

## **AUGUST 17, 2023 MEETING MINUTES REGISTRY OF ELECTION FINANCE**

The Registry of Election Finance (“the Registry” or “the Board”) of the Bureau of Ethics and Campaign Finance (“the Bureau”) met at 9:30 AM on Thursday, August 17, 2023 in the Tennessee Room 1 of the WR Snodgrass Tennessee Tower, 312 Rosa L. Parks Ave., Nashville, TN 37243.

Presiding over the meeting was Vice Chairman Hank Fincher, given Chairman Morton could not attend in person. Attending the meeting were Board Members Tom Lawless, Paige Burcham-Dennis, David Golden, and Paz Haynes. Member Morton joined the meeting at approximately 9:43 A.M. and participated in the meeting via telephone. Assistant Director Lance Frizzell, General Counsel Lauren Topping, Chief of Staff Janet Williams and Director of Audit Jay Moeck also were in attendance. The meeting was open to the public. This meeting was recorded via video and audio recording.

Assistant Director Frizzell opened the meeting by noting that a physical quorum of the Registry members was present.

At the outset of the meeting, Member Lawless moved to suspend the usual rules to allow Member Morton to participate in the meeting by telephone due to illness. Member Golden seconded the motion, which was approved. Member Haynes then moved to suspend the usual rules to allow the Registry to proceed out of order so that those present in the room with matters before the Registry could be heard first. Member Lawless seconded the motion, which was unanimously approved. *Nonetheless, the minutes will reflect the matters in the order they were placed on the Registry’s published agenda.*

### ***Approval of Meeting Minutes***

Member Lawless moved to approve the meeting minutes of the Registry’s previous June 17, 2023, meeting as presented. Member Burcham-Dennis seconded the motion, which was unanimously approved by voice vote (6-0).

### ***Clarification of Status of Humble Audit***

Counsel Larry Crain was present at the meeting and addressed the Registry. Counsel Topping provided the Members of the Registry with an update of the procedural posture of this matter. Counsel noted that Mr. Humble had provided various records to the Registry’s Auditor, but that these records were heavily redacted. Mr. Crain presented his legal position and his understanding of the agreement reached by the members at the

Registry's prior meeting. Following further discussions among the members, as well as the discussion of several questions presented to Counsel, Member Fincher moved to continue this matter to the next regularly scheduled meeting and to allow Mr. Humble until September 7, 2023 to decide whether he would provide unredacted records to the Registry's auditor. If the records are provided, the Registry' staff is directed to provide an update as to progress at the October meeting. The Registry directed that Director Moeck conduct a review of the requested records and prepare a report for the Registry's consideration of whether the pending audit was required. If records are not provided, this matter will return to the Registry agenda in October for further consideration. The Registry members expressed their understanding that these unusual steps were being taken to avoid further delays and litigation. Member Haynes seconded the motion, which was approved by voice vote.

### ***Discussion of Glen Funk's Campaign Financial Disclosure Statements***

Counsel for the Registry presented a summary of the procedural history and posture of the issues for consideration by the Registry. Counsel explained that this matter was added to the agenda following a news report concerning General Funk's campaign finance reports, after which General Funk contacted the Registry's staff for formal guidance. Counsel explained that General Funk had complied with the guidance given by Staff and that the Staff considered there to be no further outstanding matters necessary for review. After discussion, Member Burcham-Dennis moved to take no action on these allegations. Member Haynes seconded the motion, which was unanimously approved by roll call vote.

### ***Discussion of 2022 Interim Pre-General Reports***

Counsel for the Registry explained that Registry staff had reviewed all candidate and political campaign committee 2022 fourth quarter filings as well as the 2023 first and second quarter reports for all Special Election Candidates in 2023 to determine whether any candidate or political campaign committee failed to file the interim reports for the November 2022 election, the January/March special election (House 86), and the June/August (House 3, 51, 52, 86) special elections that are required by Public Law 1087. Counsel for the Registry provided an overview of the findings.

Member Fincher moved to direct the Staff to send letters to all candidates and political campaign committees which the staff's review of filings had indicated may have been non-complaint with reporting requirements to educate these filers on these requirements, as had previously been done in relation to the August 2022 primary election. Member Haynes seconded the motion, which was unanimously approved.

### ***Audits for Review and Discussion***

Juliet Eskridge: Director Moeck summarized the audit findings in the audit report and requested that the Audit be accepted and approved. After discussion of the audit findings, Member Golden moved to accept and approve the audit and to issue a show cause notice concerning the audit findings. Member Haynes seconded the motion, which was unanimously approved.

Robert L. Holloway, Jr.: Director Moeck summarized the audit procedures and explained that the audit contained no findings. Member Golden moved to accept and approve the audit. Member Haynes seconded the motion, which was unanimously approved.

