

# REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, November 14, 2007, at Suite 1614 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Presiding over the meeting was Chairperson William Long. Attending the meeting were board members George Harding, Patricia Heim, Wade Hinton, Darlene McNeece and Lee Anne Murray.

On motion by Harding, seconded by Heim, the board voted unanimously to approve the minutes from the October 10, 2007 regular board meeting. The motion passed the board unanimously.

## ***Requests for Reconsideration***

**07-50 G. A. Hardaway**, for failure to file a 2006 pre-general campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand dollar (\$10,000) civil penalty. Rep. Hardaway has had a previous matter before the board. (See below)

The board voted at its June 13, 2007 meeting to assess Rep. Hardaway a \$250 civil penalty. Rep. Hardaway requested a reconsideration of the assessment.

Rep. Hardaway personally appeared before the board and explained his failure to file the required report.

A motion was made by Harding, seconded by Murray, to combine Cases 07-50 and 07-58 and not reconsider. Harding then amended the motion, accepted by Murray, to not reconsider Case No. 07-50. The motion not to reconsider Case No. 07-50 passed the board 5 to 1, with Long voting “no.”

**07-58 G. A. Hardaway**, for failure to timely file a 2006 1<sup>st</sup> quarter campaign financial disclosure report. Class one (1), 23 days late, maximum five hundred seventy-five dollar (\$575) civil penalty. Rep. Hardaway has had a previous matter before the board.

The board voted at its August 8, 2007 meeting to assess Rep. Hardaway a \$575 civil penalty. Rep. Hardaway requested a reconsideration of the assessment.

Rep. Hardaway personally appeared before the board and explained his failure to timely file the required report.

A motion was made by Harding, seconded by Murray, to combine Cases 07-50 and 07-58 and not reconsider. Harding then amended the motion, accepted by Murray, to not reconsider Case No. 07-50. The motion not to reconsider Case No. 07-50 passed the board 5 to 1, with Long voting “no.” A motion was made by Heim, seconded by Hinton, to reconsider Case No. 07-58. The motion to reconsider Case No. 07-58 passed the board unanimously. A motion was then made by Heim, seconded by McNeece, to assess Rep. Hardaway a \$250 civil penalty for Case No. 07-58. The motion to assess Rep. Hardaway a \$250 civil penalty passed the board 4 to 2, with Hinton and Long voting “no.”

## ***Show Cause Hearings***

**07-71 Jerry Cooper**, for possible personal use of campaign funds. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Sen. Cooper has had no previous matters before the board.

The board voted at its September 12, 2007 meeting to issue Sen. Cooper a show cause notice and request that he appear at the November meeting.

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

A motion was made by Harding to consider all 24 checks written from Sen. Cooper's campaign account as one violation with a maximum civil penalty assessment of \$10,000. The motion to consider all 24 checks written from Sen. Cooper's campaign account as one violation died for a lack of a second. A motion was made by McNeece, seconded by Heim, to consider all 24 checks written from Sen. Cooper's campaign account as separate violations with a maximum civil penalty assessment of \$240,000 (\$10,000 each). The motion to consider all 24 checks written from Sen. Cooper's campaign account as separate violations passed the board 5 to 1, with Harding voting "no." A motion was made by Long, seconded by McNeece, to assess Sen. Cooper a \$94,350 civil penalty (The amount was determined by taking the total amount of checks written less the \$654 check that appeared to be a reimbursement to Sen. Cooper from his campaign account and assessing the penalty on the remaining amount totaling \$94,350). A friendly amendment was made by Murray, accepted by Long and McNeece, to assess Sen. Cooper a \$150,000 civil penalty. A friendly amendment was then made by Hinton, accepted by Long and McNeece, to assess Sen. Cooper a \$120,000 civil penalty. The motion to assess Sen. Cooper a \$120,000 civil penalty passed the board 5 to 1, with Harding voting "no."

**07-79 Frank Buck**, for not itemizing four contributions, for accepting a \$200 cash contribution and for overstating total contributions. Class two (2), maximum ten thousand (\$10,000) civil penalty. Rep. Buck has had no previous matters before the board.

The board voted at its September 12, 2007 meeting to approve Rep. Buck's 2006 Pre-General unitemized contribution audit with the included findings and to issue Rep. Buck a show cause notice for not itemizing four contributions, for accepting a \$200 cash contribution and for overstating total contributions.

Rep. Buck personally appeared before the board to explain the findings from his contribution audit.

A motion was made by Harding to take no action in this matter. The motion to take no action died for a lack of a second. A motion was made by McNeece to assess Rep. Buck a \$400 civil penalty. The motion to assess Rep. Buck a \$400 civil penalty died for a lack of a second. A motion was then made by Murray, seconded by Harding, to assess Rep. Buck a \$50 civil penalty. The motion to assess Rep. Buck a \$50 civil penalty passed the board unanimously.

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

**07-66 Kathryn Bowers**, for failure to file a 2007 mid-year supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand dollar (\$10,000) civil penalty. Ms. Bowers has had previous matters before the board.

The board voted at its September 12, 2007 meeting to issue Ms. Bowers 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.

A motion was made by Murray, seconded by Heim, to take no action in this matter due to Ms. Bowers having an outstanding \$10,000 civil penalty from the previous report and a net balance of close to \$0 on her last report filed. Murray then withdrew the motion. A motion was then made by Harding, seconded by McNeece, to assess Ms. Bowers a \$10,000 civil penalty. The motion to assess Ms. Bowers a \$10,000 civil penalty passed the board 4 to 2, with Hinton and Long voting “no.”

**07-69 Washington County Republican Executive Committee**, for failure to file a 2007 mid-year supplemental 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 September 12, 2007 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.

