

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, October 11, 2000, at Suite 1614 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Attending the meeting were board members George Harding, Alan Hubbard, Samella Junior-Spence, Michael McCroskey, and Karen Dunavant.

On motion by Junior-Spence, seconded by Hubbard, the minutes from the September 13, 2000 meeting were approved unanimously with the following amendments:

- Letters should be sent to individuals and organizations that were not assessed penalties for their late filing.
- McCroskey requested to amend the minutes to include further explanations for the decisions made by the Registry.

Request for Reconsideration

00-12 Jim Roberts, for failure to file 1999 annual supplemental campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Roberts has had no matters before the board.

The board voted at its May 10 meeting to assess Mr. Roberts a \$1,000 civil penalty after he failed to file his original disclosure report and did not respond to the Registry's show cause notice. The civil penalty order was mailed but was returned "unclaimed." The order was then overnighted to Mr. Roberts on July 26. The Registry then mailed Mr. Roberts a letter on September 20, informing him that the case had been sent to the Attorney General's office for collection. Mr. Roberts then received a letter from the Attorney General's office on October 6 notifying him of their intent to collect on the penalty. After receiving these letters, Mr. Roberts filed the annual supplemental campaign financial disclosure report and requested a reconsideration of the assessment. Mr. Roberts appeared before the Registry and submitted a sworn statement to the Registry for the board's consideration. Mr. Roberts explained to the board that to the best of his knowledge he never received the civil penalty order. Mr. Roberts stated that he distinctly remembers completing last year's forms and placing them in the mail after the February 10 notice and is sure he made a copy of the report but is unable to locate it. Mr. Roberts stated that he has no records of receiving any certified mail from the Registry but that when he received the letter in September from the Registry he came as quickly as possible and filed his report. Mr. Roberts noted that in the past all of his reports were either certified or hand-delivered each time.

On motion by Junior-Spence, seconded by Harding, the board voted unanimously to reconsider this matter. A seconded motion was made by McCroskey and seconded by Hubbard to reduce the original civil penalty from \$1000 to \$250, passed 4 to 1, with Junior-Spence voting "no." The board noted that if the Davidson County Election

Commission has a copy of the original supplemental annual report that Mr. Roberts was required to file that the Registry would reconsider this issue again and possibly reduce the civil penalty.

Cases Subject to Approval for Civil Penalty

00-39 Dereck Osborne, for failure to timely file a 2000 pre-primary campaign financial disclosure report. Mr. Osborne is a candidate for State Representative in the 50th district. Class one (1), maximum two hundred fifty (\$250) civil penalty. Mr. Osborne has had no matter before the board.

Director Rawlins informed the board that there has been no response to the show cause notice and that the original report was hand-delivered to the Registry on August 22, making the report 10 days late.

A motion was made by Hubbard, seconded by Harding, to assess Mr. Osborne a \$100 civil penalty. McCrosky then made a motion to amend the original motion to assess Mr. Osborne a \$250 civil penalty. McCrosky's amendment died for lack of a second. The original motion assessing Mr. Osborne a \$100 civil penalty passed unanimously.

00-40 Rodney Curtis, for failure to file a 2000 pre-primary campaign financial disclosure statement. Mr. Curtis is a candidate for State Senate in the 25th district. Class one (1), maximum twenty five (\$25) civil penalty. Mr. Curtis has had no matter before the board.

Director Rawlins informed the board that he had spoken with Mr. Curtis by telephone. Mr. Curtis explained that he had filed the original report with the Lawrence County Election Commission. The Lawrence County Election Commission then forwarded the report to the Registry.

On motion by McCrosky, seconded by Junior-Spence, the board voted unanimously to take no further action.

00-41 Alonzo Grant, for failure to file a 2000 pre-primary campaign financial disclosure statement. Mr. Grant is a candidate for State Representative in the 87th district. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Grant has had no matter before the board.

Director Rawlins informed the board that there has been no response to the show cause notice and that the campaign financial disclosure report still has not been filed.

On motion by Harding, seconded by Hubbard, the board voted unanimously to assess Mr. Grant a \$1,000 civil penalty.

00-42 Rick Williams, for failure to file a 2000 pre-primary campaign financial disclosure report. Mr. Williams is a candidate for State Representative in the 51st district. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Williams was assessed a civil penalty of \$1,000 twice during the 1996 election for failing to file disclosure reports. In addition, Mr. Williams was assessed a \$1,000 civil penalty for his failure to file his conflict of interest statement for the 2000 election.

Director Rawlins informed the board that there has been no response to the show cause notice and that the campaign financial disclosure report still has not been filed.

On motion by McCrosky, seconded by Harding, the board voted unanimously to assess Mr. Williams a \$10,000 civil penalty.

