have to decipher are there any -- you know, taking those facts at their face value, are there any allegations of a Title III violation.

From the letter from Mr. Kolbe, I tried to break it down into maybe eight different allegations. And two of them perhaps touch on Title III.

If the Commission would want to consider, the General Assembly in 2013 adopted a statute, a new criminal statute 3-14-1-17, which prohibits government property from being used to distribute campaign material. And that would -- and I'm not making a judgment on whether or not the facts alleged are true or whether that statute has been violated. But that statute is there for you to consider.
Under 364.2, the Commission can refer this matter to an investigation and a full fact-finding hearing.

The other issue that seemed to touch on Title III was a campaign finance issue, whether or not an entry in Mr. Nisly's campaign finance report was accurate. Mr. Nisly's campaign finance report reports an expenditure to one entity who designed his website.

And Mr. Kolbe makes an allegation and seems to submit documents for your review that maybe somebody else designed the website. And so a question. Is the campaign finance report accurate?

All of the other types of factual allegations seem to involve ethical complaints which should be handled by the local level. And upon the Commission's direction, we could refer Mr. Kolbe -- you know, maybe that's where he should take those matters.

There were some allegations about a candidate's wife serving on the County Election Board, but there's no prohibition in Title III of a spouse serving on a candidate's -- a candidate's spouse serving on the election board.

There was an allegation with no semblance of
any proof, so I hesitate to even mention that. This was a difficult one to discern. But there do seem
to be perhaps those two issues, if you wanted to
look further into them.

At this point the Commission has the ability
to -- I'm not sure if you discussed it. The
Commission has the ability to vote under 364.2
whether to refer this to an investigation and a
fact-finding hearing where all the parties would be
given notice and due process. Everyone would have
an ability to come and testify and put on evidence.

So today is -- you know, no factual judgments
are being made at this point. But I'm happy to
answer any questions, if you have them.

CHAIRMAN BENNETT: Mr. Simmons, do you have any
thoughts about this?

MR. SIMMONS: Well, I just -- I identified the
two issues that come within Title III, of course.
One of the things I try to boil it down to is --
when I look at something, is what, well, would the
Commission have jurisdiction over? And it would be
something in Title III, as Leslie mentioned.

Certainly the 3-14-1-17, which is a new
statute, did come to mind.

However, looking at what's presented, what I
see on the government's website is a C-Tech link.
Now, there's some allegation, yes. But if you go
from C-Tech and you hit that and you go to a
company, and then you can go to some campaign stuff,
and I'll tell you what. You can go from the
Election Division's website to -- directly to the
Democratic Party with electioneering stuff on it, or
the Republican party.

So I -- I -- that would apply to an employee
too. I don't know if that clarification was made by
an employee. I looked at who would be the employee
in that particular case. I suppose Wendy Hudson
might be an employee, but I'm not sure because she's
an office holder. I'm not sure if office holders
are considered employees under that statute.

So, you know, trying to look at those
critically, I just came up with those issues.

Now, I also did, as Leslie mentioned, see a --
at least a question posed as to whether the
committee accurately reported an expenditure with
respect to design of its website. So there is that
allegation in there. So those two things certainly
would be under Title III.

What I don't see -- and I don't -- I'm not sure
I was privy to all communications here. What I
don't see is whether this was forwarded to either
Ms. Hudson or Mr. Nisly to at least initially get
their side of what those complaints might be. I
think that practice was followed, I think, in the
Carmichael, and complaints that we have the benefit
of a response. And that -- I think, as we've
already discussed, we had the response from the
complaint by Mr. Heitzman. So I don't see that.

But as Leslie mentioned, too, and I certainly
agree, that the Commission has, I think, a number of
things it can do, beginning with investigation or
looking into things or asking the division to look
further into things, up to and including holding
hearings under several sections.

The one Leslie mentioned, I think, was
3-6-4.1-21, which kind of envisions a two-step phase
where you find a substantial reason to believe
election law violation has occurred. You can make
an investigation. And then, after that, you can
have a hearing and determine whether you think a
violation has occurred, and then take whatever
appropriate action after that.

