

# 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  
Duane Gilbert  
Lynn Richardson  
James G. Stranch, III

EXECUTIVE DIRECTOR

Bill Young

**TENNESSEE ETHICS COMMISSION**  
**Public Meeting Minutes**  
**June 29, 2021**

The Tennessee Ethics Commission met Tuesday, June 29, 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 3<sup>rd</sup> Floor Conference Center.

Presiding over the meeting was Charles Traughber. Also attending the meeting were board members Tammy White, James Stranch, Duane Gilbert, Stacey Floyd-Thomas, and Lynn Richardson. A quorum of members was physically present.

As a preliminary matter, Executive Director Young reminded the Commissioners that the meeting was being recorded for the public and that the video recording would be made available on the Commission's website. Ms. Williams took roll of the individuals participating in the meeting in person and via telephone. Chairman Traughber welcomed the Commissioners, particularly the Commission's newest members, to the meeting.

As another preliminary matter, Director Young asked the Commissioners to consider whether it was necessary to hear from the complainant and/or respondent at an Ethics Commission's preliminary hearing on a sworn complaint, where the sole question to be considered by the Commission was whether the Commission had jurisdiction to consider the complaint and, if so, then the Commission would refer the complaint to the Attorney General's Office for investigation as required by Tennessee statute. After a short discussion, the Commission determined not to hear comments from either the complainant or respondent at this stage of the proceedings.

Commissioner Stranch moved to hear the matters on the agenda out of order so as to address those matters in which an individual, or individuals, had personally appeared to participate or had called in to participate by phone. Commissioner White seconded the motion, which was unanimously approved.

The following matters were addressed as follows:

**Mike Faulkenberry, 2021-077:** Mr. Faulkenberry participated in the meeting and presented a short statement acknowledging his failure to timely submit the required paperwork. Commissioner White moved to take no action on this matter and assess no civil penalty. Commissioner Stranch seconded the motion, which was unanimously approved.

**Randy Liles, 2021-041:** Mr. Liles participated in the meeting and presented a short statement acknowledging his failure to timely submit the required paperwork. Commissioner White moved to take no action on this matter and assess no civil penalty. Commissioner Stranch seconded the motion, which was unanimously approved.

**Kathleen Murphy, 2021-131:** Ms. Murphy participated in the meeting and presented a short statement acknowledging her failure to timely submit the required paperwork and explaining some technical difficulties experienced during the filing process. Commissioner Thomas moved to take no action on this matter and assess no civil penalty. Commissioner White seconded the motion, which was unanimously approved.

**Coalition of Large School Systems, 2021-144, 2021-145:** Mr. Robert Gowan and Ms. Elizabeth Millsaps participated in the meeting and presented a short statement acknowledging the failure to timely submit the required registrations. Commissioner Stranch moved to take no action on these matters and to assess no civil penalties. Commissioner White seconded the motion, which was unanimously approved.

**Nicole Osborne Watson, 2021-139; Mack Cooper, 2021-137; Vulcan Construction Materials, LP, 2021-142, 2021-152, 2021-153:** Ms. Nicole Watson and Mr. Jim Weaver participated in the meeting, appearing on behalf of Ms. Watson and Mr. Cooper, and described a business relationship circumstance that caused Ms. Watson and Mr. Cooper to unnecessarily register as lobbyists representing Vulcan Construction Materials. Ms. Watson confirmed that neither she nor Mr. Cooper had lobbied on behalf of Vulcan Construction Materials and that Vulcan Construction Materials had not failed to register as an employer of a lobbyist because they did not employ a lobbyist during the applicable time frame. Commissioner Stranch moved to take no action on these matters and to assess no civil penalties. Commissioner White seconded the motion, which was unanimously approved.

**Joe Smith, 2021-084:** Mr. Smith participated in the meeting and presented a short statement acknowledging his failure to timely submit the required paperwork. Commissioner White moved to take no action on this matter and assess no civil penalty. Commissioner Thomas seconded the motion, which was unanimously approved.

**Elizabeth Powers, 2021-136:** Linda Riefberg participated in the meeting on behalf of Ms. Powers via telephone and presented a short statement acknowledging the failure to timely submit the lobbyist registration fee and described certain difficulties and points of confusion encountered in the process. Commissioner Stranch moved to take no action on this matter and to assess no civil penalty. Commissioner Thomas seconded the motion, which was unanimously approved.

