

**SEPTEMBER 9, 2020 MEETING MINUTES
REGISTRY OF ELECTION FINANCE**

The Registry of Election Finance Board (“the Board”) of the Bureau of Ethics and Campaign Finance (“the Bureau”) met at 10:00 AM on Wednesday, September 9, 2020 at the W.R. Snodgrass Tower, 312 Rosa L. Parks Ave., Nashville, in the Nashville Room of the 3rd Floor Conference Center.

Presiding over the meeting was Chairperson Tom Lawless. Attending the meeting were board members Paige Burcham-Dennis, William (Paz) Haynes III, David Golden, Tom Morton, and Henry Fincher. Executive Director Bill Young, Assistant Director Lance Frizzell, General Counsel Lauren Topping, and Chief of Staff Janet Williams also attended the meeting. The meeting was open to the public and social distancing measures were observed. Members of the public were also permitted to participate in the meeting remotely via telephone. This meeting was recorded via audio recording.

Approval of Meeting Minutes

On motion by Member Burcham Dennis, seconded by Member Morton, the Board voted unanimously to approve the minutes from the July 8, 2020 meeting without discussion.

Discussion of the recording/streaming of Registry public meetings.

Executive Director Young requested guidance from the Board as to whether meetings in the future should be recorded and/or live streamed for the benefit of the public owing to the pandemic. After some discussion, the Board advised that meetings should be streamed or recorded, wherever possible, during the remainder of the pandemic.

Discussion of scheduled Sunset Hearing for the Bureau of Ethics and Campaign Finance.

Executive Director Young notified the Board members that the Bureau’s Staff would be presenting before the Judiciary and Government Subcommittee of the Government Operations Committee on Wednesday, September 16, 2020 at approximately 9:00 AM. While Director Young will not be present due to a long-standing conflict, Director Young expressed his confidence in Assistant Director Frizzell and staff to represent the Bureau before the Committee.

Executive Director Young also advised that he and Assistant Director Frizzell would be making phone calls to all committee members in the days leading up to the meeting in order to address any questions or concerns from the committee members relating to the materials prepared for the hearing by Bureau Staff. Those materials had been previously emailed to all members of the Bureau of Ethics and Campaign Finance.

Discussion of Code of Conduct and Disclosure Statements

General Counsel Topping presented a proposed Code of Conduct document and a corresponding Disclosure Statement document to the members for their approval. General Counsel Topping advised that this document reflected the past practice of the Board, which generally approved a substantially similar policy at the first regularly scheduled meeting of each

year. After some discussion, Member Golden proposed two minor changes to the document. Member Fincher moved to approve the document, as revised, and the motion was seconded by Member Golden. The motion was unanimously approved by voice vote. All members of the Board provided a signed disclosure form to General Counsel Topping prior to the end of the day.

Discussion of Public Records Request Policy

General Counsel Topping presented a revised Public Records Request Policy for the Bureau of Ethics and Campaign Finance to the Board for their review and approval. General Counsel Topping advised that the only substantive change to the document was to substitute Ms. Topping in place of Chief of Staff Williams as the Bureau's public records request coordinator. A motion and second was made to approve the policy as amended. The motion was unanimously approved by voice vote.

Discussion of Senator Katrina Robinson Matter

Executive Director Young advised that it had been reported in the press that Senator Katrina Robinson had been indicted by a federal grand jury to multiple federal charges, including embezzlement. Director Young advised that, according to the indictment, at least one of the allegations against Senator Robinson involved matters relevant to campaign finance violations and the Board. However, Director Young stressed that a complaint regarding this matter had not been filed with the Board as of the date of the meeting.

Discussion of Sworn Complaints regarding Local Elections (District Attorney Funk and Executive Director of District Attorney Conference invited to appear)

Executive Director Young advised that there has apparently been some confusion among district attorneys general regarding the handling of campaign finance complaints relating to local officials. Director Young advised that, according to Tennessee statute, complaints regarding local officials and/or candidates and alleged campaign finance violations were to be submitted to the local district attorney general for investigation. Director Young advised that he had invited District Attorney General Funk of Davidson County to appear at today's meeting and had been contacted by Assistant District Attorney General Chadwick Jackson, who advised that both he and General Funk were unable to attend the Board's meeting. General Jackson further advised that it was his understanding that the District Attorney General's office did not have jurisdiction to review campaign finance related matters.

