

STATE OF TENNESSEE



BUREAU OF ETHICS AND CAMPAIGN FINANCE TENNESSEE ETHICS COMMISSION

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BOARD MEMBERS

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

EXECUTIVE DIRECTOR

Bill Young

TENNESSEE ETHICS COMMISSION

Public Meeting Minutes

October 26, 2021

The Tennessee Ethics Commission met Tuesday, October 26, 2021 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, and Stacey Floyd-Thomas. A quorum of members was physically present. Executive Director William Young, Assistant Director Lance Frizzell, General Counsel Lauren Topping, Chief of Staff Janet Williams, and Director of Audit Jay Moeck 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.

- 1. Approval of June 29, 2021 minutes.** Commissioner Stranch moved to approve the minutes of the June 29, 2021 meeting as presented in the Commission's materials. Commissioner White seconded the motion, which was unanimously approved.
- 2. Discussion of whether to issue a formal advisory opinion in the Brown Forman matter.** After discussion of the issues and the draft document provided by Staff, Chairman Traughber moved to adopt the proposed draft as a Formal Advisory Opinion. Commissioner Gilbert seconded the motion, which was approved by a 4-1 vote with Commissioner Stranch opposed. Commissioner Stranch indicated his intent to submit a written dissent from the Opinion. Executive Director Young expressed that the Formal Advisory Opinion would be issued once Commissioner Stranch's dissent had been received.
- 3. Discussion of authority to issue penalties relating to non-payment of lobbyist registration fees and lobbyist training fees.** Counsel for the Commission provided an overview of a memorandum prepared for the Commission, included in the meeting materials, which advised that current law does not provide the Commission with authority to assess a civil penalty against lobbyists who fail to complete the required ethics training or pay the training fee but does allow for the imposition of civil penalties if a lobbyist fails to timely submit registration fees. After discussion, the Commission requested to hear comments from Mark Green, representing the Tennessee Lobbyist Association, who was present at the meeting. After additional discussion, Commissioner Stranch moved that Staff should request the General Assembly to consider granting authority to the Commission to levy civil penalties if a lobbyist fails to obtain the annual ethics training or pay the

annual registration fee. This motion was seconded by Chairman Traugber and unanimously approved.

- 4. Update on Kelsey Ketron, Case No 2018-055.** Counsel for the Commission provided the Commission with the following update. The Commission assessed a civil penalty of \$1000, in April 2018, against Kelsey Ketron based on her failure to file a Statement of Interest as a member of the State Executive Committee during the year 2018. Case Number 2018-055. This matter was later referred to the Office of the Attorney General for collection in July 2018. However, in March 2021, Counsel for Ms. Ketron's father, Rutherford County Mayor Bill Ketron, submitted a notice of appearance on behalf of Mr. Ketron, which also requested reconsideration in several matters before the Registry of Election Finance and included a Case Number belonging to Ms. Ketron (2018-055) before the Ethics Commission. Mr. Ketron's matters before the Registry of Election Finance were concluded in recent months and a total civil penalty of \$135,000 was paid; however, none of this assessed civil penalty was paid by Ms. Ketron although she was personally liable for a portion of this amount (approximately \$45,000). However, Case No. 2018-055 before the Ethics Commission, had not yet been addressed pending the outcome of the matters before the Registry of Election Finance.

Therefore, the question before the Commission was what action, if any, the Commission would choose to take on this request for reconsideration. After discussion, Commissioner White moved to take no action on the request. Commissioner Stranch seconded the motion, which was unanimously approved.

- 5. Discussion of sworn complaint filed with the Registry of Election Finance against Jonathan Hall.** Counsel for the Commission advised the Commission that a complaint had been referred to the Registry of Election Finance concerning Nashville Metro Councilman Jonathan Hall by the Metro Nashville District Attorney's Office. Counsel advised that Mr. Hall had previously been assessed civil penalties by the Ethics Commission for failure to file Statements of Interests in recent years, which were still outstanding. This information was relayed to the Commission for informational purposes only, and no action was required or taken.
- 6. Discussion of recent Informal Advisory Opinions provided to Ethics Commission members.** Counsel for the Commission advised that State law requires staff to report all informal advisory opinions issued by staff to the Commission and to maintain records relating to these informal opinions. Counsel described how these informal opinions were retained, cataloged, and indexed for the Commission's review. No action was required or taken.
- 7. Discussion regarding future meeting participation via telephone.** Director Young advised that, due to recent disruptions, the Registry of Election Finance had decided to no longer allow public participation in its meetings via telephone and requested guidance from the Commission on whether it would like to continue to allow public participation by telephone. After some discussion, Commissioner Gilbert moved to continue to allow public participation at this time. This motion was seconded by Commissioner Floyd-Thomas and unanimously approved.
- 8. Legislative Update from 2021 General Assembly.** Counsel for the Commission provided a brief overview of the legislative changes passed by the General Assembly during the 2021 session and

provided an update on Staff's efforts to fulfill the Commission's obligations under those acts. No action was required or taken.

