

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, March 9, 2011, at Suite 104 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Presiding over the meeting was Chairperson Lee Anne Murray. Attending the meeting were board members Hank Fincher, Patricia Heim, Darlene McNeece and Justin Pitt. Wade Hinton participated via telephone.

Approval of Meeting Minutes

On motion by McNeece, seconded by Pitt, the board voted unanimously to approve the minutes from the January 12, 2011 regular board meeting.

Requests for Reconsideration

10-44 Mitzi Turnage, for failure to file a 2010 2nd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Turnage has had previous matters before the board. (see below)

The board voted at its October 13, 2010 meeting to issue Ms. Turnage a show cause notice.

The board voted at its November 10, 2010 meeting to issue Ms. Turnage a \$10,000 civil penalty. Ms. Turnage requested a reconsideration of the civil penalty assessment.

Ms. Turnage filed the required report and personally appeared before the board and explained her failure to file the required report.

On motion by Heim, seconded by Fincher, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. A motion was made by McNeece to assess Ms. Turnage a \$100 civil penalty. The motion to assess Ms. Turnage a \$100 civil penalty died for a lack of a second. A motion was made by Heim, seconded by Hinton, to assess Ms. Turnage a \$50 civil penalty. The motion to assess Ms. Turnage a \$50 civil penalty passed the board unanimously.

Show Cause Hearings

10-52 Bill Sanderson, for possible violations of the campaign finance law. Class two (2), maximum ten thousand (\$10,000) civil penalty. Rep. Sanderson has had no previous matters before the board.

The board voted at its November 10, 2010 meeting to issue Rep. Sanderson a show cause notice for failing to timely report campaign expenditures, for failing to timely report in-kind contributions received and for possible personal use of campaign funds.

Rep. Bill Sanderson and Rep. Vance Dennis, representative for Rep. Sanderson, personally appeared before the board and explained his failure to report campaign

expenditures, for failing to timely report in-kind contributions received and for possible personal use of campaign funds.

The board voted at its January 12, 2011 meeting to defer any action in this matter until the next regularly scheduled meeting to allow Rep. Sanderson an opportunity to amend his campaign financial disclosure reports.

Rep. Sanderson personally appeared before the board and explained that he has amended his reports to correct all of the issues.

On motion by Heim, seconded by Pitt, the board voted unanimously to take no further action in this matter.

11-09 Rhea County Democratic Party, for failure to file a 2010 pre-general campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue the organization a show cause notice.

Clyde Caldwell and Shirley Payne, treasurer for the organization, personally appeared before the board, submitted a statement for the board's consideration and explained that the report has now been filed.

On motion by Fincher, seconded by McNeece, the board voted unanimously to take no further action in this matter.

Statements Submitted

11-01 Joseph Byrd, for failure to file a 2010 3rd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Byrd has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue Mr. Byrd a show cause notice.

Mr. Byrd filed the required report and submitted a sworn statement for the board's consideration.

On motion by Heim, seconded by McNeece, the board voted unanimously to take no further action in this matter.

11-11 Zachary Bollen, for failure to file a 2010 3rd quarter campaign financial disclosure report with the Putnam County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Bollen has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue Mr. Bollen a show cause notice.

Mr. Bollen filed the required report and submitted a statement for the board's consideration.

On motion by Heim, seconded by Pitt, the board voted unanimously to take no further action in this matter.

11-13 Don Daugherty, for failure to file a 2010 3rd quarter campaign financial disclosure report with the Knox County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Daugherty has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue Mr. Daugherty a show cause notice.

Scott Frith, Deputy Director of the Knox County Election Commission, provided a statement for the board's consideration.

Mr. Daugherty filed the required report and submitted a statement for the board's consideration.

On motion by Heim, seconded by Fincher, the board voted unanimously to take no further action in this matter.

11-15 Pamela Adams Edmond, for failure to file a 2010 3rd quarter campaign financial disclosure report with the Dickson County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Edmond has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue Ms. Edmond a show cause notice.

Ms. Edmond filed the required report and submitted a statement for the board's consideration.