After some discussion with members, Director Young was requested to make additional inquiries and investigation regarding this matter and to report back to the Board at its next meeting.

Discussion of Bureau Review of PAC Faith Family Freedom Fund Activities in State Representative Tillis Re-election Race

Executive Director Young made a short recitation of the allegations made by a NewsChannel 5 Investigation by NewsChannel 5 in Nashville concerning possible reporting violations in relation to the election contest for House District 92. Director Young advised that he had requested additional information from the individuals and actors named in relation to the

allegations and that all of these individuals had responded to this request and had been cooperative. Director Young confirmed that there had been no formal complaint filed with the Registry of Election Finance regarding this matter.

Motion to Suspend the Rules.

Member Fincher moved to suspend the rules to take certain matters out of order. Motion was seconded by Member Haynes and unanimously approved by voice vote.

The remaining items on the agenda were taken up out of order; however, these minutes will continue to reflect the scheduled order of events according to the published agenda.

Sworn Complaints

Hendersonville Firefighters Association PAC: After a short recitation of the allegations within the complaint from Director Young, Member Morton moved to set the matter for a show cause hearing. The motion was seconded by Member Fincher and unanimously approved by roll call vote.

Nashville Parents Committee & Tennessee Charter School Center: After a short recitation of the allegations within the complaint from Director Young, Member Fincher moved to take no action on the basis that the complaint concerned a local matter over which the Registry lacks jurisdiction. The motion was seconded by Member Haynes and approved by roll call vote.

John Stevens: After a short recitation of the allegations within the complaint from Director Young, Chairman Lawless moved to defer this matter to the next regularly scheduled meeting of the Board so as to allow Representative Stevens an opportunity to respond to the allegations within the complaint. The motion was seconded by Member Burcham Dennis and unanimously approved by voice vote.

Request for Reconsideration

Tennessee Federation of Democratic Women, Case No. 19-73: Member Fincher moved to hear this matter, as well as the two other matters on the agenda concerning this entity (Case No. 20-24 and Case No. 20-25), out of order. There was no objection from the other members.

Three representatives for the Respondent participated in the meeting. A short statement was given by Pam Weston. Chairman Lawless disclosed that he had received correspondence from former Board Member Norma Lester on the Respondent's behalf, as did Member Fincher. Both agreed that no conflict existed.

Ms. Weston described the events leading up to the issues in this matter and the steps taken to mitigate such issues in the future. Member Morton moved to reconsider Case No. 19-73. The motion was seconded by Member Fincher and unanimously approved by voice vote.

Member Fincher moved to consolidate Case Numbers 20-24 and 20-25; there was no objection from the other members. Member Haynes moved to take no action in these matters. The motion was seconded by Member Fincher and approved by voice vote.

Member Morton moved to reduce the civil penalty previously assessed in Case No. 19-73 to zero dollars. Motion was seconded by Member Haynes and unanimously approved by roll call vote.

Immediately after this matter was heard, Member Haynes had to leave the meeting. Secretary Golden confirmed that a quorum remained. Member Hayes stated that he would return to the meeting if possible.

Show Cause Hearings

Linda Elam, Case No. 20-05: (This matter was taken out of order; Member Haynes was not present.) Ms. Elam presented a short statement to the Board. After a short discussion among the members, Member Fincher moved to take no action. The motion was seconded by Member Golden and approved by voice vote of 3-2 with Members Morton and Burcham Dennis opposed.

Milton Action Fund, Case No. 20-22: (This matter was taken out of order and combined with the other matter on the agenda concerning this entity. Member Haynes was not present.) Mr. David Upton participated in the meeting electronically via telephone. With respect to Case No. 20-22, Mr. Upton presented a short statement to the Board and the members discussed the matter. Member Morton moved to take no action on both this matter and the possible issuance of a show cause notice relating to the Respondent's 1st Quarter 2020 campaign finance disclosure report. The motion was seconded by Member Burcham Dennis and approved by voice vote.

Tennessee Federation of Democratic Women, Case No. 20-24: This matter was heard in conjunction with Case No. 19-73 above and Case No. 20-25. See above.

