

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, March 10, 2010, at Suite 104 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Presiding over the meeting was Chairperson Patricia Heim. Attending the meeting were board members George Harding, Darlene McNeece and Lee Anne Murray.

Also in attendance was new board member Justin Pitt. Pursuant to §T.C.A. 2-10-214, Mr. Pitt cannot participate in the meeting until he receives training from the Attorney General's office.

Approval of Meeting Minutes

On motion by McNeece, seconded by Harding, the board voted unanimously to approve the minutes from the February 10, 2010 regular board meeting.

Reconsideration

09-26 Tennessee Anesthesiologists PAC, for failure to file a 2008 4th quarter campaign financial disclosure report. Class two (2), report not filed, maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board. (see below)

The board voted at its April 8, 2009 meeting to issue the organization a show cause notice.

The board voted at its May 13, 2009 meeting to combine cases 09-26 and 09-27 and assess the organization a \$5,000 civil penalty. The organization requested a reconsideration of the civil penalty assessment.

Bill Bond, representative for the organization, submitted a statement for the board's consideration.

The board voted at its August 12, 2009 meeting not to reconsider the \$5,000 civil penalty assessment assessed in cases 09-26 and 09-27. The organization requested a reconsideration of the civil penalty assessment.

John Lyell, attorney for the organization, submitted a statement for the board's consideration.

Bob Bellenfant, representative of the organization, personally appeared before the board and explained the organization's failure to file their campaign financial disclosure report.

On motion by Murray, seconded by McNeece, the board voted unanimously to reconsider the \$5,000 civil penalty assessment against the organization. On motion by Harding, seconded by Murray, the board voted unanimously to assess the organization a \$1,000 civil penalty.

09-27 Tennessee Anesthesiologists PAC, for failure to correct a 2008 3rd quarter campaign financial disclosure report. Class two (2), report not corrected, maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board. (see above)

The board voted at its April 8, 2009 meeting to issue the organization a show cause notice.

The board voted at its May 13, 2009 meeting to combine cases 09-26 and 09-27 and assess the organization a \$5,000 civil penalty. The organization requested a reconsideration of the civil penalty assessment.

Bill Bond, representative for the organization, submitted a statement for the board's consideration.

The board voted at its August 12, 2009 meeting not to reconsider the \$5,000 civil penalty assessment assessed in cases 09-26 and 09-27. The organization requested a reconsideration of the civil penalty assessment.

John Lyell, attorney for the organization, submitted a statement for the board's consideration.

Bob Bellenfant, representative of the organization, personally appeared before the board and explained the organization's failure to file their campaign financial disclosure report.

On motion by Murray, seconded by McNeece, the board voted unanimously to reconsider the \$5,000 civil penalty assessment against the organization. On motion by Harding, seconded by Murray, the board voted unanimously to assess the organization a \$1,000 civil penalty.

Show Cause Hearings

09-43 Tennessee Anesthesiologists PAC, for failure to timely file a 2009 annual mid-year supplemental campaign financial disclosure report. Class one (1), six days late, maximum one hundred fifty (\$150) civil penalty. The organization has had previous matters before the board.

The board voted at its August 12, 2009 meeting to issue the organization a show cause notice.

The board voted at its October 14, 2009 meeting to continue this matter until the next regularly scheduled meeting.

John Lyell, representative for the organization, personally appeared before the board and requested that the board defer any action in this matter until the next regularly scheduled meeting to allow the organization an opportunity to complete an audit that is being conducted on the PAC account.

The board voted at its November 11, 2009 to defer any further action in this matter until the next regularly scheduled meeting to allow the organization an opportunity to complete the audit of their PAC account.

John Lyell, attorney for the organization, submitted a statement for the board's consideration.

Bob Bellenfant, representative of the organization, personally appeared before the board and explained the organization's failure to timely file their campaign financial disclosure report.

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

09-48 Tennessee Anesthesiologists PAC, for failing to report 3 expenditures on its 2009 4th quarter campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had previous matters before the board.

The board voted at its October 14, 2009 meeting to issue the organization a show cause notice.

John Lyell, representative for the organization, personally appeared before the board and requested that the board defer any action in this matter until the next regularly scheduled meeting to allow the organization an opportunity to complete an audit that is being conducted on the PAC account.