9. Discussion of SB1005/HB1201. Director Young explained that the amendment to SB1005/HB1201 provided in the materials to the Ethics Commission had been filed shortly prior to the end of the last legislative session and that he anticipates that this amendment would be modified and presented again for consideration during the next legislative session. Director Young asked that the Commissioners consider the document for further discussion of proposed changes to either the amendment or the existing law at a future date.

10. Discussion of possible proposed legislation by the Bureau. Director Young presented a proposal of legislative changes that have been provided by Staff to members of the General Assembly for review and consideration. Director Young requested the Commissioners advice, concerns, or comments concerning this proposed legislation. No formal action was required or taken.

11. Reconsiderations

Terry Alley – 2021-090 County Commissioner (White County): After a short review of the facts of the case and the request submitted, Commissioner Stranch moved to waive the civil penalty assessed. Commissioner White seconded the motion, which was unanimously approved.

Richard Bain – 2020-230 Cumberland Gap Alderman (Claiborne County): After a short review of the facts of the case and the request submitted, Commissioner White moved to waive the civil penalty assessed. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

Austin Bond – 2021-004 Sharon Alderman (Weakley County): After a short review of the facts of the case and the request submitted, Commissioner White moved to waive the civil penalty assessed. Commissioner Gilbert seconded the motion, which was unanimously approved.

Dennis C. Bynum – 2020-117 House of Representatives – District 42 (Putnam County): After a short review of the facts of the case and the request submitted, Commissioner White moved to waive the civil penalty assessed. Commissioner Gilbert seconded the motion, which was unanimously approved.

Brian Cook – 2021-172 Maury City Alderman (Crockett County): After a short review of the facts of the case and the request submitted, Commissioner White moved to waive the civil penalty assessed. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

Sid Crocker – 2021-095 School Board (Gibson County): After a short review of the facts of the case and the request submitted, Commissioner White moved to waive the civil penalty assessed. Commissioner Gilbert seconded the motion, which was unanimously approved.

George Foster – 2021-097 Planning Commissioner (Henderson County): After a short review of the facts of the case and the request submitted, Commissioner White moved to waive the civil

penalty assessed. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

Charles Keller– 2021-195 Constable (Franklin County): After a short review of the facts of the case and the request submitted, Commissioner White moved to waive the civil penalty assessed. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

Michael McMillan – 2021-113 School Board (Knox County): After a short review of the facts of the case and the request submitted, Chairman Traughber moved to waive the civil penalty assessed. Commissioner Gilbert seconded the motion, which was unanimously approved.

Gary Melton– 2021-200 School Board (Grundy County): After a short review of the facts of the case and the request submitted, Commissioner Stranch moved to waive the civil penalty assessed. Commissioner White seconded the motion, which was unanimously approved.

Jerry Simons– 2021-203 Doyle Alderman (White County): After a short review of the facts of the case and the request submitted, Commissioner White moved to waive the civil penalty assessed. Commissioner Gilbert seconded the motion, which was unanimously approved.

Matthew Somers – 2021-123 Surgoinsville Alderman (Hawkins County): After a short review of the facts of the case and the request submitted, Commissioner White moved to waive the civil penalty assessed. Commissioner Stranch seconded the motion, which was unanimously approved.

Terry Spearman – 2020-148 County Commissioner (Madison County): After a short review of the facts of the case and the request submitted, Commissioner Stranch moved to waive the civil penalty assessed. Commissioner White seconded the motion, which was unanimously approved.

John Walker – 2021-126 Calhoun City Commissioner (McMinn County): After a short review of the facts of the case, Commissioner Stranch moved to defer further consideration of the request and instruct Staff to reach out to Mr. Walker to request that he submit the required Statement of Interest. Commissioner White seconded the motion, which was unanimously approved.

Darrell Woodard – 2021-211 County Commissioner (Robertson County): After a short review of the facts of the case and the request submitted, Commissioner White moved to waive the civil penalty assessed. Commissioner Gilbert seconded the motion, which was unanimously approved.

12. Informal civil penalty assessment proceedings –Local Candidates. Commissioner Stranch moved to take no action in each of the following matters. Chairman Traughber seconded the motion, which was unanimously approved.

Nicholas Ciparro – 2021-235 Knoxville City Council (Knox County) (1 penalty day late)

Deidra Harper – 2021-223 Knoxville City Council (Knox County) (2 penalty days late)

Steven Brad Griffey – 2021-224 Luttrell City Council (Union County) (4 penalty days late)

13. Informal civil penalty assessment proceedings –Local Officials

Commissioner Stranch moved to take no action in each of the following matters. Commissioner White seconded the motion, which was unanimously approved.

