

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, August 12, 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, William Long, Darlene McNeece and Lee Anne Murray.

On motion by Harding, seconded by McNeece, the board voted unanimously to approve the minutes from the June 10, 2009 regular board meeting. (Murray not present at this time.)

Show Cause Hearings

09-41 Tim Barnes, for possible violations of the campaign financial disclosure law. Class two (2), maximum civil penalty of ten thousand dollars (\$10,000) per violation. Sen. Barnes has had previous matters before the board.

Based upon a sworn complaint, the board voted at its June 10, 2009 meeting to issue Sen. Barnes a show cause notice on the following items:

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”

George Barrett, representative for Sen. Barnes, personally appeared before the board to respond to the possible violations.

On motion by Long, seconded by Harding, the board voted 4 to 0 to dismiss item two listed above, with Murray “abstaining.” On motion by McNeece, seconded by Long, the board voted 4 to 0 to assess Mr. Barnes a \$500 civil penalty for item one listed above, with Murray “abstaining.”

09-42 James Ryal, for failing to itemize all contributions from individuals who contributed more than \$100 during the reporting period and for overstating his un-itemized contributions. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty per violation. Mr. Ryal has had no previous matters before the board.

The board voted at its June 10, 2009 meeting to issue Mr. Ryal a show cause notice. Mr. Ryal requested to appear before the board.

In addition to correcting the errors, Mr. Ryal personally appeared before the board and explained his failure to itemize all contributions from individuals who contributed more than \$100 during the reporting period and for overstating his un-itemized contributions.

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

Reconsiderations

08-42 Bill Brown, 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. Mr. Brown has had no previous matters before the board.

The board voted at its October 8, 2008 meeting to issue the organization a show cause notice.

The board voted at its November 12, 2008 meeting to assess Mr. Brown a \$10,000 civil penalty assessment. Mr. Brown requested a reconsideration of the civil penalty assessment.

Mr. Brown filed the required report and provided a statement for the board's consideration.

On motion by Long, seconded by McNeece, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. On motion by McNeece, seconded by Murray, the board voted unanimously to assess Mr. Brown a \$50 civil penalty.

08-63 Bill Brown, 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. Brown has had a previous matter before the board.

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

The board voted at its January 14, 2009 meeting to assess Mr. Brown a \$10,000 civil penalty assessment. Mr. Brown requested a reconsideration of the civil penalty assessment.

Mr. Brown filed the required report provided a statement for the board's consideration.

On motion by Long, seconded by McNeece, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. On motion by McNeece, seconded by Murray, the board voted unanimously to assess Mr. Brown a \$50 civil penalty.

09-19 Bill Brown, 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. Brown has had a previous matter before the board.

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

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

Mr. Brown filed the required report and provided a statement for the board's consideration.

On motion by Long, seconded by McNeece, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. On motion by McNeece, seconded by Murray, the board voted unanimously to assess Mr. Brown a \$50 civil penalty.

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 filed the required report and requested a reconsideration of the civil penalty assessment.

The board voted at its June 10, 2009 to reconsider the \$10,000 civil penalty assessment and assess Mr. Cook a \$100 civil penalty. Mr. Cook requested a reconsideration of the \$100 civil penalty assessment.

On motion by Harding, seconded by McNeece, the board voted unanimously not to reconsider the \$100 civil penalty assessment.

09-21 Timothy Cook, Jr., 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 filed the required report and requested a reconsideration of the civil penalty assessment.

On motion by Murray, seconded by McNeece, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. On motion by McNeece, seconded by Long, the board voted unanimously to assess Mr. Cook a \$150 civil penalty.

09-23 Schree Pettigrew, for failure to file a 2008 year-end supplemental campaign financial disclosure report. Class two (2), report not filed, maximum ten thousand (\$10,000) civil penalty. Ms. Pettigrew has had a previous matter before the board.

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

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

Ms. Pettigrew filed the required report and submitted a sworn statement for the board's consideration.

On motion by Harding, seconded by McNeece, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. A motion was made by Harding to assess Ms. Pettigrew a \$1,000 civil penalty. The motion to assess Ms. Pettigrew a \$1,000 civil penalty died for a lack of a second. A motion was made by Murray, seconded by McNeece, to assess Ms. Pettigrew a \$250 civil penalty. The motion to assess Ms. Pettigrew a \$250 civil penalty passed the board unanimously.

09-24 Rachel Ray, 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. Ms. Ray has had a previous matter before the board.