The board voted at its November 11, 2009 to defer any further action in this matter until the next regularly scheduled meeting to allow the organization an opportunity to complete the audit of their PAC account.

John Lyell, attorney for the organization, submitted a statement for the board's consideration.

Bob Bellenfant, representative of the organization, personally appeared before the board and explained the organization's failure to report 3 expenditures on their campaign financial disclosure report.

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

10-05 Steve Roller, for failing to report campaign contributions, not maintaining campaign records to verify compliance with campaign finance statutes and for receiving cash contributions in violation of campaign limits laws. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty per violation. Mr. Roller has had no previous matters before the board.

The board voted at its February 10, 2010 meeting to issue Mr. Roller a show cause notice. Mr. Roller requested to appear before the board.

In addition to correcting the errors, Mr. Roller personally appeared before the board and explained his failure to properly maintain campaign records and for violating campaign limits laws.

A motion was made by Harding to take no further action in this matter. The motion to take no further action died for a lack of a second. A motion was made by Murray, seconded by McNeece, to assess Mr. Roller a \$100 civil penalty. The motion to assess Mr. Roller a \$100 civil penalty failed 3 to 1, with Harding voting "no." A motion was then made by Harding to take no further action in this matter. The motion to take no further action died for a lack of a second.

10-04 Eric Stewart, for failing to report campaign contributions received, for overstating reported contributions and for not properly maintaining campaign records to verify compliance with campaign finance statutes. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty per violation. Sen. Stewart has had no previous matters before the board.

The board voted at its February 10, 2010 meeting to issue Sen. Stewart a show cause notice. Sen. Stewart requested to appear before the board.

In addition to correcting most of the errors, Sen. Stewart personally appeared before the board and explained his failure to report contributions, for overstating contributions and for not properly maintaining campaign records.

A motion was made by Harding to take no further action in this matter. The motion to take no further action died for a lack of a second. On motion by McNeece, seconded by Murray, the board voted unanimously to delay any further action in this matter until the next regularly scheduled meeting to allow Sen. Stewart an opportunity to complete all corrections to his campaign financial disclosure reports.

Cases Considered for Issuance of Show Cause Notice

Thomas Baer, for failure to timely file a 2009 year-end supplemental campaign financial disclosure report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. Mr. Baer has had no previous matters before the board.

On motion by Harding, seconded by Murray, the board voted unanimously to take no action in this matter.

Basil Marceaux, for failure to timely file a 2009 year-end supplemental campaign financial disclosure report. Class one (1), 14 days late, maximum three hundred fifty (\$350) civil penalty. Mr. Marceaux has had previous matters before the board.

Director Rawlins informed the board that Mr. Marceaux mailed his report on February 12, 2010 but that the Registry did not receive the report until March 2, 2010.

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

Bobby Scott, for failure to timely file a 2009 4th quarter campaign financial disclosure report. Class one (1), eight days late, maximum two hundred (\$200) civil penalty. Mr. Scott has had no previous matters before the board.

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

Glenn Stockton, for failure to timely file a 2009 year-end supplemental campaign financial disclosure report. Class one (1), two days late, maximum fifty (\$50) civil penalty. Mr. Stockton has had no previous matters before the board.

On motion by Harding, seconded by Murray, the board voted unanimously to take no action in this matter.

Lee Carl Whitaker, for failure to timely file a 2009 year-end supplemental campaign financial disclosure report. Class one (1), five days late, maximum one hundred twenty-five (\$125) civil penalty. Mr. Whitaker has had a previous matter before the board.

On motion by Harding, seconded by Murray, the board voted unanimously to take no action in this matter.

Tennessee Funeral Directors Assn. PAC, for failure to timely file a 2009 year-end supplemental campaign financial disclosure report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. The organization has had no previous matters before the board.

On motion by Harding, seconded by Murray, the board voted unanimously to take no action in this matter.

Reported Financial Expenses

Director Rawlins provided the board members with a list of civil penalties that have been paid year to date.

Other Business

Murray, seconded by McNeece, made a motion, to adjourn the meeting until the next regularly scheduled meeting. The motion passed unanimously.