

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, June 10, 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, Darlene McNeece and Lee Anne Murray.

On motion by Harding, seconded by Heim, the board voted unanimously to approve the minutes from the May 13, 2009 regular board meeting.

Reconsideration

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.

The board did not receive a response to the show cause notice and the report still had not been filed.

The board voted at its February 11, 2009 meeting to assess Mr. Fisher a \$10,000 civil penalty assessment. Mr. Fisher requested a reconsideration of the assessment via telephone.

Director Rawlins informed the board that the report has been filed and that his campaign account has been closed but that the Registry had not received a statement from Mr. Fisher formally requesting the reconsideration.

The board voted at its May 13, 2009 meeting to take no action without prejudice in this matter.

Mr. Fisher submitted a statement requesting a reconsideration of the civil penalty assessment.

On motion by McNeece, seconded by Heim, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. On motion by McNeece, seconded by Long, the board voted 5 to 1 to take no action in this matter, with Harding voting "no."

09-20 Tim Cook, for failure to file a 2008 4th quarter campaign financial disclosure report. Class two (2), report not filed, maximum ten thousand (\$10,000) civil penalty. Mr. Cook has had a previous matter before the board.

The board voted at its April 8, 2009 meeting to issue Mr. Cook a show cause notice.

The board voted at its May 13, 2009 meeting to assess Mr. Cook a \$10,000 civil penalty. Mr. Cook requested a reconsideration of the civil penalty assessment.

Mr. Cook and Randy Hendon, treasurer for the Mr. Cook, provided a statement for the board's consideration.

On motion by Heim, seconded by McNeece, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. On motion by Heim, seconded by Long, the board voted unanimously to assess Mr. Cook a \$100 civil penalty.

09-30 Ty Cobb, for failing to report 2 PAC contributions on his 2008 pre-general campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Cobb has had no previous matters before the board.

The board voted at its April 8, 2009 meeting to issue Rep. Cobb a show cause notice.

The board voted at its May 13, 2009 meeting to assess Rep. Cobb a \$500 civil penalty. Rep. Cobb requested a reconsideration of the civil penalty assessment.

Rep. Cobb submitted a statement for the board's consideration.

On motion by Long, seconded by Murray, the board voted unanimously to reconsider the \$500 civil penalty assessment. On motion by Harding, seconded by Long, the board voted unanimously to take no action in this matter.

Cases Subject to Approval of Civil Penalty Order

09-40 Tennessee Respiratory Therapy PAC, for failure to file a 2008 4th 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 May 13, 2009 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.

On motion by Heim, seconded by McNeece, the board voted unanimously to assess the organization a \$10,000 civil penalty.

Sworn Complaint

Director Rawlins provided the board with a sworn complaint filed with the Registry from David Nemirow against Senator Tim Barnes alleging the following violations:

1. A large percentage of expenditures to campaign workers had "best effort" listed for addresses.
2. \$108 listed as payments to a large number of "campaigners"
3. \$5,000 listed as being paid to Sen. Barnes for rental of his office to the campaign.
4. No attorney fees are shown on campaign financial disclosure reports for the contested election.

After discussion, a motion was made by Harding, seconded by Long to issue Sen. Barnes a show cause notice on all four items listed above. The motion to issue Sen. Barnes a show cause notice on all four items failed the board 3 to 3, with Hinton, McNeece and Murray voting “no.” A motion was made by Murray, seconded by Harding, to issue Sen. Barnes a show cause notice for items one and two listed above. The motion to issue Sen. Barnes a show cause notice for items one and two listed above passed the board 5 to 1, with McNeece voting “no.”

Audit Review

Larry Bennett

On motion by Heim, seconded by Murray, the board voted unanimously to approve Mr. Bennett’s 2008 pre-primary unitemized contribution campaign finance audit with no findings.

James Ryal

On motion by Heim, seconded by Murray, the board voted unanimously to approve Mr. Ryal’s 2008 second quarter campaign finance audit with the included findings.

On motion by Heim, seconded by Murray, the board voted unanimously to issue Mr. Ryal a show cause notice for failing to itemize all contributions from individuals who contributed more than \$100 during the reporting period and for overstating his un-itemized contributions.

Tim Tipps

On motion by Heim, seconded by Murray, the board voted unanimously to approve Mr. Tipps’ 2008 second quarter campaign finance 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 2008/2009 fiscal year through April 30, 2009.

Executive Director’s Report

- Director Rawlins discussed pending legislation with the Board.

Other Business

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