

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, September 11, 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, and Darlene McNeece.

On motion by Harding, seconded by Dunavant, the minutes from the August 14, 2002 meeting were approved unanimously.

Request for Reconsideration

01-94 Luke Bright, for failure to timely file a 2002 annual supplemental campaign financial disclosure report. Class one (1), maximum five hundred fifty (\$550) civil penalty. Mr. Bright has been before the board on a previous matter.

The board voted at its January 9, 2002 meeting to assess Mr. Bright a \$100 civil penalty after he failed to timely file the required report.

Mr. Bright contacted the Registry and asked to personally appear before the board at the September meeting. Mr. Bright failed to appear before the board for the reconsideration of his case.

On motion by Harding, seconded by Dunavant, the board voted unanimously not to reconsider the \$100 assessment against Mr. Bright.

02-16 Ginger Hausser, for failure to file a 2001 year-end lobbying activities report. Class one (1), maximum seven hundred fifty (\$750) civil penalty. Ms. Hausser has had no previous matters before the board.

The board voted at its June 12, 2002 meeting to assess Ms. Hausser a \$750 civil penalty after she failed to file the required report. Ms. Hausser requested a reconsideration of the assessment.

Ms. Hausser personally appeared before the board and explained that her employer at the time had gone out of business and that none of the correspondence sent by the Registry was received by her. Ms. Hausser further stated that when she did receive the correspondence at her home address she immediately contacted the Registry to explain the circumstances, filed the report, and asked to appear before the board for reconsideration.

On motion by McCroskey, seconded by McNeece, the board voted unanimously to reconsider the \$750 assessment against Ms. Hausser. A motion was made by Harding to assess Ms. Hausser a \$250 civil penalty. The motion to assess Ms. Hausser a \$250 civil penalty died for a lack of a second. A motion was then made by Dunavant to assess Ms. Hausser a \$150 civil penalty. A friendly amendment was made by Harding, accepted by Dunavant, to rescind the \$750 civil penalty assessment. The motion to rescind Ms. Hausser's civil penalty passed the board unanimously.

02-24 Tennessee Carpenters Regional Council PAC, for failure to file a 2002 1st quarter campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. The organization has been before the board on previous matters.

The board voted at its July 10, 2002 meeting to assess the organization a \$1,000 civil penalty after they failed to file the required disclosure report. The organization requested a reconsideration of the assessment.

A sworn statement and a copy of the 1st quarter report were filed with the Registry by Melissa Allen, office manager for the organization. In this statement Ms. Allen explains that the original report was prepared and mailed in a timely manner and that she did not respond to the Registry's April 19, 2002 letter because she felt that the letter was written before the Registry's receipt of the disclosure. Ms. Allen further explained that she contacted the Registry on July 17, 2002, and was told that the report still had not been received. Ms. Allen filed the required report with the Registry on August 26, 2002 and stated that the required disclosures will be filed in a timely manner in the future.

On motion by Dunavant, seconded by McNeece, the board voted unanimously not to reconsider the \$1,000 civil penalty against the organization. A motion was made by Harding, seconded by McCroskey, to affirm the \$1,000 civil penalty against the organization. The motion affirming the \$1,000 civil penalty against the organization passed the board unanimously.

02-25 The People's PAC, for failure to file a 2002 1st quarter campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board. The organization also has outstanding civil penalties with the Registry.

The board voted at its July 10, 2002 meeting to assess the organization a \$10,000 civil penalty after they failed to file the required disclosure report. The organization requested a reconsideration of the assessment.

Gregory Stokes, treasurer for the organization, provided a letter for the board's consideration. In this letter Mr. Stokes explains that personal illness kept him from timely responding to the Registry's correspondence. Mr. Stokes further explained that he timely filed the required report with the Shelby County Election Commission and assumed that it would be forwarded to the Registry.

A motion was made by McCroskey, seconded by McNeece, to reconsider the \$10,000 assessment against the organization. The motion to reconsider failed by a 2 to 2 vote, with Harding and Dunavant voting "no." Therefore, the \$10,000 civil penalty against the organization stands.

Show Cause Hearing

02-37 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 been before the board on previous matters.

Robert L. Qualls, treasurer for the organization, submitted a sworn statement for the board's consideration. In this statement, Mr. Qualls explained that he was out of town at the time of the original filing deadline. Mr. Qualls also explained that there have been problems with the organization, including the resignation of the group's Chair that

has required a large amount of time and effort by himself to restore the organization. Mr. Qualls further explained that the required report was completed before the deadline but that he had difficulty in securing the services of a Notary Public.