Tennessee Federation of Democratic Women, Case No. 20-25: This matter was heard in conjunction with Case No. 19-73 above and Case No. 20-24. See above.

Statements Submitted

Mary Alice Carfi, Case No. 20-02: After short discussion by members, Member Morton moved to assess a civil penalty of \$250. Motion was seconded by Member Haynes and unanimously approved.

Invictus PAC, Case No. 20-16: After short discussion by members, Member Fincher moved to assess a civil penalty of \$250. Motion was seconded by Member Golden and unanimously approved by roll call vote.

Meigs County Democratic Party, Case No. 20-19: (This matter was taken out of order.) John Waggett participated electronically via telephone and presented a short statement. After

a short discussion by members, Member Fincher moved to take no action. Member Golden seconded the motion, which was unanimously approved by voice vote.

Memphis AFL-CIO Labor Council, Case No. 20-20: After short discussion by members, Member Morton moved to assess a civil penalty of \$250. Motion was seconded by Chairman Lawless. After a short discussion among members, Member Morton amended his motion to assess a civil penalty of \$50. The motion was seconded by Member Fincher and unanimously approved by roll call vote.

Memphis Building Trades Political Fund, Case No. 20-21: After short discussion by members, Member Morton moved to assess a civil penalty of \$50. Motion was seconded by Member Fincher and unanimously approved by roll call vote.

Approval of Civil Penalty Orders

Charles E. (Pete) Drew, Case No. 20-04: After short discussion by members, Chairman Lawless moved to assess a civil penalty of \$10,000. Motion was seconded by Morton. Motion failed. Member Fincher moved to assess a civil penalty of \$1000. The motion was seconded by Member Haynes. The motion was approved by voice vote with Chairman Lawless opposed.

JoAnne Favors, Case No. 20-06: After a short discussion, the Board elected to defer this matter until the Board's next regularly scheduled meeting. Staff was instructed to reach out to Ms. Favors for more information on the circumstances of noncompliance.

Justin Ford, Case No. 20-07: After a short discussion, Member Morton moved to assess a civil penalty of \$10,000. The motion was seconded and unanimously approved.

Rachel Mackey, Case No. 20-08: (This matter was taken out of order.) Ms. Mackey participated remotely via telephone. After discussion by the members, Member Burcham Dennis made a motion to defer the matter until the Board's next regularly scheduled meeting to allow Ms. Mackey to obtain assistance in becoming compliant. The motion was seconded by Member Haynes and approved by voice vote. Ms. Mackey confirmed that she had received notice from the Board regarding this matter and that the mailing address on file was accurate.

Rick Staples, Case No. 20-32: (This matter was taken out of order.) Representative Staples made a short statement. Member Fincher requested a short recitation of the events and circumstances in this matter, which was presented by Executive Director Young. After a discussion among members, Member Morton moved to assess a civil penalty of \$1000 for each identified infraction (approximately 80). The motion was seconded by Chairman Lawless. After further discussion among the members, Member Burcham Dennis suggested a civil penalty of \$333 per infraction, totaling \$26,640. This suggestion was accepted by Member Morton as a friendly amendment to the earlier motion. The motion was approved by roll call vote with Members Haynes and Fincher opposed.

1st TN-PAC, Case No. 20-09: (This matter was taken out of order and consolidated with the other matter on the agenda.) Chairman Lawless disclosed a conflict and abstained from the discussion. Executive Director Young also disclosed his membership in the controlling

organization for the record. A representative presented a short statement. After discussion, Member Fincher made a motion to take no action. Motion was seconded by Member Hanes and approved by voice vote, with Chairman Lawless abstaining. Member Fincher moved to take no action on the question of whether to issue a show cause notice regarding the late filing of the PACs 2nd Quarter 2020 disclosure report. The motion was seconded by Member Haynes and approved by roll call vote with Chairman Lawless abstaining.

Conservation Action PAC, Case No. 20-10, Conservation Action PAC, Case No. 20-11: (These matters were taken out of order and consolidated.) A representative submitted a short statement. After discussion among the members, Member Fincher moved to take no action. The motion was seconded by Member Golden and unanimously approved by voice vote.

Conservatives for Safe Tennesseans, Case No. 20-13: After a short discussion, Member Fincher moved to take no action. Motion was seconded by Member Burcham Dennis and unanimously approved by voice vote.

