

# REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, November 10, 2004, at Suite 1614 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

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

On motion by Fincher, seconded by McNeece, the minutes from the October 13, 2004 meeting were approved unanimously.

## *Sworn Statement Submitted*

**04-37 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.

The board voted at its October 13, 2004 meeting to issue Mr. Bodie a show cause notice.

Mr. Bodie submitted a sworn statement for the board's consideration of his case. In his statement, Mr. Bodie stated that due to the loss of his business partner his company has gone through many administrative changes. Mr. Bodie further stated that his failure to file was an oversight on his part and that he has now filed the required report.

A motion was made by McNeece, seconded by Murray to assess Mr. Bodie a \$500 civil penalty. A friendly amendment was made by Dunavant, accepted by McNeece and Murray, to assess Mr. Bodie a \$250 civil penalty. The motion to assess Mr. Bodie a \$250 civil penalty passed the board unanimously.

**04-40 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.

The board voted at its October 13, 2004 meeting to issue Mr. Edwards a show cause notice.

Mr. Edwards submitted a sworn statement for the board's consideration of his case. In his statement, Mr. Edwards explained that the notices to file were mailed to the incorrect address. Mr. Edwards further noted that he was in and out of town and that as soon as he received the notices from his employer he immediately filed the required report.

A motion was made by Murray, seconded by Fincher, to assess Mr. Edwards a \$25 civil penalty. A friendly amendment was made by McNeece to assess Mr. Edwards a \$100 civil penalty. The motion to amend died for a lack of a second. A friendly amendment was then made by Long, accepted by Murray and Fincher, to assess Mr. Edwards a \$50 civil penalty. The motion to assess Mr. Edwards a \$50 civil penalty passed the board 5 to 0, with Ott "abstaining."

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

**04-38 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.

The board voted at its October 13, 2004 meeting to issue Mr. Burruss a show cause notice.

Mr. Burruss submitted a sworn statement for the board's consideration of his case. In his statement, Mr. Burruss stated that he accepted a position out of state and that the notices were not delivered to his new business address. Mr. Burruss further stated that because of the transition, he was unaware that he needed to file the report.

A motion was made by Ott, seconded by McNeece, to assess Mr. Burruss a \$250 civil penalty. The motion to assess Mr. Burruss a \$250 civil penalty passed the board 5 to 1, with Fincher voting "no."

**04-39 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.

The board voted at its October 13, 2004 meeting to issue Ms. Duncan a show cause notice.

Ms. Duncan personally appeared before the board for consideration of her case. Ms. Duncan explained that she was out of the office recovering from surgery when the report was due. Ms. Duncan further explained that due to staff miscommunication she never received the notices that were sent to her business address. Ms. Duncan noted that she has now filed the required report.

A motion was made by Dunanvat, seconded by Ott, to assess Ms. Duncan a \$50 civil penalty. The motion to assess Ms. Duncan a \$50 civil penalty passed the board 5 to 1, with Fincher voting "no."

**04-41 Michael Warmsley**, for failure to timely file a 2004 mid-year lobbying activities report. Class one (1), 25 days late, maximum six hundred twenty-five (\$625) civil penalty. Mr. Warmsley has had no previous matters before the board.

The board voted at its October 13, 2004 meeting to issue Mr. Warmsley a show cause notice.

Registry staff informed the board that there has been no response to the show cause notice.

A motion was made by McNeece, seconded by Ott, to assess Mr. Warmsley a \$250 civil penalty. The motion to assess Mr. Warmsley a \$250 civil penalty passed the board 5 to 1, with Fincher voting "no."

**04-43 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.

The board voted at its October 13, 2004 meeting to issue the organization a show cause notice.

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. Director Rawlins noted that the organization was newly registered and the report would be there first filing.

A motion was made by Fincher, seconded by Murray, to assess the organization a \$10,000 civil penalty. The motion to assess the organization a \$10,000 civil penalty passed the board 4 to 2, with Dunavant and McNeece voting “no.”

**04-44 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.

The board voted at its October 13, 2004 meeting to issue the organization a show cause notice.

