

## REGISTRY OF ELECTION FINANCE

The Registry of Election Finance for the State of Tennessee met Tuesday, December 17, 1996, at 1614 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Attending were: Gail Vaughn Ashworth, Carole Bucy, George Harding, Alan Hubbard, and Herman Reviere.

The minutes of the November 12<sup>th</sup> meeting were approved on motion by Hubbard, seconded by Reviere.

### Show Cause Hearings:

96-54 - **Jeff Boling**, for failure to file a post-primary campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Mr. Boling personally appeared before the board. His post-primary report has now been completed. Motion by Harding, seconded by Hubbard, the board voted four to one not to assess a penalty.

96-46 - **Nathan Brooks**, for failure to file a pre-general campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. This case was continued from the November meeting. Mr. Brooks called staff to request a second continuation to the January meeting. Motion by Reviere, seconded by Hubbard, the board voted unanimously to grant a final continuance in this matter to the January meeting.

96-53 - **Nathan Brooks**, for failure to file a post-general campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Mr. Brooks called to request a continuation of this matter to the January meeting. Motion by Reviere, seconded by Hubbard, the board voted unanimously to grant a continuance.

96-61 - **Rick Williams**, for failure to file a post-primary campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Mr. Williams had requested a personal appearance before the board, but then asked that the matter be continued to the January meeting. Motion by Hubbard, seconded by Reviere, the board voted to grant a continuance to the January meeting.

96-64 - **Robert E. Lee Harris**, for failure to timely file a post-primary campaign financial disclosure report. Class one (1), maximum civil penalty \$50. Mr. Harris submitted a sworn statement for the board's consideration. Motion by Hubbard, seconded by Reviere, the board voted unanimously not to assess a civil penalty.

96-70 - **Jeff Merritt**, for failure to file a corrected pre-primary campaign disclosure report. Class two (2), maximum civil penalty \$10,000. Mr. Merritt personally appeared before

the board. He has now corrected the pre-primary and post-primary reports. Motion by Hubbard, seconded by Harding, the board voted unanimously by roll call vote to not assess a penalty.

96-65 - **Colquett Van Dyke**, for failure to timely file a post-primary campaign financial disclosure report. Class one (1), maximum civil penalty \$100. Mr. Van Dyke submitted a statement for the board's consideration that was not notarized. Motion by Reviere, seconded by Bucy, the board voted unanimously by roll call vote to assess a \$100 civil penalty.

96-51 - **Brotherhood of Locomotive Engineers Legislative League**, for failure to timely file a third quarter campaign financial disclosure report. Class one (1), maximum civil penalty \$225. The PAC did not respond to the show cause notice. Motion by Bucy, seconded by Reviere, the board voted unanimously by roll call vote to assess a \$225 civil penalty.

96-52 - **Tenn. Federation of Business and Professional Women's Club**, for failure to file an Appointment of Political Treasurer. Class two (2), maximum civil penalty \$10,000. The PAC did not respond to the show cause notice. Motion by Reviere, seconded by Harding, the board voted unanimously by roll call vote to assess a \$250 civil penalty.

96-55 - **Patrick Carter**, for failure to file a post-primary campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Mr. Carter did not respond to the show cause notice. Motion by Reviere, seconded by Bucy, the board voted unanimously by roll call vote to assess a \$250 civil penalty.

96-63 - **John DeBerry**, for failure to timely file a post-primary campaign financial disclosure report. Class one (1), maximum civil penalty \$350. Rep. DeBerry requested a continuance of this case to the January board meeting. Motion by Hubbard, seconded by Bucy, the board voted to grant a final continuance of this matter.

96-67 - **Ricky Dixon**, for failure to timely file a post-primary campaign financial disclosure report. Class one (1), maximum civil penalty \$250. Mr. Dixon did not respond to the show cause notice. Motion by Bucy, seconded by Reviere, the board voted unanimously by roll call vote to assess a \$100 civil penalty.

96-56 - **Regina Drake**, for failure to file a post-primary campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Ms. Drake did not respond to the show cause notice. Motion by Bucy, seconded by Reviere, the board voted unanimously by roll call vote to assess a \$250 civil penalty.

96-57 - **Clifford Lewis**, for failure to file a post-primary campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Mr. Lewis did not respond to the show cause notice. Motion by Reviere, seconded by Hubbard, the board voted unanimously by roll call vote to assess a \$250 civil penalty.

96-58 - **Alex Parrish**, for failure to file a post-primary campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Mr. Parrish did not respond to the show

cause notice. Motion by Hubbard, seconded by Reviere, the board voted unanimously by roll call vote to assess a \$250 civil penalty.

96-59 - **Gregory Stokes**, for failure to file a post-primary campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Mr. Stokes did not respond to the show cause notice. Motion by Harding, seconded by Reviere, the board voted unanimously by roll call vote to assess a \$250 civil penalty.

