

# REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, October 13, 2004, at Suite 1614 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Attending the meeting were board members William Long, Darlene McNeece, Henry Fincher, Lee Anne Murray and Marion Ott.

On motion by Fincher, seconded by Murray, the minutes from the September 8, 2004 meeting were approved unanimously.

## *Request for Reconsideration*

**04-30 Greg Gaines**, for failure to file a 2003 Statement of Interests report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Gaines has had no previous matters before the board.

The board voted at its August 11, 2004 meeting to assess Mr. Gaines a \$1,500 civil penalty. Mr. Gaines requested a reconsideration of the assessment.

Mr. Gaines appeared before the board and explained that he never waged an active campaign because he moved out of the district that he qualified to run in shortly after filing to run for office. Mr. Gaines further explained that after he filed his post-primary report he thought his campaign account had been closed and that he did not owe any further reports.

A motion was made by Murray, seconded by Fincher, to reconsider the \$1,500 assessment against Mr. Gaines. The motion to reconsider the assessment passed unanimously. A motion was then made by Fincher, seconded by Ott, to assess Mr. Gaines a \$100 civil penalty. The motion to assess Mr. Gaines a \$100 civil penalty passed the board unanimously. (Long not present at this time.)

## *Show Cause Hearing*

**04-35 Thomas Dean**, for failure to timely file a 2004 mid-year lobbying activities report. Class one (1), nine days late, maximum two hundred twenty-five (\$225) civil penalty. Mr. Dean has had no previous matters before the board.

The board voted at the September 8, 2004 meeting to issue Mr. Dean a show cause notice. Mr. Dean requested to appear at the October meeting.

Mr. Dean appeared before the board and explained that the notices to file were misplaced on his desk and that when he found them he immediately filed the report with the Registry. Mr. Dean further explained that he is a registered lobbyist for his own company and has had little lobbying activity.

On motion by Murray, seconded by Fincher, the board voted unanimously to assess Mr. Dean a \$25 civil penalty. (Long not present at this time.)

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

**04-32 Champ Langford**, for failure to timely file a 2004 pre-primary campaign financial disclosure report. Class one (1), 19 days late, maximum four hundred seventy-five (\$475) civil penalty. Mr. Langford has had no previous matters before the board.

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

On motion by Fincher, seconded by Murray, the board voted unanimously to assess Mr. Langford a \$100 civil penalty. (Long not present at this time.)

**04-33 Rick Williams**, for failure to file a 2003 pre-runoff campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Williams has had previous matters with the board. (This case was forwarded to the Registry by the Davidson County Election Commission.)

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

A motion was made by Fincher, seconded by Murray, to assess Mr. Williams a \$10,000 civil penalty. The motion to assess Mr. Williams a \$10,000 civil penalty passed the board 4 to 0, with Long “abstaining.”

**04-34 Rick Williams**, for failure to file a 2003 corrected pre-general campaign financial disclosure report. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Williams has had previous matters with the board. (This case was forwarded to the Registry by the Davidson County Election Commission.)

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

A motion was made by Fincher, seconded by Murray, to assess Mr. Williams a \$10,000 civil penalty. The motion to assess Mr. Williams a \$10,000 civil penalty passed the board 4 to 0, with Long “abstaining.”

**04-36 William Turner**, for failure to timely file a 2004 mid-year lobbying activities report. Class one (1), 11 days late, maximum two hundred seventy-five (\$275) civil penalty. Mr. Turner has had no previous matters before the board.

Mr. Turner submitted a statement for the board’s consideration. In this statement, Mr. Turner explained that when the certified letter was delivered he was away on business. Mr. Turner further explained that due to a lack of lobbying activity in several years the notice to file did not get his immediate attention. Mr. Turner apologized for the error and stated that he filed the report as soon as he realized it was due.

On motion by Fincher, seconded by Murray, the board voted unanimously to assess Mr. Turner a \$75 civil penalty.

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

**Alphonso Bodie**, for failure to file a 2004 mid-year lobbying activities report. Class one (1), no report filed, maximum seven hundred fifty (\$750) civil penalty. Mr. Bodie has had no previous matters before the board.

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

**Christopher Burruss**, for failure to file a 2004 mid-year lobbying activities report. Class one (1), no report filed, maximum seven hundred fifty (\$750) civil penalty. Mr. Burruss has had no previous matters before the board.

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

**Maggie McLean Duncan**, for failure to file a 2004 mid-year lobbying activities report. Class one (1), no report filed, maximum seven hundred fifty (\$750) civil penalty. Ms. Duncan has had no previous matters before the board.

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

**Emanuel Edwards**, for failure to file a 2004 mid-year lobbying activities report. Class one (1), no report filed, maximum seven hundred fifty (\$750) civil penalty. Mr. Edwards has had no previous matters before the board.

On motion by Fincher, seconded by Murray, the board voted 4 to 0 to issue a show cause notice, with Ott “abstaining.”

**Tracy O’Neil**, for failure to file a 2004 mid-year lobbying activities report. Class one (1), no report filed, maximum seven hundred fifty (\$750) civil penalty. Ms. O’Neil has had no previous matters before the board.

Director Rawlins informed the board that Ms. O’Neil’s lobbying activities report had been misfiled and had actually been timely filed. Director Rawlins requested that this case be dismissed.

**Michael Warmesley**, for failure to file a 2004 mid-year lobbying activities report. Class one (1), 25 days late, maximum six hundred twenty-five (\$625) civil penalty. Mr. Warmesley has had no previous matters before the board.

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

**Jeff Hagood Fund for a Better Tennessee**, for failure to file a 2004 2<sup>nd</sup> 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 Fincher, seconded by Murray, the board voted unanimously to issue a show cause notice.

**Victory 2002 – Non Federal Account**, for failure to file a 2004 2<sup>nd</sup> 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 Fincher, seconded by Murray, the board voted unanimously to issue a show cause notice.

*Umoja Abdul-Ahad*, for failure to file a 2004 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Abdul-Ahad has had no previous matters before the board.

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

### ***Complaint filed by Tennessee Citizen Action***

Director Rawlins provided the board with a complaint filed by Tennessee Citizen Action. In this statement the organization asks the board to undertake an investigation into the large number of Political Action Committee contributions made by persons associated with King Pharmaceuticals. The organization questions whether the methods in which the contributions have been made violate the campaign finance law.

After discussion, on motion by Murray, seconded by Fincher, the board voted unanimously to request that Tennessee Citizen Action file a sworn complaint and provide information concerning the specific statutes and regulations that they believe have been violated and any documentation and/or information available to support the alleged violations.

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

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

Director Rawlins presented the expenditure reports for the 2003/2004 fiscal year through August 31, 2004.

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

Director Rawlins presented to the board the budget projections for the 2004/05 fiscal year.

### ***Other Business***

After discussion, the board decided that the December meeting will be held on December 15, 2004 to accommodate the staff and board members attending the annual COGEL conference.

Long, seconded by Fincher made a motion, to adjourn the meeting until the next regularly scheduled meeting. The motion passed unanimously.