issues or anything like that. I wish you
would have come forward and taken the 25
percent. I will stay consistent with what
I've said before, and I'll offer 75 percent
fine for all three.

MR. OKESON: So I have a motion for 75
percent. Fine reduced to pay 75 percent of
that amount -- that penalty plus mailing
costs?

MS. BECKLEY: Plus mailing costs.

MR. OKESON: For all three causes?

MS. BECKLEY: Yes.

MR. OKESON: Do I hear a second? I'll
second it. Discussion?

MS. NUSSMEYER: Yes. Thank you. I'd
like to ask Mr. King a question.

MR. OKESON: Sure.

MS. NUSSMEYER: Mr. King, in the past
when the committee has been closed and
they've come forward, has it been the
practice to go ahead and impose? Or is it
since the committee is no longer in existence
do they go ahead and dismiss it?

MR. KING: Commissioner, both cases
have occurred based on the circumstances
involved. For example, earlier in this meeting, a cause was dismissed because the commission had already heard and asked the commission to close, and they granted it. So it was dismissed.

There have been other cases where, even though a committee was closed, the commission imposed a fine. Under Indiana law, a court of appeals decision indicates that a chairman or a treasurer of an individual committee is personally liable for any debts of the committee. And so it’s not entirely without legal impact for the commission to take the other route and impose penalty.

MR. OKESON: Co-counsel Simmons, can you remind me of the necessary votes to pass a reduced motion?

MR. SIMMONS: Four affirmative votes of the commission.

SPEAKER: What did he say?

MR. OKESON: We require four votes on the reduced -- so I have a motion and a second. Any further discussion? All those in favor vote by saying "Aye."
"Aye."

All those opposed, "nay."

ALL TOGETHER: Nay.

MR. OKESON: Motion fails. Is there any further motions on the matter?

SPEAKER: I would move to dismiss this matter. Committee is closed, correct?

MS. TAYLOR: Yes.

SPEAKER: I would move to dismiss.

MR. OKESON: Is there a second?

MS. CELESTINO-HORSEMAN: Second.

MR. OKESON: Motion and a second. Any discussion?

SPEAKER: What is your reasoning for dismissal?

MS. CELESTINO-HORSEMAN: Well just based on the past proceedings before this commission, I feel that my recollection is that the manner in which maybe we have been most consistent is that if a committee is closed or if a candidate or treasurer or whatever agrees to close the committee that we have dismissed. Either as we saw today continued it pending the closure and then we dismissed. Or if it's already closed and we
dismissed the penalties.

SPEAKER: They were dismissing penalties that way -- you remind me of that -- at the last one, dismissing on the basis that if he would close a committee, then the charges would be dismissed.

MS. CELESTINO-HORSEMAN: I think it is -- I mean, my recollection -- and I've been on the commission a number of years that -- I mean, I don't recall taking action where they would end up with -- the treasurer or the chair being subject to individual liability for the penalty. I think, without saying, that's what we've essentially been drawn to.

SPEAKER: Mr. Simmons and Mr. Kochevar, is that consistent with the past?

MR. KOCHEVAR: That is how I remember those things in my five years.

MS. CELESTINO-HORSEMAN: It's been five years already?

MR. KOCHEVAR: It will be five this January. So, yes. And that is what has been done in the past. But I'll hand it over to
Mr. Simmons.

MR. SIMMONS: Well, I'm going on 20 years. So I have seen about everything I think you could imagine. I have seen it both ways. So it is a decision that is left to the commission.

And I would just say while it takes four votes -- and this is an issue the commission, you know, has to deal with from time to time -- to reduce a campaign finance fine, if they do not reduce it, what happens is -- and if no motion passes -- there's no action taken by the commission because there's a statute that applies to the commission that it takes an affirmative vote at least three commission members to take any official action.

So we have had situations where the commission took no action in a particular case. So there is those two extremes. We've seen it.

MR. OKESON: So when that happens, you take a vote and vote the motion fails, then what? Nothing.

MR. SIMMONS: Then nothing. That is
the way I've described it. Well, yeah. It
is potentially something that could be
recalled later, I suppose. It's just in
limbo, but no action is taken that day.
Nothing happens that day.

MR. OKESON: So kindly repeat your
motion for me.

MS. NUSSMEYER: Oh, I move to dismiss.
Don't you think?

MR. OKESON: And you seconded it,
correct?

MS. CELESTINO-HORSEMAN: And I
seconded it, yes.

MS. NUSSMEYER: Because the committee
was closed.

MR. OKESON: All right. All those in
favor signify by saying, "Aye."

ALL TOGETHER: "Aye."

MR. OKESON: All those opposed, say
"Nay."

