

REGISTRY OF ELECTION FINANCE

* * *

The Registry of Election Finance for the State of Tennessee met Monday, April 17, 1995, at 1614 Parkway Towers 404 James Robertson Parkway, Nashville, Tennessee.

Attending were: Jamye Coleman Williams, Chairperson, members Gail Vaughn Ashworth, Howard Bond, Carole Bucy, John Parish, Herman Reviere and Dudley Wayne Taylor.

The minutes of the March 13, meeting were approved without objection.

Show Cause Hearings:

95-43 - Nigel Reid. Mr. Reid submitted a sworn statement for the board's consideration for his failure to timely file a post-general campaign disclosure report. He was an independent candidate for state senate in the 29th district in the November 8, 1994, General Election. Mr. Reid stated that he did not immediately receive his certified letter because of a change in residence. Motion by Parish, seconded by Bucy, the board voted unanimously by roll call vote to assess a \$25 civil penalty.

95-25 - Minerva Johnican. At the March 13 meeting, Ms. Johnican had submitted a sworn statement for the board's consideration for her failure to file a post-election campaign financial disclosure report in Shelby County. She was a candidate for criminal court clerk in the August 4, 1994 Shelby County General Election. She had reported in her statement that she would be filing her campaign disclosure report with Shelby County at 8:00 a.m on the morning of March 13. The board continued this case until its April meeting to provide staff an opportunity to confirm that Ms. Johnican had filed the statement. After confirming that the report was filed, motion by Parish, seconded by Bucy, the board voted unanimously by roll call vote to assess a \$750 civil penalty.

95-41 - James Akers. Mr. Akers submitted a sworn statement for the board's consideration of his failure to timely file his 1994 year-end lobbying activities report. Mr. Akers was a registered lobbyist for the TN Cattlemen's Association. Mr. Akers stated that the late filing was caused by a mix-up between himself and the Cattlemen's Association office and that since he is not a paid lobbyist, that he is not sure that he should be registered. Motion by Ashworth, seconded by Bucy, the board voted by roll call five to one to assess a \$25 civil penalty. Parish voted against the motion.

95-12 - Michael Jennings. Mr. Jennings submitted a sworn statement for the board's consideration of his failure to timely file his 1994

year-end lobbying activities report. Mr. Jennings was a registered lobbyist for Prudential Insurance. Mr. Jennings stated that the late filing was due to an office move in December 1994 and a secretarial replacement. Motion by Ashworth, seconded by Bucy, the board voted by roll call five to one to assess a \$25 civil penalty. Parish voted against the motion.

95-46 - Michael Jones. Mr. Jones submitted a sworn statement for the board's consideration of his failure to timely file his statement of interests, as he is the District Public Defender for the 19th District. Mr. Jones stated that he first saw his filing information on February 15, 1995. Motion by Reviere to assess a \$25 civil penalty was amended to assess a \$100 civil penalty, motion seconded by Bucy, the board unanimously voted by roll call to assess the \$100 civil penalty.

95-07 - Rep. Joe Armstrong. Rep. Armstrong personally appeared before the board for failure to report a PAC contribution from the TN Dental Pac. This case had been delayed from the March 13 meeting, per Rep. Armstrong's request. Rep. Armstrong stated that the check was given to him 60 days after its issuance and was to be returned with a request that it be reissued. Rep. Armstrong states that his treasurer mixed the check with other checks, and it was inadvertently deposited. The contribution has now been correctly reported on his pre-primary report. Motion by Parish, seconded by Taylor, the board unanimously voted by roll call to not assess civil penalties.

95-38 - Bret Thompson. Mr. Thompson personally appeared before the board for failure to report five PAC contributions. Mr. Thompson stated that there was confusion in reporting with his treasurer. All of the contributions have now been correctly reported. Motion by Parish, seconded by Reviere, the board unanimously voted by roll call to assess a \$200 civil penalty.

95-17 - Rep. Joe Towns, Jr. Rep. Towns personally appeared before the board for failure to file a pre-general campaign disclosure report. (This case had been continued from the March 13 meeting.) Rep. Towns stated that he did not have adequate comprehension of all the elements involved in the reporting requirements and would strive to make a better effort in the future. All reports have now been filed with the Registry. Motion by Ashworth, seconded by Parish, the board unanimously voted by roll call to assess a \$250 civil penalty.

Approval of civil penalty orders:

95-39 - Gregory Vick. Mr. Vick failed to report a PAC contribution. Class two (2), maximum penalty \$10,000. Mr. Vick contacted the Registry office once, but has not corrected his report, nor responded to the show cause notice. Motion by Bucy, seconded by Reviere, the board voted unanimously by roll call vote to assess a \$1000 civil penalty.