Bill Trivett – 2021-225 Mt. Juliet City Commissioner (Wilson County) (1 penalty day late)
Freddie Harding – 2021-226 Planning Commissioner (Van Buren County) (2 penalty days late)
Patricia McCreight – 2021-227 School Board (Dyer County) (3 penalty days late)
Jason Roach – 2021-228 County Commissioner (Hawkins County) (3 penalty days late)
Mark Wells – 2021-229 Constable (Sullivan County) (3 penalty days late)

Jim Duke – 2021-236 County Commissioner (Haywood County) (51 penalty days late; statement submitted): Chairman Traughber moved to take no action in this matter. Commissioner Stranch seconded the motion, which was unanimously approved.

William Murray – 2021-116 Planning Commissioner (Hamilton County) (144 penalty days late; statement submitted): Commissioner Stranch moved to take no action in this matter. Chairman Traughber seconded the motion, which was unanimously approved.

Maria Jiminez – 2021-231 Planning Commissioner (Montgomery County) (statement not filed): Commissioner Stranch moved to assess a civil penalty of \$500.00 in this matter. Commissioner White seconded the motion, which was unanimously approved.

Larry Presswood– 2021-232 Planning Commissioner (Bradley County) (statement not filed): Commissioner Stranch moved to assess a civil penalty of \$500.00 in this matter. After additional discussion, Commissioner Stranch withdrew his motion. Commissioner Gilbert moved to defer this matter to allow Commissioner Gilbert an opportunity to reach out to Mr. Presswood. This motion was seconded by Commissioner White and unanimously approved. Later in the meeting, Commissioner Gilbert informed the Commission that he had received information indicating that Mr. Presswood had passed away. Therefore, Commissioner White moved to withdraw the previous deferment and to take no further action in this matter. This motion was seconded by Chairman Traughber and unanimously approved.

14. Informal civil penalty assessment proceeding – State Officials. Commissioner Gilbert moved to take no action in each of the following matters. Commissioner White seconded the motion, which was unanimously approved.

Joan Carter – 2021-237 House of Representatives – District 29 (Hamilton County) (2 penalty days late)
Frank S. Niceley – 2021-233 Senator – District 8 (Jefferson County) (2 penalty days late)
Katrina Robinson – 2021-234 Senator – District 33 (Shelby County) (118 penalty days)

15. Informal civil penalty assessment proceeding – Lobbyist

Kendra Lee – 2021-138 (failure to pay registration fee): After discussion of the facts of the case, Commissioner White moved to take no action in this matter. Commissioner Gilbert seconded the motion, which was unanimously approved.

16. Informal civil penalty assessment proceeding – Employer of Lobbyist

Nashville CARES – 2021-238 (failure to timely file expenditure report, 6 penalty days late): After a short discussion, Commissioner Stranch moved to take no action in this matter. Commissioner White seconded the motion, which was unanimously approved.

17. Rescind Civil Penalty Orders

Hugh Hale – 2021-101 Planning Commissioner (Van Buren County): After a short discussion of the history of this matter, Commissioner White moved to rescind and waive the assessed civil penalty. Commissioner Gilbert seconded the motion, which was unanimously approved.

Saundra Jarvis – 2020-210 Planning Commissioner (Grainger County): After a short discussion of the history of this matter, Commissioner White moved to rescind and waive the assessed civil penalty. Commissioner Gilbert seconded the motion, which was unanimously approved.

David Morrison – 2020-173 County Commissioner (Franklin County): After a short discussion of the history of this matter, Commissioner White moved to rescind and waive the assessed civil penalty. Commissioner Gilbert seconded the motion, which was unanimously approved.

Jennifer Powers – 2019-052 Scotts Hill Alderman (Henderson County): After a short discussion of the history of this matter, Commissioner White moved to rescind and waive the assessed civil penalty. Commissioner Gilbert seconded the motion, which was unanimously approved.

Ralph Mike Worley – 2021-129 Constable (Polk County): After a short discussion of the history of this matter, Commissioner Stranch moved to rescind and waive the assessed civil penalty. Commissioner White seconded the motion, which was unanimously approved.

18. Lobbyist Audits. Director of Audit Jay Moeck presented the findings within the 2019 and 2020 Lobbyist Registration Audits. After some discussion among members and staff, Commissioner White moved to accept the reports detailed in the 2019 Lobbyist Registration Audit pertaining to those lobbyists for which no findings had been made. Commissioner Stranch seconded this motion, which was unanimously approved. After some further discussion, Commissioner Stranch moved to accept the remaining lobbyist audit reports and their findings. Commissioner Gilbert seconded this motion, which was unanimously approved.

After additional discussion, Commissioner White moved to accept the reports detailed in the 2020 Lobbyist Registration Audit pertaining to those lobbyists for which no findings had been made. Commissioner Gilbert seconded this motion, which was unanimously approved. After some further

discussion, Commissioner White moved to accept the remaining lobbyist audit reports and their findings. Commissioner Stranch seconded this motion, which was unanimously approved.

No further action was taken.

19. Set date of Ethics Commission's next meeting. The Members of the Commission determined that its next meeting will be held on February 28, 2022.

20. Other Business. None.

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