Nay.

SPEAKER: Nay.

MR. OKESON: Motion fails.

MS. CELESTINO-HORSEMAN: Well, we
could do somewhere between the 75 percent.
MR. OKESON: Or we move on.

MS. CELESTINO-HORSEMAN: Or just move on, yeah, I guess.

MR. KOCHEVAR: I would just like to add on one other thing to Mr. Simmons' comment. Yes, while I believe you could continue, I think it would continue up until a statute of limitations would apply.

I think in this case, and I will stand corrected by Mr. Simmons, I believe the statute of limitation on these cases since it involves a potential penalty so a (inaudible) before property from one person to the state, that would be two years. But, again, I will yield to Mr. Simmons.

MR. SIMMONS: We've had those discussions in the past. And we actually -- prior co-counsel -- and I'll check with attorney general on that question there. Their best opinion -- although there was no particular statute, their best (inaudible) was that the two-year statute of limitation would apply in this case.

MR. OKESON: Co-director King, do you have anything you'd like to add?
MR. KING: No. I don't have anything.

MR. OKESON: Want to move on?

SPEAKER: Yeah. We can.

MR. OKESON: Are there any further motions on this?

SPEAKER: No.

MR. OKESON: Next.

MS. DAVIS: Thank you. Thank you all. Have a blessed weekend.

MR. OKESON: You too.


MS. TAYLOR: It's on page 70. Dale Arnett for Indiana. Cause number 2019-7177-109. A proposed civil penalty of $300.50. And they paid one settlement agreement. So this is the second time before the commission.

MR. OKESON: Would you like to offer anything for the record?

MR. ARNETT: Yes, I would. Actually, the other one was -- I was late on my final report. And I didn't say anything about that because I had a granddaughter in the
hospital, who actually died. And I just went ahead and paid that. And she died on her birthday -- 24th birthday. And so I haven't really been before the committee before. I've never been involved in politics before. I was a rookie.

I was going to run for state legislator on a third party ticket because I was disgusted with the way national politics were going between democrats and republicans. We're so divided, and so I ran on a third party ticket. I didn't have a whole lot of help because what I was supposed to do -- and I got notice. I read the law. And in my mind, I really thought I was supposed to file this after the election and not the month before the election.

And then when I got the notice, I filed it immediately because I kept pretty good records on what we've had. And I ran my campaign on less than a thousand dollars. And I've got zero left. I really didn't have a campaign committee.

I will say I did get my message out. I got the highest percentage of votes for any
libertarian candidate who ran for state office. In the state, I got 5 percent. Which doesn't seem like much, but I was able to tell people I'm disgusted with the way politics run.

MS. NUSSMEYER: So you were late on filing?

MR. ARNETT: I was.

MS. TAYLOR: On the annual report. On the pre-election report, what this one is. He was also late on the annual and paid that settlement agreement.

The committee is also closed, and we just missed putting it on here.

MS. NUSSMEYER: So what is it you want, sir?

MR. ARNETT: I would ask to waive the penalty. And if you don't do that, I'm prepared to pay it out of my pocket. But I would ask that you waive it because I did not intend to not follow the code. I just -- I made a mental error. And I really thought it was right after the election. When I read it, you know, I just -- I knew it was October. But it just seemed like -- in my
mind after I, you know, done my original filing, I was in my mind -- I still was thinking it's right after the election. I just messed up.

MR. OKESON: Why didn't you take the opportunity for a 25 percent dismissal?

SPEAKER: He didn't have it.

SPEAKER: Oh, it is just one violation?

MR. ARNETT: It was subsequent.

MS. TAYLOR: But, yes. This annual that he paid the fine for was his second.

MR. OKESON: Okay.

MR. ARNETT: And when I called --

MS. TAYLOR: This would have been his first if we had regular hearings, and we'd held this before he got the second one and paid that settlement agreement.

MS. CELESTINO-HORSEMAN: Really?

MS. TAYLOR: Yeah.

MR. ARNETT: Yeah.

MS. CELESTINO-HORSEMAN: I move that we reduce it to the 25 percent then.

MS. NUSSMEYER: I second.

MR. OKESON: Sorry. Motion to reduce
it to 25 percent?

MS. CELESTINO-HORSEMAN: Yes.

MR. OKESON: And a second?

SPEAKER: Yes.

What?

Oh, plus mailing costs.

MR. OKESON: And plus mailing costs.

So I have a motion and a second. Hearing no further discussion, all those in favor signify by saying "aye."

ALL TOGETHER: Aye.

MR. OKESON: None imposed. Motion carries. Thank you.

MR. ARNETT: Thank you.