John Westley McClarty: Director Moeck summarized the audit procedures and explained that the audit contained no findings. Member Golden moved to accept and approve the audit. Member Haynes seconded the motion, which was unanimously approved.

Roger A. Page: Director Moeck summarized the audit procedures and explained that the audit contained no findings. Member Golden moved to accept and approve the audit. Member Haynes seconded the motion, which was unanimously approved.

Charles A. Thompson: Director Moeck summarized the audit procedures and explained that the audit contained no findings due to the failure to file disclosure reports, which has already been addressed by the Registry. Member Golden moved to accept and approve the audit. Member Haynes seconded the motion, which was unanimously approved.

Kevin A. West: Director Moeck summarized the audit procedures and explained that the audit contained no findings. Member Golden moved to accept and approve the audit. Member Haynes seconded the motion, which was unanimously approved.

### ***Consideration of Sworn Complaints***

C23-02: Jennifer Frensley Webb. Ms. Webb personally appeared at the Registry's meeting, along with her campaign treasurer, and participated in the meeting. Registry Counsel presented a short summary of this sworn complaint, which was received from the Office of the District Attorney General for Davidson County ("DA"), and a summary of the DA's investigative findings. After a short discussion, Member Burcham-Dennis moved to take no action on the complaint. Member Golden seconded the motion. Member Haynes abstained from the discussion and voting due to a potential conflict of interest. Member Lawless disclosed a potential conflict of interest but stated that he didn't believe

this potential conflict would impact his decision making in this matter. The motion was approved 5-0, Member Haynes abstaining.

C23-03: Jack Johnson, Tennessee Conservatives, Tennesseans for Student Success, Team Kid PAC, and McPAC. Registry Counsel presented a short summary of the complaint and a short legal analysis of the allegations contained within the complaint. Following a short discussion, Member Golden moved to take no action on the complaint. Member Morton seconded the motion, which was approved 5-0, Member Haynes abstaining.

### ***Settlement Proposals***

Maury Community PAC (Maury County), Case No. 21-40: Counsel for the Registry presented a short summary of the procedural and factual history of this matter. While no representative was present, a written statement was submitted in advance of the meeting. After discussion of the matter, Member Golden moved to accept the settlement proposal of \$500. Member Haynes seconded the motion, which was approved by a roll call vote (5-1, Member Lawless opposed).

### ***Show Cause Hearings***

A. Melissa Boyd, Case Nos. 23-01, 23-36, and 23-37: Attorney Dewun Settles appeared on behalf of Judge Boyd and participated in the meeting. Counsel for the Registry presented a short summary of the procedural and factual history of these matters. Member Fincher moved to take no action on Case No. 23-37 as the facts demonstrated that this report was not owed due to the closure of the account as of the end of the prior reporting period. This motion was seconded and approved. After additional discussion, Member Lawless moved to take no action on the remaining matters. Member Burcham-Dennis seconded the motion, which was unanimously approved.

Mark Davidson, Case Nos. 23-04, 23-40: General Davidson appeared and participated in the meeting. Counsel for the Registry presented a short summary of the procedural and factual history of these matters. After a short discussion, Member Lawless moved to take no action on these matters. Member Haynes seconded the motion, which was approved (4-2. Members Morton and Burcham-Dennis opposed).

Pime Hernandez, Case No. 23-44, 23-67: Mr. Hernandez was present and participated in the meeting. Counsel for the Registry presented a short summary of the procedural and factual history of these matters. After a short discussion, Member Haynes moved to

take no action on these matters. Member Golden seconded the motion, which was unanimously approved.

Chattanooga for Responsible Government, Case No. 23-57, 23-58, 23-69: Adam Boeselager appeared on behalf of this political campaign committee (“PAC”) and participated in the meeting. Counsel for the Registry presented a short summary of the procedural and factual history of these matters. After a short discussion, Member Lawless moved to assess a total civil penalty of \$250 for all three cases. Member Haynes seconded the motion. After additional discussion, Member Morton moved to amend the motion to assess a civil penalty of \$1000 in each of these 3 matters. The amendment was not accepted. After additional discussion, Member Lawless moved to amend his earlier motion to assess a total civil penalty of \$300 for all three cases. Member Haynes accepted the amendment. The question was called, and the motion was approved by a roll call vote (5-1, Member Morton opposed).

### ***Reconsiderations***

Kent Griffy, Case No. 23-42: Counsel for the Registry presented a short summary of the procedural and factual history of this matter. After a short discussion, there was no motion for reconsideration. The request for reconsideration is considered denied.