A motion was made by Harding to assess the organization a \$250 civil penalty. The motion to assess the organization a \$250 civil penalty died for a lack of a second. A motion was made by McNeece, seconded by Murray, to assess the organization a \$10,000 civil penalty. The motion to assess the organization a \$10,000 civil penalty failed the board 2 to 4, with Harding, Heim, Hinton and Long voting “no.” A motion was then made by Heim, seconded by Hinton, to assess the organization a \$5,000 civil penalty. The motion to assess the organization a \$5,000 civil penalty passed the board 4 to 2, with Harding and Murray voting “no.”

**07-73 DCRP Candidate Fund**, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), 25 days late, maximum six hundred twenty-five dollar (\$625) civil penalty. The organization has had no previous matters before the board.

The board voted at its October 10, 2007 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.

On motion by Harding, seconded by McNeece, the board voted unanimously to assess the organization a \$625 civil penalty.

**07-75 Travis Kirkland (Roane County)**, for failure to file a 2007 2<sup>nd</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten

thousand dollar (\$10,000) civil penalty. Mr. Kirkland has had no previous matters before the board.

The board voted at its October 10, 2007 meeting to issue Mr. Kirkland a show cause notice.

Mr. Kirkland provided a sworn statement for the board's consideration.

A motion was made by McNeece to assess Mr. Kirkland a \$250 civil penalty. The motion to assess Mr. Kirkland a \$250 civil penalty died for a lack of a second. A motion was made by Harding, seconded by McNeece, to assess Mr. Kirkland a \$100 civil penalty. The motion to assess Mr. Kirkland a \$100 civil penalty failed the board 2 to 4, with Heim, Hinton, Murray and Long voting "no." A motion was then made by Heim, seconded by Hinton, to assess Mr. Kirkland a \$50 civil penalty. The motion to assess Mr. Kirkland a \$50 civil penalty passed the board unanimously.

**07-76 Michael David Light (Sullivan County)** for failure to file a 2007 mid-year supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand dollar (\$10,000) civil penalty. Mr. Light has had a previous matter before the board.

The board voted at its October 10, 2007 meeting to issue Mr. Light 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.

A motion was made by McNeece to assess Mr. Light a \$10,000 civil penalty. The motion to assess Mr. Light a \$10,000 civil penalty died for a lack of a second. A motion was made by Heim, seconded by McNeece, to assess Mr. Light a \$5,000 civil penalty. The motion to assess Mr. Light a \$5,000 civil penalty passed the board unanimously.

**07-77 David Martin (Loudon County)**, for failure to file a 2007 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand dollar (\$10,000) civil penalty. Mr. Martin has had no previous matters before the board.

The board voted at its October 10, 2007 meeting to issue Mr. Martin 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 Heim, seconded by Murray, the board voted 5 to 0 to assess Mr. Martin a \$150 civil penalty, with McNeece "recusing."

**07-78 Keith Pitts (Davidson County)**, for failure to timely file a 2007 pre-general campaign financial disclosure report. Class one (1), 10 days late, maximum two hundred fifty dollar (\$250) civil penalty. Mr. Pitts has had a previous matter before the board.

The board voted at its October 10, 2007 meeting to issue Mr. Pitts a show cause notice.

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

A motion was made by Harding to assess Mr. Pitts a \$150 civil penalty. The motion to assess Mr. Pitts a \$150 civil penalty died for a lack of a second. A motion was

made by Hinton, seconded by Heim, to assess Mr. Pitts a \$50 civil penalty. The motion to assess Mr. Pitts a \$50 civil penalty passed the board unanimously.

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

***Johnson & Johnson Employee Good Government Fund***, for failure to timely file an Appointment of Political Treasurer statement. Class two (2), 9 days late, maximum two hundred twenty-five dollar (\$225) civil penalty. The organization has had no previous matters before the board.

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

***Tony Tenpenny (Davidson County)***, for failure to timely file a 2007 pre-runoff campaign financial disclosure report. Class one (1), 4 days late, maximum one hundred dollar (\$100) civil penalty. Mr. Tenpenny has had no previous matters before the board.

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

***Jerome Cochran***, for possibly exceeding the individual contribution limits. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Mr. Cochran has had no previous matters before the board.

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

### ***Unitemized Contributions Audit Review***

#### ***James Bletner***

On motion by Heim, seconded by McNeece, the board voted unanimously to approve Mr. Bletner's 2006 Pre-Primary unitemized contribution campaign audit with no findings.

#### ***Thomas DuBois***

On motion by Heim, seconded by McNeece, the board voted unanimously to approve Rep. DuBois' 2006 Third Quarter unitemized contribution campaign audit with the included finding.

On motion by Hinton, seconded by Murray, the board voted unanimously to take no action in this matter. (Pursuant to T.C.A. §2-10-110 no action could be taken on the finding for failure to report a campaign contribution due to a correction being made within ten business days.)

***Brenda Gilmore***

On motion by Heim, seconded by McNeece, the board voted unanimously to approve Ms. Gilmore's 2006 Second Quarter unitemized contribution campaign audit with the included findings.

On motion by Hinton, seconded by Murray, the board voted unanimously to take no action in this matter. (Pursuant to T.C.A. §2-10-110 no action could be taken on the finding for failure to report a campaign contribution due to a correction being made within ten business days.)

***John Hood***

On motion by Heim, seconded by McNeece, the board voted unanimously to approve Rep. Hood's 2006 Second Quarter unitemized contribution campaign audit with no findings.

***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, 2007.

***Executive Director's Report***

Director Rawlins provided the board with an Attorney General's Opinion along with a summary on the restrictions on political activities of the immediate family of Registry members.

Director Rawlins informed the board that the Legislative Ethics Commission has requested that he attend a meeting scheduled for November 27, 2007.

***Other Business***

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