

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, March 12, 2003, at Suite 1614 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

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

On motion by Minter, seconded by Dunavant, the minutes from the February 12, 2003 meeting were approved unanimously.

Request for Reconsideration

02-50 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.

The board voted at its December 11, 2002 meeting to assess Sen. Dixon a \$10,000 civil penalty for his failure to file the required campaign financial disclosure report.

Sen. Dixon and John Lyle, representative for Sen. Dixon, personally appeared before the board to ask for a reconsideration of the assessment. Mr. Lyle explained that the main problem with Sen. Dixon's tendency to file reports late is due to the fact that he is his own treasurer. Mr. Lyle further explained that he has requested that Sen. Dixon change treasurers and use the services of a certified public accountant to handle the completion and filing the required reports. Mr. Lyle requested that the board consider lowering the civil penalty to \$1,000, if Sen. Dixon appoints a certified public accountant as his new treasurer. Mr. Lyle stated that he would work with Sen. Dixon and the accountant to ensure that all future reports are filed timely.

Sen. Dixon stated that he had been focusing on his campaign and neglected to file the required report. Sen. Dixon further stated that he has a difficult time getting all of the information together to complete the reports and file them in a timely manner.

A motion was made by McCroskey, seconded by Minter, to reconsider the \$10,000 assessment against Sen. Dixon. The motion to reconsider the \$10,000 assessment passed the board unanimously. A motion was made by Minter, seconded by McNeece, to assess Sen. Dixon a \$3,000 civil penalty. Long then made a motion to amend the original motion to postpone this matter until the June meeting with the understanding that a new treasurer will be appointed and complete training with the Registry staff regarding filing deadlines and how to effectively file disclosure reports, seconded by Murray. The motion as amended passed the board unanimously.

02-42 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.

The board voted at its October 9, 2002 meeting to assess Mr. Wood a \$10,000 civil penalty for his failure to file the required campaign financial disclosure report. Mr. Wood submitted a statement requesting a reconsideration of the assessment.

In this statement Mr. Wood's explained that various difficulties associated with a first time campaign effort and conflicts with other responsibilities kept him from filing his report in a timely manner. Mr. Wood further explained that although the reports were late they were filed and there was no intention to ignore the reporting requirement.

Director Rawlins informed the board that Mr. Wood's pre-primary report had been returned to him for corrections. The corrected report has not been received by the Registry.

A motion was made by Fincher, seconded by McNeece, to postpone this matter until the April meeting and request that Director Rawlins contact Mr. Wood by letter and by phone to inform Mr. Wood that the board will not reconsider this matter until all information is complete and filed with the Registry. This motion passed the board unanimously.

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 December 11, 2002 meeting to assess Ms. Woods a \$500 civil penalty for her failure to file the required campaign financial disclosure report.

Ms. Woods submitted a faxed statement to the Registry requesting a reconsideration of the assessment and to personally appear before the board at the next meeting. In her statement, Ms. Woods stated that all paperwork had been completed and that she was unaware that it was her responsibility to file reports with both the Hardeman County Election Commission and the Registry.

The board voted at its February 12, 2003 meeting to postpone this matter until the March meeting, as Ms. Woods was unable to personally appear.

Director Rawlins informed the board that Ms. Woods had been notified by mail to make sure that she would be appearing at the March 12th board meeting. In addition, Ms. Woods was phoned by the Registry staff to verify that she would be attending the meeting. Ms. Woods stated that she would be unable to attend because of recent surgery and requested to be placed on the agenda to personally appear at the April meeting.

On motion by Minter, seconded by McNeece, the board voted unanimously not to reconsider the assessment against Ms. Woods. The board stated that the \$500 civil penalty assessment is reasonable and appropriate and that Ms. Woods has failed to show further evidence or explanation to warrant reduction of the assessment.

02-34 Dale Redman, for failure to file a 2002 statement of interests report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Redman has had a previous matter before the board.

The board voted at its September 11, 2002 meeting to assess Mr. Redman a \$500 civil penalty for his failure to file the required report. Mr. Redman submitted a statement requesting reconsideration of the assessment.

Mr. Redman stated that a miscommunication between himself and the Registry staff contributed to his failure to file. Mr. Redman further stated that extenuating family

circumstances prevented him from properly filing the required reports and that his failure to file was not intentional.

On motion by Dunavant, seconded by McCroskey, the board voted unanimously to reconsider the \$500 assessment against Mr. Redman. A motion was made by Long, seconded by McCroskey, to assess Mr. Redman a \$100 civil penalty. The motion to assess Mr. Redman a \$100 civil penalty passed the board unanimously.

Show Cause Hearing

03-04 Roscoe Dixon, 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. Sen. Dixon has had previous matters before the board.

The board voted at its February 12, 2003 meeting to postpone any action in this matter to allow Sen. Dixon to personally appear before the board at the March 12, 2003 meeting to discuss two matters pending before the board. Sen. Dixon and Mr. Lyle, representative for Sen. Dixon, stated that they were willing to accept the \$500 assessment in this case.

On motion by McCroskey, seconded by Long the board voted unanimously to assess Sen. Dixon a \$500 civil penalty.

Cases Subject to Approval for Civil Penalty

03-05 Thelma Harper, for failure to file a 2002 pre-general campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Sen. Harper 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.

