

MARCH 2, 2022, 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 10:00 AM on Thursday, March 2, 2022, at the W.R. Snodgrass Tower, 312 Rosa L. Parks Ave., Nashville, in the Multi-Media Room of the 3rd Floor Conference Center.

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

Member Lawless moved to suspend the rules to allow two members of the Board to participate by telephone. Member Morton seconded the motion, which was approved by a voice vote. A physical quorum of the members present at the meeting was confirmed.

Chairman Burcham-Dennis welcomed those in attendance and stated the order of events for consideration by the Registry at this meeting.

Hearing: Faith Family Freedom Fund (hereinafter “the PAC”), Case No. 20-07

Director Young presented a summary of the facts of the case. General Counsel Topping presented and summarized the various options that the Board could take at this meeting. Chairman Burcham-Dennis again reiterated the goals for the hearing and requested to hear from Rep. Casada.

While Rep. Casada was preparing to address the Registry, Member Lawless disclosed a lengthy professional relationship with Rep. Casada and Mr. Harwell, who was present on behalf of Mr. Cothren, but indicated that he did not perceive a conflict in his considering the matters before the Registry.

Rep. Casada offered a statement to the Registry, urging the Registry to be more circumspect in its deliberative process in issuing subpoenas to Members of the General Assembly going forward and to avoid the appearance of any bias going forward. Mr. Fincher made comments in response to Rep. Casada’s statements, and specifically observed that no bias existed among Board members in issuing these subpoenas. After further discussion among the Registry members, Rep. Casada stated specifically that he

was not involved with and had no knowledge of the PAC's activities and that he had no further professional involvement with Mr. Cothren.

Next, Mr. Harwell was asked to address the Board. Mr. Harwell stated he had just become involved with this matter and requested more time to get up to speed on this matter, stating that he had not yet had a chance to speak with Mr. Cothren or to delve into these matters. Members posed questions and concerns to Mr. Harwell. During this discussion, Member Haynes disclosed a personal and professional friendship with both Mr. Harwell and Ms. Sherwood, who is counsel of record for Mr. Cothren, but observed that these relationships did not preclude him from hearing this matter. Member Haynes also offered additional comments regarding this matter.

After hearing from Mr. Harwell, the members began deliberating on next steps and discussed the various options available on how to proceed. Member Morton proposed sending an additional subpoena to the PAC's Chairman and Treasurer. Member Fincher suggested that the testimony thus far had indicated possible criminal activity by Mr. Cothren, which should be referred to law enforcement for investigation and prosecution.

Member Haynes stated that it was important to make clear, both for the benefit of those in the room and the media, that the issuance of a subpoena does not indicate any inference of guilt.

After a short break, Member Golden offered a motion to refer the Registry's subpoena issued to Mr. Cothren to the Office of the Attorney General for enforcement of the subpoena and to take no further action at this time on any additional law enforcement referrals. Member Fincher seconded the motion. Member Lawless requested leave to amend the motion to also direct that Counsel for the Registry issue a subpoena to the named Chairman of the Faith Family Freedom Fund PAC as indicated on the organizations' Appointment of Political Treasurer form. This amendment was accepted. The motion was unanimously approved through a roll call vote.

Member Golden moved to adjourn the meeting. This motion was seconded and approved by voice vote.