

STATE OF TENNESSEE



BUREAU OF ETHICS AND CAMPAIGN FINANCE

TENNESSEE ETHICS COMMISSION

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BOARD MEMBERS

Charles Traughber
James G. Stranch, III
Bob Patton
Tammy S. White
Duane Gilbert
Stacy Floyd-Thomas

EXECUTIVE DIRECTOR

Bill Young

TENNESSEE ETHICS COMMISSION

Public Meeting Minutes

January 21, 2021

The Tennessee Ethics Commission met Thursday, January 21, 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 Multimedia Room of the 3rd Floor Conference Center. The confidential portion of the meeting began after the conclusion of the public agenda of the Commission's meeting.

Presiding over the meeting was Charles Traughber. Also attending the meeting were board members Bob Patton, Tammy White, James Stranch, Duane Gilbert, and Stacy Floyd-Thomas. Members Stranch, Gilbert, and Floyd-Thomas participated via telephone. The meeting was held and conducted pursuant to Executive Order ("EO") 71, allowing public meetings to be conducted via electronic means for the purposes of preventing the spread of viral infection during the current pandemic, because at the last minute several members were unable to physically attend the meeting so a physical quorum of members was not present. At the outset of the meeting, Executive Director Young explained the necessity to continue with the meeting as allowed by Executive Order #71 and confirmed that all requirements for doing so under this EO have been previously met. Director Young noted the meeting was being recorded by both audio and video recorders. The Chair requested a motion to continue with the meeting pursuant to Executive Order #71; the motion was made by Member Stranch and seconded by Member White. The members then voted to approve the motion by unanimous voice vote (Member Gilbert was not on the line at this time and did not participate in the vote). Despite the lack of a physical quorum, all members of the Commission actively participated in the meeting.

Election of Chairperson.

Chairman Traughber was reelected as Chair at the Commission's last meeting. The members next considered whether to elect a Vice Chair or Secretary, and if so, who shall be elected. Ms. White stated that she would be honored to serve. Member Stranch moved to elect Ms. White as Vice-Chair/Secretary. The motion was seconded by Chairman Traughber and approved by a unanimous voice vote.

Approval of Minutes of July 30, 2020 public meeting.

Member White made a motion to approve the minutes of the July 30, 2020 meeting as presented in the meeting materials. The motion was seconded by Member Stranch and approved by a unanimous voice vote.

Discussion of Code of Conduct and Disclosure Statements.

Counsel for the Commission presented a short summary of the history and requirement to annually review and approve the Commission's Code of Conduct document and for each member to complete Disclosure Statements. Member Patton offered a motion to approve the Code of Conduct as presented. The motion was seconded by Member White and approved by a unanimous voice vote.

Discussion of Public Records Request Policy.

Counsel for the Commission presented a short summary of the history and requirement to put in place and review the Bureau's Public Records Request Policy. Counsel also provided a short summary of the minor changes to the document being recommended for approval. After a discussion of the policy as written by the Members, Member Patton moved to approve the Policy as written. This motion was seconded by Member White and unanimously approved by voice vote.

Discussion of Building Lease.

Director Young provided the Members with an overview and update on developments regarding the Bureau's lease at its current location and prospective plans to move the Bureau to state-owned space at the expiration of the lease.

Member Patton moved to take matters out of order so as to address those matters with representatives present at the meeting or participating via telephone first. Member Gilbert seconded the motion, which was unanimously approved by voice vote. The following minutes will be arranged consistent with the published public agenda and those items taken out of order will be noted below.

Reconsiderations.

Robert Braswell – 2020-022: (This matter was taken out of order.) Mr. Braswell was present at the meeting and made a short statement. After a short discussion, Member Stranch moved to waive the penalty previously assessed. The motion was seconded by Members Patton and White and unanimously approved by voice vote.

Billy King – 2020-029: After a short discussion of the history of this matter, the Members determined that this matter should be deferred for further consideration until the Commission's next meeting and to directed staff to send a letter to Mr. Braswell explaining the need to file the required Statement of Interest disclosure before reconsideration of the assessed penalty would be appropriate. No objection to this course of action was raised by any member.