On motion by Heim, seconded by Pitt, the board voted unanimously to take no further action in this matter.

11-16 Dale Miller, for failure to file a 2010 3rd quarter campaign financial disclosure report with the Dickson County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Miller has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue Mr. Miller a show cause notice.

Director Rawlins informed the board that the required report has been filed with the Dickson County Election Commission.

Linda Medley, Administrator of Elections for the Dickson County Election Commission, provided a statement for the board's consideration.

On motion by Fincher, seconded by Heim, the board voted unanimously to take no further action in this matter.

11-19 Tony Webb, for failure to timely file a 2010 3rd quarter campaign financial disclosure report with the Blount County Election Commission. Class one (1), nine days late, maximum two hundred twenty-five (\$225) civil penalty. Mr. Webb has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue Mr. Webb a show cause notice.

Mr. Webb submitted a sworn statement for the board's consideration.

On motion by Heim, seconded by Fincher, the board voted unanimously to take no further action in this matter.

Case Subject to Approval of Civil Penalty Order

10-46 Harrell Carter, for failure to file a 2010 pre-general campaign financial disclosure report with the Madison County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Carter has had no previous matters before the board.

The board voted at its October 13, 2010 meeting to issue Mr. Carter a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Heim, seconded by McNeece, the board voted unanimously to assess Mr. Carter a \$10,000 civil penalty.

10-49 Roger Owens, for failure to file a 2010 2nd quarter campaign financial disclosure report with the Campbell County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Owens has had no previous matters before the board.

The board voted at its October 13, 2010 meeting to issue Mr. Owens a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Heim, seconded by McNeece, the board voted unanimously to assess Mr. Owens a \$10,000 civil penalty.

11-06 Kevin Klingberg, for failure to file a 2010 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Klingberg has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue Mr. Klingberg a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Heim, seconded by McNeece, the board voted unanimously to assess Mr. Klingberg a \$10,000 civil penalty.

11-03 William Steakley, for failure to file a 2010 pre-general campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Steakley has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue Mr. Steakley a show cause notice.

Director Rawlins informed the board that Mr. Steakley requested that the board defer any further action in this matter until the next regularly scheduled meeting to give him an opportunity to respond to the show cause notice.

Without objection, the board voted unanimously to defer any further action in this matter until the next regularly scheduled meeting to allow Mr. Steakley an opportunity to respond to the show cause notice.

11-02 Mitzi Turnage, for failure to timely file a 2010 3rd quarter campaign financial disclosure report. Class one (1), 14 days late, maximum three hundred fifty (\$350) civil penalty. Ms. Turnage has had previous matters before the board. (see above and below)

The board voted at its January 12, 2011 meeting to issue Ms. Turnage a show cause notice.

Ms. Turnage personally appeared before the board and explained her failure to timely file the required report.

On motion by Heim, seconded by Pitt, the board voted unanimously to take no further action in this matter subject to Ms. Turnage amending her 3rd quarter report to close her campaign account.

11-04 Mitzi Turnage, for failure to file an appointment of treasurer statement. Class two (2), no statement filed, maximum ten thousand (\$10,000) civil penalty. Ms. Turnage has had previous matters before the board. (see above)

The board voted at its January 12, 2011 meeting to issue Ms. Turnage a show cause notice.

Ms. Turnage personally appeared before the board and explained her failure to file the required report.

On motion by Heim, seconded by Pitt, the board voted unanimously to take no further action in this matter subject to Ms. Turnage amending her 3rd quarter report to close her campaign account.

11-05 William Vandever, for failure to file a 2010 3rd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Vandever has had a previous matter before the board.

The board voted at its January 12, 2011 meeting to issue Mr. Vandever a show cause notice.

Director Rawlins informed the board that the report has been filed but that there has been no response to the show cause notice.

On motion by Heim, seconded by Pitt the board voted unanimously to take no further action in this matter.

11-07 Consolidation PAC, for failure to timely file a 2010 pre-primary campaign financial disclosure report. Class one (1), 25 days late, maximum six hundred twenty-five (\$625) civil penalty. The organization has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue the organization a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice.

