

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, December 14, 2005, at Suite 1614 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Attending the meeting were board members Karen Dunavant, George Harding, William Long, Darlene McNeece, John McClarty, Lee Anne Murray and Marian Ott.

Ott requested that the November 9, 2005 minutes be amended to include that she recused herself in case 05-44 concerning Emanuel Edwards.

A motion was made by Long, seconded by Ott, to approve the November 9, 2005 board minutes as revised. The motion passed the board unanimously.

Requests for Reconsideration

05-31 Unicoi County Democratic Party, for failure to file a 2005 1st 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 July 13, 2005 meeting to issue the organization a \$10,000 civil penalty. Mr. H. Bradley Moffitt, former treasurer for the organization, requested a reconsideration of the assessment.

Stephen Zralek, representative for Mr. Moffitt, personally appeared before the board and explained that Mr. Moffitt did not have a thorough understanding of the campaign financial disclosure law and was unaware that a report was due. Mr. Zralek further explained that Mr. Moffitt did not intentionally fail to file the required report but had always filed timely in the past and that the organization had very minimal activity. Mr. Zralek stated that Mr. Moffitt had paid the \$10,000 civil penalty out of his personal funds which has hurt him financially.

On motion by Harding, seconded by Long, the board voted unanimously to reconsider the \$10,000 assessment against the organization. A motion was made by Harding, seconded by McNeece, to assess the organization a \$500 civil penalty. The motion to assess the organization a \$500 civil penalty passed the board unanimously.

05-46 Edgar Jewell, for failure to file a 2005 mid-year lobbying activities report. Class one (1), no report filed, maximum seven hundred fifty (\$750) civil penalty. Mr. Jewell has had no previous matters before the board.

The board voted at its November 9, 2005 meeting to assess Mr. Jewell a \$500 civil penalty. Mr. Jewell requested a reconsideration of the assessment.

Mr. Jewell submitted a statement for the board's consideration. In this statement, Mr. Jewell explained that he has been a volunteer lobbyist for AARP for several years but has never been active due to health reasons. Mr. Jewell further explained that, per AARP's request, he forwarded all correspondence sent to him from the Registry to the

State AARP office where they would then be forwarded to the Registry. Mr. Jewell noted that to the best of his knowledge the required report had been filed.

A motion was made by Long, seconded by Harding, not to reconsider the \$500 civil penalty assessment against Mr. Jewell. The motion not to reconsider failed the board 3 to 4, with Dunavant, McClarty, Murray and Ott voting “no.” A motion was then made by Murray, seconded by Ott, to reconsider the \$500 assessment and assess Mr. Jewell a \$100 civil penalty assessment. The motion to reconsider and assess Mr. Jewell a \$100 civil penalty passed the board 5 to 2, with Long and McClarty voting “no.”

05-49 Anderson County Democratic Women’s Club, for failure to file a 2005 2nd 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 November 9, 2005 meeting to assess the organization a \$500 civil penalty. The organization requested a reconsideration of the assessment.

Kristin Olsen, treasurer of Anderson County Democratic Women's Club, filed a sworn statement for the Registry's consideration. The statement stated that Ms. Olsen was new to the treasurer's position and was not aware of all the responsibilities. Ms. Olsen further stated that she was unaware that the required report was late and thought that the report was to be completed once a year.

On motion by Ott, seconded by Murray, the board voted unanimously not to reconsider the \$500 civil penalty assessment against the organization.

05-52 Perry County Republican Party, for failure to file a 2005 2nd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had a previous matter before the board. (see below)

The board voted at its November 9, 2005 meeting to assess the organization a \$1,000 civil penalty. The organization requested a reconsideration of the assessment.

Darrell Adkins, treasurer for the organization, submitted a sworn statement for the board’s consideration. In this statement Mr. Adkins explained that a mix-up in addresses may have caused a delay in the delivery of the notices from the Registry. Mr. Adkins further explained that the former treasurer had informed him that when he filed the reports with the Perry County Election Commission; they would mail the original reports to the Registry. Mr. Adkins stated that he assumed that the reports had been forwarded to the Registry by the Election Commission and that he filed the required report with the Registry as soon as he discovered his failure to file. Mr. Adkins noted that he has memory problems due to a medical condition and that this may have contributed to his failure to file. Mr. Adkins further noted that he did not intentionally fail to file the required report with the Registry.

A motion was made by Long, seconded by Ott, to reconsider the \$1,000 civil penalty assessment and assess the organization a \$500 civil penalty. The motion to reconsider and assess the organization a \$500 civil penalty passed the board 6 to 0, with Harding “abstaining.”

Sworn Statements Submitted

05-51 Murfreesboro Firefighters Assn. Local 3035 PAC, for failure to file a 2005 2nd 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 November 9, 2005 meeting, at Director Rawlin's request, to defer any action in this case until the next meeting to allow the organization an opportunity to file the correct report. The organization filed the correct report and submitted a statement for the board's consideration.

Ricky Jones, treasurer for the organization, submitted a statement for the board's consideration. In this statement, Mr. Jones apologized and explained that he thought he had mailed the report to the Registry. Mr. Jones further explained that his failure to timely file was a mistake and that all future reports would be timely filed with the Registry.

On motion by Ott, seconded by Long, the board voted unanimously to assess the organization a \$500 civil penalty.

Cases Subject to Approval for Civil Penalty

05-57 Suzanne Fisher, for failure to file a 2005 mid-year lobbying activities report. Class one (1), no report filed, maximum seven hundred fifty (\$750) civil penalty. Ms. Fisher has had no previous matters before the board.

