

# REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, September 12, 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 McNeece, seconded by Hinton, the board voted unanimously to approve the minutes from the August 8, 2007 regular board meeting. The motion passed the board unanimously.

## ***Request for Reconsideration***

***06-52 Roger Schecter***, 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 Mr. Schecter has had no previous matters before the board.

The board voted at its October 11, 2006 to issue Mr. Schecter a show cause notice. The board voted at its November 8, 2006 meeting to delay any action in this matter until the next regularly scheduled meeting because Mr. Schecter had not received the show cause notice.

The board voted at its December 2006 meeting to assess Mr. Schecter a \$750 civil penalty. Mr. Schecter requested a reconsideration of the civil penalty assessment and submitted a statement for the board's consideration.

A motion was made by Harding not to reconsider the civil penalty assessment. The motion not to reconsider died for a lack of a second. A motion was made by Hinton, seconded by Murray to reconsider the \$750 civil penalty assessment against Mr. Schecter. The motion to reconsider passed the board 5 to 0, with Heim "abstaining." A motion was then made by Murray, seconded by McNeece to assess Mr. Schecter a \$300 civil penalty. The motion to assess Mr. Schecter a \$300 civil penalty passed the board 5 to 0, with Heim "abstaining."

## ***Show Cause Hearing***

***07-60 Robert Bibb*** for receiving contributions in excess of campaign contribution limits from one contributor. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Bibb has had no previous matters before the board.

The board voted at its August 8, 2007 meeting to approve Rep. Bibb's 2006 Second Quarter unitemized contribution audit with the included findings and to issue Rep. Bibb a show cause notice for receiving contributions in excess of campaign contribution limits from one contributor.

Rep. Bibb filed an amended report on July 3, 2007 correcting the excess contribution. Rep. Bibb appeared before the board to explain the reporting of the excess contribution.

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

**07-62 Dale Ford** for overstating his campaign contributions for the reporting period. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Ford has had no previous matters before the board.

The board voted at its August 8, 2007 meeting to approve Rep. Ford's 2006 Second Quarter unitemized contribution audit with the included findings and to issue Rep. Ford a show cause notice for overstating his campaign contributions for the reporting period.

Rep. Ford personally appeared before the board and explained his overstating campaign contributions for the second quarter reporting period.

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

**07-64 John Murphy** for understating his total campaign contributions and overstating un-itemized contributions prior to audit notification. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Mr. Murphy has had no previous matters before the board.

The board voted at its August 8, 2007 meeting to approve Mr. Murphy's 2006 Fourth Quarter unitemized contribution audit with the included findings and to issue Mr. Murphy a show cause notice for understating his total campaign contributions and overstating un-itemized contributions prior to audit notification.

Mr. Murphy personally appeared before the board to explain understating his total campaign contributions and overstating un-itemized contributions prior to audit notification.

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

### ***Sworn Statement Submitted***

**07-63 John Litz** for failing to itemize all contributions from individuals who contributed more than \$100 during the reporting period. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Litz has had no previous matters before the board.

The board voted at its August 8, 2007 meeting to approve Rep. Litz's 2006 Third Quarter unitemized contribution audit with the included findings and to issue Rep. Litz a show cause notice for failing to itemize all contributions from individuals who contributed more than \$100 during the reporting period.

Rep. Litz filed an amended report on July 24, 2007 correcting all contributions from individuals who contributed more than \$100 during the reporting period. Rep. Litz submitted a sworn statement for the board's consideration.

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

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

***07-61 Guy Derryberry*** for receiving contributions in excess of campaign contribution limits from one contributor and for failing to report \$100 in contributions for the reporting period. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Mr. Derryberry has had a previous matter before the board.

The board voted at its August 8, 2007 meeting to approve Mr. Derryberry's 2006 Third Quarter unitemized contribution audit with the included findings and to issue Mr. Derryberry a show cause notice for receiving contributions in excess of campaign contribution limits from one contributor and for failing to report \$100 in contributions for the reporting period.

Mr. Derryberry filed amended reports on May 23, 2007 correcting the contributions that were in excess of campaign contribution limits and adding the \$100 of un-itemized contributions that he received but had failed to disclose.