Downtowners' Committee for Action, Case No. 20-12: (This matter was taken out of order.) A representative presented a short statement to the Board. After discussion, Member Burcham Dennis moved to take no action. The motion was seconded by Member Fincher and approved by a voice vote with Member Haynes abstaining (citing a potential conflict of interest).

Friends of Police PAC, Case No. 20-15: After a short discussion, Chairman Lawless moved to take no action on this matter as well as the other two matters before the Registry for possible issuance of a show cause notice (See Agenda Item 14). Motion was seconded by Member Fincher and approved by voice vote.

Knoxville Chamber PAC, Case No. 20-17, Knoxville Chamber PAC, Case No. 20-18: (These matters were taken out of order and consolidated.) A representative made a short statement to the Board, participating electronically via telephone. After discussion by the members, Member Morton moved to assess a civil penalty of \$250 in each matter (totaling \$500). The motion was seconded by Member Haynes and unanimously approved by roll call vote with Member Fincher temporarily absent and not voting.

Tennessee Hospitality PAC, Case No. 20-26: Member Haynes disclosed a potential conflict of interest and abstained from both discussion and voting. Member Morton moved to assess a civil penalty of \$475. The motion was seconded by Member Golden and unanimously approved by roll call vote.

Tennessee S.T.E.M Education Caucus, Case No. 20-27: After a short discussion, Member Fincher moved to assess a civil penalty of \$50. The motion was seconded by Member Golden and unanimously approved by roll call vote.

Tennessee Treatment & Recovery Coalition PAC, Case No. 20-28: (This matter was taken out of order; Member Haynes was not present for the discussion of this matter and abstained from voting.) Respondent was represented by Attorney Justin Joy, participating electronically via telephone. Mr. JR Henderson also participated remotely via telephone. Mr. Joy presented a short statement, and the members discussed the matter. Member Morton moved to assess

a civil penalty of \$5000. The motion was seconded by Member Burcham Dennis but failed in a roll call vote with Members Fincher, Golden, and Lawless opposed. Member Morton moved to assess a civil penalty of \$2500 and the motion was seconded by Member Golden. Motion unanimously approved by roll call vote.

West TN Cream of the Crop, Case No. 20-30: After short discussion by members, Chairman Lawless moved to assess a civil penalty of \$561.95. The motion was seconded by Member Fincher and unanimously approved by roll call vote.

Women for All of Tennessee, Case No. 20-31: After short discussion by members, Member Morton moved to take no action. The motion was seconded by Member Haynes and approved by roll call vote.

Persons Subject to Possible Issuance of Show Cause Notice

Member Morton moved as follows on the following matters:

Christopher Atkins, *take no action*
Bill Beck, *take no action*
Angela Callis, *issue show cause*
Michael Covington, *take no action*
Tilman W. Payne, III, *take no action*
Christie M. Rice, *issue show cause*
Christopher V. Sockwell, *issue show cause*
Lynnette P. Williams, *issue show cause*
AMG-PAC, *take no action*
D&S POLITICAL ACTION COMMITTEE, INC., *take no action*
McMinn County Democratic Women's Club, *take no action*
Patient Access to Addiction Treatment (PATAT), *issue show cause*
Robertson County Democratic Party, *issue show cause*
RY-PAC, *take no action*
TE PAC-TN, *take no action*
Tennessee Sierra Club Political Committee, *take no action*
Tennessee Volunteers for Good Government, *issue show cause*

The motion was seconded by Member Fincher and approved by roll call vote.

RAAMPAC: No action was taken on this matter due to a lack of quorum after at least 4 members disclosed a conflict of interest and abstained from discussion and voting.

Other Business

John DeBerry: Chief of Operations Williams informed the board that Case No. 20-03 had been held over to ensure delivery of the show cause notice to Mr. Deberry. Ms. Williams confirmed that Mr. Deberry had received this notice prior to the meeting. Chairman Lawless moved to take no action. The motion was seconded by Member Fincher and unanimously approved by roll call vote.

The members discussed setting a date for its next scheduled meeting. After some discussion, the decision was made that the meeting would be scheduled for December 7, 2020 at 10:00 AM with the location to be determined at a later date by Bureau staff.

A motion to adjourn was seconded and unanimously approved.