

# REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, November 8, 2006, at Suite 1614 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

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

On motion by Harding, seconded by McNeece, the board voted to approve the October 11, 2006 board minutes. The motion passed the board unanimously.

## ***Reconsideration***

***06-17 Joe Towns, Jr.***, for failure to timely file a 2006 1<sup>st</sup> quarter campaign financial disclosure report. Class one (1), three days late, maximum seventy-five dollar (\$75) civil penalty. Rep. Towns has had previous matters before the board.

The board voted at its July 12, 2006 meeting to assess Rep. Towns a \$75 civil penalty. Rep. Towns requested a reconsideration of the assessment.

Rep. Towns provided a statement for the board's consideration. In this statement, Rep. Towns explained that that he believed he had filed his report using the Registry's electronic filing system. Rep. Towns further explained that he did not know that the report was not submitted properly to the Registry.

On motion by McNeece, seconded by McClarty, the board voted unanimously to not reconsider the matter.

## ***Sworn Statement Submitted***

***06-50 Freddi Birdwell***, for failure to timely file a 2006 mid-year lobbying activities report. Class one (1), 24 days late, maximum six hundred dollar (\$600) civil penalty. Ms. Birdwell has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue Ms. Birdwell a show cause notice.

Ms. Birdwell submitted a sworn statement for the board's consideration. In this statement, Ms. Birdwell explained that she was unaware of her failure to report because her previous employer did not forward her the notices in a timely manner. Ms. Birdwell further explained that her failure to file was not willful disregard but a lack of awareness due to circuitous circumstances.

On motion by Ott, seconded by McNeece, the board voted unanimously to assess Ms. Birdwell a \$75 civil penalty.

***06-51 Stephen Ratterman, Sr.***, for failure to timely file a 2006 mid-year lobbying activities report. Class one (1), 59 days late, maximum seven hundred fifty dollar (\$750) civil penalty. Mr. Ratterman has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue Mr. Ratterman a show cause notice.

Mr. Ratterman provided a statement for the board's consideration. In this statement, Mr. Ratterman explained that his late filing was due to the fact that his previous employer, who he was lobbying for, did not forward his mail until very recently and that after leaving his previous employer he completely forgot that there were additional reports which would need to be filed. Mr. Ratterman further explained that when he finally received his notice to file he contacted the Registry and filed the report.

On motion by Long, seconded by Ott, the board voted unanimously to assess Mr. Ratterman a \$75 civil penalty.

**06-55 Insurors of Tennessee PAC**, for failure to timely file 2006 pre-primary campaign financial disclosure report. Class two (2), 41 days late, maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue the organization a show cause notice.

Charles Bidek, treasurer for the organization, submitted an affidavit for the board's consideration. In this affidavit, Mr. Bidek explained that the failure to report was not intentional but an oversight due to this being a new report this year. Mr. Bidek further explained that the report was filed as soon as they became aware and that they have instituted steps and rules to prevent delayed filings in the future.

A motion was made by Long, seconded by Harding, to assess the organization a \$250 civil penalty. A friendly amendment was made by McClarty to assess the organization a \$500 civil penalty. McClarty then withdrew his motion. The motion to assess the organization a \$250 civil penalty passed the board unanimously.

**06-57 Norfolk Southern Good Government Committee**, for failure to timely file 2006 pre-primary campaign financial disclosure report. Class one (1), 17 days late, maximum four hundred twenty-five dollar (\$425) civil penalty. The organization has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue the organization a show cause notice.

Marque Ledoux, treasurer for the organization, submitted a sworn statement for the board's consideration. In this statement, Mr. Ledoux explained that the organization was unaware of the new report because they did not receive the Registry's original notice to file. Mr. Ledoux further explained that there was a delay in transferring the certified letter from their Norfolk office to their Washington office for further action. Mr. Ledoux stated that the failure to timely file was unintentional.

A motion was made by Ott, seconded by McNeece, to assess the organization a \$250 civil penalty. A friendly amendment was made by Long, accepted by Ott and McNeece, to assess the organization a \$150 civil penalty. The motion to assess the organization a \$150 civil penalty passed the board unanimously.

**06-65 Frank Niceley**, for failure to report a campaign contribution. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Niceley has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue Rep. Niceley a show cause notice.

Cynthia Niceley submitted a sworn statement for the board's consideration. In this statement Ms. Niceley explained that after she had completed the pre-primary report and checked back over everything she realized that she had missed putting the contribution in question on the report out of pure negligence and had made a notation to include it on the next report. Ms. Niceley further explained that she now realizes that she should have filed an amended report but that she thought reporting it on the 3<sup>rd</sup> quarter report would be sufficient. Ms. Niceley stated that there was no intention of wrongdoing and apologized for the mistake.

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

**06-69 John Tidwell**, for failure to report a campaign contribution. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Tidwell has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue Rep. Tidwell a show cause notice.