**Comcast, 2021-167, 2021-168, 2021-169, 2021-170, 2021-171:** Curtis Person participated in the meeting on behalf of Comcast via telephone and presented a short statement acknowledging the failure to timely submit required registrations and describing certain logistical difficulties regarding mail delivery and the COVID-19 pandemic, as well as other personal matters that diverted attention from ensuring the required filings were timely submitted. Commissioner Stranch moved to take no action in these matters and to assess no civil penalty. Commissioner Richardson seconded the motion, which was unanimously approved.

Following the conclusion of these matters, the Commission proceeded with its agenda.

**1. Approval of January 21, 2021 meeting minutes.** Commissioner White moved to approve the minutes from the last meeting. Commissioner Stranch seconded the motion, which was unanimously approved.

**2. Discussion of Public Chapter 347 (HB1040/SB0798) regarding required revisions to Statement of Interests (see pages 1-2).** General Counsel Topping presented a short summary of the changes to SS-8004, the form for statements of interests, required by Public Chapter 347.

**3. Discussion of Public Chapter 228 (HB 831/SB787) and approval of sample conflict-of-interest form required for industrial development corporations (see pages 3-5).** Counsel Topping presented a short explanation of the sample conflict of interest statement required to be posted on the Commission's website by Public Chapter 228. She clarified that this document can be adopted by industrial development corporations but is not required to be adopted. She further clarified that the adopted statement is not required to be filed with the Ethics Commission. Commissioner White moved to approve the sample statement as drafted by staff. Commissioner Thomas seconded the motion and noted a minor error in the document to be corrected. The motion was unanimously approved to adopt the amended draft sample statement.

**4. Discussion of SB1005/HB1201 (see pages 6-17).** 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.

**5. Discussion of whether to issue a formal advisory opinion in the Brown Forman matter (see pages 18-50).** Director Young presented a summary of the circumstances that gave rise to this matter and a summary of the legal analysis of the Commission's related prior formal advisory opinion (08-01). Director Young stated his position that, while Brown Forman had reasonably relied on the opinion in its actions and, therefore, had done nothing improper, it was his opinion that the prior formal advisory opinion is flawed and should be revisited. After some discussion, Commissioner Stranch requested that Staff provide a proposed revised advisory opinion for the consideration of the Commission at its next meeting. A motion and second were made to proceed in this manner, and the motion was unanimously approved.

**6. Discussion of informal advisory opinions issued by Ethics Commission Staff.** 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 the manner in which these informal opinions were retained, cataloged, and indexed for the Commission's review.

**7. Update on Kelsey Ketrone, Case No. 2018-055 (see pages 51-52).** Director Young provided the Commission with a summary of the facts of this case and recommended that any further consideration of the matter should be deferred to the Commission's next meeting pending the outcome of several related matters currently before the Registry of Election Finance. No action on this matter was taken.

**8. Update on General Assembly Ethics Training.** Director Young confirmed that Staff had presented a virtual ethics training for members of the General Assembly and that all members had completed the training, with the exception of Representative Byrd who was still recovering from serious health problems.

**9. Discussion and request to eliminate vacant Bureau staff positions.** Director Young advised the Commission of his position that the Bureau is fully staffed and able to adequately handle the Bureau's current level of work, and that three vacant staff positions in the budget were no longer needed and could be eliminated. Commissioner White moved to approve Director Young's recommendation to eliminate these vacant staff positions. Commissioner Stranch seconded the motion, which was unanimously approved.

**10. Discussion regarding further meeting participation by telephone.** Director Young requested input from the Commissioners concerning their desire to allow continued participation in Commission meetings through electronic means. After a short discussion of the merits, the Commission determined that further discussion of this matter should be deferred until its next meeting.

**11. Update on educational forums conducted by the Executive Director and Staff.** Director Young presented a short summary of Staff's efforts to conduct educational programming across the State. Director Young recounted those educational forums that had already been presented by Staff and described ongoing efforts to establish additional opportunities in the future.

**12. Reconsiderations.**

**Gabriel Seth Babb, 2020-202:** Commissioner White moved to reconsider and waive the civil penalty previously assessed in this matter. Commissioner Stranch seconded the motion, which was unanimously approved.

**Brenda Hasting, 2020-137:** Commissioner White moved to reconsider and waive the civil penalty previously assessed in this matter. Commissioner Thomas seconded the motion, which was unanimously approved.

**Elaine Bond – 2020-159:** Commissioner White moved to reconsider and waive the civil penalty previously assessed in this matter. Commissioner Richardson seconded the motion, which was unanimously approved.