There's a hearing section in campaign finance
laws as well. So I think you have flexibility to do
sort of anything from formal -- to formal
investigation, including the power to subpoena, up
to and including a whole hearing on anything that's
led to Title III.

CHAIRMAN BENNETT: Thank you. It sounds to me
like there's some factual development left to
perform, and then perhaps refine the legal analysis
to determine what, if anything, the Commission has
jurisdiction to hear.

Have the co-directors, as of today, notified
Mr. Nisly or Clerk Hudson regarding the filing of
complaints? Invited any responses?

MR. KING: No, Mr. Chairman, I have not.

MR. DECKARD: I would echo no, Mr. Chairman, I
have not. We've not notified either.

Based on the analysis that Ms. Barnes did on
the allegation of the Kolbe complaint, and based on
that she brought up the potential for a campaign
finance complaint, our thought was, given the --
what we've done in the other two cases with allowing
the finance -- the person who received the complaint
on the finance violation to respond, similar to
these other two that we're looking at today.

So that would logically be the next step for
the finance portion of that complaint.

CHAIRMAN BENNETT: Okay. Any thoughts by the
other commissioners? It seems to me that that would
be an appropriate step, get that information, invite
responses from each after they receive complaints,
and perhaps the co-directors could provide us a
report at the next meeting.

MR. KING: Sure.

CHAIRMAN BENNETT: Any other comments by the
Commission members about these matters?

MR. KING: Mr. Chairman, Members of the
Commission, the final tab before coming to Voting
Systems is titled Sheckels, S-H-E-C-K-E-L-S.

This is an email sent to Mr. Deckard and myself
which raises, primarily, the issue of the current
statute regarding what you might call impersonation
of an incumbent. The particular question is when
the Election Division receives, frequently, what I
might call magic words such as F-O-R, for, or elect,
that must be included on the campaign material to
avoid a candidate's impersonation of an incumbent.

The email also raises a question about a lack
of a magnetic car sign.

It does not, from my reading, actually allege a
violation. It's more in the nature, as I told
Mr. Deckard, of a request for an advisory opinion,
certainly with regard to impersonation of the
Our staff would be willing to work with his staff to develop an advisory opinion on the essential elements of impersonating an incumbent so that we can provide advice to candidates and parties when we receive this question.

CHAIRMAN BENNETT: Is that a fair summary from your standpoint, Mr. Deckard?

MR. INGRAM: Yes, Mr. Chairman. I would add to it that while the correspondence from the Sheckels, Ms. Sheckels, does not come in the form directly of a complaint, I think it does signal, as Mr. King was saying, a larger cry for help that we are getting around the state with various things such as yard signs and correspondence, where clearly some free speech issues -- and we can have greater analysis on that -- free speech issues are getting into -- in conflict with what maybe the code says about implication of holding office.

Certainly candidates for office, as the Commission knows well, will say a lot of different things to get elected, not the least of which is the title.

So I would be happy to join Mr. King and, of course, our counsels, in submitting advisories that
the Commission would find agreeable and could
certainly move forward with.

CHAIRMAN BENNETT: And would that advisory
opinion include a recommendation whether this is,
indeed, a complaint that needs to be treated as
such?

MR. KING: Mr. Chairman, Members of the
Commission, typically, an advisory opinion is meant
to address matters beyond the particular case at
hand. It's meant to be ongoing guidance. We print
advisory opinions in the back of our campaign
finance manual regardless of the specific case that
brought the issue.

CHAIRMAN BENNETT: So the advisory opinion,
then, would not answer the question as to whether
this is or is not truly a complaint?

MR. KING: Mr. Chairman, what I would view the
advisory opinion as doing would be giving the
Commission the opportunity to give guidance to
inquirers about whether the absence of words like
"elect" or "for" on their face constitutes a
potential violation of 3-9-3-5. That's the question
that we've received.

