

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, February 11, 2009, at Suite 104 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

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

On motion by Long, seconded by McNeece, the board voted unanimously to approve the minutes from the January 14, 2009 regular board meeting. The motion passed the board unanimously.

Reconsideration

08-52 Madison County Democratic Executive Committee, for failure to file a 2008 pre-primary 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.

The board voted at its November 12, 2008 meeting to assess the organization a \$250 civil penalty. The organization requested a reconsideration of the assessment.

Brenda Shepherd, treasurer for the organization, submitted a sworn statement for the board's consideration explaining the failure to file the required report. The statement further explained that the report has now been filed.

On motion by Harding, seconded by Heim, the board voted unanimously not to reconsider the \$250 civil penalty assessment against the organization.

08-53 Progressive Women's Coalition, for failure to file a 2008 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 December 17, 2008 meeting to assess the organization a \$10,000 civil penalty. The organization requested a reconsideration of the assessment.

Jamey Dobbs, new treasurer for the organization, submitted a sworn statement for the board's consideration explaining the failure to file the required report. The statement further explained that the report has now been filed.

On motion by Harding, seconded by Heim, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. A motion was made by McNeece, seconded by Harding, to combine cases 08-53 and 08-72 and assess the organization a \$500 civil penalty. A friendly amendment was made by Heim, accepted by McNeece and Harding, to combine cases 08-53 and 08-72 and assess the organization a \$250 civil penalty. The motion to combine cases 08-53 and 08-72 and assess the organization a \$250 civil penalty passed the board unanimously.

Sworn Statements Submitted

08-72 Progressive Women's Coalition, for failure to file a 2008 pre-primary 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 above)

The board voted at its December 17, 2008 meeting to issue the organization a show cause notice.

The board voted at its January 14, 2009 meeting to defer any action in this matter until the next regularly scheduled meeting to allow the organization an opportunity to receive the show cause notice.

Jamey Dobbs, new treasurer for the organization, submitted a sworn statement for the board's consideration explaining the failure to file the required report. The statement further explained that the report has now been filed.

A motion was made by McNeece, seconded by Harding, to combine cases 08-53 and 08-72 and assess the organization a \$500 civil penalty. A friendly amendment was made by Heim, accepted by McNeece and Harding, to combine cases 08-53 and 08-72 and assess the organization a \$250 civil penalty. The motion to combine cases 08-53 and 08-72 and assess the organization a \$250 civil penalty passed the board unanimously.

Cases Subject to Approval of Civil Penalty Order

08-65 Kevin Fisher, for failure to file a 2008 3rd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Fisher has had previous matters before the board.

The board voted at its December 17, 2008 meeting to issue Mr. Fisher a show cause notice.

Without objection, at the board's January 14, 2009 meeting, action in this matter was deferred until the next regularly scheduled meeting to allow Mr. Fisher an opportunity to receive the 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 Heim, seconded by McNeece, the board voted unanimously to assess Mr. Fisher a \$10,000 civil penalty.

08-66 Jerome Perkins, for failure to file a 2008 3rd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Perkins has had no previous matters before the board.

The board voted at its December 17, 2008 meeting to issue Mr. Perkins a show cause notice.

Without objection, at the board's January 14, 2009 meeting, action in this matter was deferred until the next regularly scheduled meeting to allow Mr. Perkins an opportunity to receive the show cause notice.

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

On motion by Harding, seconded by Long, the board voted 4 to 1 to assess Mr. Perkins a \$100 civil penalty, with Heim voting “no.”

08-67 Pamela Smith, for failure to file a 2008 3rd quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Smith has had no previous matters before the board.

The board voted at its December 17, 2008 meeting issue Ms. Smith a show cause notice.

Without objection, at the board’s January 14, 2009 meeting, action in this matter was deferred until the next regularly scheduled meeting to allow Ms. Smith an opportunity to receive the 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 Heim, seconded by McNeece, the board voted unanimously to assess Ms. Smith a \$10,000 civil penalty.

08-68 Build PAC, for failure to timely file a 2008 pre-general campaign financial disclosure report. Class one (1), six days late, maximum one hundred fifty (\$150) civil penalty. The organization has had no previous matters before the board.

The board voted at its December 17, 2008 meeting to issue the organization a show cause notice.

Without objection, at the board’s January 14, 2009 meeting, action in this matter was deferred until the next regularly scheduled meeting to allow the organization an opportunity to receive the 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 Heim, the board voted 4 to 1 to assess the organization a \$150 civil penalty, with Long voting “no.”

