

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, January 13, 2016, at Suite 104 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Presiding over the meeting was Chairperson Tom Lawless. Attending the meeting were board members Patricia Heim, Tom Lawless, Norma Lester and Tom Morton. Kent Coleman and Henry Fincher participated via telephone.

Election of Officers

A motion was made by Lester, seconded by Heim, to name Tom Lawless as chairperson for 2016 by acclamation. A motion was made by Lester, seconded by Heim, to name Kent Coleman as secretary for 2016 by acclamation.

Approval of Meeting Minutes

On motion by Lester, seconded by Morton, the board voted unanimously to approve the minutes from the November 12, 2015 regular board meeting.

Request for Reconsideration

15-30 Jason Emert, for failure to file a 2014 4th Quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Emert has had a previous matter before the board. (see below)

The board voted at its August 12, 2015 meeting to issue Mr. Emert a show cause notice.

The board voted at its November 12, 2015 meeting to assess Mr. Emert a \$10,000 civil penalty assessment. Mr. Emert requested a reconsideration of the \$10,000 civil penalty assessment.

Mr. Emert filed the required report, which closed out his campaign account, and submitted a statement for the board's consideration.

On motion by Heim, seconded by Lester, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. A motion was made by Heim, seconded by Lester, to reduce the civil penalty from \$10,000 to \$0. The motion to reduce the civil penalty from \$10,000 to \$0 failed the board 2 to 4, with Coleman, Fincher, Lawless and Morton voting "no." A motion was made by Coleman, seconded by Fincher, to assess Mr. Emert a \$100 civil penalty. The motion to assess Mr. Emert a \$100 civil penalty passed the board unanimously.

Show Cause Hearings

C15-29 Williamson PACE (W-PACE), for failure to register as a PAC and report contributions and expenditures with the Williamson County Election Commission. Class

two (2), maximum ten thousand (\$10,000) civil penalty per violation. The organization has had no previous matters before the board.

The board voted at its May 13, 2015 meeting to issue the organization a show cause notice.

The board voted at its August 12, 2015 meeting to defer any further action in this matter until the next regularly scheduled meeting to allow the organization an opportunity to personally appear before the board.

The board voted at its November 12, 2015 meeting to defer any further action in this matter until the next regularly scheduled meeting to allow the organization an opportunity to personally appear before the board.

Kawanda Braxton, treasurer for the organization, submitted an affidavit for the board's consideration. Richard Colbert, representative for the organization, personally appeared before the board.

After discussion, on motion by Heim, seconded by Lester, the board voted unanimously to take no further action in this matter until the next regularly scheduled meeting to allow the organization further opportunity to gather additional information on the matter.

Statements Submitted

15-31 Bill Ailor, for failure to timely file a 2015 Mid-Year Supplemental campaign financial disclosure report. Class two (2), 61 days late, maximum ten thousand (\$10,000) civil penalty. Judge Ailor has had no previous matters before the board.

The board voted at its November 12, 2015 meeting to issue Judge Ailor a show cause notice.

Judge Ailor submitted a statement and an affidavit for the board's consideration.

On motion by Morton, seconded by Lester, the board voted unanimously to assess Judge Ailor a \$500 civil penalty assessment.

15-33 Jason Emert, for failure to file a 2015 Mid-Year Supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Emert has had a previous matter before the board. (see above)

The board voted at its November 12, 2015 meeting to issue Mr. Emert a show cause notice.

Mr. Emert submitted a statement for the board's consideration.

Director Rawlins informed the board that because Mr. Emert filed the 2014 4th quarter report, closing the account, he does not owe the 2015 mid-year supplemental report.

Without objection, the board voted unanimously to dismiss the matter.

Cases Subject to Approval of Civil Penalty Order

15-16 and 15-32 Bryant Dunaway, for failure to timely file a 2015 Mid-Year Supplemental campaign financial disclosure report. Class two (2), 63 days late, maximum ten thousand (\$10,000) civil penalty. Mr. Dunaway has had a previous matter before the board. (see above)

The board voted at its November 12, 2015 meeting to issue Mr. Dunaway a show cause notice.

