

# REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, April 11, 2001, at Suite 1614 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

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

On motion by Dunavant, seconded by Hubbard, the minutes from the February 21, 2001 meeting were approved unanimously.

## *Request for Reconsideration*

**00-60 Helen Owens**, for failure to file a 2000 post-primary campaign financial disclosure statement. Class two (2), maximum ten thousand (\$10,000) civil penalty. Ms. Owens has been before the board on one occasion.

The board voted at its January 10 meeting to assess Ms. Owens a \$1,000 civil penalty for failure to respond to the show cause notice.

Ms. Owens submitted a sworn statement to the board stating that extenuating circumstances prevented her from completing the report in a timely manner. Ms. Owens informed the board that during this time period, family illness and the responsibilities surrounding this illness prevented her from filing the report on time.

On motion by Junior-Spence, seconded by Hubbard, the board voted unanimously to reconsider the \$1,000 assessment against Ms. Owens. A motion was made by Hubbard, seconded by Junior-Spence, to reduce the original civil penalty from \$1,000 to \$100. The motion passed unanimously. The board noted that Ms. Owens made no attempt to respond to the show cause hearing notice sent by the Registry.

**01-03 Wade Boswell**, for failure to timely file a 2000 pre-general campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Boswell has had no previous matters before the board.

The board voted at its February 21 meeting to issue Mr. Boswell a \$1,000 civil penalty for failure to timely file a 2000 pre-general campaign disclosure report.

Mr. Boswell filed his report and submitted a sworn statement to the board to request a reconsideration of the assessment. Mr. Boswell apologized for the matter and stated that he did not willfully withhold his disclosure statement and that it was not his intent to conceal any information or transaction.

On motion by Dunavant, seconded by McCroskey, the board voted unanimously to reconsider the \$1,000 assessment against Mr. Boswell. A motion was made by Junior-Spence to reduce the original civil penalty from \$1,000 to \$500. The motion died for lack of a second. McCroskey then made a motion, seconded by Junior-Spence, to reduce the original civil penalty from \$1,000 to \$100. A friendly amendment was made by Hubbard, accepted by McCroskey, to assess Mr. Boswell a \$250 civil penalty. The motion passed the board 5 to 1 with Harding voting "no."

### ***Sworn Statements Submitted***

**01-07 Bo Mitchell**, for failure to timely file a 2000 campaign financial disclosure allocation report. Class one (1), maximum three hundred twenty-five (\$325) civil penalty. Mr. Mitchell has had no previous matters before the board.

Mr. Mitchell submitted a sworn statement to the board stating that he had not had his mail forwarded from his post office box to his home address and therefore he did not receive the notices from the Registry. Mr. Mitchell stated that as soon as he became aware of the situation he immediately took action and filed his report. Mr. Mitchell apologized for the lateness of his report and noted that he in no way intended to avoid the disclosure laws.

On motion by Hubbard, seconded by Junior-Spence, the board voted unanimously to assess Mr. Mitchell a \$50 civil penalty.

### ***Cases Subject to Approval for Civil Penalty***

**01-06 Walter "Sunny" Day**, for failure to file a 2000 post-primary campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Day has had no previous matters before the board.

Director Rawlins informed the board that Mr. Day faxed an unsigned copy of the report to the Registry. Mr. Day also faxed a copy of the certified receipt showing that the original signed report was in the mail.

On motion by McCroskey, seconded by Fincher, the board voted 5 to 1, with Hubbard voting "no," to assess Mr. Day a \$1,000 civil penalty.

**01-08 Willie Henry**, for failure to file a 2000 pre-election report, with the Shelby County Election Commission, for the Memphis school board election. Class two (2), maximum ten thousand (\$10,000) civil penalty. This case was forwarded to the Registry from Shelby County Election Commission. Mr. Henry has had no previous matters before the board.

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

On motion by McCroskey, seconded by Junior-Spence, the board voted unanimously to assess Mr. Henry a \$1000 civil penalty.

**01-09 Michael Hooks, Sr.**, for failure to file a 2000 pre-election report, with the Shelby County Election Commission, for County Assessor in Shelby County. Class two (2), maximum ten thousand (\$10,000) civil penalty. This case was forwarded to the Registry by the Shelby County Election Commission.

Director Rawlins informed the board that Mr. Hooks' attorney contacted the Registry and requested all of the information pertaining to Mr. Hook's case. Director Rawlins mailed all of the information but has not had any further contact with Mr. Hooks or his attorney.

On motion by Dunavant, seconded by McCroskey, the board voted unanimously to hold the assessment over until the next meeting.

