

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance for the State of Tennessee met Tuesday, January 12 1999, at 1614 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Attending were: Samella Junior-Spence (Chair), Alan Hubbard (via conference call), Greg Duckett, Karen Dunavant, and George Harding.

The minutes of the December 10, 1998 meeting were approved on motion by Duckett and, seconded by Dunavant.

In the Matter of Sen. Robert Rochelle

It was discovered that Sen. Rochelle had exceeded the PAC contributions limits for the primary election. Sen. Rochelle proposed to the Board that he be allowed to reallocate the PAC contributions to comply with the \$75,000 limitation per election, leaving an excess balance of \$35,800 which he proposed to return. Of the \$35,000 that was unable to be returned, he elected to contribute to the 2002 Exploratory Committee.

Upon discussion, a motion was made by Duckett, seconded by Harding, to allow Sen. Rochelle to reallocate the PAC funds, and then distribute the excess monies to the 2002 Exploratory Committee. That motion was amended by Hubbard, seconded by Dunavant, the board voted unanimously to allow Sen. Rochelle to reallocate the PAC contributions, and to dispose of the excess monies according to the statute that provides for the disbursement of surplus campaign funds.

In the Matter of Sen. Roscoe Dixon

A Show Cause, and subsequently \$1500 in civil penalties were assessed against Sen. Dixon for his accepting contributions during the 1998 legislative session. Sen. Dixon came before the board asking the members to reconsider their civil penalty order by explaining that he had reported the contributions as the date he deposited them, and not as the date they were received.

On motion by Harding, and seconded by Duckett, the board voted unanimously to rescind their previous order.

Show Cause Hearing

98-64 - Ralph Browning, for failure to register as a lobbyist for the 1998 year. Maximum civil penalty of \$750.

Mr. Browning personally appeared before the asking the board not to assess civil penalties against him. Mr. Browning explained to the board that he had had a death in the family, and inadvertently failed to register. Since Mr. Browning's initial contact with this office, he has complied with all regulations, and filed both lobbying activities report for the 1998 year, and registered as a lobbyist for the 1999 year.

On motion by Duckett, seconded by Dunavant, the board voted unanimously to take no further action.

Reconsideration

98-40 - M.S. Carriers, for failure to timely file their 2nd quarter report, subsequently lead to the Board issuing a Show Cause notice, and then assessing \$725. in civil penalties. M.S. Carriers submitted a request to the Board asking them to reconsider the civil penalty order of \$725.

On motion by Hubbard, and seconded by Dunavant, the board voted unanimously to allow the original civil penalty order to stand.

Approval of Civil Penalty Orders

In the Matter of Teresa Davis, Case No. 98-58, for failure to file 1998 post-primary campaign disclosure report. The Registry has subsequently received her report.

On motion by Duckett, seconded by Dunavant, the board voted unanimously to take no action.

In the Matter of Rep. John Deberry, Case No. 98-61, for failure to timely file his 1998 post-primary campaign disclosure report. Class one (1) penalty, maximum penalty \$400.

Board member Duckett disclosed to the board that he had spoken with Rep. Deberry in reference to this matter, and told Rep. Deberry that he would find out specifically what steps of actions he needed to take. Board member Duckett failed to do this, therefore, on motion by Harding, seconded by Duckett, the board voted unanimously to continue this matter until next month.

In the Matter of Wade Farmer, Case No. 98-63, for failure to file his corrected pre-primary report. Class (2) civil penalty, maximum penalty \$10,000.

On motion by Harding, seconded by Dunavant, the board voted unanimously to assess \$250. in civil penalties.

In the Matter of Charles Bush, Case No. 98-62, for failure to file his 1998 pre-general campaign disclosure report with the Montgomery County Election Commission. Class two civil penalty, maximum civil penalty \$10,000.

On motion by Harding, seconded by Duckett, the board unanimously voted to assess \$250. in civil penalties.

Issuance of Show Cause Hearing Notices

Advocates for Better Children and Dads, for failure to file 3rd quarter report. As of this date, no report has been received. Class two (2) penalty, maximum \$10,000 penalty.

On motion by Harding, seconded by Dunavant, the board voted unanimously to issue a Show Cause.