CHAIRMAN BENNETT: Okay, very well. Anything
further from the commission members, legal counsel?
(No response.)

CHAIRMAN BENNETT: All right. Let’s move on to VSTOP. At the Commission’s August 15 meeting, we received preliminary information from VSTOP regarding new legislation requiring the Commission to adopt procedures for the post election auditing and the counties using direct record electronic voting systems or touch screen systems.

MR. SCHEELE: Mr. Chairman, Commissioners, I'm Ray Scheele, S-C-H-E-E-L-E, with the VSTOP program. We have some guests here today that I'd just like to quickly introduce. Mr. Nick Sabato is our associate director of international development at Ball State University, and we would like him to introduce our guests and tell you a little bit about what they've witnessed -- or why they were here today to witness your commission. Nick?

MR. SABATO: Thank you, Ray.

And I would like to thank the Commission, and also welcome my two guests here today. These two individuals are -- traveled all the way from Burma to be with us for a three-week period of time. This is Myat Thu and Lwin Ko Latt, and they are both directors and faculty members at the Yangon School of Political Science, in Yangon, Myanmar.
These individuals came to Washington, D.C. a couple of weeks ago, where they took part in the American Political Science Association Conference. They're at Ball State for two weeks learning about political science, as well as higher education administration. And then they'll be returning to Washington, D.C. prior to going home for a seminar with the U.S. Institute of Peace.

So these two individuals are really making remarkable strides in their home country as Burma begins to open up in terms of democratic transitions. They've been through trials and tribulations literally in their home country, and are here to see the democratic process at work.

CHAIRMAN BENNETT: Welcome. We're glad to have you here today. Thank you for being here.

MR. SCHEELE: Thank you, Nick.

MR. SABATO: Thank you.

MR. LOSCO: My name is Joe Losco, L-O-S-C-O. And at the last meeting, Mr. Chairman, as you mentioned, we were asked to come up with audit procedures for direct record electronic voting systems for audits.

I have plenty of copies, if you don't have them. But I assume you do have copies of the draft
report we have.

This was put together with -- in consultation with individuals from the U.S. Election Assistance Commission. We also consulted clerks -- several clerks in Indiana regarding their approach.

We've tried to put together best practices here in these audit procedures, and we're here to answer any questions you have.

MR. KING: Mr. Chairman, Members of the Commission, Mr. Deckard and myself have extensively reviewed the two-page proposed audit procedures that you find in your binder, and would recommend them to you for adoption. The law requiring these procedures will be applicable to the November 2014 election, so there is some time importance in having them finalized.

We have questions regarding the worksheets, as we'll call them, that follow the two pages, and would recommend that the Commission defer action on those worksheets to allow further review by us and further input from counties.

I think Commissioner Klutz had specific recommendations to refer to on that.

COMMISSION MEMBER KLUTZ: It was just the forms you're referring to. So I talked with Beth Dlug.
MR. LOSCO: Yes.

COMMISSION MEMBER KLUTZ: So have you talked to her about her comments?

MR. LOSCO: Yes.

COMMISSION MEMBER KLUTZ: Okay. So I don't want to extend this any longer if you --

MR. LOSCO: Absolutely.

COMMISSION MEMBER KLUTZ: -- if you've discussed with her --

MR. SCHEELE: We listened to Beth.

COMMISSION MEMBER KLUTZ: So did I, so ...

MR. LOSCO: As a matter of fact, Mr. Commissioner, we asked Beth for some of the forms she has. And some of the forms you have are examples that are used in various counties right now, including Beth's county, Allen County, and Tippecanoe.

MR. SCHEELE: If I could just expand on that for a moment, the forms are really just samples. They aren't to be, in our estimation, dictated to counties as the ones you have to use, because all counties have different -- their own, I should say, forms that they are very used to, that they are comfortable with, to reconcile the votes on election night.
But these, we thought, were some of the best practices, and that's why we wanted to include those.

