

Tennessee Ethics Commission
August 1, 2013
Minutes

The Tennessee Ethics Commission met on Thursday, August 1, 2013 at 9:00 a.m. at the Bureau of Ethics and Campaign Finance office. Members present were: Jim Stranch, Greg Hardeman, George Jaynes, Keith Norman and Tammy White. Chairman Stranch called the meeting to order.

May 13, 2013 Minutes

Mr. Hardeman made the motion to approve the May 13, 2013 minutes. Mr. Stranch seconded and the motion passed 5-0.

Show Causes

Tom Ingram – 2013-111

Marcille Durham – 2013-112

Hillsborough Resources – 2013-113

Dick Lodge, Brant Phillips and Sam Reed attended for Mr. Ingram and Ms. Durham. Hillsborough Resources was represented by David Turnbull, CEO, and Mike Webster. Mr. Lodge presented testimony to the Commission as to why no civil penalties should be assessed against Mr. Ingram and Ms. Durham for failure to timely file registrations for 2012 and 2013. After discussion, Chairman Stranch proposed that if the parties registered now for 2011, he would be amenable to assessing no penalties. The parties agreed and filed registrations for 2011 and paid the registration fees. Discussion continued and Mr. Norman made the motion to defer action until the Commission attorney, John Allyn, could be present and provide legal advice to the Commission. The motion failed for lack of a second. Mr. Jaynes made the motion to assess no civil penalties because all parties have now complied. Ms. White seconded the motion. Mr. Hardeman reminded the Commission that he recused himself from voting to issue show cause notices and would recuse himself from this vote. The motion failed on a 3-1 vote, with Mr. Norman voting no. The item will appear on the next meeting agenda.

Requests for Reconsideration

Sharp Electronics Corporation – 2013-019

Sharp Electronics submitted a request for reconsideration of an assessed \$750 penalty for failure to file an expenditure report. Mr. Norman made the motion to not grant reconsideration and Mr. Jaynes seconded. The motion passed 5-0.

Mike Floyd – 2013-080

Robert Culp – 2013-033

Mr. Floyd and Mr. Culp submitted statements requesting reconsideration of a \$10,000 penalty and a \$50 penalty, respectively. Mr. Norman made the motion to grant reconsideration and assess no penalties and Mr. Hardeman seconded. The motion passed 5-0.

Cindy Marlow – 2013-099

Ms. Marlow submitted a request for reconsideration of a \$10,000 assessment and also attended the meeting and spoke to the Commission. Mr. Jaynes made the motion to grant reconsideration and Mr. Norman seconded. The motion passed 5-0. Mr. Hardeman made the motion to waive the civil penalty and Mr. Norman seconded. The motion passed 5-0.

Gary Lynn Bizzell, Jr. – 2013-101

Mr. Bizzell submitted a request for reconsideration of a \$100 penalty. Mr. Hardeman made the motion to grant reconsideration and waive the civil penalty. Mr. Norman seconded and the motion passed 5-0.

Harmon Garris, Jr. – 2013-104

Mr. Garris submitted a request for reconsideration of a \$100 penalty. Ms. White made the motion to grant reconsideration and waive the civil penalty. Mr. Norman seconded and the motion passed 5-0.

Informal Civil Penalty Assessments – Employer of Lobbyists

Not Alone – 2013-114

Mr. Norman made the motion to assess no civil penalty for failure to timely pay registration fee (6 days late). Mr. Jaynes seconded and the motion passed 5-0.

Informal Civil Penalty Assessments – Local Officeholders

Eloise Edwards – 2013-126

Ms. Edwards submitted a check for \$25 when she received notice of the meeting. Mr. Jaynes made the motion to assess no penalty for late filing (1 day late) and refund \$25 to Ms. Edwards. Mr. Norman seconded the motion and the motion passed 5-0.

Diane George – 2013-125

Inez Crutchfield – 2013-128

Mr. Hardeman made the motion to assess no penalties for late filing (1 day and 4 days, respectively) and Mr. Jaynes seconded. The motion passed 5-0.