Rep. Tidwell submitted a sworn statement for the board's consideration. In this statement, Rep. Tidwell explained that because of a clerical error the contribution in question was reported on the incorrect report.

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

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

**06-35 Michael Saine**, for failure to timely file 2006 pre-primary campaign financial disclosure report. Class one (1), 14 days late, maximum three hundred fifty dollar (\$350) civil penalty. Mr. Saine has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to send the show cause notice by regular mail and to defer any action in this matter until the next regularly scheduled meeting.

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

On motion by Harding, seconded by Long, the board voted unanimously to assess Mr. Saine a \$200 civil penalty.

**06-41 Kevin Carter**, for failure to file 2006 2<sup>nd</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand dollar (\$10,000) civil penalty. Mr. Carter has had a previous matter before the board. (See below)

The board voted at its October 11, 2006 meeting to issue Mr. Carter a show cause notice.

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 Harding to take no further action. The motion to take no further action died for a lack of a second. A motion was then made by Long, seconded by Ott, to assess Mr. Carter a \$100 civil penalty. The motion to assess Mr. Carter a \$100 civil penalty passed the board 6 to 1, with Dunavant voting “no.”

**06-42 Kevin Carter**, for failure to file 2006 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand dollar (\$10,000) civil penalty. Mr. Carter has had a previous matter before the board. (See above)

The board voted at its October 11, 2006 meeting to issue Mr. Carter a show cause notice.

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 Harding to take no further action. The motion to take no further action died for a lack of a second. A motion was then made by Long, seconded by Ott, to assess Mr. Carter a \$100 civil penalty. The motion to assess Mr. Carter a \$100 civil penalty passed the board 6 to 1, with Dunavant voting “no.”

**06-43 Charles “Pete” Drew**, for failure to file 2006 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand dollar (\$10,000) civil penalty. Mr. Drew has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue Mr. Drew a show cause notice.

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 Ott, seconded by Long, the board voted 6 to 1 to assess Mr. Drew a \$150 civil penalty, with Murray voting “no.”

**06-44 Larry Drolsum**, for failure to file 2006 2<sup>nd</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand dollar (\$10,000) civil penalty. Mr. Drolsum has had previous matters before the board.

The board voted at its October 11, 2006 meeting to issue Mr. Drolsum 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 6 to 1 to assess Mr. Drolsum a \$10,000 civil penalty, with McClarty voting “no.”

**06-48 Scott McCluen**, for failure to timely file 2006 pre-general campaign financial disclosure report. Class two (2), 32 days late, maximum ten thousand dollar (\$10,000) civil penalty. Mr. McCluen has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue Mr. McCluen a show cause notice.

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

On motion by Long, seconded by McClarty, the board voted 6 to 0 to assess Mr. McCluen a \$200 civil penalty, with McNeece “recusing” herself.

**06-53 CWA District 3 Political Education Committee**, for failure to file 2006 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue the organization a show cause notice.

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 McClarty, seconded by Dunavant, to assess the organization a \$500 civil penalty. A friendly amendment was made by Long, accepted by McClarty and Dunavant, to assess the organization a \$250 civil penalty. The motion to assess the organization a \$250 civil penalty passed the board unanimously.

**06-56 Madison County Democratic Executive Committee**, for failure to timely file 2006 pre-primary campaign financial disclosure report. Class one (1), 19 days late, maximum four hundred seventy-five dollar (\$475) civil penalty. The organization has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue the organization a show cause notice.

Brenda Shepherd, treasurer for the organization, provided a statement for the board’s consideration. In this statement, Ms. Shepherd explained that she was unaware of the required report. Ms. Shepherd further explained that she never received the notices to file because they were sent to the organization’s headquarters where they have had problems receiving mail.

A motion was made by Ott, seconded by Harding, to assess the organization a \$75 civil penalty. The motion to assess the organization a \$75 civil penalty failed the board 2 to 5, with Dunavant, Long, McNeece, Murray and Ott voting “no.” A motion was then made by Long, seconded by Harding, to assess the organization a \$150 civil penalty. The motion to assess the organization a \$150 civil penalty passed the board 6 to 1, with McNeece voting “no.”

**06-60 Barbara Cooper**, for failure to report campaign contributions. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Cooper has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue Rep. Cooper a show cause notice.

Rep. Cooper personally appeared before the board and submitted a statement for their consideration. Rep. Cooper explained that the contributions in question were inadvertently omitted. Rep. Cooper further explained that she had difficulty reporting the contributions within the proper time frame due to the dates on the checks, the reporting time and the bank statements. Rep. Cooper stated that report has been amended and that the contributions have now been reported.

A motion was made by Harding, seconded by Long, to take no further action. The motion to take no further action failed by a 2 to 5 vote, with Dunavant, Long, McNeece, Murray and Ott voting “no.” A motion was then made by Dunavant to assess Rep. Cooper a \$25 civil penalty. A friendly amendment was made by McNeece, seconded by Ott and accepted by Dunavant, to assess Rep. Cooper a \$50 civil penalty. The motion to assess Rep. Cooper a \$50 civil penalty passed the board unanimously.