**Billy King – 2020-029:** Commissioner White moved to deny the request for reconsideration on the grounds that Mr. King had still not filed the required disclosure document. Commissioner Thomas seconded the motion, which was unanimously approved.

**Dennis C. Bynum – 2020-117:** Commissioner Stranch moved to defer this matter for further consideration to the Commission's next meeting and requested that Staff reach out to Mr. Bynum to inform him of the need to file the required disclosure statement. The motion was seconded and unanimously approved.

**Danny Lee McDonald – 2020-012:** Commissioner White moved to reconsider and waive the civil penalty previously assessed in this matter. Commissioner Richardson seconded the motion, which was unanimously approved.

**Al Childrey – 2020-131:** Commissioner White moved to reconsider and waive the civil penalty previously assessed in this matter. Commissioner Stranch seconded the motion, which was unanimously approved.

**Gary Schwenke – 2020-237:** Commissioner White moved to reconsider and waive the civil penalty previously assessed in this matter. Commissioner Richardson seconded the motion, which was unanimously approved.

**Rachel Fuentes – 2020-169:** Commissioner White moved to reconsider and waive the civil penalty previously assessed in this matter. Commissioner Thomas seconded the motion, which was unanimously approved.

**Susan Sneed – 2020-121:** Commissioner White moved to reconsider and waive the civil penalty previously assessed in this matter. Commissioner Richardson seconded the motion, which was unanimously approved.

**Larry Springfield – 2020-046:** Commissioner Stranch moved to deny the request for reconsideration on the grounds that Mr. Springfield had still not filed the required disclosure document. Commissioner Richardson seconded the motion, which was unanimously approved.

**Ron Wonderly – 2020-239:** Commissioner White moved to reconsider and waive the civil penalty previously assessed in this matter. Commissioner Thomas seconded the motion, which was unanimously approved.

### **13. Informal civil penalty assessment proceedings –Local Candidates**

**George Ryan Love – 2021-001:** Commissioner Stranch moved to take no action. The motion was seconded and unanimously approved.

**Chelsea Camp – 2021-006:** Commissioner Stranch moved to take no action. The motion was seconded and unanimously approved.

**Charles C. Gerrell – 2021-010:** Commissioner Thomas moved to take no action. Commissioner Stranch seconded the motion, which was unanimously approved.

**Charles Bookout – 2021-005:** Commissioner White moved to take no action. Commissioner Richardson seconded the motion, which was unanimously approved.

**James Easterly – 2021-009:** Commissioner White moved to take no action. Commissioner Thomas seconded the motion, which was unanimously approved.

**Kelvin Scott – 2021-011:** Commissioner White moved to take no action. Commissioner Thomas seconded the motion, which was unanimously approved.

Commissioner Stranch moved to assess a civil penalty of \$1000 in each of the following matters. Commissioner White seconded the motion, which was unanimously approved.

D’Andre Anderson – 2021-002  
Austin Bond – 2021-004  
Matthew Scott Comperry – 2021-008  
John Little – 2021-012  
Linda Smith – 2021-014

Dewayne Bell – 2021-003  
Cynthia Stanley-Cash – 2021-007  
Brian Cook – 2021-172  
Chris Long – 2021-013

### **14. Informal civil penalty assessment proceedings –Local Officials**

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

Bryan Barnett – 2021-015  
Kevin Christopher – 2021-016  
Jacqueline Dent – 2021-018  
Josh Eatherly – 2021-173  
Cole Ebel – 2021-019

Donna Goad -2021-037  
Charles Harrell – 2021-038  
Keith Hudson – 2021-175  
Robert Kelly -2021-039  
Clifford Kohlmeyer – 2021-040

Joe S. Hall – 2021-174  
Sheleah Harris – 2021-020  
Lugene Hudspeth – 2021-021  
Michael M. Hyde – 2021-022  
Jeffrey S. Mackey – 2021-023  
Amy Callahan Martin – 2021-024  
Carter Martin – 2021-025  
Marty McCaleb – 2021-026  
Kenneth Nixon – 2021-027  
Jason Pankey – 2021-028  
Carolyn Smith – 2021-029  
Leon Spoone – 2021-030  
Ann Taylor – 2021-031  
Jacob Bradford – 2021-032  
Stewart Broussard – 2021-033  
Mike Callahan – 2021-034  
James M. Clary – 2021-035  
Jerry Crosslin – 2021-036  
Andrea Rougemont – 2021-057  
Mike Creasy – 2021-179  
Calvin Massengile – 2021-181  
Johnny Phipps – 2021-059  
Andrew Conner – 2021-061  
Melissa Goddard – 2021-063  
Brett A. Morgan – 2021-065  
Lou Qualls – 2021-067  
Todd Wade – 2021-069  
Suzanne Williams – 2021-071