MS. NUSSMEYER: Thank you for representing your point of view.

MR. ARNETT: Thank you.

MR. OKESON: Are there any other cases to be heard? All persons present in the meeting room for campaign finance have been heard. And we move on.

The campaign finance staff identifying any matter for which a motion for continuance was received for today's meeting.

MS. TAYLOR: Sure do. It's a long
one. First is Talian for Senate Committee. Cause 2019--

MR. OKESON: Where are these in the binder?

MS. TAYLOR: -5301-15. I have a written list. I could tell you the page numbers they're on if you want to do them that way. I usually just read the list. But I can do it however you want me to do it.

MR. OKESON: Co-Director King?

MR. KING: Mr. Chairman, since this is for the record, we'll need to have it documented in some form. So if it's not in the binder, it'll need to be read.

MS. TAYLOR: Right.

MS. THOMPSOM: It's in the binder on the page 23.

MS. TAYLOR: I mean, this one is on page 20. I mean, you don't have a list, but the continuances are documented in this sheet.

Next is Hoosiers for Action PAC.

Cause number 2018-6945-105.


Next is Committee to Elect Link Meyer. Cause number 2018-6836-90.

The next is Builders Political Action Committee. Cause number 2019-812-135.

The next is the Committee to Elect Laurie Sherman. Cause number 2019-6846-51.

Miami County Republican Central Committee. Cause number 2019-6494-162.

Wabash Democratic PAC 2015-6645-91.

Wabash County Democrat. Cause number 2016-6873-166.

Laymon for State Representative Committee. Cause number 2018-7156-17.


Pens Must Go. Cause number 2019-6696-96. And cause number -- I didn't
write this one down -- cause number

2019-6996-164.

Committee to Elect Allen K. Smith for
State Representative. Cause number
2019-7105-70.

Friends of Lisa Lang Shot A. Cause
number 2019-6565-36.

Citizens for Responsible Government.

Cause number 2019-7202-110.

Heath for Hoosiers. Cause number
2019-7184-112.

And the Committee to Elect Linda
Brooks. Cause number 2019-7112-72 have all
asked for continuance.

MR. OKESON: Have any of those
committees asked for continuance previously?

MS. TAYLOR: Yes.

MR. OKESON: Which ones?

MS. TAYLOR: Fuller for State
Representative, this is his second.
Committee to Elect Mark Kirovski this
is his second.

Edwards for State Representative his
second.

Committee to Elect Link Meyer, their
second.

Wabash Democratic PAC, their fourth.
Wabash County Democrat, their fourth.
And everyone else, this is their first.

MR. OKESON: Co-Director King, is there any precedent -- Co-Counsel Simmons, maybe, is there any precedent for granting continuance on multiple --

MR. KING: Mr. Chairman, I think I can say that the ordinary practice of the commission is to grant a continuance as a matter of courtesy. And if there's documentation submitted by a committee for subsequent continuances -- I think there are some letters in the binder behind the first of the blue tabs.

But I do recall, I believe, at least one case where the commission felt there was sufficient cause for a continuance knowing that the committee could always ask the commission to reconsider any judgment that has been made in the absent of a continuance being ran.

MS. CELESTINO-HORSEMAN: Did the
Wabash PAC over there, did they provide anything supporting their --

MS. TAYLOR: It's under the blue tab. And it should be the first one. The very first one. It's from Chad Harris.

MS. CELESTINO-HORSEMAN: Is he the same person whose (inaudible) in the past?

MS. TAYLOR: Yes.

MR. OKESON: Co-Director Nussmeyer, did you have anything?

MS. NUSSMEYER: Mr. Chairman, thank you. In my four years here, I don't recall the commission not granting a continuance. But that does not mean that the commission couldn't consider the facts and circumstances and decide to do something different.

SPEAKER: I have a problem with denying a continuance because as I understand it, these hearings are only held once a year. You hold them every quarter?

MR. KING: No, not every quarter. So there would be, for example, likely another commission meeting to approve orders for the decisions the commission made today.

MS. NUSSMEYER: But the last one was
in August of last year?

MR. KING: Yes. Frankly, it depends on which year of the election cycle that we're in. If it's a general election year, meetings are more frequent than a non-general election year.

MS. NUSSMEYER: Okay. So -- because I mean, since August of last year -- when they're held in the summer, I think it's hard because I travel, everybody travels. You got things with family. You've got all these types of things.

Other thing I have a problem with is -- even the court of appeals, or you know, the courts will say, "Hey. You know what? This is your final continuance."

And they will tell people that. So that they know next time they can't ask and, you know.