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.

On motion by Ott, seconded by Dunavant, the board voted unanimously to assess the organization a \$10,000 civil penalty.

**04-45 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.

**04-52** for failure to timely file a 2004 post-primary campaign financial disclosure report. Class one (1), 22 days late, maximum \$550 civil penalty. Mr. Abdul-Ahad waived his right to a show cause notice in this matter so that both cases could be heard simultaneously.

Mr. Abdul-Ahad personally appeared before the board to explain his failure to timely file his pre-primary and post-primary campaign financial disclosure reports. Mr. Abdul-Ahad stated that as an independent candidate he did not believe that he was required to file campaign financial disclosure reports for the primary election because independent candidates are not on the primary ballot.

On motion by Fincher, seconded by Murray, the board voted unanimously to consolidate case nos. 04-45 and 04-52. A motion was made by McNeece, seconded by Dunavant, to assess Mr. Abdul-Ahad a \$500 civil penalty. A friendly amendment was made by Murray, accepted by McNeece and Dunavant, to assess Mr. Abdul-Ahad a \$250 civil penalty. The motion to assess Mr. Abdul-Ahad a \$250 civil penalty passed the board unanimously.

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

**Tommie Brown**, for failure to timely file a 2004 post-primary campaign financial disclosure report. Class one (1), 19 days late, maximum four hundred seventy-five (\$475) civil penalty. Ms. Brown 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.

**Terrell Conley**, for failure to file a 2004 post-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Conley 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.

**Larry Daniels**, for failure to timely file a 2004 post-primary campaign financial disclosure report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. Mr. Daniels 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.

**Errol Harmon**, for failure to timely file a 2004 post-primary campaign financial disclosure report. Class one (1), two days late, maximum fifty (\$50) civil penalty. Mr. Harmon 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.

**Neal Kerney**, for failure to timely file a 2004 post-primary campaign financial disclosure report. Class one (1), four days late, maximum one hundred (\$100) civil penalty. Mr. Kerney 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.

**John Holsclaw, Sr.**, for failure to timely file a 2004 post-primary campaign financial disclosure report. Class one (1), two days late, maximum fifty (\$50) civil penalty. Mr. Holsclaw 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.

**Susan Slyfield**, for failure to file a 2004 post-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Slyfield 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.

**Joe Towns, Jr.**, for failure to file a 2004 post-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Rep. Towns has had previous matters before the board.

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

**Mike Turner**, for failure to timely file a 2004 post-primary campaign financial disclosure report. Class one (1), four days late, maximum one hundred (\$100) civil penalty. Rep. Turner 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.

**Joe Mike Akard**, for failure to file a 2004 annual supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Akard 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.

**Lee Frank**, for failure to timely file a 2004 annual supplemental campaign financial disclosure report. Class one (1), two days late, maximum fifty (\$50) civil penalty. Mr. Frank 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.

**Take Back Tennessee**, for failure to timely file a 2004 3<sup>rd</sup> quarter campaign financial disclosure statement. Class one (1), three days late, maximum seventy-five (\$75) civil penalty. The organization 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.

**Tennessee Truck PAC**, for failure to timely file a 2004 3<sup>rd</sup> quarter campaign financial disclosure statement. Class one (1), two days late, maximum fifty (\$50) civil penalty. The organization 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.

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

Director Rawlins informed the board that Tennessee Citizen Action has not responded to the board's request to file a sworn complaint and provide additional information concerning the specific statutes and regulations that they believe have been violated by contributions made by persons associated with King Pharmaceuticals.

On motion by Dunavant, seconded by McNeece, the board voted unanimously to take no further 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.

Director Rawlins presented the expenditure reports for the 2003/2004 fiscal year through September 30, 2004.

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

Director Rawlins provided the board with the Grading State Disclosure 2004 findings. Director Rawlins informed the board that Tennessee was noted as the most improved state due to the implementation of the electronic filing system, the online viewing of disclosure reports and improvements made to the Registry's website.

### ***Other Business***

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