Mr. Dunaway personally appeared before the board to explain his failure to timely file the required report. Mr. Dunaway also requested a reconsideration of the \$10,000 civil penalty assessment for Case No. 15-16. Mr. Dunaway waived his right to a notice of reconsideration for Case No. 15-16.

On motion by Fincher, seconded by Lester, the board voted unanimously to reconsider Case No. 15-16. A motion was made by Heim to assess Mr. Dunaway a \$200 civil penalty. The motion died for a lack of a second. On motion by Lester, seconded by Heim, the board voted 5 to 1 to assess Mr. Dunaway a \$100 civil penalty, with Fincher voting “no.” A motion was made by Heim, seconded by Fincher, to take no further action in Case No. 15-32. The motion to take no further action in Case No. 15-32 passed the board 4 to 2, with Lawless and Morton voting “no.”

15-35 Tennessee Students Voting No on 1, for failure to file a 2015 Mid-Year Supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had a previous matter before the board.

The board voted at its November 12, 2015 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 and that the report still has not been filed. Director Rawlins further informed the board that because the organization has failed to file two consecutive reports, the organization’s PAC account will be administratively terminated.

A motion was made by Lester, seconded by Morton, to assess the organization a \$10,000 civil penalty assessment. The motion to assess the organization a \$10,000 civil penalty failed the board 3 to 3, with Coleman, Fincher and Heim voting “no.” A motion was made by Heim, seconded by Fincher, to assess the organization a \$150 civil penalty. The motion to assess the organization a \$150 civil penalty failed the board 3 to 3, with Lawless, Lester and Morton voting “no.” A motion was then made by Morton, seconded by Lester, to assess the organization a \$1,000 civil penalty. The motion to assess the organization a \$1,000 civil penalty assessment passed the board unanimously.

15-37 Jeff Ford, for failure to file a 2015 Mid-Year Supplemental campaign financial disclosure report with the Williamson County Election Commission. Class two (2), 40 days late, maximum ten thousand (\$10,000) civil penalty. Mr. Ford has had a previous matter before the board.

The board voted at its November 12, 2015 meeting to assess Mr. Ford a show cause notice.

Mr. Ford submitted a statement for the board’s consideration.

On motion by Heim, seconded by Lester, the board voted 4 to 2 to assess Mr. Ford a \$250 civil penalty, with Lawless and Morton voting “no.”

15-38 Hershell Koger, for failure to file a 2015 4th Quarter campaign financial disclosure report with the Giles County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Koger has had no previous matters before the board.

The board voted at its November 12, 2015 meeting to assess Mr. Koger a show cause notice.

Mr. Koger filed the required report, which closed his campaign account, and submitted an affidavit for the board's consideration.

A motion was made by Lester, seconded by Morton, to assess Mr. Koger a \$1,000 civil penalty assessment. The motion to assess Mr. Koger a \$1,000 civil penalty assessment failed the board 3 to 3, with Coleman, Fincher and Heim voting "no." A motion was made by Heim, seconded by Fincher, to assess Mr. Koger a \$250 civil penalty. The motion to assess Mr. Koger a \$250 civil penalty passed the board 4 to 2, with Lester and Morton voting "no."

15-39 Paula Lindsey, for failure to file a 2015 Mid-Year Supplemental campaign financial disclosure report with the Maury County Election Commission. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Lindsey has had a previous matter before the board.

The board voted at its November 12, 2015 meeting to assess Ms. Lindsey a show cause notice.

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

On motion by Heim, seconded by Morton, the board voted unanimously to assess Ms. Lindsey a \$250 civil penalty.

Audit Review

Len Silverman

On motion by Lester, seconded by Morton, the board voted unanimously to approve Mr. Silverman's 2014 campaign finance audit with the included findings.

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

Other Business

A hearing in the matter of Williamson Strong, Case No. 15-01, will be presided over by an Administrative Law Judge at the Registry office on April 19, 2016.

Without objection, the board voted unanimously to schedule the next Registry meeting for March 9, 2016.

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