

SEPTEMBER 24, 2024 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 Tuesday, September 24, 2024, in the Nashville Room of the WRS Tennessee Tower, 312 Rosa L. Parks Ave., Nashville, TN 37243.

Chairman Henry Fincher presided over the meeting. Attending the meeting were Board Members Tom Lawless, Tom Morton, Paige Burcham-Dennis, Paz Haynes, and David Golden. Executive Director Bill Young, Assistant Director Lance Frizzell, General Counsel Lauren Topping, Chief of Staff Janet Williams and Director of Audit Jay Moeck were also in attendance. The meeting was open to the public. This meeting was recorded via video and audio recording.

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

Director Young also advised that Case No. 24-32 was improperly included on the agenda and should be removed from consideration. Director Young also requested that the possible issuance of a show cause notice against the Tennessee Black Caucus of State Legislators should be continued to allow staff to resolve an outstanding concern regarding the organization’s registration status. Without objection, this matter was continued.

Approval of Meeting Minutes

Member Lawless moved to approve the meeting minutes of the Registry’s previous July 23, 2024, meeting as presented. Member Morton seconded the motion, which was unanimously approved by voice vote (6-0).

Update of Sworn Complaints

Robert Harshbarger and Tennessee Conservative PAC, Case No. C24-02: Counsel notified the Registry members that the Office of the Attorney General had completed its review of this matter and provided its investigative report. Staff is reviewing the investigative report, and this matter will be included on the Registry’s next regularly scheduled agenda.

Rainbow Tennessee (Rainbow TN), Case No. C24-06: Counsel notified the Registry that the Complainant had not responded to the Registry’s previous request for additional

information in this matter. After a discussion of available options, Member Lawless moved to dismiss the complaint without prejudice as insufficient to proceed at this time. Member Haynes seconded the motion, which was unanimously approved (6-0).

Sworn Complaints

Joe Carr and Joe PAC, Case No. C24-08: Counsel directed the Registry members to a summary memorandum within the meeting materials and recommended that the complaint be dismissed as meritless. Member Morton moved to dismiss the complaint. Member Haynes seconded the motion, which was unanimously approved (6-0).

Citizen Engagement Forum, Case No. C24-11: Counsel presented a short summary of the complaint allegations and possible courses of action. Member Burcham-Dennis moved to refer this matter to the Office of the Attorney General for review and investigation. Member Morton seconded the motion, which was unanimously approved (6-0).

Audit for Review and Discussion

Rebecca Alexander: Director of Audit Jay Moeck presented a short summary of the information contained in the audit and noted that the audit contained no findings. Member Morton moved to accept and approve the audit. Member Lawless seconded the motion, which was unanimously approved (6-0).

Settlement Offers

Kathy Kirk, Case No. 22-22: Ms. Kirk personally appeared at the Registry's meeting and addressed the Registry. Director Young presented a short summary of the facts of this matter. After discussion, Member Lawless moved to reconsider the penalty previously assessed in this matter. Member Burcham-Dennis seconded the motion, which was unanimously approved. After additional discussion, Member Burcham-Dennis moved to reduce the assessed penalty to \$250. Member Lawless seconded the motion, which was unanimously approved by roll call vote (6-0).

Anya Parker, Case No. 22-06: Director Young presented a short summary of the facts of this matter. After a short discussion, Member Morton moved to take no action on the settlement offer (to reject the proposal). Member Lawless seconded the motion, which was approved (5-1, Member Haynes opposed).

Reconsiderations

AMG-PAC (USAP-TN PAC), Case No. 23-108: Director Young presented a short summary of the history of this matter. Member Haynes recused himself from this matter out of an abundance of caution. A representative of the organization personally appeared and addressed the Registry. After a short discussion, Member Golden moved to reconsider the penalties previously assessed. Member Lawless seconded the motion to reconsider, which was unanimously approved. Member Morton moved to reduce the assessed penalty to \$1,500. Member Lawless seconded the motion, which was approved by roll call vote (4-1, Member Fincher opposed).