Mr. Derryberry personally appeared before the board to explain receiving contributions in excess of campaign contribution limits from one contributor and for failing to report \$100 in contributions for the reporting period.

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

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

***Christopher Atkins***, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), five days late, maximum one hundred twenty-five dollar (\$125) civil penalty. Mr. Atkins has had no previous matters before the board.

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

***Tim Barnes***, 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. Barnes has had no previous matters before the board.

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

***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.

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

**Jeff Ford**, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), eight days late, maximum two hundred dollar (\$200) civil penalty. Mr. Ford has had no previous matters before the board.

Director Rawlins informed the board that Mr. Ford has closed his campaign account.

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

**G. A. Hardaway**, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), three days late, maximum seventy-five dollar (\$75) civil penalty. Rep. Hardaway has had previous matters before the board.

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

**Scott McCluen**, 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. Mr. McCluen has had previous matters before the board.

Director Rawlins informed the board that Mr. McCluen has closed his campaign account.

On motion by Murray, seconded by Hinton, the board voted 5 to 0 to take no action in this matter, with McNeece “recusing.”

**Fund for Nashville Families PAC**, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), nine days late, maximum two hundred twenty-five dollar (\$225) civil penalty. The organization has had no previous matters before the board.

Director Rawlins informed the board that the organization is in the process of closing their PAC account.

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

**K.T.G. (USA) PAC**, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class two (2), over 30 days late, maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

Director Rawlins informed the board that the organization has closed their PAC account.

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

**Rhea County Democratic Party**, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), 13 days late, maximum three hundred twenty-five dollar (\$325) civil penalty. The organization has had no previous matters before the board.

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

***Robertson County Democratic Party***, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), five days late, maximum one hundred twenty-five dollar (\$125) civil penalty. The organization has had no previous matters before the board.

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

***Shelby County Democratic Party***, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), two days late, maximum fifty dollar (\$50) civil penalty. The organization has had no previous matters before the board.

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

***Southeast Tennessee PAC***, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), two days late, maximum fifty dollar (\$50) civil penalty. The organization has had no previous matters before the board.

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

***Tennessee Anesthesiologists PAC***, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), 10 days late, maximum two hundred fifty dollar (\$250) civil penalty. The organization has had no previous matters before the board.

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

***Tennessee Association of Nurse Anesthetists PAC***, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), three days late, maximum seventy-five dollar (\$75) civil penalty. The organization has had no previous matters before the board.

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

***Tennessee Keep Your Legislature Efficient PAC***, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), two days late, maximum fifty dollar (\$50) civil penalty. The organization has had no previous matters before the board.

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

***Tennessee Music Row Democrats***, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), 16 days late,

maximum four hundred dollar (\$400) civil penalty. The organization has had no previous matters before the board.

Director Rawlins informed the board that the organization has closed their PAC account.

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

***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.

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

### ***Sworn Complaint against Jerry Cooper***

Director Rawlins provided the board with a sworn complaint with attached documentation filed with the Registry from Drew Johnson, President of the Tennessee Center for Policy Research, against Senator Jerry Cooper for possible personal use of campaign funds.

After discussion, a motion was made by Murray, seconded by Hinton, to issue Sen. Cooper a show cause notice. A friendly amendment was made by Long, accepted by Murray and Hinton, to request that Director Rawlins investigate Sen. Cooper's campaign financial disclosure statements and present the findings at the October meeting and to issue Sen. Cooper a show cause notice and request that he appear at the November meeting. The motion passed the board 5 to 1, with Harding voting "no."

Director Rawlins provided the board with a sworn complaint from Charlie Moss requesting that action be taken by the Registry against Sen. Jerry Cooper for personal use of campaign funds.

After discussion, on motion by Murray, seconded by Heim, the board voted unanimously to dismiss the complaint and request that Director Rawlins inform Mr. Moss that the issue is being duly investigated by another more complete complaint.

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

#### ***Chris Crider***

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

### ***Randy Fairbanks***

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

On motion by Harding, seconded by Murray, the board voted unanimously to issue Mr. Fairbanks a show cause notice for failing to maintain adequate contribution records to report and verify campaign contribution activity.

### ***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 July 31, 2007.

### ***Other Business***

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