96-68 - **Joe Towns**, for failure to file a corrected pre-primary campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Rep. Towns did not respond to the show cause notice. Motion by Hubbard, seconded by Harding, the board voted unanimously by roll call vote to assess a \$250 civil penalty.

96-60 - **Joe Towns**, for failure to file a post-primary campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Rep. Towns did not respond to the show cause notice. Motion by Harding, seconded by Hubbard, the board voted unanimously by roll call vote to assess a \$250 civil penalty.

96-66 - **Dyral Withers**, for failure to timely file a post-primary campaign financial disclosure report. Class one (1), maximum civil penalty \$300. Registry staff has requested that the case be continued to the January meeting. Motion by Bucy, seconded by Hubbard, the board voted to continue this matter to the January meeting.

96-62 - **Bret Thompson**, for failure to timely file a 1996 annual supplemental campaign financial disclosure report. Class one (1), maximum civil penalty \$125. Mr. Thompson faxed a statement for the board's consideration, but the statement was not notarized, nor was it an original. Motion by Reviere, seconded by Harding, the board voted unanimously by roll call vote to assess a \$125 civil penalty.

96-69 - **Robbie Robertson**, for failure to file a post-election campaign financial disclosure report with Shelby County Election Commission for the 1994 Bartlett Municipal Election. Class two (2), maximum civil penalty \$10,000. Mr. Robertson did not respond to the show cause notice. Motion by Reviere, seconded by Bucy, the board voted unanimously by roll call vote to assess a \$250 civil penalty.

#### **Issuance of Show Cause Notices:**

**Anderson County Democratic Executive Committee**, for failure to timely file a 3<sup>rd</sup> quarter campaign financial disclosure report. Class one (1), maximum civil penalty \$50. Motion by Hubbard, seconded by Reviere, the board voted not to issue a show cause notice.

**Int'l Brotherhood of Electrical Workers**, for failure to timely file a 3<sup>rd</sup> quarter campaign financial disclosure report. Class one (1), maximum civil penalty \$600. Motion by Harding, seconded by Hubbard, the board voted to issue a show cause notice.

**Republican Nat'l State Elections Committee**, for failure to file a 3<sup>rd</sup> quarter campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Hubbard, seconded by Reviere, the board voted to issue a show cause notice.

**TN Conservative Union Campaign Fund**, for failure to file a 3<sup>rd</sup> quarter campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Reviere, seconded by Hubbard, the board voted to issue a show cause notice.

**Upper East TN Central Labor Council**, for failure to file a 3<sup>rd</sup> quarter campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Harding, seconded by Reviere, the board voted to issue a show cause notice.

**John DeBerry**, for failure to timely file a corrected 1996 post-primary campaign financial disclosure report. Class one (1), maximum civil penalty \$625. Motion by Hubbard, seconded by Reviere, the board voted to issue a show cause notice.

**John DeBerry**, for failure to timely file a 1996 pre-general campaign financial disclosure report. Class one (1), maximum civil penalty \$275. Motion by Hubbard, seconded by Reviere, the board voted to issue a show cause notice.

**Joe Towns**, for failure to file a 1996 pre-general campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Hubbard, seconded by Reviere, the board voted to issue a show cause notice.

**Clarence Taylor**, for failure to file a corrected 1996 pre-primary campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Harding, seconded by Hubbard, the board voted to issue a show cause notice.

**Clarence Taylor**, for failure to file a corrected 1996 post-primary campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Harding, seconded by Hubbard, the board voted to issue a show cause notice.

**Artie Smith**, for failure to timely file a 1996 pre-general campaign financial disclosure report. Class one (1), maximum civil penalty \$125. Motion by Hubbard, seconded by Reviere, the board voted not to issue a show cause notice.

**Donald Hollingsworth**, for failure to file a 1996 pre-general campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Hubbard, seconded by Reviere, the board voted to issue a show cause notice.

**Richard Manson**, for failure to timely file a 1996 supplemental annual campaign financial disclosure report. Class one (1), maximum civil penalty \$575. Motion by Reviere, seconded by Hubbard, the board voted to issue a show cause notice.

**Jim Fuller**, for failure to file a 1996 supplemental annual campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Reviere, seconded by Hubbard, the board voted to issue a show cause notice.

**Berland Boyd**, for failure to file a statement of interests with the Shelby County Election Commission. Class two (2), maximum civil penalty \$10,000. Motion by Hubbard, seconded by Reviere, the board voted to issue a show cause notice.

**Berland Boyd**, for failure to file a 1995 post-election report with the Shelby County Election Commission. Class two (2), maximum civil penalty \$10,000. Motion by Hubbard, seconded by Reviere, the board voted to issue a show cause notice.