Statements Submitted

Judd Cowan, Case No. 24-31: Director Young presented a short summary of this matter and the filing at issue in this matter. After a brief discussion, Member Morton moved to take no action for the late filing. Member Haynes seconded the motion, which was unanimously approved.

Brad Grantham, Case No. 24-34: Director Young presented a short summary of the facts of this matter. After a brief discussion, Member Golden moved to take no action for the late filing. Member Morton seconded the motion, which was unanimously approved.

Brian Matthew (Matt) Harris, Case No. 24-35: Director Young presented a short summary of the facts of this matter. After a brief discussion, Member Lawless moved to take no action for the late filing. Member Haynes seconded the motion, which was unanimously approved.

People Power PAC, Case No. 24-27: Director Young presented a short summary of the facts of this matter. After a brief discussion, Member Haynes moved to assess a civil penalty of \$250. Member Lawless seconded the motion, which was unanimously approved by roll call vote (6-0).

Consideration of Civil Penalty Order

Gen Next PAC, Case No. 24-25: Director Young presented a short summary of the facts of this matter. After a brief discussion, Member Haynes moved to continue this matter to the Registry's next scheduled meeting. Member Lawless seconded the motion, which was unanimously approved.

Old Hickory Community Association (OHCA), Case No. 24-26: Director Young presented a short summary of the facts of this matter. After a brief discussion, Member Lawless

moved to assess a civil penalty of \$250. Member Haynes seconded the motion, which was unanimously approved by roll call vote (6-0).

We Are Ready Nashville PAC, Case Nos. 24-24 and 24-28: These matters were combined and considered together. Counsel presented a summary of the history of these matters and the Registry's prior matters regarding this PAC. After a brief discussion, Member Haynes moved to continue these matters to the Registry's next scheduled meeting. Member Lawless seconded the motion, which was unanimously approved. Member Lawless also moved to recall any prior matters currently referred to the Office of the Attorney General for collection so that the Registry could address all matters at once and attempt a global resolution without the need for litigation. Member Golden seconded the motion, which was unanimously approved (6-0).

Memphis PACE, Case Nos. 24-39 and 24-40: These matters were combined and considered together. Director Young presented a short summary of these matters. Member Haynes moved to assess a civil penalty of \$10,000 (total) in these matters. Member Lawless seconded the motion, which was unanimously approved by roll call vote (6-0).

Russell Wayne Steele, Case No. 24-37: Director Young presented a short summary of the facts of this matter. After a brief discussion, Member Lawless moved to assess a civil penalty of \$5000. Member Morton seconded the motion, which was unanimously approved by roll call vote (6-0).

Kesa Fowler, Case No. 24-33: Ms. Fowler was present at the Registry's meeting and addressed the Registry. Director Young presented a short summary of the facts of this matter. After a brief discussion, Member Morton moved to take no action on the late filing. Member Haynes seconded the motion, which was unanimously approved (6-0).

The following matters were addressed as a group. Director Young presented a short summary of the issue in these matters. After a brief discussion, Member Morton moved to assess a civil penalty of \$1500 in each of these matters. Member Lawless seconded the motion, which was unanimously approved by roll call vote (6-0).

- Laurie Cardoza-Moore, Case No. 24-29
- R. Deno Cole, Case No. 24-30
- Eddie Johnson, Case No. 24-36
- Eric Stewart, Case No. 24-38

Persons Subject to Possible Issuance of Show Cause Notice

The following items were taken together as a group. Member Morton moved to take no action in each of these matters, in which the filings were less than 15 penalty days late. Member Lawless seconded the motion, which was unanimously approved.

G.A. Hardaway	Edward LeCompte
TE PAC-TN	Fuerza Democrats Tennessee
The Kroger Co. Political Action Committee	Rachele Scott Gibson
Chad Williams	William (Jay) Jenkins
Troy Weathers	London Lamar
Hometown Pharmacy PAC	Tim Lewis
Hometown Pharmacy PAC	Terry Saine
MWB PAC	

The following items were taken together as a group. Member Lawless moved to issue a show cause notice in each of these matters, in which the filings were more than 15 penalty days late. Member Morton seconded the motion, which was unanimously approved.