James William Mahoney -2021-042  
Kenny Marshall – 2021-043  
David Brent Paschall – 2021-044  
Michael A. Phelps – 2021-045  
Quenton Reed – 2021-046  
Judy Smith – 2021-047  
Steven Smith – 2021-048  
Blake Stanfill – 2021-049  
Joseph E. Sutton – 2021-050  
David Taylor – 2021-176  
Brad Anderson – 2021-051  
TK Austin – 2021-177  
Gregory A. Carter – 2021-052  
Jimmie Hill – 2021-053  
Gary D. Kee – 2021-054  
Jeff McKee – 2021-055  
Eric Todd Rankin – 2021-056  
Chuck W. Vest – 2021-178  
Larry Henry – 2021-180  
Derrick Mullins – 2021-058  
James Harold Brooks – 021-060  
Justin Davis – 2021-062  
Jennifer Graham – 2021-064  
Martha Wilkinson – 2021-066  
Terry Taylor – 2021-068  
Sandra White – 2021-070  
John Wilson – 2021-182

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

Willie Mae Hampton-Pearson – 2021-183  
Frankie D. Sharp – 2021-184  
Bruce E. Davidson – 2021-186  
Bobby Whittemore – 2021-072  
Janice Fish-Stewart – 2021-078  
Regina Waller – 2021-187  
Thomas Dillard – 2021-080

David Rigsby – 2021-073  
Frank Thurston – 2021-185  
Jason Holly – 2021-074  
Thomas Ward – 2021-076  
Jonathan B. Pitts – 2021-075  
Nathaniel Jed Baker – 2021-079  
Kenneth Spry -2021-081

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

David Sharpe – 2021-082  
Layla Ward – 2021-188  
Rachel Terrell – 2021-086  
Jon R. Armstrong – 2021-088

Chris McPeake – 2021-083  
Calvin Gause – 2021-085  
Mary Warren – 2021-087  
Luke Winchester – 2021-209

Chairman Traughber moved to take no action in the following matters. Commissioner White seconded the motion, which was unanimously approved.

Jeff Eslinger – 2021-193  
Murray Blackwelder – 2021-191  
Eric Ward – 2021-089

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

Chris Speck – 2021-206	Bruce Manley – 2021-112
David Gordon – 2021-098	Jimmy Simmons – 2021-122
Carol Ann Keith – 2021-109	Clint Davis – 2021-096
Darrel Hicks – 2021-106	Josh Michael – 2021-114
Mara Ronnette O’Neal – 2021-119	Waylon Inman – 2021-107
Darrel Parish – 2021-120	Casey King – 2021-196
Charles Morehead – 2021-115	Jeffrey Dewitt – 2020-133

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

Eddie Granger – 2021-099	Travis Landrum – 2021-197
James White – 2021-127	Cody Wise – 2021-210

Commissioner White moved to dismiss the following matter as Staff had determined that there was no disclosure statement owed in this matter. Commissioner Thomas seconded the motion, which was unanimously approved.

Margaret Chastain – 2021-192

Commissioner Stranch moved to defer further consideration of the following matter to the Commission’s next meeting and requested that Staff reach out to request that the required disclosure be filed. Commissioner white seconded the motion, which was unanimously approved.

William Murray – 2021-116

Commissioner Stranch moved to assess civil penalties of \$500 in each of the following matters. Commissioner White seconded the motion, which was unanimously approved.

Terry Alley – 2021-090	Kate Baldrige – 2021-189
Nathan Billingsley – 2021-190	Elaine Bond – 2021-091
Lionel Borders – 2021-092	Tim Casteel – 2021-094
Sid Crocker – 2021-095	George Foster – 2021-097
Hugh Hale – 2021-101	Christopher Brian Haley – 2021-102
John Hall – 2021-194	Bruce Heidelberg – 2021-104
H. Hensley – 2021-105	Darrell Johnson – 2021-108
Charles Keller – 2021-195	Justin Kramer – 2021-198
Tony Wayne Law – 2021-110	Steven E. Light – 2021-111
Landon Mathis – 2021-199	Gary Melton – 2021-200
Michael McMillan – 2021-113	Colton Nanney – 2021-118
Brian Nunley – 2021-201	Wession Reeves – 2021-121
Randy Rice – 2021-202	Jerry Simons – 2021-203
Eddie Smith – 2021-204	Linda Smith – 2021-205
Matthew Somers – 2021-123	Calvin Bruce Tanner – 2021-207