A motion was made by Heim to take no further action in this matter. The motion died for a lack of a second. A motion was made by Fincher, seconded by Heim, to assess the organization a \$50 civil penalty. The motion to assess the organization a \$50 civil penalty passed the board unanimously.

11-08 Perry County Republican Party, for failure to timely file a 2010 pre-general campaign financial disclosure report. Class one (1), two days late, maximum fifty (\$50) civil penalty. The organization has had previous matters before the board.

The board voted at its January 12, 2011 meeting to issue the organization a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice.

On motion by Heim, seconded by Pitt, the board voted unanimously to assess the organization a \$50 civil penalty.

11-12 Amy Broyles, for failure to file a 2010 3rd quarter campaign financial disclosure report with the Knox County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Broyles has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue Ms. Broyles a show cause notice.

Director Rawlins informed the board that Ms. Broyles has filed the required report but has requested that the board defer any further action in this matter until the next regularly scheduled meeting to give her an opportunity to respond to the show cause notice.

Without objection, the board voted unanimously to defer any further action in this matter until the next regularly scheduled meeting to allow Ms. Broyles an opportunity to respond to the show cause notice.

11-14 Bill Durham, for failure to file a 2010 pre-general campaign financial disclosure report with the Wilson County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Durham has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue Mr. Durham a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Heim, seconded by Hinton, the board voted unanimously to assess Mr. Durham a \$10,000 civil penalty.

11-10 Pamela Dean, for failure to file a 2010 3rd quarter campaign financial disclosure report with the Tipton County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Dean has had previous matters before the board.

The board voted at its January 12, 2011 meeting to issue Ms. Dean a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Heim, seconded by McNeece, the board voted unanimously to assess Ms. Dean a \$10,000 civil penalty.

11-18 James Foutch, for failure to timely file a 2010 3rd quarter campaign financial disclosure report with the Putnam County Election Commission. Class one (1), 15 days late, maximum three hundred seventy-five (\$375) civil penalty. Mr. Foutch has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue Mr. Foutch a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice.

On motion by Heim, seconded by Pitt, the board voted unanimously to take no further action in this matter.

11-17 Ezra Maize, for failure to file a 2010 3rd quarter campaign financial disclosure report with the Knox County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Maize has had no previous matters before the board.

The board voted at its January 12, 2011 meeting to issue Mr. Maize a show cause notice.

Director Rawlins informed the board that the required report has been filed but that there has been no response to the show cause notice.

On motion by Heim, seconded by Fincher, the board voted unanimously to take no further action in this matter.

Cases Considered for Issuance of Show Cause Notice

Tommie Brown, for failure to file a 2010 4th quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Rep. Brown has had previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

Charles Ihrig, for failure to timely file a 2010 4th quarter campaign financial disclosure report. Class one (1), 13 days late, maximum three hundred twenty-five (\$325) civil penalty. Mr. Ihrig has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

Kevin Klingberg, for failure to file a 2010 4th campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Klingberg has had a previous matter before the board. (see above)

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

Charles Rains, for failure to timely file a 2010 4th quarter campaign financial disclosure report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. Mr. Rains has had no previous matters before the board.

On motion by Heim, seconded by Hinton, the board voted unanimously to take no action.

Edwin Sanders, II, for failure to timely file a 2010 year-end supplemental campaign financial disclosure report. Class one (1), two days late, maximum fifty (\$50) civil penalty. Mr. Sanders has had previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

Mitzi Turnage, for failure to file a 2010 4th quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Turnage has had previous matters before the board. (see above)

Director Rawlins informed the board that when Ms. Turnage amends her 3rd quarter report closing her account, she will not owe a 4th quarter report.

On motion by Heim, seconded by Pitt, the board voted unanimously to take no action in this matter subject to Ms. Turnage amending her 3rd quarter report to close her campaign account.

Jack West, for failure to file a 2010 4th campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. West has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

Democratic Party of Knox County, for failure to timely file a 2010 4th quarter campaign financial disclosure report. Class one (1), four days late, maximum one hundred (\$100) civil penalty. The organization has had no previous matters before the board.