08-69 Democratic Resource Center, for failure to file a 2008 3rd 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 December 17, 2008 meeting to issue the organization a show cause notice.

Without objection, at the board’s January 14, 2009 meeting, action in this matter was deferred until the next regularly scheduled meeting to allow the organization an opportunity to receive the 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 Heim, the board voted unanimously to combine cases 08-69 and 08-70 and assess the organization a \$10,000 civil penalty.

08-70 Democratic Resource Center, for failure to file a 2008 pre-general 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 above)

The board voted at its December 17, 2008 meeting to issue the organization a show cause notice.

Without objection, at the board's January 14, 2009 meeting, action in this matter was deferred until the next regularly scheduled meeting to allow the organization an opportunity to receive the 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 Heim, the board voted unanimously to combine cases 08-69 and 08-70 and assess the organization a \$10,000 civil penalty.

08-71 Madison County Democratic Executive Committee, for failure to file a 2008 pre-general 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.

The board voted at its December 17, 2008 meeting to issue the organization a show cause notice.

Without objection, at the board's January 14, 2009 meeting, action in this matter was deferred until the next regularly scheduled meeting to allow the organization an opportunity to receive the show cause notice.

Brenda Shepherd, treasurer for the organization, submitted a sworn statement for the board's consideration explaining the failure to file the required report. The statement further explained that the report has now been filed.

On motion by Long, seconded by Heim, the board voted unanimously to assess the organization a \$250 civil penalty.

09-03 Tennessee Ambulatory Surgery Center PAC, for failure to timely file a 2008 3rd quarter campaign financial disclosure report. Class one (1), 25 days late, maximum six hundred twenty-five (\$625) civil penalty. The organization has had no previous matters before the board.

The board voted at its January 14, 2009 meeting to issue the organization a show cause notice.

Ronald King, treasurer for the organization, personally appeared before the board and explained the failure to timely file the report.

A motion was made by Long, seconded by Heim, to assess the organization a \$50 civil penalty. A friendly amendment was made by McNeece to assess the organization a \$150 civil penalty. McNeece then withdrew the motion. The motion to assess the organization a \$50 civil penalty passed the board unanimously.

Cases Considered for Issuance of Show Cause Notice

Tennessee Anesthesiologists PAC, for failure to amend a 2007 year-end supplemental campaign financial disclosure report. Class two (2), report not corrected, maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board.

On motion by Heim, seconded by McNeece, the board voted unanimously to issue the organization 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 December 31, 2008.

Cross Indexing Report

Director Rawlins provided the board with a cross indexing report which contains contributions reported as being given by PACs but not reported by candidates for the 2008 3rd quarter and pre-general reporting periods. Director Rawlins informed the board that the list contained only those that exceeded the exemptions contained in T.C.A. §2-10-110.

On motion by Heim, seconded by Long, the board voted unanimously to issue show cause notices to the following candidates for failure to report PAC contribution(s) on their original campaign financial disclosure statements:

- Roger Byrge
- Joe Carr
- Tim Cook
- Richard Floyd
- G. A. Hardaway
- Beth Halteman Harwell
- Sherry Jones
- Joe McCord
- Dennis Roach
- Becky Ruppe
- James Ryal
- Michael L. Turner

Director Rawlins provided the board with a cross indexing report which contained contributions reported as being received by candidates but were not reported as expenditures by the PACs for the 2008 3rd quarter and pre-general reporting periods. Director Rawlins further informed the board that the following PACs have amended their reports to correctly disclose the expenditures:

- Life Point Hospitals, Inc. Good Government Fund
- Rogers Group, Inc. PAC
- Tennessee AFL-CIO Labor Committee
- Tennessee Psychiatric Assn. PAC

- Tennessee Volunteer PAC

On motion by Long, seconded by McNeece, the board voted 4 to 1 to take no action on these matters, with Heim voting “no.”

Director Rawlins provided the board with a cross indexing report which contained a \$500 contribution reported as being given by the WSWT Political Action Committee to a candidate during the black-out period.

The organization provided a statement for the board’s consideration.

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

Executive Director’s Report

- Director Rawlins discussed the cross indexing of the Democratic and Republican Parties in-kind contributions to state candidates.
- Director Rawlins provided the board with a summary of the 2009 Legislation that would affect the Registry.
- Director Rawlins provided the board with a list containing the names of the legislative campaigns that will be audited. The list contains candidates whose campaigns will receive full audits as required in T.C.A. §2-10-212 (2) and candidates whose campaigns are required to have their unitemized contributions audited for a specific reporting period pursuant to T.C.A. §2-10-212 (i). The list is attached to the minutes as reference.

Other Business

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