

REGISTRY OF ELECTION FINANCE

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The Registry of Election Finance for the State of Tennessee met Monday, May 8, 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, Alan Hubbard, Herman Reviere and Dudley Wayne Taylor.

Alan Hubbard was welcomed by Jamye Williams, Chairperson, and the other members of the board.

The minutes of the April 17 meeting were approved without objection.

Statements Submitted for Consideration:

95-50 - Kwame Leo Lillard. Mr. Lillard submitted a statement to the board for consideration of a show cause notice issued to Mr. Lillard for the failure to file a post-general campaign disclosure report. On April 26, Mr. Lillard filed his post-general report. Motion by Reviere for a penalty of \$100, was withdrawn. Motion by Ashworth, seconded by Bucy, the board voted unanimously by roll call vote to assess a \$25 class two (2) civil penalty.

95-49 - James Hefner. James Hefner, President of Tennessee State University, submitted a statement to the board for consideration of a show cause notice issued to him for the failure to file an annual statement of interests with the Registry. President Hefner has now filed his statement of interests. Motion by Bond, seconded by Taylor, the board voted by roll call five to two, with Ashworth and Bucy abstaining, to take no action on the show cause.

Reconsideration Hearings:

95-30 - Rep. John DeBerry. Rep. DeBerry was assessed a \$250 class two (2) civil penalty at the Registry's March 13 meeting for failing to report two PAC contributions during his 1994 campaign. He appeared at the Registry's April meeting to request that the assessment be reconsidered. The board voted to defer the matter until its May meeting, so that Rep. DeBerry could report the missing PAC contributions on the proper reports and to also provide him an opportunity to file delinquent campaign disclosure reports. Rep. DeBerry did not correct his reports or appear at the May meeting. Motion by Reviere, seconded by Taylor, the board voted unanimously to reaffirm the assessment of the \$250 penalty.

95-39 - Gregory Vick. Mr. Vick personally appeared before the board and also submitted a sworn statement for reconsideration of an

assessment of a \$1,000 class two (2) penalty issued for his failure to report a contribution from Tennessee Chiropractic Association State PAC. Mr. Vick's post-primary campaign financial disclosure report has now been corrected to disclose the PAC contribution. The staff reported that the PAC contribution was listed in the \$100 or less category and did not change the totals on the report.

Motion by Bucy, seconded by Ashworth, the board voted by roll call six to one, with Taylor voting no, to reduce the assessment to \$25.

Approval of Civil Penalty Orders:

95-47 - Rep. John DeBerry. Rep. John DeBerry failed to file a corrected post-primary campaign financial disclosure report. Rep. DeBerry did not respond to the Registry's show cause notice. Motion by Ashworth, seconded by Bucy, the board voted unanimously by roll call vote to assess a \$1,000 class two (2) penalty.

95-48 - Rep. John DeBerry. Rep. DeBerry failed to file a properly completed pre-general campaign financial disclosure report. He did not respond to the show cause notice issued in this case. Motion by Ashworth, seconded by Taylor, the board voted unanimously by roll call to assess Rep. DeBerry a \$1,000 class two (2) penalty.

95-51 - Rep. Kathryn Bowers. Rep. Bowers failed to file a corrected post-primary campaign financial disclosure report. She did not respond to the board's show cause notice. Motion by Ashworth, seconded by Taylor, the board voted unanimously by roll call vote to assess a \$1,000 class two (2) civil penalty.

95-52 - Rep. Kathryn Bowers. Rep. Bowers failed to file a post-general campaign financial disclosure report. Rep. Bowers did not respond to the show cause notice. Motion by Ashworth, seconded by Bucy, the board voted unanimously by roll call vote to assess a \$1,000 class two (2) civil penalty.

95-53 - Rudy Dirl. Mr. Dirl, who was a candidate for county commission in the August 4, 1994 General Election, failed to file an allocation of unexpended campaign funds report with the Knox County Election Commission until it became a class two (2) offense. This case was forwarded to the Registry by the election commission. Mr. Dirl did not respond to the Registry's show cause notice, but the allocation report has now been filed. Motion by Reviere, seconded by Ashworth, the board voted unanimously by roll call vote to assess a \$50 class two (2) penalty.

Issuance of Show Cause Notices:

Rep. John DeBerry, for failure to file a corrected 1994 post-general campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Ashworth, seconded by Bucy, the board voted to issue a show cause notice.

Budget Report:

Mr. Rawlins reported that we are nine months into the present fiscal year and the budget is on schedule as far as expenses are concerned. The Registry's budget for 1995-96 was reduced by \$5,000 as requested by the board. The 1995-96 budget has been completed and in a few months it will be necessary to complete the 1996-97 budget.

Executive Director's Report:

Director Catalano reported that Tennessee Conservative Union, through its attorney, has informed the Registry that it has ceased all political activities and has disbanded the PAC. The State Attorney General's office has been informed by the committee's attorney that the PAC will drop all administrative appeals, but the Attorney General will not drop the matters that are now pending in Chancery Court. The PAC has indicated that it has no money and there are concerns that the Registry will be able to collect on any court judgments obtained against the PAC. After a discussion, the board requested that Catalano check out the transferee statutes and also talk with Rep. Kisber to see if the campaign finance legislation, now being considered by a joint legislative conference committee, can be amended to correct the problem of an organization disbanding and then reorganizing under a different name.

Director Catalano reported she wrote a letter to Calvin Moore informing him that the Registry has obtained information that he may be lobbying for the video poker industry. He was requested in that letter to file a written statement with the office concerning this matter. Mr. Moore telephoned the Registry office and stated that he was not lobbying for the video poker industry, and was not being paid by anyone to lobby. He said that he was lobbying for himself, and if video poker legislation passes he stated that he might be interested in getting into the business. No written response to the Director's letter has been received at this time. The board did not take any action in this matter but asked that Director Catalano inform the members in the future as to any written statement that Mr. Moore files.

Director Catalano reported that Joe Lewis, a resident of Jackson, Tennessee, filed a written request with the Registry asking that the board conduct an investigation of the Mayor of Jackson for allegedly using campaign monies to fund a libel suit that was filed against The Jackson Sun. The board recommended that Director Catalano inform Mr. Lewis that since this matter concerns a local public office that his complaint and request for an investigation should be filed with the District Attorney General in Jackson.

Director Catalano reported that Russ Farrar, a registered lobbyist for Knox County, began lobbying in January for the county, but that his lobbyist registration was not submitted to the office until March. Mr. Farrar has submitted a letter and an affidavit from his secretary stating that the registration form was completed in January, but that she failed to file it with the Registry until March. The staff recommended that no action be taken against Mr. Farrar in this matter. Motion by Bucy, seconded by Hubbard, the board voted unanimously to take no action.

Other Business:

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