95-37 - Republican National State Elections Committee. The committee failed to timely file a fourth quarter campaign financial disclosure report. Class one (1), maximum penalty \$300. The committee paid the penalty upon receiving the show cause notice. Motion by Parish,

seconded by Bucy, the board voted unanimously by roll call vote to assess a \$300 class one (1) civil penalty.

95-36 - Tennessee Conservative Union Campaign Committee. The committee failed to timely file a fourth quarter campaign financial disclosure report. Class one (1), maximum penalty \$500. The committee did not respond to the show cause notice. Motion by Parish, seconded by Bucy, the board voted unanimously by roll call vote to assess a \$500 class one (1) civil penalty.

95-22 - Ed Totten. Mr. Totten failed to file a pre-election campaign financial disclosure report with the Shelby County Election Commission. He was a candidate for probate court clerk in the August 4, 1994, General Election. Mr. Totten did not respond to the show cause notice. Motion by Reviere, seconded by Bond, the board voted unanimously by roll call vote to assess a \$1000 class two (2) civil penalty.

95-23 - Ed Totten. Mr. Totten failed to file a post-election campaign financial disclosure report with the Shelby County Election Commission. Mr. Totten did not respond to the show cause notice. Motion by Ashworth, seconded by Taylor, the board voted unanimously by roll call vote to assess a \$1000 class two (2) civil penalty.

95-44 - Karl Bond. Mr. Bond failed to file a corrected pre-primary campaign financial disclosure report. Mr. Bond did not respond to the show cause notice. Motion by Parish, seconded by Bond, the board voted unanimously by roll call vote to assess a \$200 class two (2) civil penalty.

95-45 - Karl Bond. Mr. Bond failed to file a corrected post-primary campaign financial disclosure report. Mr. Bond did not respond to the show cause notice. Motion by Ashworth, seconded by Taylor, the board voted unanimously by roll call vote to assess a \$300 class two (2) civil penalty.

95-02 - Wilmar Flemings. Mr. Flemings failed to file a post-primary campaign financial disclosure report. Mr. Flemings was a candidate for state representative in the 85th district. A previous order was vacated, when it was learned that Mr. Flemings had not received the original show cause notice due to an address change. The show cause notice was re-issued at the March meeting. Mr. Flemings did not respond to the show cause notice. Motion by Ashworth, seconded by Parish, the board voted unanimously by roll call vote to assess a \$1000 class two (2) civil penalty.

95-42 - Fred Hooks. Mr. Hooks failed to timely file a post-general campaign disclosure report. He was an independent candidate for the state senate in the 29th district. Mr. Hooks submitted a statement for the board's consideration. Motion by Ashworth, seconded by Parish, the board voted unanimously by roll call vote to assess a \$25 class one (1) civil penalty.

95-40 - Fred Hooks. Mr. Hooks failed to file a pre-general campaign disclosure report. Motion by Ashworth, seconded by Bucy, the

board voted unanimously by roll call vote to assess a \$250 class two (2) civil penalty.

95-29 - Rep. Kathryn Bowers. Rep. Bowers failed to report two PAC contributions. Rep. Bowers appeared at the March meeting, but action was delayed to April to give Rep. Bowers the opportunity to report the contributions and to file her other delinquent reports. The missing PAC contributions have now been disclosed. Motion by Parish, seconded by Bucy, the board voted unanimously by roll call vote to assess a \$75 civil penalty.

Issuance of show cause notices:

Kwame Leo Lillard, for failure to file a post-general campaign disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Ashworth, seconded by Reviere, the board voted to issue a show cause notice.

James Hefner, for failure to file annual statement of interests. Class two (2), maximum civil penalty \$10,000. Motion by Ashworth, seconded by Bond, the board voted unanimously to issue a show case notice.

Rudy Dirl, for failure to timely file a campaign finance allocation report with the Knox County Election Commission. Class two (2), maximum civil penalty \$10,000. Motion by Bond, seconded by Ashworth, the board voted unanimously to issue a show cause notice.

Rep. Kathryn Bowers, for failure to file a corrected post-primary campaign disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Ashworth, seconded by Taylor, the board voted unanimously to issue a show cause notice.

Rep. Kathryn Bowers, for failure to file a post-general campaign disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Ashworth, seconded by Bond, the board voted unanimously to issue a show cause notice.

Rep. John DeBerry, for failure to file a properly completed post-primary report. Class two (2), maximum civil penalty \$10,000. Motion by Parish, seconded by Bucy, the board voted unanimously to issue a show cause notice.

Rep. John DeBerry, for failure to file a pre-general campaign disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Parish, seconded by Bucy, the board voted unanimously to issue a show cause notice.

Reconsiderations:

95-04 - Rep. Joe Towns, Jr. Rep. Towns personally appeared before the board to request a reconsideration on a \$2500 civil penalty assessed

for failure to file a corrected pre-primary campaign disclosure report. Motion by Ashworth, seconded by Parish, the board voted unanimously to reconsider the assessment of the penalty.