A motion was made by Long, seconded by McCroskey, to assess Sen. Harper a \$1,000 civil penalty. The motion to assess Sen. Harper a \$1,000 civil penalty passed the board 6 to 1, with Fincher voting “no.”

Cases Considered for Issuance of Show Cause Notices

Betty Brock, for failure to timely file a 2002 year-end lobbying activities report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. Ms. Brock has had no previous matters before the board.

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

Michael Butler, for failure to timely file a 2002 year-end lobbying activities report. Class one (1), two days late, maximum fifty (\$50) civil penalty. Mr. Butler has had no previous matters before the board.

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

John Hesse, II, for failure to timely file a 2002 year-end lobbying activities report. Class one (1), nine days late, maximum two hundred twenty-five (\$225) civil penalty. Mr. Hesse 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.

Rae Young Bond, for failure to timely file a 2002 year-end lobbying activities report. Class one (1), 13 days late, maximum three hundred twenty-five (\$325) civil penalty. Ms. Bond has had no previous matters before the board.

Ms. Bond submitted her report along with a letter stating that all notices from the Registry had been sent to her previous employer. Ms. Bond further stated that her former employer did not forward the certified notice to her until February 28 and that she filed the report with the Registry immediately after receiving the notice.

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

Candace Clemons-Sneed, for failure to timely file a 2002 year-end lobbying activities report. Class one (1), five days late, maximum one hundred twenty-five (\$125) civil penalty. Ms. Clemons-Sneed has had no previous matters before the board.

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

Kendrick Sneed, for failure to timely file a 2002 year-end lobbying activities report. Class one (1), five days late, maximum one hundred twenty-five (\$125) civil penalty. Mr. Sneed has had no previous matters before the board.

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

Jefferson County Democratic Party, for failure to file a 2002 4th quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board.

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

Perry County Democrats, for failure to timely file a 2002 4th quarter campaign financial disclosure report. Class one (1), 20 days late, maximum five hundred (\$500) civil penalty. The organization 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.

Tennessee Campaign for the Family, for failure to timely file a 2002 4th quarter campaign financial disclosure report. Class one (1), 12 days late, maximum three hundred (\$300) civil penalty. The organization has had previous matters before the board.

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

Tennessee Democratic Party – Federal, for failure to file a 2002 4th 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.

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

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

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

Dave Dahl, for failure to timely file a 2002 post-general campaign financial disclosure report. Class one (1), nine days late, maximum two hundred twenty-five (\$225) civil penalty. Mr. Dahl 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.

John Jay Hooker, for failure to timely file a 2002 post-general campaign financial disclosure report. Class one (1), three days late, maximum seventy-five (\$75) civil penalty. Mr. Hooker has had no previous matters before the board.

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

Russell Johnson, for failure to timely file a 2002 post-general campaign financial disclosure report. Class one (1), 13 days late, maximum three hundred twenty-five (\$325) civil penalty. Rep. Johnson 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.

Joe McCord, for failure to timely file a 2002 post-general campaign financial disclosure report. Class one (1), nine days late, maximum two hundred twenty-five (\$225) civil penalty. Rep. McCord has had a previous matter before the board.

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

Kenneth Meyer, for failure to timely file a 2002 annual supplemental campaign financial disclosure report. Class one (1), 13 days late, maximum three hundred twenty-five (\$325) civil penalty. Mr. Meyer 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.

Bobby Sands, for failure to timely file a 2002 post-general campaign financial disclosure report. Class one (1), three days late, maximum seventy-five (\$75) civil penalty. Mr. Sands has had no previous matters before the board.

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

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

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

Robert Briley, for failure to timely file a 2002 statement of interests report. Class one (1), six days late, maximum one hundred fifty (\$150) civil penalty. Rep. Briley 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.

Sherry Jones, for failure to timely file a 2002 statement of interests report. Class one (1), four days late, maximum one hundred (\$100) civil penalty. Rep. Jones has had no previous matters before the board.

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

James Kyle, for failure to timely file a 2002 statement of interests report. Class one (1), eight days late, maximum two hundred (\$200) civil penalty. Sen. Kyle 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.

Discussion of T. C. A. §2-10-302(c)

Director Rawlins informed the board that a court case has been filed by John Jay Hooker against Gov. Bredesen for violating T.C.A. §2-10-302(c), which limits the amount of contributions a candidate may make to his/her own campaign. Director Rawlins explained that Janet Kleinfelter, representative for the Attorney General's office, could not appear before the board because of this pending lawsuit. Director Rawlins recommended that the board postpone any action in this matter until the lawsuit is settled. Discussion of the matter was deferred until a ruling is made in the John Jay Hooker lawsuit.

Reported Financial Expenses

Director Rawlins presented the expenditure reports for the 2002/2003 fiscal year through January 31, 2003.

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

Other Business

The Registry's new member, Lee Anne Murray introduced herself to the board members. Ms. Murray is the new appointee for the Senate Democratic Caucus, replacing Mr. Harding.

The board held a discussion on what they could do to honor Mr. Harding for his service on the Registry. Director Rawlins stated that he would check into how the board could honor Mr. Harding.

The board's next regularly scheduled meeting will be Wednesday, April 9, 2003 at 10:30 am. At 1614 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.