**06-64 Bill Ketron**, for failure to report campaign contributions. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Sen. Ketron has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue Sen. Ketron a show cause notice.

Sen. Ketron submitted a sworn statement for the board’s consideration. In this statement, Sen. Ketron explained that due to a clerical error the contributions in question were not reported. Sen. Ketron further explained that the report has been amended and that the contributions have now been reported. Sen. Ketron noted that procedural changes have been made to prevent future mistakes.

Harding made a motion to take no further action. The motion died for a lack of a second. Long made a motion to assess Sen. Ketron a \$50 civil penalty. A friendly amendment was made by McClarty, accepted by Long, to assess Sen. Ketron a \$100 civil penalty. McClarty then seconded Long’s motion to assess a \$100 civil penalty. The motion to assess Sen. Ketron a \$100 civil penalty passed the board unanimously.

**06-67 Gary Rowe**, for failure to report campaign contributions. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Rowe has had a previous matter before the board.

The board voted at its October 11, 2006 meeting to issue Rep. Rowe a show cause notice.

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

A motion was made by Ott, seconded by Dunavant, to assess Rep. Rowe a \$10,000 civil penalty. A friendly amendment was made by Harding, accepted by Ott and Dunavant, to assess Rep. Rowe a \$5,000 civil penalty. The motion to assess Rep. Rowe a \$5,000 civil penalty passed the board unanimously.

**06-68 Janis Sontany**, for failure to report campaign contributions. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Sontany has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue Rep. Sontany a show cause notice.

Rep. Sontany provided a statement for the board’s consideration. In this statement, Rep. Sontany explained that the contributions in question were not reported because upon filing the report the contributions were overlooked. Rep. Sontany further explained that the contributions have now been reported and that she has taken steps to prevent any omissions from future reports.

McClarty made a motion to assess Rep. Sontany a \$250 civil penalty. A friendly amendment was made by Ott, accepted by McClarty, to assess Rep. Sontany a \$100 civil penalty. Ott then seconded McClarty's motion to assess a \$100 civil penalty. The motion to assess Rep. Sontany a \$100 civil penalty passed the board unanimously.

### ***Rescind Show Cause Notice***

***Craig Fitzhugh***, for failure to report campaign contributions. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Fitzhugh has had no previous matters before the board.

The board voted at its October 11, 2006 meeting to issue Rep. Fitzhugh a show cause notice.

Director Rawlins requested that the board rescind the show cause notice issued to Rep. Fitzhugh. Director Rawlins explained that Rep. Fitzhugh's reports were correct and that all contributions were reported.

On motion by Long, seconded by Dunavant, the board voted unanimously to rescind the show cause notice.

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

***Howard Acuff***, for failure to timely file 2006 3<sup>rd</sup> quarter campaign financial disclosure report. Class one (1), one day late, maximum twenty-five dollar (\$25) civil penalty. Mr. Acuff has had no previous matters before the board.

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

***Mike Meadows***, for failure to timely file 2006 3<sup>rd</sup> quarter campaign financial disclosure report. Class one (1), one day late, maximum twenty-five dollar (\$25) civil penalty. Mr. Meadows has had no previous matters before the board.

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

***Wilson County Professional Fire Fighters Assn.***, for failure to timely file 2006 pre-primary campaign financial disclosure report. Class one (1), two day late, maximum fifty dollar (\$50) civil penalty. The organization has had no previous matters before the board.

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

***Lorrie Brouse***, for failure to timely file a 2006 mid-year lobbying activities report. Class one (1), 49 days late, maximum seven hundred fifty dollar (\$750) civil penalty. Ms. Brouse has had no previous matters before the board.

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

**Beverly Owens**, for failure to file a 2006 mid-year lobbying activities report. Class one (1), no report filed, maximum seven hundred fifty dollar (\$750) civil penalty. Ms. Owens has had no previous matters before the board.

On motion by Long, seconded by Harding, 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 2006/2007 fiscal year through September 30, 2006.

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

Director Rawlins provided the board with a sworn complaint filed by Vince Springer against Sen. Bill Ketron. The sworn complaint alleges that Sen. Ketron is using his Home Office Allowance from the state to pay for his campaign headquarters.

Director Rawlins informed the board that he responded to the complaint by letter and explained to Mr. Springer that the complaint did not fall under the Registry's jurisdiction.

Director Rawlins provided the board with a sworn complaint filed by the Wilson County Republican Party against Bob Rochelle. The sworn complaint alleges that Mr. Rochelle did not timely file his campaign financial disclosure report and requested that the Registry grant an emergency meeting to discuss available options under the law.

Director Rawlins informed the board that he responded to the complaint by letter and explained to the organization that handling of late filings of campaign financial disclosure reports are set by statute and therefore the Registry could not take action on the complaint.

### ***Other Business***

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