00-43 Brenda Woods, for failure to file an appointment of political treasurer. Ms. Woods is a candidate for State Representative in the 80th district. The Registry received a copy of an advertisement placed by the candidate. The Registry sent Ms. Woods a certified letter notifying her of the need for her to file an appointment of political treasurer. Ms. Woods has been before the Registry on two different occasions but not been assessed a civil penalty. Class two (2), maximum ten thousand (\$10,000) civil penalty.

Director Rawlins informed the board that there has been no response to the show cause notice and that the appointment of political treasurer form still has not been filed.

A motion was made by McCrosky, seconded by Hubbard to assess Ms. Woods a \$1,000 civil penalty. Harding then made a motion to amend the original motion to assess Ms. Woods a \$10,000 civil penalty. McCrosky withdrew his original motion. The \$10,000 died for lack of a second. McCrosky then made a motion to assess Ms. Woods a \$5,000 civil penalty. McCrosky's motion died for lack of a second. A motion was made by Junior-Spence, seconded by Hubbard, to assess Ms. Woods a \$3,000 civil penalty. The motion to assess Ms. Woods a \$3,000 civil penalty passed the board unanimously.

00-44 Bristol Republican Women's Club, for failure to timely file a 2000 2nd quarter campaign financial disclosure report. Class one (1), maximum two hundred seventy five (\$275) civil penalty. The Bristol Republican Women's Club has had no previous matters before the board.

Director Rawlins informed the board that he had spoken with the treasurer of this organization and that she stated that the original was mailed to the Registry in a timely manner. However, the Registry has no record of the receipt of the report. The organization sent the Registry a copy of the campaign financial disclosure report from the Sullivan County Election Commission that was notarized and dated timely.

On motion by Harding, seconded by Junior-Spence, the board voted unanimously to take no further action in this matter.

00-45 Joe Six PAC, for failure to file a 2nd quarter 2000 campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. The organization has been assessed civil penalties of \$1,000 for failure to file a 4th quarter 1999 campaign financial disclosure report and \$5,000 for failure to file a 1st quarter 2000 campaign financial disclosure report.

Director Rawlins informed the board that there has been no response to the show cause notice and that the campaign financial disclosure report still has not been filed.

On motion by McCrosky, seconded by Junior-Spence, the board voted unanimously to assess the organization a \$10,000 civil penalty.

00-46 Service Employees Local 205 COPE Account, for failure to file a 2nd quarter 2000 campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. The Service Employees Local committee has had no previous matters before the board.

Director Rawlins informed the board that the treasurer of this organization had contacted the office and explained that the report was sent in on time and he does not know why the Registry did not receive it. He has since faxed the Registry a copy of the original report. Director Rawlins spoke with the Davidson County Election Commission who confirmed that they had their copy of the campaign financial report and that it was filed timely.

On motion by Hubbard, seconded by Junior-Spence, the board voted unanimously to take no further action in this matter.

00-47 Tennesseans for Common Sense, Accountability and Reform, for failure to timely file a 2nd quarter 2000 campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. The organization has been assessed a civil penalty of \$1,000 for failure to file a 2nd quarter 1999 campaign financial disclosure report.

Director Rawlins advised the board that the committee filed their report on September 6, 2000, closing out the campaign account, but that by this time the report was into class two (2) penalties. Director Rawlins informed the board that there has been no response to the show cause notice.

A motion was made by McCrosky to assess a \$1,000 civil penalty. McCrosky's motion died for lack of a second. A motion was made by Hubbard, seconded by Junior-Spence, to assess a \$125 civil penalty. A friendly amendment was made by McCrosky, seconded by Junior-Spence, to assess the organization a \$500 civil penalty. The motion as amended to assess the organization a \$500 civil penalty passed the board unanimously, with Harding "abstaining."

00-48 Tennesseans for Hemp and Cannabis, for failure to file a 2nd quarter 2000 campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. The organization has been assessed civil penalties of \$250 for failure to timely file a 3rd quarter 1999 campaign financial disclosure report and \$200 for failure to timely file a 1st quarter 2000 campaign financial disclosure report.

Director Rawlins informed the board that there has been no response to the show cause notice and that the campaign financial disclosure report still has not been filed.

On motion by McCrosky, seconded by Harding, the board voted unanimously to assess the organization a \$5,000 civil penalty.

00-49 Urban Agenda PAC, for failure to file a 2nd quarter 2000 campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. The organization was assessed a \$1,000 civil penalty for failure to file a 1st quarter 2000 campaign financial disclosure statement.

Director Rawlins informed the board that there has been no response to the show cause notice and that the campaign financial disclosure report still has not been filed. Director Rawlins explained that this organization filed its appointment of political treasurer form but has not filed a campaign financial disclosure report since it has been registered.

On motion by McCrosky, seconded by Harding, the board voted unanimously to assess the organization a \$10,000 civil penalty.

00-50 William B. Gemmill, III, for failure to timely file a 2000 mid-year lobbying activities report. Class one (1), maximum two hundred (\$200) civil penalty. Mr. Gemmill has had no previous matters before the board.