**01-10 Michael Hooks, Sr.**, for failure to file a 2000 post-election report, with the Shelby County Election Commission, for County Assessor in Shelby County. Class two (2), maximum ten thousand (\$10,000) civil penalty. This case was forwarded to the Registry by the Shelby County Election Commission.

On motion by Dunavant, seconded by McCroskey, the board voted unanimously to hold the assessment over until the next meeting.

**01-11 Joe Towns, Sr.**, for failure to file a 2000 pre-election report, with the Shelby County Election Commission, for the Memphis school board election. Class two (2), maximum (\$10,000) civil penalty. This matter was forwarded to the Registry from Shelby County Election Commission. Mr. Towns has been assessed \$100 by the board in one previous matter.

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

On motion by McCroskey, seconded by Dunavant, the board voted unanimously to assess Mr. Towns a \$2,500 civil penalty.

### ***Cases Considered for Issuance of Show Cause Notices***

**Barbara Baldwin**, for failure to timely file a 2000 year-end lobbying activities report. Class one (1), maximum twenty-five (\$25) civil penalty. Ms. Baldwin has had no previous matters before the board.

On motion by Dunavant, seconded by McCroskey, the board voted unanimously to take no action in this matter.

**Alphonso Bodie**, for failure to timely file a 2000 year-end lobbying activities report. Class one (1), maximum seventy-five (\$75) civil penalty. Ms. Bodie has had no previous matters before the board.

On motion by Dunavant, seconded by McCroskey, the board voted unanimously to take no action in this matter.

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

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

**Thomas Carter**, for failure to timely file a 2000 year-end 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 Dunavant, seconded by McCroskey, the board voted unanimously to issue a show cause notice.

***Jerry Caruthers***, for failure to timely file a 2000 year-end lobbying activities report. Class one (1), maximum one hundred (\$100) civil penalty. Mr. Caruthers has had no previous matters before the board.

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

***Candace Clemons***, for failure to timely file a 2000 year-end lobbying activities report. Class one (1), maximum twenty-five (\$25) civil penalty. Ms. Clemons has had no previous matters before the board.

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

***Bryan Daniels***, for failure to timely file a 2000 year-end lobbying activities report. Class one (1), maximum one hundred (\$100) civil penalty. Mr. Daniels has had no previous matters before the board.

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

***Suzette Denslow***, for failure to timely file a 2000 year-end lobbying activities report. Class one (1), maximum seven hundred fifty (\$750) civil penalty. Ms. Denslow 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.

***Jon Hastings***, for failure to timely file a 2000 year-end lobbying activities report. Class one (1), maximum fifty (\$50) civil penalty. Mr. Hastings has had no previous matters before the board.

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

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

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

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

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

***Marty Marina***, for failure to timely file a 2000 year-end lobbying activities report. Class one (1), maximum seventy-five (\$75) civil penalty. Mr. Marina has had no previous matters before the board.

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

**Brian Miller**, for failure to timely file a 2000 year-end lobbying activities report. Class one (1), maximum one hundred (\$100) civil penalty. Mr. Miller has had no previous matters before the board.

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

**Allan Ramsaur**, for failure to timely file a 2000 year-end lobbying activities report. Class one (1), maximum seventy-five (\$75) civil penalty. Mr. Ramsaur has had no previous matters before the board.

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

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

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

**Michael Ross**, for failure to timely file a 2000 year-end 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 McCroskey, seconded by Junior-Spence, the board voted unanimously to issue a show cause notice.

**Catherine Smith**, for failure to timely file a 2000 year-end lobbying activities report. Class one (1), maximum one hundred fifty (\$150) civil penalty. Ms. Smith has had no previous matters before the board.

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

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

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

**Davidson County Democratic Women PAC**, for failure to file a 2000 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty.

A motion was made by McCroskey, seconded by Junior-Spence, to issue a show cause notice. The motion passed 5 to 1 with Fincher voting “no.”

***International Brotherhood of Painters & Allied Trades***, for failure to file a 2000 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty.

A motion was made by McCroskey, seconded by Junior-Spence, to issue a show cause notice. The motion passed 5 to 1 with Fincher voting “no.”

***Liberty PAC-Tennessee***, for failure to file a 2000 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty.

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

***Nashville Volunteer PAC***, for failure to file a 2000 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty.

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

***Perry County Federation of Democratic Women***, for failure to file a 2000 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty.

A motion was made by McCroskey, seconded by Dunavant, to issue a show cause notice. The motion passed 5 to 1 with Fincher voting “no.”