Larry Springfield – 2020-046: Following a short discussion of this matter, Member Stranch moved to defer consideration of this matter until the Commission’s next meeting and to direct staff to send a letter to Mr. Springfield of the need to file the required Statement of Interest disclosure before reconsideration of the assessed penalty. Member Patton seconded the motion, which was unanimously approved by voice vote.

David Phillip Walker – 2020-045: Member Stranch moved to reconsider and waive the civil penalty previously assessed against Mr. Walker. Member White seconded the motion, which was unanimously approved by voice vote.

Informal civil penalty assessment proceedings –Local Candidates.

The following matter was taken out of order. Member Stranch moved to waive the assessment of civil penalties. Chairman Traugher seconded the motion, which was unanimously approved. The Chair also requested that staff send a letter to Mr. McMillan asking that someone file the required statement of interest disclosure on his behalf.

Michael McMillan – 2020-172

Member Stranch moved to waive penalties for the following matters. Member White seconded the motion, which was unanimously approved by voice vote.

Trevor Johnson Banks – 2020-152

Cindy Crawford – 2020-219

Damian Crawford – 2020-220

Kristen Harrison – 2020-190

Jennifer Johnson – 2020-191

Tim Brabson -2020-153

Heather Brown Hardwick – 2020-221

Alonzo Tate – 2020-223

Cristina Templet – 2020-229

Clyde W. Pinkston – 2020-154

Sammy Spann -2020-224

Robert Cesternino – 2020-225

Marlon Gillespie – 2020-241

Freddie Kelley – 2020-155

Vanessa Presson – 2020-226

Curtis C. Dush – 2020-156

Bob Gilreath – 2020-227

Amanda L. Hearn – 2020-157

Steven D. Shoemaker – 2020-228

Adam Lamb – 220-158

Member Stranch moved to assess a civil penalty of \$50 in each of the following matters. This motion was seconded by Member Patton and approved by 5-0 voice vote, with the Chair abstaining.

Nathaniel Jed Baker – 2020-160

Sherry Franks – 220-161

Elaine Bond – 2020-159

Member White moved to waive penalties in the following matter. The motion was seconded by Member Stranch and unanimously approved by voice vote.

JB Trull – 2020-162

Each of the following items were addressed in turn as follows:

Joshua Gregory – 2020-235: Member Stranch moved to assess a civil penalty of \$100. Member Patton seconded the motion, which was approved by a unanimous voice vote. After further discussion, Member White moved to reconsider the earlier decision in this matter and to instead waive the civil penalty. The motion to reconsider was seconded by Member Patton and approved by unanimous voice vote. The motion to waive civil penalties was also seconded by Member Patton and approved by unanimous voice vote.

William Jackson -2020-236: Member Stranch moved to waive civil penalties in this matter. Member White seconded the motion, which was approved by a unanimous voice vote.

Larry Davis – 2020-232: Member Stranch moved to assess a civil penalty of \$100. Member White seconded the motion, which was approved by a unanimous voice vote.

William Boone – 2020-231: Member Stranch moved to waive civil penalties in this matter. Member Patton seconded the motion, which was approved by a unanimous voice vote.

Lisa Divirgilio – 2020-233: Member White moved to waive civil penalties in this matter. Members Patton and Stranch seconded the motion, which was approved by a unanimous voice vote.

Kristin Dillard Kim – 2020-170: Member White moved to waive civil penalties in this matter. Member Stranch seconded the motion, which was approved by a unanimous voice vote.

Phillip Carroll – 2020-164: Member White moved to waive civil penalties in this matter. Member Stranch seconded the motion, which was approved by a unanimous voice vote.

Bobby A. Stevens – 2020-178: Member Stranch moved to waive civil penalties in this matter. Member White seconded the motion, which was approved by a unanimous voice vote.

Leo Awgowhat – 2020-042: Member White moved to assess a civil penalty of \$1000 in this matter. Member Patton seconded the motion, which was approved by a unanimous voice vote.

Richard Bain – 2020-230: Member White moved to assess a civil penalty of \$500 in this matter. Member Patton seconded the motion, which was approved by a unanimous voice vote.

