

STATE OF TENNESSEE



BUREAU OF ETHICS AND CAMPAIGN FINANCE TENNESSEE ETHICS COMMISSION

404 James Robertson Parkway, Suite 104

Nashville, TN 37243-1360

(615) 741-7959

Fax: (615) 532-8905

www.tn.gov/tec

BOARD MEMBERS

Charles Traughber, Chair
Tammy S. White, Secretary
Stacey Floyd-Thomas
Duane Gilbert
Lynn Richardson
James G. Stranch, III

EXECUTIVE DIRECTOR

Bill Young

TENNESSEE ETHICS COMMISSION

Public Meeting Minutes

February 28, 2022

The Tennessee Ethics Commission met Monday, February 28, 2022, for its regularly scheduled meeting. The meeting began at 9:00 AM and was held at the W.R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Ave., Nashville, TN, in the Nashville Room of the 3rd Floor Conference Center.

Presiding over the meeting was Charles Traughber. Also attending the meeting were board members Tammy White, James Stranch, Duane Gilbert, Lynn Richardson, and Stacey Floyd-Thomas. A quorum of members was physically present. Executive Director Bill Young, Assistant Director Lance Frizzell, General Counsel Lauren Topping, and Chief of Staff Janet Williams were also in attendance. The Commission's meeting was recorded for the public and the video recording is to be made available on the Commission's website.

At the outset of the meeting, Commissioner White moved to take the items on the agenda out of order to address those matters in which a representative had personally appeared before the Commission first. Commissioner Gilbert seconded the motion, which was unanimously approved. *(Although some items on the agenda were taken out of order, these minutes will continue to reflect the scheduled order of events according to the published agenda.)*

- 1. Approval of October 26, 2021, minutes.** Commissioner White moved to approve the minutes of the October 26, 2021, meeting as presented in the Commission's materials. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved. Also, Commissioner Stranch informed the Commission that, while he still disagreed with the formal advisory opinion issued at the October 26, 2021, meeting, he would not be submitting a written dissent concerning this matter.
- 2. Election of Officers.** After a short discussion, Commissioner Stranch moved to re-elect Chairman Traughber to serve as Chair for the upcoming year. Commissioner Richardson seconded the motion, which was unanimously approved. Commissioner Stranch then moved to re-elect Commissioner White to serve as Secretary for the upcoming year. Commissioner Gilbert seconded the motion, which was unanimously approved.
- 3. Update on Commission Staff's Educational Outreach Efforts.** Director Young provided an update on the Commission Staff's ongoing educational outreach efforts, which includes producing and hosting both Ethics and Campaign Finance related educational seminars for various

stakeholders, including members of the General Assembly, lobbyists, and various local officials, candidates, and potential candidates. No action was required.

4. **Update on Pending Ethics/Campaign Finance Legislation before Tennessee General Assembly.** Assistant Director Frizzell provided a summary of legislation currently before the General Assembly which will or could impact either the Ethics Commission or the Registry of Election Finance if passed. The Commissioners discussed various items and asked questions regarding various items of Director Frizzell. No action was required.
5. **Discussion of the matter of Leo Awgowhat, Case No. 2020-042.** General Counsel Topping presented to the Commissioner's a letter from the Office of the Attorney General recommending that further efforts at the collection of the assessed civil penalties assessed in this matter not be pursued. The Commissioners discussed this matter and this request. However, ultimately, the matter was deferred to the Commission's next meeting to request additional information and documentation from the Office of the Attorney General regarding this recommendation.

Christopher Jones, Case Nos. 2020-028 and 2020-211. In an unrelated matter, Counsel Topping presented a second memorandum concerning the matter of Christopher Jones, Case Nos. 2020-028 and 2020-211, received from the Office of the Attorney General on February 17, 2022. In this matter, the Office of the Attorney General had requested authorization to discontinue efforts to pursue collection of the civil penalties assessed in these matters and to file a voluntary non-suit dismissing the collection action for the reasons stated in the memorandum. After additional discussion, Commissioner Stranch moved to accept the Attorney General's recommendation and to authorize the voluntary non-suit in this matter. Commissioner White seconded the motion, which was unanimously approved.

6. Reconsiderations

Christopher Brian Haley – 2021-102: After a review of the facts of the case and the request submitted, Commissioner Stranch moved to reconsider and waive the civil penalty assessed in this matter. Commissioner Gilbert seconded the motion, which was unanimously approved.

John Little – 2021-012: After a review of the facts of the case and the request submitted, Commissioner Stranch voiced a potential conflict of interest and recused himself from further consideration of this matter. Commissioner White moved to reconsider the assessed civil penalties in this matter. Commissioner Richardson seconded the motion, which was unanimously approved (5-0). After additional discussion, Commissioner White then moved to reduce the assessed civil penalty to \$250. Chairman Traughber seconded the motion, which was unanimously approved (5-0).