So I would -- rather than deny a continuance, I would rather see us -- if we have to -- say this is your final continuance. And if you do not appear the next time, the equivalent of a default will be entered against you.
MR. OKESON: A motion to that effect, then?

MR. KING: Mr. Chairman, if I could respond. Commissioner, that's certainly within the commission's discretion to grant continuances without reservation in all cases. And if you have a special case of the sorts you described to have the continuance be contingent upon the procedures you asked. So, yes, that certainly is permissible.

MS. NUSSMEYER: I think that lets everybody know there's a new baseball commissioner in town.

MR. OKESON: Just to be clear, I'm going to go ahead and ask this question. What I hear you saying is for those that are requesting on multiple occasions -- you're kind of separating --

MS. NUSSMEYER: Separating them out.

Right. Right.

For today, I think the only ones that we have to worry about are the -- this is the fourth.

MS. TAYLOR: Yes. And they're both Wabash County Democrats. They have two. One
PAC. One party.

MR. OKESON: So you have a significant number that are first continuances -- I'm just trying to understand. The first 
continuance. You have a few that are on their second. And a few that are on their fourth. Is that what you're saying? Am I 
correct?

MS. TAYLOR: Yes.

MR. OKESON: So do you want to -- should we make a motion to possibly accept all -- permit -- grant all continuances of 
any first-time requester.

MS. NUSSMEYER: I mean, you can come up with a policy -- discuss it after this meeting. For today, I would just say -- I would move that we grant all continuances except for the Wabash. And grant their continuance but put language in there which says this is your final continuance. And in the event that you do not appear at the next hearing, judgment, or whatever you call it, will be entered against you.

MS. CELESTINO-HORSEMAN: Or maybe judgment --
MR. OKESON: So is that your motion?

MS. NUSSMEYER: Yes.

MR. OKESON: Do I hear a second?

MS. CELESTINO-HORSEMAN: Second.

MR. OKESON: I have a motion and a second. Any discussion? All those in favor signify by saying "aye."

ALL TOGETHER: Aye.

MR. OKESON: Hearing no opposed, motion carries. I guess we'll move on to administrative dissolution of committees.

MS. THOMPSON: Yes. Mr. Chairman, members of the commission, there's a green tab in your binder there that has a list of two committees that can be administratively dissolved. They haven't filed a report in three years. They have a balance of less than a thousand dollars. And both chairman and treasurer have been notified of this meeting.

MS. NUSSMEYER: How were they notified?

MS. THOMPSON: The hearing notice.

MS. NUSSMEYER: No, how?

MS. TAYLOR: By mail.
MS. NUSSMEYER: And it wasn't returned?

MS. TAYLOR: I think Burns Harbor comes back. I don't know about Michael Stinner.

MS. THOMPSON: I don't know if they've came back or not. But we usually --

MR. OKESON: And you can confirm that none of these committees have filed a report of expenditures during the previous three calendar years and the last reported cash on hand was in an amount not exceeding a thousand dollars?

MS. TAYLOR: Correct. Yes.

MR. OKESON: I move the commission do the following: Make a finding that there's no evidence that any of these committees continues to receive contribution to make expenditures or otherwise function as a committee;

Make a finding that according to the best evidence available to the commission the dissolution of committees will not impair any contract or impede the collection of any debt or judgment by a person;
Make a finding that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against these committees wasteful or unjust. And administratively dissolve each of these committees.

Is there a second?

MS. CELESTINO-HORSEMAN: Second.

MR. OKESON: Any discussion?

All those in favor please signify by saying "aye."

ALL TOGETHER: Aye.

MR. OKESON: Hearing none, motion carries.

Moving on to defaults. Is anyone present today to testify on any remaining campaign finance hearings scheduled for today? Seeing none, I declare all hearings on all remaining campaign finance committees 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?

MS. NUSSMEYER: So these are the
people that -- can I ask -- so these would be
the people that haven't filed for
continuances, that haven't appeared here
today, that hadn't previously settled?
They're the ones we have heard nothing from?

MR. OKESON: Correct.

MS. NUSSMEYER: Okay.

MR. OKESON: So have a motion. Is
there a second?

SPEAKER: Okay. I'll second.

MR. OKESON: Any further discussion?

Hearing none, all those in favor signify by
"aye."

ALL TOGETHER: Aye.

MR. OKESON: Hearing no dissent,
motion carries. The ayes have it. The
motion to impose the penalty is adopted.

Do you want to take a quick break?

MS. NUSSMEYER: Yeah.

MR. OKESON: We're going to call the
meeting in recess for 10 minutes. Take a
quick break. We'll be back here at 3:45 to
continue with the next item on the agenda.

(A recess was taken.)

MR. OKESON: We're going to call this