

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, November 13, 2002, at Suite 1614 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Attending the meeting were board members Michael McCroskey, George Harding, Karen Dunavant, Henry Fincher, William Long, Darlene McNeece and Wilbert Minter.

On motion by Fincher, seconded by Minter, the minutes from the October 9, 2002 meeting were approved unanimously.

Request for Reconsideration

02-39 James DeLanis, for failure to timely file a 2002 mid-year lobbying activities report. Class one (1), 10 days late for a maximum two hundred fifty (\$250) civil penalty. Mr. DeLanis has had no previous matters before the board.

The board voted at its October 9 meeting to assess Mr. DeLanis a \$250 civil penalty for his failure to timely file the required lobbying activities report. Mr. DeLanis filed a sworn statement and personally appeared before the board to request a reconsideration of the assessment.

Mr. DeLanis explained that he actually timely filled out the report but that it evidently was lost in the mail or was not sent. Mr. DeLanis further explained that he is not a lobbyist by trade and during the time the report was due he was out of the office because of family circumstances. Mr. DeLanis stated that upon realizing that the Registry had not received the required report he immediately filed it and that he has had no previous difficulty complying with the Registry's filing requirements.

A motion was made by Harding, seconded by Minter, not to reconsider the \$250 assessment against Mr. DeLanis. The motion not to reconsider the \$250 assessment against Mr. DeLanis failed the board 3 to 4, with Dunavant, Fincher, Long and McNeece voting "no." A motion was made by Fincher, seconded by Dunavant, to reconsider the \$250 assessment. The motion to reconsider the \$250 assessment against Mr. DeLanis passed the board 4 to 3, with Harding, Minter and McCroskey voting "no." A motion was made by Fincher, seconded by Minter, to reduce the original civil penalty from \$250 to \$75. The motion to assess Mr. DeLanis a \$75 civil penalty passed the board 5 to 2, with Harding and McCroskey voting "no."

02-43 Dual Diagnosis Coalition, for failure to file a 2002 2nd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had no previous matters before the board.

The board voted at its October 9 meeting to assess the organization a \$10,000 civil penalty for their failure to file the required campaign financial disclosure report.

L. Stuart Dunagan, treasurer of the organization, submitted a sworn statement to the board asking for reconsideration of the assessment. In the statement Mr. Dunagan

explained that the organization never materialized and no contributions or expenditures were made at any time. Mr. Dunagan further explained that for all practical purposes the organization did not exist and that it was not their intention to raise funds and make contributions without fully disclosing them.

Director Rawlins informed the board that although the organization submitted a sworn statement the required campaign disclosure report still has not been filed.

On motion by Long, seconded by Harding, the board voted unanimously to defer any action until the December meeting to allow the organization time to file the required report with the Registry.

02-35 Educators for Good Government Committee, for failure to timely file a 2nd quarter campaign financial disclosure report. Class one (1), 11 days late for a maximum two hundred seventy-five (\$275) civil penalty. The organization has had no previous matters before the board.

The board voted at its September 11 board meeting to assess the organization a \$275 civil penalty after they had failed to timely file the required campaign financial disclosure statement and did not respond to the show cause notice.

Wayne Qualls, treasurer for the organization, submitted a statement for the board's consideration. In this statement, Mr. Qualls explained that the delay in filing the forms in a timely manner was due to his failure to receive the forms timely, inexperience by the campaign treasurer and serious illness in treasurer's family. Mr. Qualls further explained that this is his first attempt at being a treasurer for a PAC and asked for the board's understanding in this matter.

On motion by Dunavant, seconded by Long, the board voted unanimously to reconsider the \$275 assessment against the organization. A motion was made by Long, seconded by Fincher, to reduce the original civil penalty from \$275 to \$75. The motion to assess the organization a \$75 civil penalty passed the board 5 to 2, with Harding and McCroskey voting "no."

Cases Subject to Approval for Civil Penalty

02-46 George Burger, for failure to file a 2002 mid-year lobbying activities report. Class one (1), no report filed, maximum seven hundred fifty (\$750) civil penalty. Mr. Burger has had no previous matters before the board.

The Registry 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 Fincher, seconded by Long, the board voted unanimously to assess Mr. Burger a \$750 civil penalty.

02-47 Brenda Woods, for failure to file a 2002 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Woods has had previous matters before the board.

The board voted at its October 9 meeting to issue Ms. Woods a show cause notice for her failure to file a post-primary campaign financial disclosure report.

Director Rawlins informed the board that the Registry had received, from the Hardeman County Election Commission, two reports from Ms. Woods both indicating that they were pre-primary campaign financial disclosure reports.

Ms. Woods personally appeared before the board and stated that she had mistakenly marked the wrong box indicating the report was a pre-primary report when, in fact, it was actually the post-primary report. Ms. Woods further stated that she filed the reports with the Hardeman County Election Commission with the understanding that the reports would be forwarded on to the Registry.

On motion by Harding, seconded by Minter, the board voted unanimously to defer this case until the December meeting to allow Ms. Woods a chance to complete and file the required post-primary campaign financial disclosure report.