**Trabue, Sturdivant and Dewitt PAC**, for failure to report four contributions to candidates. Class two (2), maximum civil penalty \$10,000. Motion by Reviere, seconded by Harding, the board voted not to issue a show cause notice.

**Wine & Spirits Wholesalers of TN**, for failure to report 22 contributions to candidates. Class two (2), maximum civil penalty \$10,000. Motion by Harding, seconded by Reviere the board voted not to issue a show cause notice.

**Doyle “Butch” Lewis**, for failure to report one contribution and reporting one contribution twice. Class two (2), maximum civil penalty \$10,000. Motion by Reviere, seconded by Harding, the board voted not to issue a show cause notice.

**Tim Joyce**, for failure to report two contributions. Class two (2), maximum civil penalty \$10,000. Motion by Harding, seconded by Reviere, the board voted to continue this matter to the January meeting.

**John DeBerry**, for failure to report two contributions. Class two (2), maximum civil penalty \$10,000. Motion by Reviere, seconded by Hubbard, the board voted to issue a show cause notice.

### **Consideration of Sworn Complaints:**

A sworn complaint was filed against Bill Staggs for the 1996 election by Tony McDaniel. A meeting was held with Mr. McDaniel, Chairperson Ashworth and Director Catalano in attendance to determine how the board should proceed in this case. Mr. Staggs chose not to attend. Chairperson Ashworth recommended to the board that Mr. Staggs' campaign disclosure reports be sent back to him for corrections. Motion by Harding, seconded by Bucy, the board voted unanimously to act on the chair's recommendation and place this matter on the January agenda for additional consideration.

The board also considered a sworn complaint filed by the Tennessee Young Republican Federation against House Speaker Jimmy Naifeh relating to Speaker Naifeh's statement of interests. A meeting was held with representatives of the parties in this matter, in addition to Chairperson Ashworth and Director Catalano, to determine how the board should proceed in this case. Chairperson Ashworth recommended to the board that no action be taken in this matter. On

motion by Bucy, seconded by Hubbard, the board voted unanimously to act on the chair's recommendation and take no action.

### **Administrative Appeal:**

Calvin Moore requested an appeal of the board's assessment of \$750 for failure to timely file a 1995 mid-year lobbying activities report. The board gave Mr. Moore and the State's Attorney the opportunity to present written briefs and an oral argument before the board. Mr. Moore did not appear before the board nor did he present a written brief. Janet Kleinfelter, Attorney for the State, submitted a written brief and presented an oral argument requesting that the board uphold the initial order. Motion by Harding, seconded by Bucy, the board voted unanimously by roll call vote to uphold the initial order assessing Mr. Moore a \$750 civil penalty for failure to timely file a 1995 mid-year lobbying activities report.

### **Budget Report:**

The budget statistics for the months of October and November were not available for the December meeting.

Rawlins reported that there may be budget cuts for the remainder of this fiscal year and for the 97-98 fiscal year. At this time, the Registry has not been notified of any amounts.

### **Executive Director's Report:**

Director Catalano updated the board regarding the pursuit of legal action against Tennessee Conservative Union and/or its principals. Catalano reports that the Attorney General's office has notified her that they are "actively pursuing the request." The board requested that an update on this matter be presented at the January meeting.

Catalano reported that a letter written to the Commission of General Services regarding slow mail service was acted upon by the Commissioner and the Director of Mail Services. The Director requested any information the Registry may have regarding delivery times of certified mail. He also offered the Registry the opportunity to view the mail facilities and procedures.

Catalano requested to fill the secretary/receptionist position vacated by Sallye Sykes at a starting salary of \$21,000 per year. On motion by Reviere, seconded by Hubbard, the board voted to approve the request.

Catalano requested that the board stay the effective date of the lobbying rules from January 1, 1997 to February 1, 1997, to allow Registry staff time to appear before the Government Operations Committee. On Motion by Harding, seconded by Hubbard the board voted to stay the lobbying rules.

The Registry has received two petitions for a public hearing regarding the Campaign Contribution Limits Act. The board has set the hearing for February 18, 1997, at 1:30 p.m.

**Other Business:**

A request for reconsideration and appeal was received from Clarence Dodds. The board voted to place this matter on the agenda for the January meeting.

Chairperson Ashworth requested that the minutes reflect Carole Bucy's long and dedicated service to the Registry and thank her for her many years of service.

Mr. Harding requested that the minutes reflect congratulations to Chairperson Ashworth on her election as President of the Nashville Bar Association.

Mr. Reviere reported on the COGEL Philadelphia trip, stating that many of the seminars are helpful and suggested that staff members continue to attend.

Chairperson Ashworth requested that a new chairperson be selected for 1997. Motion by Hubbard, the board voted to elect Herman Reviere chairperson for 1997. Motion by Reviere, the board voted to elect Alan Hubbard secretary for 1997.

The next Registry meeting will be held January 21, 1997, beginning at 10:30 a.m. The meeting was adjourned.