Dennis Clay Brown – 2020-163: Member Patton moved to assess a civil penalty of \$500 in this matter. Member White seconded the motion, which was approved by a unanimous voice vote.

Anthony Carson – 2020-165: Member Stranch moved to assess a civil penalty of \$500 in this matter. Member White seconded the motion, which was approved by a unanimous voice vote.

Demetres Coonrod – 2020-167: Member White moved to assess a civil penalty of \$500 in this matter. Member Patton seconded the motion, which was approved by a unanimous voice vote.

Member Stranch moved to assess a civil penalty of \$500 in each of the following matters. Member White seconded the motion, which was unanimously approved by voice vote.

Todd L. Davis – 2020-166
Brandy Finch – 2020-242
James Brian Frost – 2020-168
Rachel Fuentes – 2020-169
Lamike Hurt – 2020-234
Scott McGowan -2020-171
David Morrison – 2020-173

Member White moved to assess a civil penalty of \$500 in the following matter. Member Patton seconded the motion, which was unanimously approved by voice vote.

Wession Reeves – 2020-174

Member White moved to assess a civil penalty of \$500 in each of the following matters. Member Patton seconded the motion, which was unanimously approved by voice vote.

Jeff Sasse – 2020-177
Gary Schwenke – 2020-237
Bryan A. Todd – 2020-179

Each of the following items were addressed in turn as follows:

Randy Rice – 2020-175: Member White moved to assess a civil penalty of \$1000 in this matter. Member Patton seconded the motion, which was approved by a unanimous voice vote.

James Burtis Ridge – 2020-176: Member Stranch moved to assess a civil penalty of \$100. Member White seconded the motion, which was approved by a unanimous voice vote.

Ron Wonderly – 2020-239: Member Stranch moved to assess a civil penalty of \$100. Member White seconded the motion, which was approved by a unanimous voice vote.

Informal civil penalty assessment proceedings –Local Officials.

Member White moved to waive penalties for the following matters. Chairman Traugher seconded the motion, which was unanimously approved by voice vote.

Roger Williams -2020-192
Ken Buckmaster – 2020-193
Wayne Westmoreland – 2020-194
Terry Alley – 2020-196
David Brent Paschall – 2020-195

Member White moved to assess a civil penalty of \$50 in each of the following matters. Member Stranch seconded the motion, which was approved by voice vote.

Anthony Smith – 2020-124
Faye Sanders – 2020-018
Dee Harris – 2020-126

The following matters were addressed in turn as follows:

Bonnie Adcock – 2020-125: Member Stranch moved to waive civil penalties in this matter. Member White seconded the motion, which was approved by a unanimous voice vote.

Shane Emerson – 2020-197: Member White moved to waive civil penalties in this matter. Member Patton seconded the motion, which was approved by a unanimous voice vote.

Lou Browning – 2020-198: Member Stranch moved to waive civil penalties in this matter. Chairman Traugher seconded the motion, which was approved by a unanimous voice vote.

Jasmine Boyd – 2020-199: Member White moved to waive civil penalties in this matter. Member Patton seconded the motion, which was approved by a unanimous voice vote.

Sandra Simpson – 2020-127: Member White moved to waive civil penalties in this matter. Member Patton seconded the motion, which was approved by a unanimous voice vote.

Nathan Sanders – 2020-200: Member White moved to assess a civil penalty of \$100 in this matter. Member Patton seconded the motion, which was approved by a unanimous voice vote.

Kate Baldrige – 2020-128: Member White moved to assess a civil penalty of \$100 in this matter. Member Stranch seconded the motion, which was approved by a unanimous voice vote.

Anthony D. Byrd – 2020-201: Member White moved to waive civil penalties in this matter. Members Patton and Stranch seconded the motion, which was approved by a unanimous voice vote.

Josh Dillard – 2020-129: Member Stranch moved to waive civil penalties in this matter. Chairman Traughber seconded the motion, which was approved by a unanimous voice vote.