Cases Considered for Issuance of Show Cause Notices

Berlin Boyd, for failure to file a 2002 post-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Boyd has had previous matters before the board.

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

Steven Buttry, for failure to timely file a 2002 post-primary campaign financial disclosure report. Class one (1), one day late for a maximum twenty-five (\$25) civil penalty. Rep. Buttry has had no previous matters before the board.

A motion was made by Fincher, seconded by Minter, to take no action in this matter. The motion to take no action passed the board 6 to 1, with Harding voting “no.”

Remo Circo, for failure to timely file a 2002 post-primary campaign financial disclosure report. Class one (1), nine days late for a maximum two hundred twenty-five (\$225) civil penalty. Mr. Circo has had no previous matters before the board.

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

Roscoe Dixon, for failure to file a 2002 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Sen. Dixon has been before the board on previous matters.

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

Daniel Dykes, for failure to timely file a 2002 post-primary campaign financial disclosure report. Class one (1), two days late for a maximum fifty (\$50) civil penalty. Mr. Dykes has had no previous matters before the board.

A motion was made by Fincher, seconded by Long, to take no action in this matter. The motion to take no action passed the board 5 to 2, with Harding and McNeece voting “no.”

James Elliott, for failure to file a 2002 post-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Elliott has had no previous matters before the board.

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

Charlie Freeman, for failure to file a 2002 post-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Freeman has had no previous matters before the board.

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

Hanalei “Lay” Harris, for failure to file a 2002 post-primary campaign financial disclosure report. Class two (2), no report filed, maximum (\$10,000) civil penalty. Ms. Harris has had no previous matters before the board.

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

Charles S. Heron, Jr., for failure to timely file a 2002 post-primary campaign financial disclosure report. Class one (1), 16 days late for a maximum four hundred (\$400) civil penalty. Mr. Heron has had no previous matters before the board.

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

C. Adam Knight, for failure to file a 2002 post-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Knight has had no previous matters before the board.

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

Basil Marceaux, for failure to timely file a 2002 post-primary campaign financial disclosure report. Class one (1), one day late for a maximum twenty-five (\$25) civil penalty. Mr. Marceaux has had no previous matters before the board.

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

John Miller, for failure to file a 2002 post-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Miller has had no previous matters before the board.

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

Ruth Ogles, for failure to file a 2002 post-primary campaign financial disclosure report. Class two (2), no report filed, maximum (\$10,000) civil penalty. Ms. Ogles has had no previous matters before the board.

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

Jack Redden, for failure to timely file a 2002 post-primary campaign financial disclosure report. Class one (1), one day late for a maximum twenty-five (\$25) civil penalty. Mr. Redden has had no previous matters before the board.

On motion by Fincher, seconded by Dunavant, the board voted 6 to 1 to take no action in this matter, with Harding voting “no.”

Joe McCord, for failure to timely file a 2002 post-primary campaign financial disclosure report. Class one (1), nine days late for a maximum two hundred twenty-five (\$225) civil penalty. Rep. McCord has had no previous matters before the board.

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

Conservative Majority of Tennessee, for failure to timely file a 2002 3rd quarter campaign financial disclosure report. Class one (1), three days late for a maximum seventy-five (\$75) civil penalty. The organization has had no previous matters before the board.

On motion by McCroskey, seconded by Harding, the board voted 6 to 1 to issue a show cause notice, with Fincher voting “no.”

Democratic Policy Council, for failure to timely file a 2002 3rd quarter campaign financial disclosure report. Class one (1), one day late for a maximum twenty-five (\$25) civil penalty. The organization has had no previous matters before the board.

A motion was made by Fincher, seconded by Minter, to take no action in this matter. The motion to take no action failed the board 3 to 4, with Dunavant, Harding, McCroskey and McNeece voting “no.” A motion was then made by McCroskey, seconded by Harding, to issue a show cause notice. The motion to issue show cause notice passed the board 6 to 1, with Fincher voting “no.”

Dickson County Republican Party, for failure to timely file a 2002 3rd quarter campaign financial disclosure report. Class one (1), two days late for a maximum fifty (\$50) civil penalty. The organization has had no previous matters before the board.

On motion by Harding, seconded by McCroskey, the board voted 6 to 1 to issue a show cause notice, with Fincher voting “no.”

Tennessee Latino American PAC, for failure to timely file a 2002 3rd quarter campaign financial disclosure report. Class one (1), three days late for a maximum seventy-five (\$75) civil penalty. The organization has had no previous matters before the board.

On motion by Long, seconded by McCroskey, the board voted 4 to 3 to issue a show cause notice, with Dunavant, Fincher and Minter voting “no.”

Reported Financial Expenses

Director Rawlins presented the expenditure reports for the 2002/2003 fiscal year through September 30, 2002.

Additionally, Director Rawlins provided the board members with a list of civil penalties that have been paid year to date.

Other Business

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

The board's next regularly scheduled meeting will be Wednesday, December 11, 2002 at 10:30 am. At 1614 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.