Rep. Towns reiterated his lack of comprehension and his new understanding of the importance of dates when filing reports with the Registry. All reports have been correctly filed. Motion by Taylor, second by Bond, the board voted by roll call six to one, with Parish voting no, to vacate the previous order and assess no penalties.

95-30 - Rep. John DeBerry. Rep. DeBerry personally appeared before the board to request a reconsideration on a \$250 civil penalty assessed for failure to report two PAC contributions. Motion by Ashworth, seconded by Reviere, the board voted unanimously to reconsider the assessment of the civil penalty.

Rep. John DeBerry had requested to appear before the board at the March 13 meeting, but failed to appear. His campaign financial disclosure reports have still not been corrected. Motion by Parish, seconded by Taylor, the board voted unanimously to defer action on this case pending the filing of corrected reports by Rep. DeBerry.

95-18 - Janet Hooks. Ms. Hooks submitted a sworn statement to the board for reconsideration of a \$250 civil penalty which was assessed for failure to timely file a pre-election campaign disclosure report in Shelby County. Motion by Reviere, seconded by Ashworth, the board voted unanimously to deny the reconsideration request.

95-19 - Janet Hooks. Ms. Hooks submitted a sworn statement to the board for reconsideration of a \$250 civil penalty which was assessed for failure to timely file a post-election campaign disclosure report in Shelby County. Motion by Reviere, seconded by Ashworth, the board voted unanimously to deny the reconsideration request.

95-20 - Michael Hooks. Mr. Hooks submitted a sworn statement to the board for reconsideration of a \$250 civil penalty which was assessed for failure to timely file a pre-election campaign disclosure report in Shelby County. Motion by Reviere, seconded by Bond, the board voted unanimously to deny the reconsideration request.

95-21 - Michael Hooks. Mr. Hooks submitted a sworn statement to the board for reconsideration of a \$250 civil penalty which was assessed for failure to timely file a post-election campaign disclosure report in Shelby County. Motion by Reviere, seconded by Bond, the board voted unanimously to deny the reconsideration request.

Budget Report:

Mr. Rawlins reported that the Registry is on schedule as far as expenses are concerned, and that it appears that we will have enough money for the remainder of this fiscal year.

Executive Director's Report:

o ^ yÿ• l , yÿ< i â yÿ f \ yÿe c ÜÜÜ
 e ü yÿ x K yÿT u n yÿw r - yÿ¥ o ú yÿä-
 l N! yÿX! i -
 " yÿ@" f Ý# yÿ \$ c ÜÜÜ \$ B\$ yÿê\$ x ²% yÿ
 »% u »& yÿÎ& r -' yÿÃ' o -
 (yÿ" (l z) yÿ<) i _* yÿp* f ~* yÿ`* c ÜÜÜ
 `* - yÿ)-
 x ž/ yÿ©/ u ì0 yÿ÷0 r :2 yÿG2 o †3 yÿ"3 l Ê4 yÿØ4 i '5 yÿ®5
 f @8 yÿQ8 c ÜÜÜ Q8 Î8 yÿ)-
 x ž/ yÿ©/ u ì0 yÿ÷0 r :2 yÿG2 o †3 yÿ"3 l Ê4 yÿØ4 i '5 yÿ®5
 f @8 yÿQ8 c ÜÜÜ € ž x x † x ¢ x ¢ x «
 x - x - x R yÿT yÿØ yÿ
 <
 ø ú yÿB yÿD yÿ[yÿ] yÿQ yÿS yÿZ yÿ\ yÿ- <
 - yÿ ± yÿ"
 yÿ^a
 yÿ' yÿ" yÿ6 yÿ8 yÿ® yÿ° yÿD yÿ <
 Đ ô yÿö yÿS yÿU yÿ× y ù yÿQ yÿS yÿñ yÿó yÿ <
 ó @ yÿB yÿc yÿe yÿ< yÿ• yÿİ yÿÑ- <
 yÿC! yÿE! yÿ
 <
 E! "" yÿ\$" yÿØ# yÿÚ# yÿÛ# yÿp# yÿ \$ yÿÛ\$ yÿÝ\$ yÿ- % yÿ <
 - % ±% yÿ, & yÿ°& yÿ- ' yÿ®' yÿ" (yÿ-
 (yÿw) yÿy) yÿZ* yÿ
 <
 Z* * yÿ^* yÿr* yÿt* yÿ½+ yÿ¿+ yÿ - yÿ -
 yÿC. yÿE. yÿ
 <
 E. "/ yÿ•/ yÿá0 yÿã0 yÿ/2 yÿ12 yÿ{3 yÿ}3 yÿÈ4 yÿÊ4 yÿ <
 Ê4 Ú4 yÿÜ4 yÿ•5 yÿ'5 yÿ°5 yÿ²5 yÿ
 7 yÿ