Amy Broyles – 2013-127

Mr. Hardeman made the motion to assess no penalty for late filing (32 days late) and Ms. White seconded. The motion passed 5-0.

Gilford Wilson – 2013-129

Landon Mathis – 2013-136

Ms. White made the motion to assess no civil penalty for late filing (110 days and 141 days, respectively) and to notify the filers that they are required to timely file each year they hold office. Mr. Jaynes seconded and the motion passed 5-0.

James Pirtle – 2013-134

Mr. Norman made the motion to assess a \$250 civil penalty for failure to file and to notify the filer that he is required to timely file each year he holds office. Ms. White seconded and the motion passed 5-0.

Stephanie Watkins – 2013-132

Ms. Watkins submitted a statement explaining why she has not filed. Mr. Hardeman made the motion to defer this matter until the next meeting to give Ms. Watkins an opportunity to file. Ms. White seconded and the motion passed 5-0.

Kevin B. McClure – 2013-130

Ms. White made the motion to assess a \$250 civil penalty for failure to file and to notify the filer that he is required to file timely each year he holds office. Mr. Hardeman seconded and the motion passed 5-0.

Jon Faill – 2013-133

Mr. Norman made the motion to assess a \$250 civil penalty for failure to file and to notify the filer that he is required to timely file each year he holds office. Mr. Hardeman seconded and the motion passed 5-0.

James Randy Linville – 2013-131

Mr. Hardeman made the motion to assess a \$10,000 penalty for failure to file as this was the filer's third assessment for late and non-filing. Mr. Norman seconded and the motion passed 5-0.

Informal Civil Penalty Assessments – Planning Commission Members

Clifford Walker – 2013-041

Gordon Peterson, Jr. – 2013-040

Mr. Norman made the motion to assess no civil penalties for late filing (both 1 day late) and to refund \$25 Mr. Walker submitted before the meeting. Mr. Jaynes seconded and the motion passed 5-0.

Al Childrey – 2013-124 (112 days late)

Marion Fowlkes – 2013-117 (114 days late)

Eddie Burks – 2013-123 (115 days late)

Philip Buchanan – 2013-120 (135 days late)

Mr. Hardeman made the motion to assess no civil penalties and to notify the filers that they are required to timely file each year they hold office. Ms. White seconded and the motion passed 5-0.

Doug Shoemaker – 2013-123

Mr. Norman made the motion to assess a \$250 civil penalty for failure to file and Ms. White seconded. The motion passed 5-0.

2012 Lobbyist Audits

The 2012 audits of the lobbyists randomly selected for audit were presented to the Commission. Mr. Hardeman made the motion to accept the audits and Ms. White seconded. The motion passed 5-0.

No audit findings were found on the following lobbyists:

Steven Akey	Debbie Hayes
Ryan Bennett	John Holloway
Lauren Brinkley	Paige Kisber
Tim Byler	Carl Moore
Jennifer Evans	David Wilson
Tracey Gentry Harney	

Failure to complete lobbyist training was found on the following lobbyists:

Mike Carpenter	Matthew Scanlan
Christi Granstaff	Wendy Reilly
Walter Gose	Mark Sturgis
James Kvedaras	

Mr. Norman made the motion not to issue a show cause notice to David Adamson for failure to timely register (11 days late). Mr. Hardeman seconded and the motion passed 5-0.

Mr. Norman made the motion not to issue a show cause notice to Matthew Scanlan for failure to timely register for one client (2 days late). Mr. Jaynes seconded and the motion passed 5-0.

John Lyell, attorney, represented Jennifer Murphy, whose audit finding includes an arrangement for a possible contingency fee, which would be in violation of TCA § 3-6-304(k). Mr. Lyell asked the Commission to defer discussion of issuing a show cause notice to Ms. Murphy until he has the opportunity to speak with John Allyn. Mr. Norman made the motion to defer and Mr. Hardeman seconded. The motion passed 5-0.

Other Business

There being no further business before the Commission, the meeting adjourned.