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

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

Ms. Ray filed the required report which closed her campaign account and submitted a sworn statement for the board's consideration.

On motion by Murray, seconded by McNeece, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. On motion by Murray, seconded by Long, the board voted unanimously to assess Ms. Ray a \$50 civil penalty.

09-26 Tennessee Anesthesiologists PAC, 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. The organization has had previous matters before the board. (see below)

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

The board voted at its May 13, 2009 meeting to combine cases 09-26 and 09-27 and assess the organization a \$5,000 civil penalty. The organization requested a reconsideration of the civil penalty assessment.

Bill Bond, representative for the organization, submitted a statement for the board's consideration.

On motion by Murray, seconded by Long, the board voted unanimously not to reconsider the \$5,000 civil penalty assessment assessed in cases 09-26 and 09-27.

09-27 Tennessee Anesthesiologists PAC, for failure to correct a 2008 3rd quarter 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. (see above)

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

The board voted at its May 13, 2009 meeting to combine cases 09-26 and 09-27 and assess the organization a \$5,000 civil penalty. The organization requested a reconsideration of the civil penalty assessment.

Bill Bond, representative for the organization, submitted a statement for the board's consideration.

On motion by Murray, seconded by Long, the board voted unanimously not to reconsider the \$5,000 civil penalty assessment assessed in cases 09-26 and 09-27.

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.

The board voted at its June 10, 2009 meeting to assess the organization a \$10,000 civil penalty. The organization requested a reconsideration of the civil penalty assessment.

Tammy Robinson, treasurer for the organization, filed the required report and submitted a sworn statement for the board's consideration.

A motion was made by Harding not to reconsider the \$10,000 civil penalty assessment. The motion not to reconsider the \$10,000 civil penalty assessment died for a lack of a second. On motion by Murray, seconded by Long, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. On motion by Long, seconded by McNeece, the board voted unanimously to assess the organization a \$250 civil penalty.

Cases Considered for Issuance of Show Cause Notice

Cleveland Derrick Bain, for failure to timely file a 2009 annual mid-year supplemental campaign financial disclosure report. Class one (1), two days late, maximum fifty (\$50) civil penalty. Mr. Bain has had no previous matters before the board.

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

Anthony Cappiello, for failure to timely file a 2009 annual mid-year supplemental campaign financial disclosure report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. Mr. Cappiello has had no previous matters before the board.

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

Rayburn Thompson, for failure to timely file a 2009 annual mid-year supplemental campaign financial disclosure report. Class one (1), three days late, maximum seventy-five (\$75) civil penalty. Mr. Thompson has had no previous matters before the board.

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

Assn. for the Future of Film & Television PAC, for failure to timely file a 2009 annual mid-year supplemental campaign financial disclosure report. Class one (1), two days late, maximum fifty (\$50) civil penalty. The organization has had no previous matters before the board.

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

GlaxoSmithKline PAC-TN, for failure to timely file a 2009 annual mid-year supplemental campaign financial disclosure report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. The organization has had no previous matters before the board.

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

Tennessee Anesthesiologists PAC, for failure to timely file a 2009 annual mid-year supplemental campaign financial disclosure report. Class one (1), six days late, maximum one hundred fifty (\$150) civil penalty. The organization has had previous matters before the board.

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

TN Safe Communities PAC, for failure to timely file a 2009 annual mid-year supplemental campaign financial disclosure report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. The organization has had no previous matters before the board.

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

Audit Review

James Threet

Without objection, the board approved Mr. Threet's 2008 campaign finance audit with the included findings.

On motion by Murray, seconded by Long, the board voted unanimously to issue Mr. Threet a show cause notice for improperly reporting campaign contributions and for improperly reporting campaign expenditures.

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 June 30, 2009.

Executive Director's Report

- Director Rawlins informed the board that the annual COGEL conference is scheduled for December 6 through 9 in Scottsdale, Arizona.
- Director Rawlins provided the board with a copy of the federal law concerning candidate travel by airplane.

A motion was made by Harding, to adopt the federal law concerning candidate travel by airplane as Registry policy. The motion died for a lack of a second. On motion by Long, seconded by Murray, the board voted unanimously to approve the federal regulation but change 7 days time to reimburse to 10 days, and that the issue be presented to the Bureau to be adopted as a Registry rule.

- Director Rawlins provided the board with a letter from Sen. Jim Kyle concerning internet fundraising and campaign finance.

Without objection, the board requested that Director Rawlins research the issue and put the matter on the agenda for the next regularly scheduled meeting.

Other Business

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