

2021 Lobbyist Registration Audit of Melodia Gutierrez

FINDING(S)

- 1. Melodia Gutierrez failed to timely register for one employer.**
- 2. Melodia Gutierrez failed to complete the required lobbyist training.**

EMPLOYER(S)

- Human Rights Campaign

REGISTRATION(S)

Melodia Gutierrez registered as a lobbyist for one employer during 2021. Based on the audit documentation, Melodia Gutierrez failed to timely register the lobbying relationship. Based on the audit test work it appears the Melodia Gutierrez commenced working for the employer in 2020. Neither the lobbyist nor employer provided a record to indicate when the lobbyist was assigned lobbying duties in Tennessee or commenced for 2021. However, for the 2021 registration year, Melodia Gutierrez was registered on the same day as two other lobbyists for the employer. Those lobbyists appear to be continuing lobbyist from the prior year. Such registrations have the appearance that the three lobbyists needed to register from the commencement of the year. If the assumption of registration should have been from the commencement of the year, then registration was required by January 8, 2021, to be within seven days as required by statute. The lobbyist did not register until January 15, 2021, 7 days late.

Based on review of the Bureau of Ethics and Campaign Finance's lobbyist records, Melodia Gutierrez paid all registration fees

LOBBYING AGREEMENT(S)

Based on a review of the audit documentation provided, Melodia Gutierrez was a direct employee of the employer. The employer had no employment contract with the lobbyist employee. However, per statements from the lobbyist, the employer and review of the job description, it appears the terms of employment were within the statutes for lobbying activities including having no terms for contingency payments based on lobbying success.

FAMILY OR BUSINESS ARRANGEMENTS WITH PUBLIC OFFICIALS

Melodia Gutierrez reported no business or familial relationships with persons who were officials in the legislative branch or officials in the executive branch.

TRAINING

According to the Bureau of Ethics and Campaign Finance's lobbyist records, Melodia Gutierrez did not complete required lobbyist training for the 2021 registration year. T.C.A. § 3-6-114(b) requires each registered lobbyist to complete an annual training course. When a lobbyist completes the training online, the system records the training on the web-based system. If the lobbyist attends the legislative ethics training, their name is recorded at the training event and

then administratively entered into the system records (In person training was unavailable in 2021 due to Covid-19 related restrictions). Based on the review of the system records, Melodia Gutierrez did not complete the training online in 2021. The Bureau of Ethics and Campaign Finance's lobbyist records indicate Melodia Gutierrez paid all training fees.