A motion was made by McCroskey, seconded by Harding, to assess the organization a \$200 civil penalty. The motion to assess the organization a \$200 civil penalty failed the board 3 to 1, with Dunavant voting “no.” A motion was then made by Dunavant, seconded by McCroskey, to assess the organization a \$100 civil penalty. The motion passed the board unanimously, with McCroskey requesting that the minutes state that he voted “yes” though he felt the penalty should be higher.

Cases Subject to Approval for Civil Penalty

02-34 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 been before the board on a previous matter.

The Registry has received no response from the show cause notice. A motion was made by McCroskey, seconded by McNeece, to assess Mr. Redman a \$1,000 civil penalty. A friendly amendment was made by Harding, accepted by McCroskey, to assess Mr. Redman a \$500 civil penalty. The motion to assess Mr. Redman a \$500 civil penalty passed the board unanimously.

02-35 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.

Director Rawlins informed the board that the report has been filed but that there has been no response to the show cause notice.

On motion by Harding, seconded by McNeece, the board voted unanimously to assess the organization a \$275 civil penalty.

02-36 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 been before the board on previous matters.

The Registry has received no response from the show cause notice. On motion by Harding, seconded by McNeece, the board voted unanimously to assess the organization a \$225 civil penalty.

Cases Considered for Issuance of Show Cause Notices

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

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

Pam Wolfe, for failure to timely file a 2002 mid-year lobbying activities report. Class one (1), maximum four hundred twenty-five (\$425) civil penalty. Ms. Wolfe has had no previous matters before the board.

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

Chastity Mitchell, for failure to timely file a 2002 mid-year lobbying activities report. Class one (1), maximum two hundred fifty (\$250) civil penalty. Ms. Mitchell has had no previous matters before the board.

Ms. Mitchell stated on her lobbying activities report that she had changed employment and that the address used by the Registry was for her former employer; therefore, she did not receive the notices to file.

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

Bobby Barnett, for failure to timely file a 2002 pre-primary campaign financial disclosure report. Class one (1), maximum twenty-five (\$25) civil penalty. Mr. Barnett 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.

Berlin Boyd, for failure to file a 2002 pre-primary campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Boyd has had a previous matter before the board.

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

Gabriel Givens, for failure to timely file a 2002 pre-primary campaign financial disclosure report. Class one (1), maximum twenty-five (\$25) civil penalty. Ms. Givens 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.

Hanalei "Lay" Harris, for failure to timely file a 2002 pre-primary campaign financial disclosure report. Class one (1), maximum twenty-five (\$25) civil penalty. Ms. Harris 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.

Francis Waldron, for failure to timely file a 2002 pre-primary campaign financial disclosure report. Class one (1), maximum fifty (\$50) civil penalty. Ms. Waldron 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.

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

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

Bill Wood, for failure to file a 2002 pre-primary campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Wood has had previous matters before the board.

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

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

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

Greater Kingsport Republican Women, for failure to file a 2002 2nd quarter campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board.

A motion was made by Harding to take no action in this matter. The motion died for a lack of a second. A motion was then made by Dunavant, seconded by McNeece, to issue a show cause notice. The motion to issue the organization a show cause notice passed the board unanimously.

National Republican Congressional Committee, for failure to file a 2002 2nd quarter campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board.

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

Perry County Federation of Democratic Women, for failure to timely file a 2002 2nd quarter campaign financial disclosure report. Class one (1), maximum four hundred fifty (\$450) civil penalty.

Mr. O'Goin, a representative for the organization, contacted the Registry and stated that the report was completed and mailed but didn't know why the Registry never received the report. Mr. O'Goin faxed a copy of the report to the Registry.

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

Reported Financial Expenses

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

Executive Director's Report

Director Rawlins informed the board that he was contacted by Andrew Perpener, Jr., a candidate listed as qualifying to run for state representative in district 94, who had been assessed a \$250 civil penalty at the August 14, 2002 board meeting for failure to file a 2002 statement of interests report. Mr. Perpener stated that he did not qualify to be on the ballot. This information was verified with Tipton County.

Director Rawlins suggested that the board rescind the civil penalty assessment, as Mr. Perpener does not owe a report.

On motion by McCroskey, seconded by Harding, the board voted unanimously to rescind the \$250 civil penalty.

Other Business

A motion was made by McCroskey, 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, October 9, 2002 at 10:30 am. At 1614 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.