

Tennessee Ethics Commission
March 29, 2012
Minutes

The Tennessee Ethics Commission met on Thursday, March 29, 2012 at 9:00 a.m. at the Bureau of Ethics and Campaign Finance office. Members present were: Greg Hardeman, Pam Martin, Jim Stranch and Tammy White.

October 20, 2011 Minutes

Ms. White moved to approve the October 20, 2011 minutes and Mr. Hardeman seconded. The motion passed 4-0.

Election of Chair

Ms. White nominated Mr. Stranch as Chair and Mr. Hardeman seconded. There were no other nominations. Mr. Stranch was elected 4-0.

Requests for Reconsideration

Cathy Jolley – 2011-053 (Lobbyist)

Ms. Jolley submitted a statement to the Commission requesting that a penalty not be assessed because she had not performed lobbying services and was not compensated. Mr. Hardeman moved to waive the assessed penalty and Mr. Stranch seconded. The motion passed 4-0.

Assessments – Candidates for Local Office

Gregory Horton – (Special School District-Milan) - 2012-013

Mr. Hardeman moved to not assess a civil penalty and Ms. Martin seconded. The motion passed 4-0.

Assessments – Local Officials

Phillip Uldrich – (City Commissioner-Millersville) - 2012-001- \$25

Billie Phillips – (County Commissioner – Overton Co.) - 2012-002 - \$25

Brandon Howard – (Alderman-Watertown) - 2012-003 - \$25

James Sneed – (County Commissioner – Tipton Co.) - 2012-004 - \$25

Glen Parnell – (Mayor of Obion Co.) - 2012-005 - \$25

Thomas Pettigrew, Sr. – (County Commissioner – Obion Co.) - 2012-006 - \$50

Tommy Turner – (Alderman of Whiteville) - 2012-007 - \$50

William Swearingen – (Alderman of Pikeville) - 2012-008 - \$50

Jeffery Hankins – (Constable – Union Co.) - 2012-010 - \$50

Andrew Hall – (County Attorney – Morgan Co.) - 2012-011 - \$50

Opal Shaw – (County Commissioner – Hardeman Co.) - 2012-012 - \$50

Ms. White made the motion to assess the maximum penalty for 1 and 2 day late filers. Mr. Hardeman seconded for the purpose of discussion. After discussion, the motion to assess the maximum penalty passed 4-0.

Assessments – Local Officials (continued)

Keith Ervin – (School Board Member – Washington Co.) - 2012-014

Ms. Ervin submitted a statement for the Commission's consideration. Ms. White made the motion to assess a \$50 civil penalty and Mr. Hardeman seconded. The motion passed 4-0.

William Anderson – (Commissioner – Henry Co.) – 2012-015

Stacy Vaughan – (County Commissioner – Hawkins Co.) – 2012-016

Ms. White made the motion to assess a \$50 civil penalty and Mr. Hardeman seconded. The motion passed 4-0.

Tony Adams – (County Commissioner – Dickson Co.) – 2012-017

Mr. Adams submitted a statement for the Commission's consideration. Ms. White made the motion to assess the maximum penalty of \$200 because Mr. Adams was previously assessed a penalty for filing late. Ms. Martin seconded and the motion passed 4-0.

Charlie Lyons – (Councilmember – Clinton) – 2012-018

Mr. Lyons submitted a statement for the Commission's consideration. Mr. Hardeman made the motion to assess a \$100 penalty and Ms. White seconded. The motion passed 4-0.

Joyce Lane – (School Board Member – Grainger Co.) – 2012-019

Ms. Lane submitted a statement for the Commission's consideration. Ms. White made the motion to assess a \$50 penalty and Mr. Hardeman seconded. The motion passed 4-0.

Tabitha Denney – (School Board Member – Van Buren Co.) – 2012-020

Ms. White made the motion to assess a \$50 penalty and Ms. Martin seconded. The motion passed 4-0.

Assessments – Employers of Lobbyists

Failure to timely file semi-annual expenditure report by February 14, 2012

Copper Cellar Corp. – 2012-021

Tennessee Automatic Merchandisers Association – 2012-022

Natural Resources Defense Council – 2012-023

Erlanger Health System – 2012-024

Ms. White made the motion to assess a \$50 penalty and Mr. Hardeman seconded. The motion passed 4-0.

2010 Lobbyist Audits

The audits of the lobbyists randomly selected for audit at the October 20, 2011 meeting were presented to the Commission. Ms. White made the motion to approve the audit presentations and Ms. Martin seconded. The motion passed 4-0.

Mr. Hardeman made the motion to issue show cause notices to Charles Cagle, Anthony Daniels, Riley Darnell, Remziya Suleyman, and Michael Warmsley based on audit findings. Ms. White seconded the motion and the motion passed 4-0.

Request for Advisory Opinion

The Commission considered a request for an advisory opinion from David Fowler. An organization, of which Mr. Fowler is President, held a breakfast and invited various members of the general assembly. Mr. Fowler is a lobbyist for another organization. Mr. Fowler requested the Commission decide if the first organization is considered an employer of a lobbyist by reason of Mr. Fowler's lobbying activities for the second organization.

Mr. Hardeman made the motion to take no action because the event had already taken place and Mr. Stranch seconded. The motion passed 4-0 and no advisory opinion was issued.

Other Business

John Allyn, legal counsel, received a request for an advisory opinion from Mike Vaughn regarding the propriety of legislators participating in tours of China sponsored by the Chinese government. Mr. Allyn noted that by law the Commission was limited by T.C.A. § 3-6-308(4) to issuing advisory opinions only to employers, lobbyists or public officials subject to the jurisdiction of the Commission, and that Mr. Vaughn did not fall into any of these categories. He will advise Mr. Vaughn of this. The Commission had no objection.

Ms. White made the motion for the meeting to adjourn and Mr. Hardeman seconded. The motion passed 4-0.