

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, October 13, 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. Wade Hinton participated via telephone.

Approval of Meeting Minutes

On motion by Harding, seconded by Murray, the board voted unanimously to approve the minutes from the September 8, 2010 regular board meeting.

Show Cause Hearings

10-26 Sierra Club PAC, for failure to timely file a 2010 pre-primary campaign financial disclosure report. Class one (1), 11 days late, maximum two hundred seventy-five (\$275) civil penalty. The organization has had no previous matters before the board.

The board voted at its September 8, 2010 meeting to issue the organization a show cause notice.

Penny Brooks and Katherine Pendleton, representatives of the organization, personally appeared before the board and explained the failure to timely file the required report.

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

10-35 G. A. Hardaway, for failing to report 4 PAC contributions on his 2009 year-end supplemental campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Hardaway has had previous matters before the board.

The board voted at its September 8, 2010 meeting to issue Rep. Hardaway a show cause notice.

Rep. Hardaway personally appeared before the board and explained his failure to report the 4 PAC contributions.

On motion by McNeece, seconded by Murray, the board voted unanimously to assess Rep. Hardaway a \$300 civil penalty.

Statements Submitted

10-24 John Andreuccetti, for failure to timely file a 2010 mid-year supplemental campaign financial disclosure report. Class one (1), 20 days late, maximum five hundred (\$500) civil penalty. Mr. Andreuccetti has had no previous matters before the board.

The board voted at its September 8, 2010 meeting to issue Mr. Andreuccetti a show cause notice.

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

Director Rawlins informed the board that Mr. Andreuccetti has closed his campaign account.

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

10-29 Juan Borges, for failure to file a 2010 mid-year supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Borges has had no previous matters before the board.

The board voted at its September 8, 2010 meeting to issue Mr. Borges a show cause notice.

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

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

10-32 Lewis Johnny Edwards, 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. Mr. Edwards has had no previous matters before the board.

The board voted at its September 8, 2010 meeting to issue Mr. Edwards a show cause notice.

Director Rawlins informed the board that Mr. Edwards had timely filed the required report with his local county election commission, at the Administrator's request, instead of with the Registry.

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

Without objection, the board requested that Director Rawlins send a letter to each Lauderdale County Election Commissioner to make them aware of the issue the Registry has had with the election commission office informing state candidates that they are required to file campaign financial disclosure reports with their office instead of with the Registry.

10-30 Leif Jeffers, for failure to file a 2010 mid-year supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Jeffers has had a previous matter before the board.

The board voted at its September 8, 2010 meeting to issue Mr. Jeffers a show cause notice.

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

On motion by Murray, seconded by Hinton, the board voted unanimously to assess Mr. Jeffers a \$50 civil penalty.

10-25 Union County Republicans, for failure to timely file a 2010 2nd quarter campaign financial disclosure report. Class one (1), nine days late, maximum two

hundred twenty-five (\$225) civil penalty. The organization has had a previous matter before the board.

The board voted at its September 8, 2010 meeting to issue the organization a show cause notice.

Mr. Coppock, treasurer for the organization, submitted a statement for the board's consideration.

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

10-37 Susan Lynn, for failing to report 2 PAC contributions on her 2009 year-end supplemental campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Lynn has had previous matters before the board.

The board voted at its September 8, 2010 meeting to issue Rep. Lynn a show cause notice.

Rep. Lynn submitted a statement for the board's consideration.

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

Case Subject to Approval of Civil Penalty Order

10-31 James Ryal, for failure to file a 2010 mid-year supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Ryal has had previous matters before the board.

The board voted at its September 8, 2010 meeting to issue Mr. Ryal a show cause notice.

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

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

10-27 Tennessee Liberty Fund, for failure to timely file a 2010 pre-primary campaign financial disclosure report. Class one (1), seven days late, maximum one hundred seventy-five (\$175) civil penalty. The organization has had no previous matters before the board.

The board voted at its September 8, 2010 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 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 Hinton, seconded by Murray, to assess the organization a \$50 civil penalty. The motion to assess the organization a \$50 civil penalty passed the board unanimously.

10-34 Sherry Jones, for failing to report 8 PAC contributions on her 2009 year-end supplemental campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Jones has had previous matters before the board.

The board voted at its September 8, 2010 meeting to issue Rep. Jones a show cause notice.

Rep. Jones personally appeared before the board and explained her failure to report the 8 PAC contributions.

A motion was made by Harding to assess Rep. Jones a \$50 civil penalty. The motion to assess Rep. Jones a \$50 civil penalty died for a lack of a second. A motion was made by Murray, seconded by McNeece, to assess Rep. Jones a \$250 civil penalty. The motion to assess Rep. Jones a \$250 civil penalty passed the board unanimously.

Cases Considered for Issuance of Show Cause Notice

Guthrie Castle, for failure to file a 2010 mid-year supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Castle has had no previous matters before the board.

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

Nicolas Ciparro, 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. Mr. Ciparro has had a previous matter before the board. (see below)

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

Nicolas Ciparro, 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. Ciparro has had a previous matter before the board. (see above)

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

Vickey Gilbert, 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. Gilbert has had a previous matter before the board. (see below)

Director Rawlins informed the board that the report has now been filed.

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

Vickey Gilbert, 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. Ms. Gilbert has had a previous matter before the board. (see above)

Director Rawlins informed the board that the report has now been filed.

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

Thomas Smith, II, for failure to timely file a 2010 pre-primary campaign financial disclosure report. Class one (1), four days late, maximum one hundred (\$100) civil penalty. Mr. Smith has had no previous matters before the board.

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

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 no previous matters before the board.

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

Brian Whitson, 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. Whitson has had no previous matters before the board.

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

Freedom and Responsibility PAC, 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. The organization has had no previous matters before the board.

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

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.

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

Pamela Dean, for failure to file a 2010 2nd 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 a previous matter before the board. (see below)

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

Pamela Dean, for failure to file a 2010 pre-general 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 a previous matter before the board. (see above)

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

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.

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

Sworn Complaint

Director Rawlins provided the board with a sworn complaint filed with the Registry from Brian Smith against James Hale alleging the following violation:

- Mr. Hale accepted a campaign contribution from a registered lobbyist.

On motion by Murray, seconded by McNeece, the board voted unanimously to dismiss the complaint and recommend that Mr. Smith file the complaint with the Ethics Commission because the matter is not under the Registry's authority.

Executive Director's Report

- Director Rawlins informed the board that Rep. Towns has requested a contested case hearing for Case No. 10-06. Director Rawlins further informed the board that the Registry has the option of having an Administrative Law Judge hear the case on his/her own and provide the decision to the Registry board for review or to have the board hear the case with the Administrative Law Judge sitting-in on the hearing.

On motion by Murray, seconded by McNeece, the board voted unanimously to have an Administrative Law Judge hear the case on his/her own and provide the decision to the Registry board for review.

- Director Rawlins informed the board that the annual COGEL conference is scheduled for December 5 through 8 in Washington, D.C.

Other Business

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