Beecher Taylor – 2021-124  
Darrell Woodard – 2021-210

John Walker – 2021-126  
Ralph Mike Worley – 2021-129

**15. Informal civil penalty assessment proceeding – State Candidate**

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

Charles Thompson – 2021-130

**16. Informal civil penalty assessment proceedings – Lobbyist**

**James Palmer – 2021-132:** Commissioner Stranch moved to take no action in this matter. The motion was seconded and unanimously approved.

**John Holloway – 2021-133:** Commissioner Thomas moved to take no action in this matter. The motion was seconded and unanimously approved.

**Aaron Snodderly – 2021-134:** Commissioner Thomas moved to take no action in this matter. The motion was seconded and unanimously approved.

**Ben Donaldson – 2021-135:** Commissioner Thomas moved to take no action in this matter. The motion was seconded and unanimously approved.

**Kendra Lee – 2021-138:** Commissioner Stranch moved to defer this matter to the Commission’s next scheduled meeting and requested that staff contact Ms. Lee to inquire as to her representation of The Equity Alliance Fund. The motion was seconded and unanimously approved.

**17. Informal civil penalty assessment proceedings – Employer of Lobbyist**

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

Tennessee Tow Truck Association – 2021-140  
America’s Health Insurance Plans – 2021-141  
Verify4 – 2021-143  
Enbridge, Inc. – 2021-146

Commissioner White moved to assess civil penalties of \$750 in each of the following matters. Commissioner Thomas seconded the motion, which was unanimously approved.

Rennova Health, Inc. – 2021-147  
Talitrix LLC – 2021-148  
Talitrix LLC – 2021-149  
Talitrix LLC – 2021-150  
Talitrix LLC – 2021-151

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

AgLaunch Initiative – 2021-154



Ryman Hospitality Properties, Inc. – 2021-155  
Ryman Hospitality Properties, Inc. – 2021-156  
Ryman Hospitality Properties, Inc. – 2021-157  
Ryman Hospitality Properties, Inc. – 2021-158  
Ryman Hospitality Properties, Inc. – 2021-159  
Ryman Hospitality Properties, Inc. – 2021-160  
Geodis Logistics, LLC – 2021-161  
Nashville Business Coalition – 2021-162  
Bird Rides, Inc. – 2021-163  
Bird Rides, Inc. – 2021-164  
Bird Rides, Inc. – 2021-165  
Bird Rides, Inc. – 2021-166

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

Nashville CARES – 2021-212  
Enbridge, Inc. – 2021-214  
Study Edge – 2021-218  
Concerned Citizens – 2021-213

Commissioner White moved to assess a civil penalty of \$750 in each of the following matters. Commissioner Stranch seconded the motion, which was unanimously approved.

Grace Healthcare – 2021-215  
Grace Healthcare – 2021-216  
Rennova Health, Inc. – 2021-217  
Talitrix LLC – 2021-219  
THE ARC OF TN – 2021-220  
TN Action 24/7 – 2021-221  
TrueCore Behavioral Solutions LLC – 2021-222

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

Vimo, Inc. – 2020-189

## **18. Rescind Civil Penalty Orders**

**Reid Hedgepeth – 2020-209:** Commissioner White moved to rescind the civil penalty previously assessed. The motion was seconded and unanimously approved.

**Kimberly Messer – 2020-142:** Commissioner White moved to rescind the civil penalty previously assessed. The motion was seconded and unanimously approved.

**Jennifer Powers – 2019-052:** Chairman Traugber moved that this matter be deferred until the Commissions next scheduled meeting and requested that Staff contact her and/or Henderson County to further inform her of the requirement to file the disclosure statement. The motion was seconded and unanimously approved.

**Jeff Sasse – 2020-177:** Commissioner White moved to rescind the civil penalty previously assessed. The motion was seconded and unanimously approved.

**19. Set date of Ethics Commission’s next meeting.** After a short discussion, the Commission’s next meeting date was set as October 26, 2021 at its regular time, in a location within the Tennessee Tower conference center to be determined by Staff.

**20. Other Business.** None.