Director Rawlins informed the board that he had received a sworn statement submitted by Mr. Gemmill where he stated that family circumstances prevented him from timely filing his report.

On motion by McCrosky, seconded by Junior-Spence, the board voted unanimously to take no further action in this matter.

Cases Considered for Issuance of Show Cause Notices

Bonnie Butler, for failure to timely file a 2000 statement of interests report. Class one (1), maximum one hundred fifty (\$150) civil penalty. Ms. Butler has had no previous matters before the board.

Director Rawlins informed the board that Ms. Butler had attempted to send the report by certified mail on September 19, which would have been timely, but it was returned to Ms. Butler because it was lacking postage.

On motion by McCrosky, seconded by Junior-Spence, the board voted unanimously to take no action in this matter.

Brenda Woods, for failure to timely file a corrected 2000 statement of interests report. Class (2), maximum ten thousand (\$10,000) civil penalty. Ms. Woods has been before the Registry on three previous matters (see above).

Director Rawlins informed the board that the statement of interests corrected report has been completed and filed with the Registry as of September 18, 2000.

On motion by Harding, seconded by Junior-Spence, the board voted unanimously to take no action in this matter, with McCrosky “abstaining.”

Kent Brisby, for failure to file a 2000 mid-year lobbying activities report. Class one (1), maximum seven hundred fifty (\$750) civil penalty. Mr. Brisby has had no previous matters before the board.

On motion by Harding, seconded by Junior-Spence, the board voted unanimously to issue a show cause notice.

Thomas Carter, for failure to file a 2000 mid-year lobbying activities report. Class one (1), maximum seven hundred fifty (\$750) civil penalty. Mr. Carter has had no previous matters before the board.

On motion by McCrosky, seconded by Junior-Spence, the board voted unanimously to issue a show cause notice.

Yusaf Hakeem, for failure to file a 2000 mid-year lobbying activities report. Class one (1), maximum seven hundred fifty (\$750) civil penalty. Mr. Hakeem has had no previous matters before the board.

On motion by Hubbard, seconded by Junior-Spence, the board voted unanimously to issue a show cause notice.

Philip McSween, for failure to timely file a 2000 mid-year lobbying activities report. Class one (1), maximum seven hundred fifty (\$750) civil penalty. Mr. McSween has had no previous matters before the board.

On motion by McCrosky, seconded by Hubbard, the board voted unanimously to issue a show cause notice.

Michael Ross, for failure to file a 2000 mid-year lobbying activities report. Class one (1), maximum seven hundred fifty (\$750) civil penalty. Mr. Ross has had no previous matters before the board.

On motion by Harding, seconded by Junior-Spence, the board voted unanimously to issue a show cause notice.

Ron Ramsey, for failure to timely file an appointment of political treasurer form. Class one (1), maximum one hundred twenty-five (\$125) civil penalty. Mr. Ramsey has had no previous matters before the board.

Director Rawlins informed the board that he spoke with Senator Ramsey via telephone. Senator Ramsey stated that he was not aware that you were required to file a new appointment of political treasurer form for each new campaign year.

On motion by McCrosky, seconded by Junior-Spence, the board voted unanimously to take no action in this matter.

Laura Carter, for failure to timely file a 2000 post-primary report. Class one (1), maximum twenty-five (\$25) civil penalty. Ms. Carter has had no previous matters before the board.

Director Rawlins informed the board that Ms. Carter lost the primary and has closed out her campaign account.

On motion by Hubbard, seconded by Junior-Spence, the board voted unanimously to take no action in this matter.

Reported Financial Expenses

Director Rawlins presented the expenditure report for the 2000 fiscal year through August 31, 2000.

Director Rawlins noted that the contract with Local Government Data Processing has been charged to this year's budget instead of last years and that he is in the process of correcting this issue.

Additionally, Director Rawlins reported to the board that there were no civil penalties paid during the month of September 2000.

On motion by Harding, Junior-Spence seconding, the board voted unanimously to approve the expenditure report as presented.

Executive Director's Report

Director Rawlins informed the board of the following matters:

- The Attorney General's office sent a memo to the Registry stating that the only campaign finance rule in the proposal that would be a conflict is the anonymous contribution rule.

After discussion, a motion was made by McCrosky, seconded by Junior-Spence, to remove Section 1, under contributions, out of the proposed rules. The board passed this motion 4 to 1, with Harding voting "no."

Other Business

Harding noted that Senator Rochelle is interested in sponsoring a bill in the Senate for electronic filing if Representative Matt Kisber would sponsor a bill in the House.

It was recommended that Director Rawlins make arrangements after the election with Rep. Kisber and the Representatives of Local Government Data Processing Corporation to meet and discuss electronic filing.

A motion was made by Dunavant, seconded by Junior-Spence, to adjourn the meeting until the next regularly scheduled meeting. The motion passed unanimously.

The board's next regularly scheduled meeting will be Wednesday, November 8, 2000 at 10:30 am. At 1614 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.