MWB PAC	G.A. Hardaway
GEN NEXT PAC (Pre-Primary)	GEN NEXT PAC (2nd Quarter)

The following items were taken together as a group. Member Morton moved to issue a show cause notice in each of these matters, in which no campaign financial disclosure statements had been filed. Member Lawless seconded the motion, which was unanimously approved.

Alexander Armor	Old Hickory Community Association (OHCA)
Kenya Brooks	John W. Parrish (2nd Quarter)
Kim Frazier	John W. Parrish (Pre-Primary)
Greene Co. Democratic Party (2nd Quarter)	Dominique Primer
Greene Co. Democratic Party (Pre-Primary)	Katrina Robinson
Jonathan Joy (2nd Quarter)	John Rosson
Jonathan Joy (Pre-Primary)	Ross A. Sampson
Julie McBee Fritts	TE PAC-TN (Pre-Primary)
Gwen McKenzie	Volunteer Republican Women's Club
Allen Merritt	

Review of Proposed Rule Changes. Director Young and Counsel summarized the changes to the Registry's promulgated rules being proposed. After a brief discussion, Member Lawless moved to approve the rules as proposed. Member Haynes seconded the motion, which was unanimously approved (6-0).

Discussion of Matter Involving Private Investigator. Director Young publicly described an encounter with a private investigator at his home occurring on September 1, 2024. After discussion, Member Lawless moved to send a complaint to the Board of Professional Responsibility, citing possible violation of Rules of Professional Conduct Rule 4.2 by the Attorney who hired the investigator, noting that the Registry is aware of possible exceptions to the rule and that the referral is submitted out of an abundance of caution. Member Lawless also noted that a copy of the referral should be sent to the Attorney at issue. Member Dennis seconded the motion, which was approved (5-0, Member Haynes abstaining).

Member Lawless also moved to further consider the possibility of issuing a subpoena to address possible campaign finance violations implicated by these facts at the Registry's next meeting. Member Golden seconded the motion, which was approved by voice vote.

Show Cause Hearing

Sumner County Constitutional Republicans (SCCR) and Tennessee Constitutional Republicans (TCR), Case No. C24-01:

Director Young and Chairman Fincher described the order of proceedings for the hearing. Chairman Fincher determined, without objection, that speakers should be limited to 10 minutes for their presentations. All witnesses, excluding counsel, were sworn under oath.

Complainant's Counsel, Keith Dennen, presented a summary of the Complainant's arguments regarding whether the Respondents were operating as unregistered political campaign committees. Complainant Wes Duenkel also presented arguments and answered questions from the Registry Board.

Respondent's Counsel, Kirk Clements, presented arguments on behalf of Respondents SCCR, TCR, Kurt Riley, Tim Jones, JK Brister, Todd Kerr, and Chris Spencer. Respondent Kurt Riley also answered questions from the Registry Board.

After the presentation of arguments, all respondents other than SCCR, TCR, and Mr. Riley were released from the issued subpoenas.

After discussion by the Registry members, Member Lawless moved to find that both SCCR and TCR met the definition of political campaign committees as found in the Campaign Financial Disclosure Law and should have registered as campaign committees with the Registry; Member Lawless further moved to allow the Respondents 45 days from the issuance of an order in this matter to register each entity as a political campaign

committee with the Registry, subject to the Respondent's right to appeal the decision, and, if completed, to take no further action regarding past violations of law; Member Lawless noted that this would require the political campaign committees to file all applicable reports in future. Member Morton seconded the motion, which was unanimously approved by roll call vote (6-0).

Next Regularly Scheduled Meeting set for November 26, 2024. Without objection, Member Lawless moved to cancel this meeting due to its conflict with the Thanksgiving Holidays. Seeing no objections, the meeting is canceled.

Set 2025 Registry Meeting Dates. The Registry's 2025 meetings shall be held on January 23, 2025, and every 2nd Tuesday of each odd month thereafter.

Other Business. None.

Executive Session. An executive session was conducted to discuss pending litigation.

Meeting Adjourned.