Thomas Dillard – 2020-134: This matter was taken out of order. Mr. Dillard participated electronically by telephone and made a short statement to the Commission. After a short discussion, Member White moved to waive civil penalties in this matter. Member Patton seconded the motion, which was unanimously approved by voice vote.

Rose Ogilvie McClain – 2020-212: Member Stranch moved to waive civil penalties in this matter. Chairman Traughber seconded the motion, which was approved by a unanimous voice vote.

Billy Harkins – 2020-136: Member Stranch moved to waive civil penalties in this matter. Chairman Traughber seconded the motion, which was approved by a unanimous voice vote.

Janis Fullilove – 2020-206: This matter was taken out of order. A representative for Ms. Fullilove participated electronically by telephone and made a short statement to the Commission. After a short discussion, Member White moved to waive civil penalties in this matter. Member Patton seconded the motion, which was unanimously approved by voice vote.

Brian Nunley – 2020-215: Member Patton moved to assess a civil penalty of \$300 in this matter. Member White seconded the motion, which was approved by a unanimous voice vote.

Thomas G. Witherspoon – 2020-218: Member Stranch moved to waive civil penalties in this matter. Member White seconded the motion, which was approved by a unanimous voice vote.

Mark Agee – 2020-130: Member Stranch moved to waive civil penalties in this matter. Member White seconded the motion, which was approved by a 5-1 vote with Member Patton opposed.

Carl Webb – 2020-151: Member White moved to waive civil penalties in this matter. Member Patton seconded the motion, which was approved by a unanimous voice vote.

Patrick Dandridge – 2020-132: This matter was taken out of order. Mr. Dandridge participated electronically by telephone and made a short statement to the Commission. After a short discussion, Member White moved to waive civil penalties in this matter. Member Patton seconded the motion, which was unanimously approved by voice vote.

Terry Spearman – 2020-148: Member Patton moved to assess a civil penalty of \$300 in this matter. Member White seconded the motion, which was approved by a unanimous voice vote.

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

Gabrial Seth Babb – 2020-202

Rachel Campbell – 2020-203

Al Childrey – 2020-131

Bradley Collins – 2020-205

John Hall – 2020-208

Brenda Hasting – 2020-137

Reid Hedgepeth – 2020-209

H. Hensley – 2020-138
Brandon Howard – 2020-140
Saundra Jarvis – 2020-210
Christopher Jones – 2020-211
D. Marty Lasley – 2020-141
Jeremy McDaniel – 2020-213
Kimberly Messer – 2020-142
Michael Moore – 2020-143
Colton Nanney – 2020-144
Patrick Pebley – 2020-145
Chris Speck – 2020-149
Jaide Terry – 2020-150
Michelle Travis – 2020-216

The following matters were addressed in turn as follows:

Jeffrey Dewitt – 2020-133: Chairman Traughber moved to defer this matter to the Commission’s next meeting to allow Mr. Dewitt to respond and/or file the required Statement of Interest with the Commission. Member White seconded the motion, which was approved unanimously by voice vote.

Ralph Eslinger – 2020-135: Member White moved to waive civil penalties in this matter. Member Patton seconded the motion, which was unanimously approved by voice vote.

Emily Gregg – 2020-207: Member White moved to assess a civil penalty of \$100 in this matter. Member Stranch seconded the motion, which was unanimously approved by voice vote.

Sam Hiles – 2020-139: Member Stranch moved to waive civil penalties in this matter. Member White seconded the motion, which was unanimously approved by voice vote.

Informal civil penalty assessment proceeding – State Officials.

Member White moved to waive civil penalties in each of the following matters. Member Stranch seconded the motion, which was approved by voice vote.

Dominique Frost -2020-107
Justin Davis – 2020-108
Alan Creasy – 2020-109
Charles A. Thompson – 2020-110
Ruby Powell-Dennis -2020-111
Luke Cameron – 2020-113
JoAnn Wooten-Lewis – 2020-112

Each of the following matters were addressed in turn as follows:

Mitchell (Eddie) Johnson – 2020-114: This matter was taken out of order. Member White moved to waive civil penalties in this matter. Chairman Traughber seconded the motion, which was unanimously approved by voice vote.