Blount County Republican Campaign, for failure to file 3rd quarter report. As of this date, no report has been received. Class two (2) civil penalty, maximum \$10,000 penalty.

On motion by Dunavant, seconded by Harding, the board voted unanimously to issue a Show Cause.

Republican National State Elections Committee, for failure to file 3rd quarter report. The Registry received the report on December 16, 1998. Class two (2) penalty, maximum \$10,000 penalty.

On motion by Harding, seconded by Dunavant, the board voted unanimously to take no action.

Jimmy Kyle Davis, for accepting excess contributions from individuals. Class two (2) civil penalty.

On motion by Hubbard, seconded by Dunavant, the board voted unanimously to send Mr. Davis a directive letter stating that documentation, and an amended report need to be filed with the Registry.

Lee Davis, for accepting excess contributions from individuals. Class two (2) civil penalty, maximum \$10,000 penalty.

On motion by Dunavant, and seconded by Harding, the board voted unanimously to issue a Show Cause.

Sen. John Ford, for accepting excess contributions. Class two (2) civil penalty, maximum \$10,000 penalty.

On motion by Harding, seconded by Dunavant, the board voted unanimously to issue a Show Cause.

Jim Horner, for accepting excess campaign contributions. Class two (2) civil penalty, maximum \$10,000 penalty.

On motion by Duckett, seconded by Dunavant, the board voted unanimously to issue a Show Cause.

Sen. Curtis Person, for accepting excess campaign contributions. Class two (2) civil penalty, maximum \$10,000 penalty. Sen. Person has since refunded the excess contributions, and is now in compliance with the Campaign Finance Laws.

On motion by Harding, seconded by Duckett, the board voted unanimously to take no action.

Anne Phillips, for accepting excess campaign funds. Class two (2) civil penalty, maximum \$10,000 penalty.

On motion by Dunavant, seconded by Duckett, the board voted unanimously to issue a Show Cause.

Gov. Don Sundquist, for accepting excess campaign contributions from individuals, and a PAC. Class two (2) civil penalty, maximum \$10,000 penalty. Gov. Sundquist has refunded two of the contributions, and reallocated the remaining nine contributions, and is now in compliance with the Campaign Finance Laws.

On motion by Harding, seconded by Dunavant, the board voted unanimously to request documentation from Gov. Sundquist supporting the reallocation of contributions.

Harry Tindell, for accepting excess campaign contributions from an individual. Class two (2) civil penalty, maximum \$10,000 penalty. Mr. Tindell has reallocated the excess funds.

On motion by Harding, seconded by Dunavant, the board voted unanimously to request documentation from Mr. Tindell supporting the reallocation.

Mike Whitaker, for accepting excess campaign contribution from a PAC. Class two (2) civil penalty, maximum \$10,000 penalty.

On motion by Dunavant, seconded by Harding, the board voted unanimously to issue a Show Cause.

Rep. Kathryn Bowers, for her failure to timely file her 1998 pre-general campaign financial disclosure report. Class two (2) civil penalty, maximum \$10,000 penalty.

On motion by Harding, seconded by Dunavant, the board voted unanimously to issue a Show Cause.

Timothy Davis, for his failure to timely file his 1998 pre-general campaign financial disclosure report. Class one (1) civil penalty, maximum \$150 penalty.

On motion by Harding, seconded by Dunavant, the board voted unanimously to issue a Show Cause.

Artie Smith, for his failure to file his 1998 pre-general campaign financial disclosure report. Class two (2) civil penalty, maximum \$10,000 penalty. Mr. Smith has since filed his report.

On motion by Dunavant, seconded by Hubbard, the board voted to take no action.

Mark Henderson, for his failure to file his post-general campaign financial disclosure report with the Sumner County Election Commission. Class two (2) civil penalty, maximum \$10,000 penalty.

On motion by Harding, seconded by Duckett, the board voted unanimously to issue a Show Cause.

Budget Report

Assistant Director Rawlins presented the board the budget figures for the 1998-99 fiscal year through December 1998. The members were also provided a copy of a report showing the individuals who have paid assessed civil penalties in December.

On motion by Harding, seconded by Dunavant, the board voted unanimously to approve the budget report.