CHAIRMAN BENNETT: I guess my question is, will deferral of action with regard to the forms create any issues with regard to the fall election?

MR. KING: Mr. Chairman, Members of the Commission, no, I don't believe so. Mr. Deckard and I are scheduled to speak at the Northern and Southern District meetings of the Clerks Association next week. And I had anticipated that we would talk about the procedures and make examples of forms available.

So I think the clerks will be adequately prepared for the November 2014 elections upon the adoption of procedures, even though forms may continue to be polished.

CHAIRMAN BENNETT: Do you agree with that, Mr. Deckard?

MR. DECKARD: Mr. Chairman, yes. What I would add here is that we worked extensively with VSTOP and staff, particularly around the first two pages, and had a great deal of comfort there with the forms or worksheets that follow that.

As I think VSTOP is saying, their counties have
come up with worksheets and practices and things to respond to the needs that they have. We want to make sure, from division side, that the terminology we use and reference that is made on there reflects words and code, and words that would legally otherwise be binding.

So we're very comfortable with the first two, and the first two pages are reflective of what we can report now.

CHAIRMAN BENNETT: Very good, thank you.

Anything further from VSTOP?

MR. LOSCO: No, Mr. Chairman.

CHAIRMAN BENNETT: With that, is there any motion to approve the VSTOP audit procedures, or is there any further discussion on that issue?

If there's no further discussion, is there a motion --

COMMISSION MEMBER OVERHOLT: I'm sorry. I'd just like to ask, so when you're -- so when you go to the clerks' meetings, you'll be going over these proposed forms for input.

But in terms of the procedure itself, I mean has their input already been solicited in terms of audit procedures?

MR. DECKARD: I think VSTOP has indicated
they've got some county input. I don't know if
they'd want to ... 
MR. LOSCO: Yes, we have. We have at least 
three counties, Allen, Tippecanoe, and Elkhart --
MR. SCHEELE: Elkhart.
MR. LOSCO: -- were all --
MR. SCHEELE: In detail, they went through
this.
Others we talked to verbally about the way in
which they conducted their current audits, and
whether or not they would subscribe to a procedure,
and they said that they would welcome it, almost to
a person.
There were -- which is back to the point about
the forms. They all have their own forms or their
own procedures on election night, and those forms
should be very helpful to them. But again, I don't
know whether or not they would welcome right away a
receipt mandating the forms to be used because,
indeed, we have different voting machines, and this
pertains only to DREs. So that's the counties that
we focused on.

COMMISSION MEMBER KLUTZ: These procedures,
though, that we're -- we're acting as to approve
these procedures today. And these procedures are
the ones that you have drafted in consultation with various --

MR. LOSCO: Yes.


MR. SCHEELE: Correct.

CHAIRMAN BENNETT: And these will be effective immediately?

MR. LOSCO: Presumably.

MR. SCHEELE: Presumably, if that's whatever you decide.

COMMISSION MEMBER OVERHOLT: Well, so of the 92 counties, how many counties would this apply to in terms of their systems?

MR. LOSCO: There are roughly 50 percent of the counties that use a DRE from one particular vendor, so at least that.

MR. SCHEELE: 46 out of the 92, I think.

COMMISSION MEMBER OVERHOLT: And you've talked to three of the 46. And you said you talked directly in detail to three. And how many others have you -- of the other 43 counties, how many of the others have you heard from or had communication with?

MR. LOSCO: There are -- those are the ones that we relied on. Those are the ones who came
forward with procedures that they suggested that
would be useful.

MR. SCHEELE: Some counties -- for example,
here in Marion County, they do not use DREs. So
some of the larger counties we know also have very
fine procedures in place, do not use DRE. So we
were focused on those.

COMMISSION MEMBER KLUTZ: And the reason we're
doing this is because of the new statute --

MR. SCHEELE: Correct.

COMMISSION MEMBER KLUTZ: -- saying that you
must have a process or procedure in place?

MR. SCHEELE: That's what the statute calls
for.

