

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, August 14, 2002, at Suite 1614 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

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

On motion by Fincher, seconded by Harding, the minutes from the July 10, 2002 meeting were approved unanimously.

Request for Reconsideration

02-14 Chad Hower, for failure to file a 2002 annual supplemental campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Hower has had no previous matters before the board.

Mr. Hower submitted a letter to the board stating that all of the contributions made to his campaign were of his own personal funds. He further stated that to the best of his knowledge all of the required reports were filed with the Registry.

On motion by Harding, seconded by Long, the board voted unanimously not to reconsider the \$248 civil penalty. The board also requested that Director Rawlins provide Mr. Hower a letter stating that the required report still has not been filed with the Registry.

Cases Subject to Approval for Civil Penalty

02-31 Corey Cumberland, for failure to file a 2002 annual statement of interests report. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Cumberland has had no previous matters before the board.

Director Rawlins informed that board that on July 25, 2002 the Registry received, by fax from the Hardeman County Election Commission, Mr. Cumberland's statement of interests report along with a copy of the receipt where he had filed the report with the county on March 11, 2002.

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

02-32 Andrew Perpener, Jr., for failure to file a 2002 annual statement of interests report. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Perpener 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.

A motion was made by Harding, seconded by Fincher, to assess Mr. Perpener a \$100 civil penalty. A friendly amendment was made by McCroskey, accepted by

Harding, to assess Mr. Perpener a \$250 civil penalty. The motion to assess Mr. Perpener a \$250 civil penalty passed the board unanimously.

02-33 William Wood, for failure to file a 2002 annual statement of interests report. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Wood has had no previous matters before the board.

Mr. Wood filed the required report on July 15, 2002 along with a letter explaining that the notice from the Registry had been misplaced by a family member. Mr. Wood further explained that when he received the show cause notice he filed the report immediately.

On motion by Harding, seconded by McCroskey, the board voted unanimously to assess Mr. Wood a \$50 civil penalty.

Cases Considered for Issuance of Show Cause Notices

Berlin Boyd, for failure to timely file a 2002 statement of interests report. Class one (1), maximum one hundred (\$100) civil penalty. Mr. Boyd has had no previous matters before the board.

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

Dale Redman, for failure to file a 2002 statement of interests report. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Redman has had a previous matter before the board.

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

Eye M.D.'s PAC, for failure to timely file a 2002 2nd quarter campaign financial disclosure report. Class one (1), maximum fifty (\$50) civil penalty. The organization has been before the board on a previous matter.

On motion by McCroskey, seconded by Minter, the board voted unanimously to take no action in this matter. The board requested that Director Rawlins provide the organization with a letter stating that any future failures to timely file the required reports may result in a civil penalty being assessed.

Madison County Democratic Executive Committee, for failure to timely file a 2002 2nd quarter campaign financial disclosure report. Class one (1), maximum fifty (\$50) civil penalty. The organization has been before the board on previous matters.

A motion was made by McCroskey, seconded by Harding, to issue a show cause notice. The motion to issue a show cause notice failed the board 4 to 3, with Fincher, Long, McNeece and Minter voting "no." A motion was then made by Harding, seconded by Long, to take no action in this matter but request that Director Rawlins provide the organization with a letter stating that any future failures to timely file the required reports may result in a civil penalty being assessed. The motion to take no action with a letter passed the board unanimously.

Educators for Good Government, for failure to timely file a 2002 2nd quarter campaign financial disclosure report. Class one (1), maximum two hundred seventy-five (\$275) civil penalty. The organization 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.

Hamilton County PAC for Education, for failure to timely file a 2002 2nd quarter campaign financial disclosure report. Class one (1), maximum two hundred twenty-five (\$225) civil penalty. The organization has had previous matters before the board.

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

Tennessee Republican Assembly PAC, for failure to timely file a 2002 2nd quarter campaign financial disclosure report. Class one (1), maximum two hundred (\$200) civil penalty. The organization has had previous matters before the board.

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

Mark Carlton, for failure to timely file a 2002 pre-primary campaign financial disclosure report. Class one (1), maximum twenty-five (\$25) civil penalty. Mr. Carlton has been before the board on a previous matter.

A motion was made by Harding, seconded by McCroskey, to issue a show cause notice. Harding then withdrew the motion. A motion was then made by McCroskey, seconded by Fincher, to take no action in this matter. The motion to take no action passed the board unanimously.

Marivwana Stout Leinoff, for failure to timely file a 2002 pre-primary campaign financial disclosure report. Class one (1), maximum twenty-five (\$25) civil penalty. Ms. Leinoff has had no previous matters before the board.

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

Reported Financial Expenses

Director Rawlins presented the expenditure reports for the 2001/2002 fiscal year through June 30, 2002.

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

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

Executive Director's Report

A letter from Sen. Bob Rochelle was distributed to the board members. In the letter, Sen. Rochelle explained that he had collected monies for his 2002 campaign prior to his decision not to run for office. The letter went on to request the approval of the Registry for his campaign to allocate its excess contributions in accordance with T.C.A. §2-10-114.

After discussion by the board on what action would be required by the board in response to Sen. Rochelle's letter, McCroskey made a motion to request an informal opinion from the Attorney General on what the statute allowed Sen. Rochelle to do with his excess campaign funds. This motion died for lack of a second.

Long then made a motion for the director to refer Sen. Rochelle to the Attorney General for an informal opinion on the matter. The motion was seconded by Dunavant.

Harding then made a motion to amend the motion. The amended motion was to have the director inform Sen. Rochelle that the approval of the board was not required for him to follow the law. This motion was seconded by Fincher. Long then withdrew his original motion.

Harding then made the motion for the director to inform Sen. Rochelle that the approval of the board was not required for him to follow the law. The motion was seconded by Fincher. The motion was approved by a 6-1 vote with McCroskey voting "no".

Other Business

Director Rawlins informed the board of the following matters:

- The People's PAC, who were assessed a \$10,000 civil penalty for failure to file a 2002 1st quarter campaign financial disclosure report at the July 10 meeting, submitted a letter to the board. The treasurer of the organization, Gregory Stokes, stated that the required report was filed with the Shelby County Election Commission on May 1, 2002.
- The annual COGEL conference is scheduled for September 28 through October 2, 2002 in Ottawa, Canada.

After discussion, the board decided that board members Michael McCroskey, Henry Fincher, George Harding, Karen Dunavant, Darlene McNeece and Wilbert Minter would attend. Staff members to attend are Drew Rawlins and Janet Williams.

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

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