***QCAS Good Government PAC***, for failure to file a 2000 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty.

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

***Tommye Brown***, for failure to timely file a 2000 statement of interests report. Class one (1), maximum six hundred fifty (\$650) civil penalty. Ms. Brown has been assessed \$100 by the board in one previous matter.

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

***Dan Bryant***, for failure to timely file a 2000 statement of interests report. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Bryant has had no previous matters before the board.

A letter from Mr. Bryant's secretary explained that it was her fault that the report had not been filed with the Registry. She stated that the report was completed timely but that she had failed to mail the report to the Registry.

A motion was made by Dunavant, seconded by Fincher, to take no further action in this matter. The motion passed 4 to 2 with Hubbard and McCroskey abstaining.

***Jere Hargrove***, for failure to timely file a 2000 statement of interests report. Class one (1), maximum seventy-five (\$75) civil penalty. Mr. Hargrove has had no previous matters before the board.

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

**Roy Herron**, for failure to timely file a 2000 statement of interests report. Class one (1), maximum seventy-five (\$75) civil penalty. Mr. Herron has had no previous matters before the board.

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

**Claudia Jack**, for failure to timely file a 2000 statement of interests report. Class one (1), maximum one hundred (\$100) civil penalty. Ms. Jack has had no previous matters before the board.

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

**Curry Todd**, for failure to timely file a 2000 statement of interests report. Class one (1), maximum fifty (\$50) civil penalty. Mr. Todd has had no previous matters before the board.

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

**Scott Coble**, for failure to timely file a 2000 post-general campaign financial disclosure statement. Class one (1), maximum fifty (\$50) civil penalty. Mr. Coble has had no previous matters before the board.

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

**Donald Cuva**, for failure to timely file a 2000 post-general campaign financial disclosure statement. Class one (1), maximum two hundred (\$200) civil penalty. Mr. Cuva has had no previous matters before the board.

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

**Donna Rowland**, for failure to timely file a 2000 post-general campaign financial disclosure statement. Class one (1), maximum four hundred (\$400) civil penalty. Ms. Rowland has had no previous matters before the board.

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

**Bob Shutt**, for failure to timely file a 2000 post-general campaign financial disclosure statement. Class one (1), maximum twenty-five (\$25) civil penalty. Mr. Shutt has had no previous matters before the board.

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

**Joe Towns, Sr.**, for failure to file a pre-election runoff campaign financial disclosure report for Memphis school board election. This matter was forwarded from the Shelby County Election Commission. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Towns has been assessed a civil penalty on two previous matters.

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

**Robert E. Lee Harris**, for failure to file a 2000 post-general campaign financial disclosure statement. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Harris has had no previous matters before the board.

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

**Danny Sexton**, for failure to file a 2000 post-general campaign financial disclosure statement. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Sexton has had no previous matters before the board.

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

**Mark Swafford**, for failure to file a 2000 post-general campaign financial disclosure statement. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Swafford has had no previous matters before the board.

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

### ***Reported Financial Expenses***

Director Rawlins presented the expenditure report for the 2000/2001 fiscal year through February 28, 2001.

Additionally, Director Rawlins reported to the board that there were eight civil penalties paid during the months of February and March 2001.

On motion by Dunavant, seconded by Hubbard, the board voted unanimously to accept the financial expenditure report as presented.

Director Rawlins presented information concerning a promotion for Janet Williams, which would consist of a position change and raise. After discussion by the Registry members, on motion by Harding, seconded by Junior-Spence, the board voted unanimously to change Janet Williams' position to Administrative Services Assistant IV and raise her salary to \$35,000 annually.

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

Director Rawlins updated the board on the matter of Doug Morris. Morris had an outstanding obligation to Morris Printing he wrote off to close out his campaign account. This may have resulted in an illegal contribution from a corporation and a contribution exceeding the limits. The case had been sent to the Shelby County District Attorney for further investigation. Director Rawlins informed the board that he has been in contact with the TBI, which was assisting the District Attorney in the investigation of the matter. Mr. Morris and Mr. Morris' father had also recently contacted the Registry about the matter. Mr. Morris' father submitted a sworn statement to the Registry stating that to the best of his knowledge the contribution was reimbursed to him by Mr. Doug Morris.

After discussion of what action the Registry should take, on motion by McCroskey, seconded by Fincher, the board voted unanimously to issue a show cause notice in this matter.

### ***Other Business***

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

The board's next regularly scheduled meeting will be Wednesday, May 9, 2001 at 10:30 am. At 1614 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.