Sergio Gutierrez, Case No. 23-07: Mr. Gutierrez appeared at the Registry’s meeting and presented a statement to the Registry concerning this matter. Counsel for the Registry presented a short summary of the procedural and factual history of this matter. After a short discussion, Member Golden moved to reconsider this matter. Member Lawless seconded the motion, which was approved by voice vote. Member Lawless moved to assess a civil penalty of \$250, which was seconded by Member Burcham-Dennis. Following a short discussion, Member Haynes moved to amend the motion to assess a civil penalty of \$125. The amendment was accepted. The motion as amended was unanimously approved by roll call vote.

### ***Statements Submitted***

BMHC PAC, Case No. 23-68: Counsel for the Registry presented a short summary of the procedural and factual history of this matter. While no representative was present, a written statement was submitted in advance of the meeting. Member Fincher moved to assess a civil penalty of \$250. Member Golden seconded the motion, which was approved by roll call vote (5-1, Member Lawless opposed).

### ***Consideration of Civil Penalty Orders***

Curtis Carney, Case No. 23-39: Counsel for the Registry presented a short summary of the procedural and factual history of this matter. Member Lawless moved to assess a civil penalty of \$10,000. Member Burcham-Dennis seconded the motion, which was unanimously approved by roll call vote.

Juliette Eskridge, Case No. 23-41: Counsel for the Registry presented a short summary of the procedural and factual history of this matter. After a short discussion, this matter was continued to the Registry's next scheduled meeting.

Donnie Hall, Case No. 23-43: Member Lawless moved to assess a civil penalty of \$10,000. Member Burcham-Dennis seconded the motion, which was unanimously approved by roll call vote.

Jonathan Hall, Case No. 23-66: Member Lawless moved to assess a civil penalty of \$10,000. Member Fincher seconded the motion, which was unanimously approved by roll call vote (Member Haynes abstaining).

Thomas Jefferson, Case No. 23-45: Member Golden moved to assess a civil penalty of \$10,000. Member Lawless seconded the motion, which was unanimously approved by roll call vote.

Hannah Parton, Case No. 23-48: Member Lawless moved to assess a civil penalty of \$10,000. Member Burcham-Dennis seconded the motion, which was unanimously approved by roll call vote.

Will Richardson, Case No. 23-50: Member Lawless moved to assess a civil penalty of \$10,000. Member Golden seconded the motion, which was unanimously approved by roll call vote.

Ross A. Sampson, Case No. 23-51: Counsel for the Registry presented a short summary of the procedural and factual history of this matter. Member Lawless moved to assess a civil penalty of \$500; this motion failed for lack of a second. Member Fincher moved to assess a civil penalty of \$100; this motion failed for lack of a second. Member Morton moved to assess a civil penalty of \$10,000; this motion failed for lack of a second. Member Golden moved to assess a civil penalty of \$250. Member Haynes seconded the motion, which was approved by roll call vote (4-2, Members Lawless and Morton opposed).

Mitchell Skelton, Case No. 23-52: Member Lawless moved to assess a civil penalty of \$10,000. Member Haynes seconded the motion, which was unanimously approved by roll call vote.

Lemichael D. Wilson, Case No. 23-53: Member Lawless moved to assess a civil penalty of \$10,000. Member Haynes seconded the motion, which was unanimously approved by roll call vote.

Vote No on 1 (SMC), Case No. 23-63: Member Lawless moved to assess a civil penalty of \$10,000. Member Morton seconded the motion, which was unanimously approved by roll call vote.

***Persons Subject to Possible Issuance of Show Cause Notice***

Member Fincher moved to take the following actions in each of the following matters:

Clifford Lewis	Show Cause
1 <sup>st</sup> TN-PAC	Show Cause
American Academy of Emergency Medicine PAC	Show Cause
Beat Bill Lee PAC	Show Cause
Dickson County Democratic Party	Show Cause
Envision Tennessee	Show Cause
Faison's Freedom	Show Cause
Hamilton County Fund for Children & Public Educ.	Show Cause
Home Builders Association of Chattanooga PAC	Show Cause
JB Moss Voice of the Electorate	Show Cause
JOE PAC	No Action
Justice Nashville PAC, Inc.	Show Cause
Legacy PAC	Show Cause
Nashville Citizens for Fair & Transparent Government	Show Cause
Our Children, Our Choice TN	Show Cause
Tennessee College Republican Committee	Show Cause
Tennessee Legislative Sportsmen's Caucus	No Action
TNBCTC PAC	Show Cause
We Are Ready Nashville PAC	Show Cause
Yellow Rose PAC	No Action

Member Lawless seconded the motion, which was unanimously approved by roll call vote.

***Next Meeting set for 9:30 a.m. CST on October 19, 2023***

**Executive Session.** *At this time, the Registry entered Executive Session, after which the meeting was adjourned.*