On motion by Heim, seconded by Hinton, the board voted unanimously to take no action.

Shelby County Republican Women's Club PAC, for failure to file a 2010 pre-general campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

Gayle Allen, for failure to file a 2010 3rd quarter campaign financial disclosure report with the Knox County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Allen has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

Gina Higgins, for failure to timely file a 2010 3rd quarter campaign financial disclosure report with the Shelby County Election Commission. Class one (1), 25 days late, maximum six hundred twenty-five (\$625) civil penalty. Ms. Higgins has had no previous matters before the board.

Director Rawlins requested that the board take no action in this matter because the Shelby County Election Commission could not verify that they sent Ms. Higgins an original 3rd quarter notice.

On motion by Heim, seconded by Pitt, the board voted unanimously to take no action.

Sherrie Johnson, for failure to timely file a 2010 3rd quarter campaign financial disclosure report with the Shelby County Election Commission. Class one (1), 14 days late, maximum three hundred fifty (\$350) civil penalty. Ms. Johnson has had no previous matters before the board.

Director Rawlins requested that the board take no action in this matter because the Shelby County Election Commission could not verify that they sent Ms. Johnson an original 3rd quarter notice.

On motion by Heim, seconded by Pitt, the board voted unanimously to take no action.

Charles Marshall, for failure to file a 2010 3rd quarter campaign financial disclosure report with the Shelby County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Marshall has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

Edith Ann Moore, for failure to timely file a 2010 3rd quarter campaign financial disclosure report with the Shelby County Election Commission. Class one (1), two days late, maximum fifty (\$50) civil penalty. Ms. Moore has had no previous matters before the board.

On motion by Heim, seconded by Hinton, the board voted unanimously to take no action.

Carlton Orange, for failure to file a 2010 3rd quarter campaign financial disclosure report with the Shelby County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Orange has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

Nikkisha Phillips, for failure to file a 2010 3rd quarter campaign financial disclosure report with the Madison County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Phillips has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

Coleman Thompson, for failure to file a 2010 3rd quarter campaign financial disclosure report with the Shelby County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Thompson has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

Cross Indexing Report

Director Rawlins provided the board with a cross indexing report which contains contributions reported as being given by PACs but not reported by candidates for the 2010 3rd quarter and 2010 pre-general reporting periods. Director Rawlins informed the board that the list contained only those that exceeded the exemptions contained in T.C.A. §2-10-110.

The following candidates failed to report PAC contribution(s) on their original campaign financial disclosure statements:

- Bill Haslam
- Mike Stewart
- Michael Turner

A motion was made by Fincher to take no action on Bill Haslam and Michael Turner and to defer any action on Mike Stewart until the next regularly scheduled meeting to allow him further opportunity to amend his report. The motion died for a lack of a second. On motion by Heim, seconded by McNeece, the board voted unanimously to take no action on Bill Haslam. On motion by Heim, seconded by McNeece, the board voted 5 to 1 to issue Mike Stewart a show cause notice with Fincher voting “no.” A motion was made by Fincher, seconded by Pitt to take no action on Michael Turner. The motion to take no action on Michael Turner passed the board 4 to 2 with Heim and Murray voting “no.”

Executive Director’s Report

- Director Rawlins informed the board that Rep. Joe Towns requested a dismissal of the contested case hearing and approval of a payment plan for civil penalties of \$35,000 for Case 10-06.
Administrative Law Judge, Ann Johnson, issued an Order of Dismissal on February 24, 2011.
- Director Rawlins provided the board with a list containing the names of the legislative campaigns that will be audited. The list contains candidates whose campaigns will receive full audits as required in T.C.A. §2-10-212(2) and candidates whose campaigns are required to have their unitemized contributions

audited for a specific reporting period pursuant to T.C.A. §2-10-212(i). The list is attached to the minutes as reference. In addition, Gov. Haslam and Mr. McWherter will have their campaigns audited by our office or a private firm pursuant to T.C.A. §2-10-212.

Other Business

On motion by Heim, seconded by McNeece, the board voted unanimously to adjourn the meeting until the next regularly scheduled meeting.