The board voted at its November 9, 2005 meeting to issue Ms. Fisher 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 Long, seconded by Dunavant, the board voted unanimously to assess Ms. Fisher a \$750 civil penalty.

05-58 Jerry Hall for failure to file a 2005 mid-year lobbying activities report. Class one (1), no report filed, maximum seven hundred fifty (\$750) civil penalty. Mr. Hall has had no previous matters before the board.

The board voted at its November 9, 2005 meeting to issue Mr. Hall 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 Long, seconded by Ott, the board voted unanimously to assess Mr. Hall a \$750 civil penalty.

05-59 Molly Leach Pratt, for failure to timely file a 2005 mid-year lobbying activities report. Class one (1), 41 days late, maximum seven hundred fifty (\$750) civil penalty. Ms. Pratt has had no previous matters before the board.

The board voted at its November 9, 2005 meeting to issue Ms. Pratt a show cause notice.

Ms. Pratt personally appeared before the board for the board's consideration of her case. Ms. Pratt stated that because of family circumstances and personal issues that directly affected her home and business the required report was not timely filed. Ms. Pratt further stated that she was unaware that she had not filed the report and that she thought she had faxed her report to the Registry in a timely manner.

On motion by Long, seconded by McClarty, the board voted unanimously to assess Ms. Pratt a \$100 civil penalty.

05-60 John Brown, for failure to file a 2005 statement of interest report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Brown has had a previous matter before the board. (see below)

The board voted at its November 9, 2005 meeting to issue Mr. Brown 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 Long, seconded by Ott, the board voted unanimously to assess Mr. Brown a \$10,000 civil penalty.

05-61 Jennings Bernard, for failure to file a 2005 post-primary/pre-general report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Bernard has had no previous matters before the board.

The board voted at its November 9, 2005 meeting to issue Mr. Bernard 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 Murray, seconded by Ott, the board voted unanimously to assess Mr. Bernard a \$10,000 civil penalty.

05-62 John Brown, for failure to file a 2005 pre-primary report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Brown has had previous matters before the board. (see above)

The board voted at its November 9, 2005 meeting to issue Mr. Brown 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 Murray, seconded by McNeece, the board voted 6 to 1 to assess Mr. Brown a \$10,000 civil penalty, with Harding voting "no."

Andrew "Rome" Withers, for failure to timely file a 2005 post-primary report. Class one (1), 14 days late, maximum three hundred fifty (\$350) civil penalty. Mr. Withers has had no previous matters before the board.

The board voted at its November 9, 2005 meeting to issue Mr. Withers a show cause notice.

Director Rawlins informed the board that he did not issue the show cause notice to Mr. Withers because a statement was found in Mr. Wither's file that was overlooked and not provided to the board for their consideration.

In his statement, Mr. Wither's explained that he was unable to complete the required report and file timely because his campaign account went under a "notice of seizure of assets." Mr. Wither's further explained that as soon as the funds were released he completed and filed the require report.

On motion by Long, seconded by Harding, the board voted unanimously to rescind the show cause notice and take no action in this matter.

Cases Considered for Issuance of Show Cause Notices

1 Point PAC, for failure to file a 2005 3rd 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 Ott, the board voted unanimously to issue a show cause notice.

Hygienists for Progress, for failure to file a 2005 3rd 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 Ott, the board voted unanimously to issue a show cause notice.

Perry County Republican Party, for failure to timely file a 2005 3rd quarter campaign financial disclosure report. Class one (1), 12 days late, maximum three hundred (\$300) civil penalty. The organization has had a previous matter before the board (see above).

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

Regions Financial Corporation PAC, for failure to file a 2005 3rd 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 Ott, the board voted unanimously to issue a show cause notice.

David Davis, for failure to timely file a 2005 supplemental annual report. Class one (1), 19 days late, maximum four hundred seventy-five (\$475) civil penalty. Mr. Davis has had no previous matters before the board.

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

Alonzo Grant, for failure to timely file a 2005 post-primary/pre-general report. Class one (1), 16 days late, maximum four hundred (\$400) civil penalty. Mr. Grant has had previous matters before the board.

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

Gary Rowe, for failure to timely file a 2005 post-general report. Class one (1), eight days late, maximum two hundred (\$200) civil penalty. Mr. Rowe has had no previous matters before the board.

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

Billy Stokes, for failure to timely file a 2005 supplemental annual report. Class one (1), 22 days late, maximum five hundred fifty (\$550) civil penalty. Mr. Stokes has had no previous matters before the board.

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

Mitchell Thompson, for failure to timely file a 2005 post-general report. Class one (1), five days late, maximum one hundred twenty-five (\$125) civil penalty. Mr. Thompson has had no previous matters before the board.

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

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 2004/2005 fiscal year through October 31, 2005.

Executive Director's Report

Director Rawlins provided the board with an Attorney General's Opinion on whether the 180 day time period in the campaign financial disclosure law applies to statements filed by local candidates with a county election commission and if there would be any period at which these statements would not be subject to review by the Registry for violations of the campaign finance statutes. In this opinion, the Attorney General opined that the 180 day time period does not apply to local candidates and that there does not appear to be any time restrictions on the Registry's ability to review statements of local candidates for violations of the campaign finance statutes.

Director Rawlins informed the board that he has been subpoenaed by the U. S. Attorney to testify in the case against former Senator Roscoe Dixon.

Other Business

A motion was made by McNeece, seconded by Dunavant, to name Lee Anne Murray as chairperson and Marian Ott as secretary for 2006 by acclamation.

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