COMMISSION MEMBER KLUTZ: So that's why we're
taking this action, kind of formalizing this.

MR. SCHEELE: Right.

MR. LOSCO: That's right.

CHAIRMAN BENNETT: Is there a motion to approve
the VSTOP audit procedures?

COMMISSION MEMBER KLUTZ: So move.

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

COMMISSION MEMBER OVERHOLT: Second.

CHAIRMAN BENNETT: We have a motion and a
second. Is there any further discussion from the commissioners?

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, same sign.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. Procedures approved. Thank you.

MR. SCHEELE: Thank you.

MR. LOSCO: Thank you.

CHAIRMAN BENNETT: If we could talk for just a moment about our next meeting date, and the ethics CLE is coming up. The co-directors have scheduled the annual Election Administrators Conference December 16 and 17, at the JW Marriott in Indianapolis.

If the Commission members would like to serve as presenters in the panel on elections and ethics which will be offered to the conference attendees for CLE credit, the Election Division can submit the application for CLE credit for approval.

So we did this last -- we did this last year, and I think it was pretty well received. It’s a
nice thing for people attending to pick up some credit, and it gives us some credit as commissioners.

So I guess the question is whether we want to participate in that. So that would be either one of those dates, or do we know which date that would be?

MR. KING: Mr. Chairman, Members of the Commission, we have previously scheduled the CLE for immediately before the conference comes to order. So it's 8:00 a.m. to 9:00 a.m. on December 16, which is a Tuesday.

I will say we did have -- even at that early hour, we did have about 15 to 20 attorneys who attended the conference who were very glad to --

COMMISSION MEMBER OVERHOLT: I was happy --

MR. KING: -- in mid-December.

COMMISSION MEMBER OVERHOLT: -- because that was the end of my three-year cycle.

CHAIRMAN BENNETT: So that's a good thing. I personally have a trial scheduled that day, but we all know how that goes.

COMMISSION MEMBER OVERHOLT: I'm good for the 16th. I can help people be --

CHAIRMAN BENNETT: -- consensus.
MR. KING: Mr. Deckard and I will proceed to submit the application, if that's ...

CHAIRMAN BENNETT: All right. That's it. I would entertain -- and we would also have a -- hold a meeting then?

MR. KING: Typically what we would do is, we will bring campaign finance orders from today's meetings, for example, but not anything that would take more than a routine short action by the Commission.

CHAIRMAN BENNETT: Okay. So the Indiana Election Commission is finished with business for today.

Is there a motion to adjourn?

COMMISSION MEMBER OVERHOLT: Wait. I'm sorry. We didn't have a motion to affix the signatures.

MR. KING: We don't have any.

MS. BARNES: That was my suggestion.

COMMISSION MEMBER OVERHOLT: Sorry. I was responding to whispers. I withdraw that comment.

CHAIRMAN BENNETT: So with that business taken care of, is there a motion to adjourn?

COMMISSION MEMBER OVERHOLT: So moved.

CHAIRMAN BENNETT: Second?

COMMISSION MEMBER KLUTZ: Second.
CHAIRMAN BENNETT: Motion and a second. All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: Motion approved. We are adjourned.

(WHEREUPON, the meeting of the Indiana Election Commission is adjourned on the 3rd day of September, 2014, at 4:48 p.m.)
STATE OF INDIANA  )
    )  SS:
COUNTY OF HAMILTON)

I, Jenny L. Reeve, RPR, CSR No. 00-R-3006, a
Notary Public and Stenographic Reporter within and
for the County of Hamilton, State of Indiana at
large, do hereby certify that on the 3rd day of
September, 2014, I took down in stenograph notes
the foregoing hearing;

That the transcript is a full, true and
correct transcript, to the best of my ability, made
from my stenograph notes.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my notarial seal this _____
day of September, 2014.

My Commission Expires:
June 16, 2016
County of Residence:
Hamilton County
### Hearing Proceedings
September 03, 2014
Index: $1,000.2014-6526-16

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Hearing Proceedings
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