Brian Nunley – 2021-201: After a review of the facts of the case and the request submitted, Commissioner Stranch moved to reconsider the assessed civil penalties in this matter. Chairman Traughber seconded the motion, which was unanimously approved (5-0; Commissioner Gilbert being temporarily absent from the room and not participating in discussion or voting on this matter). After additional discussion, Commissioner Stranch then moved to reduce the assessed civil penalty to \$250. Commissioner White seconded the motion, which was unanimously approved (5-0; Commissioner Gilbert being temporarily absent from the room and not participating in discussion or voting on this matter).

John Walker – 2021-126: After a review of the facts of the case and the request submitted, Commissioner Stranch moved to reconsider the assessed civil penalties in this matter. Chairman Traughber seconded the motion, which was unanimously approved (5-0; Commissioner Gilbert being temporarily absent from the room and not participating in discussion or voting on this matter). After additional discussion, Commissioner Stranch then moved to waive the assessed civil penalty. Commissioner Richardson seconded the motion, which was unanimously approved (5-0; Commissioner Gilbert being temporarily absent from the room and not participating in discussion or voting on this matter).

The ARC of TN – 2021-220: After a review of the facts of the case and the request submitted, Commissioner Stranch proposed to defer further consideration of this matter, as well as Case No. 2022-007 (later on the agenda), to the Commission’s next regularly scheduled meeting and to request that Commission Staff take additional steps to encourage compliance and ensure that all matters can be resolved at once. This proposal was then made in the form of a motion, which was seconded by Commissioner Floyd-Thomas and unanimously approved.

7. Informal civil penalty assessment proceedings –Local Candidates.

Julian Jones-Coleman – 2022-001: After a review of the facts and circumstances of this matter, Chairman Traughber moved to take no action in this matter. Commissioner White seconded the motion, which was unanimously approved.

Lenford Carr – 2022-002: After a review of the facts and circumstances of this matter, Commissioner Stranch moved to assess a civil penalty of \$500 in this matter. Commissioner White seconded the motion, which was unanimously approved.

8. Informal civil penalty assessment proceedings –Local Officials

Adam Thomas – 2022-003: After a review of the facts and circumstances of this matter, Chairman Traughber moved to take no action in this matter. Commissioner White seconded the motion, which was unanimously approved.

Tammy Anthony – 2022-004: After a review of the facts and circumstances of this matter, Commissioner Floyd-Thomas moved to take no action in this matter. Commissioner Richardson seconded the motion, which was unanimously approved.

Shannon Bartz – 2022-005: After a review of the facts and circumstances of this matter, Commissioner Floyd-Thomas moved to assess a civil penalty of \$1000, citing numerous past instances of failure to file to the required statement of interest disclosure. Commissioner Stranch seconded the motion, which was unanimously approved.

9. Informal civil penalty assessment proceeding – Lobbyist

Vivian Paris – 2022-012: Ms. Paris personally appeared before the Commission and offered a short statement concerning this matter. After additional discussion and review of the facts of this

matter, Commissioner Stranch moved to take no action. Commissioner White seconded the motion, which was unanimously approved.

John Gray – 2022-013: After a review of the facts and circumstances of this matter, Commissioner Stranch moved to assess a civil penalty of \$50. This motion was seconded and unanimously approved.

10. Informal civil penalty assessment proceeding – Employer of Lobbyist

Hospital Authority of Metro Government of Nashville & Davidson County – 2022-006: After a review of the facts and circumstances of this matter, Chairman Traugher moved to take no action. Commissioner Gilbert seconded the motion, which was unanimously approved.

The ARC of TN – 2022-007: See item 6, Case No. 2021-220.

SmileDirectClub – 2022-008: Executive Director Young presented the facts and circumstances surrounding this matter and described the options available in this matter. Director Young recommended that this matter be deferred to the Commission's next meeting to allow staff to continue to attempt to resolve this matter. Commissioner Stranch moved to accept the recommendation. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

Noble Education, Inc. – 2022-009: After a review of the facts and circumstances of this matter, Commissioner Stranch moved to assess a civil penalty of \$50. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

YouScience, LLC – 2022-011: After a review of the facts and circumstances of this matter, Commissioner Stranch moved to take no action in this matter. This motion failed for a lack of a second. After additional discussion, Commissioner Richardson moved to assess a civil penalty of \$50. Commissioner White seconded the motion, which was unanimously approved.

Guerrier Development, LLC – 2022-010: After a review of the facts and circumstances of this matter, Commissioner Stranch moved to assess a civil penalty of \$750. Commissioner Richardson seconded the motion, which was unanimously approved.

11. Set date of Ethics Commission's next meeting. The Members of the Commission determined that its next meeting will be held on May 10, 2022, at 9:00 AM. Additional details on the location of the meeting will be announced by the Commission when confirmed.

12. Other Business. None.

At this time, the Commission moved into Executive Session to address confidential matters.