John T. McMahan – 2020-120: Member Stranch moved to waive civil penalties in this matter. Members White and Patton seconded the motion, which was unanimously approved by voice vote.

Doug Englen – 2020-118: This matter was taken out of order. Mr. Englen was present at the meeting and made a short statement to the Commission. Member Stranch moved to waive civil penalties in this matter. Members White and Patton seconded the motion, which was unanimously approved by voice vote.

Matt Ferry – 2020-119: Member White moved to waive civil penalties in this matter. Chairman Traugher seconded the motion, which was unanimously approved by voice vote.

Member White moved to assess a civil penalty of \$500 in each of the following matters. Member Stranch seconded the motion, which was unanimously approved by voice vote.

Julie Byrd-Ashworth – 2020-115
Sam Brown – 2020-116
Dennis C. Bynum – 2020-117
Susan Sneed – 2020-121
Rob White - 2020-122
Lynnette Williams – 2020-123

The following matter was addressed as follows:

Bobby Harrell – 2020-240: Member White moved to waive civil penalties in this matter. Member Patton seconded the motion, which was unanimously approved by voice vote.

Informal civil penalty assessment proceedings – State Candidates.

Katrina Robinson – 2020-106: Member Patton moved to assess a civil penalty of \$100 in this matter. Member White seconded the motion, which was unanimously approved by voice vote.

Informal civil penalty assessment proceeding – Lobbyists.

William Nolan – 2020-180: This matter was taken out of order. Mr. Nolen was present at the meeting and presented a short statement to the Commission. Member Patton moved to waive civil penalties in this matter. Member White seconded the motion, which was unanimously approved by voice vote.

Informal civil penalty assessment proceedings – Employers of Lobbyists.

Martin Daniel, State Representative – 2020-181: Member Stranch moved to waive civil penalties in this matter. Member White seconded the motion, which was unanimously approved by voice vote.

Hospitality TN – 2020-182: Member White moved to assess a civil penalty of \$750 in this matter. Member Patton seconded the motion, which was unanimously approved by voice vote.

Baron Huber – 2020-184: Member Stranch moved to waive civil penalties in this matter. Chairman Traugher seconded the motion, which was unanimously approved by voice vote.

TN Chamber of Commerce & Industry – 2020-185: Member White moved to waive civil penalties in this matter. Member Stranch seconded the motion, which was unanimously approved by voice vote.

TN Vets for Medical Cannabis – 2020-186: Chairman Traugher moved to waive civil penalties in this matter. Members White and Stranch seconded the motion, which was unanimously approved by voice vote.

DisposeRX – 2020-187: Member Stranch moved to waive civil penalties in this matter. Members White and Patton seconded the motion, which was unanimously approved by voice vote.

Vimo, Inc. – 2020-189: Member White moved to assess a civil penalty of \$750 in this matter. Member Patton seconded the motion. However, after further discussion, Member White withdrew the motion. Member Stranch moved to defer this matter to the Commission’s next meeting and direct that staff attempt to contact representatives of the organization. Member White seconded this motion, which was unanimously approved by voice vote.

Rescind Civil Penalty Orders.

Scott Davis – 2020-025: Member White moved to rescind the previously assessed civil penalty and to dismiss the matter. Member Patton seconded the motion, which was unanimously approved by voice vote.

Jennifer Powers – 2019-052: Member Stranch moved to deny the request to rescind the previously assessed civil penalties. The motion failed for lack of a second. After further discussion, Member Patton moved to defer this matter and direct staff to attempt to contact Ms. Powers regarding the need to file the required Statement of Interest filing. Member White seconded the motion, which was unanimously approved by voice vote.

Other Business.

The Commission members discussed when to hold its next meeting. After consultation with Director Young, it was determined that the Commission’s next meeting should be held in June 2021. Director Young will reach out to the members in the intervening time to schedule a date for the meeting.

Following the conclusion of the Commission’s public agenda (above), the Commission then moved to consideration of its confidential agenda. Following consideration of this agenda, a motion and second to adjourn the meeting was unanimously approved by voice vote.