

**MAY 18, 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 Wednesday, May 18, 2022, 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 Chairwoman Paige Burcham-Dennis. Attending the meeting were Board Members Tom Lawless, Tom Morton, and David Golden. A physical quorum of the members present at the meeting was confirmed. Member Fincher joined the meeting by telephone at approximately 10:02 AM. Member Morton moved to suspend the rules to allow Member Fincher to participate by telephone. Member Golden seconded the motion, which was approved by a voice vote. (Member Haynes was late to the meeting, arriving shortly after noon.) 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. This meeting was recorded via video and audio recording.

Approval of Meeting Minutes

Member Lawless moved to approve both the meeting minutes of the Registry’s previous March 17, 2022, meeting as presented. The motion was seconded by Member Morton and unanimously approved by voice vote (4-0).

Member Golden moved to suspend the rules to allow certain matters to be addressed out of order in order to address those matters for which a representative was personally attending the meeting first. Member Morton seconded the motion. The motion was unanimously approved by voice vote. (Although some items on the agenda were taken out of order, these minutes will continue to reflect the scheduled order of events according to the published agenda.)

Update on Pending Ethics/Campaign Finance Legislation before the Tennessee General Assembly

Assistant Director Frizzell presented the members of the Board with a summary of HB1201/SB1005, which was passed by the General Assembly, pertaining to the Bureau of Ethics and Campaign Finance. There was a short discussion of the changes to be implemented as a result of the legislation and the efforts being undertaken to prepare for the implementation of the legislation. No action was required or taken.

Discussion of Guidelines for Assessment of Civil Penalties

Member Lawless requested that this matter be deferred for further consideration until the Registry's next meeting to allow more time for review and comment. There was no objection to the request to defer this matter, therefore, there was no further discussion.

Reconsiderations

Jonathan Hall, Case No. C21-04: Mr. Hall was not present for the meeting. Assistant District Attorney General Brian Ewald was present at the meeting. Representatives of the Davidson County Election Commission were not able to attend the meeting. At the outset of the discussion on this matter, Director Young notified the Board that Mr. Hall had contacted the Bureau at approximately 4:00 PM on Tuesday, May 17, 2022 to request a continuance of this matter and had submitted a written request for a continuance via email at approximately 7:00 AM on the date of the meeting.

Assistant Attorney General Brian Ewald confirmed to the Members that Mr. Hall had not submitted any additional campaign finance documentation to his office in advance of the meeting. General Counsel Topping also confirmed that the Davidson County Election Commission had confirmed via email that Mr. Hall had not submitted any additional campaign finance statements or documentation to their office in advance of the meeting. After a short discussion regarding the request, Director Young asked if anyone were present to speak on behalf of Mr. Hall.

Present at the meeting was a Mr. Mark Clayton, who identified himself as appearing as a witness for Mr. Hall, but not a representative of Mr. Hall. Mr. Clayton was provided with an opportunity to present a statement to the Board. However, it was not immediately apparent how Mr. Clayton's statement was intended to relate to Mr. Hall's case. When the Registry members attempted to inquire as to how this related to the matter at hand, Mr. Clayton became agitated and raised his voice. Ultimately, the Registry dismissed Mr. Clayton and requested that he be removed from the meeting by security. After this, Chairwoman Burcham-Dennis explained to those in the room that Mr. Clayton had previously contacted the Registry's Staff on the day prior to the meeting and made inappropriate remarks via phone, which had raised concerns among staff that additional security was necessary at the meeting. For this reason, it was requested that a member of the Tennessee Highway Patrol attend the meeting for security purposes. The Registry also requested that Staff document the call received and the circumstances of Mr. Clayton's appearance for future reference if needed.

Returning to the matter at hand, after additional discussion of both the request for continuance and the request for reconsideration, Member Morton moved to take no action on the request for reconsideration on the grounds that the request was submitted untimely. Member Lawless seconded the motion. After additional discussion, the question was called. The motion carried in a 4-1 voice vote, with Member Fincher opposed.

Sheleah Harris, Case No. 21-44: Ms. Harris was not present at the meeting but submitted a written statement in advance of the meeting. After a discussion of the facts and circumstances of this matter, Member Lawless moved to take no action on the request for reconsideration on the grounds that the filing submitted by Ms. Harris was deficient. Member Morton seconded the motion. After additional discussion, the question was called, and the motion failed by a vote of 1-5. After additional discussion, Member Haynes moved to reconsider the assessed civil penalty. Member Fincher seconded the motion, which was approved by a vote of 5-1 (Member Lawless opposed). Member Golden moved to reduce the assessed civil penalty to \$500. Member Morton seconded the motion. The motion carried by a vote of 4-2 (Members Lawless and Burcham Dennis opposed).

Ovi Kabir, Case No. 21-33: Mr. Kabir personally attended the meeting and presented a statement to the Board. Consideration of this matter was consolidated with Mr. Kabir's other matters on the Board's meeting agenda, which included Case No. 22-02 and the possible assessment of civil penalties relating to the 2021 Annual Year End Supplemental campaign finance report. After discussion, Mr. Kabir waived notice and an opportunity for a later hearing with respect to the possible assessment of civil penalties relating to the untimely filing of the 2021 Annual Year End Supplemental campaign finance report. Mr. Kabir also confirmed his intent to close the account; however, a remaining loan balance remained on his last report. Mr. Kabir confirmed that he had reported a loan repayment on his 3rd Q statement, intending to eliminate the outstanding loan balance. Counsel for the Registry confirmed that this payment had been reported but was not properly entered. The Registry directed Counsel to correct the entry and to close the account. Mr. Kabir confirmed that this was acceptable. Member Lawless moved to assess a civil penalty of \$225 based upon the untimely filing of this report. Member Golden seconded the motion. Mr. Kabir voiced no objections. The motion carried unanimously. Member Lawless moved to assess a civil penalty of \$250 in Case No. 22-02. Member Golden seconded the motion, which was unanimously approved. Member Morton reconsider the assessed civil penalty in Case No. 21-33. Member Golden seconded the motion, which was unanimously approved. Member Lawless moved to reduce the assessed a civil penalty to \$250. Member Golden seconded the motion, which was unanimously approved.

Brandon Weise, Case No. 21-36, Case No. 21-51: Mr. Weise personally attended the meeting and presented a statement to the Board. Mr. Weise requested the further consideration of Case No. 21-36 and Case No. 21-51 be continued to allow him additional time to file the missing reports. Mr. Weise also requested that the additional matter before the Board concerning the failure to file a 2021 Annual Year-End Supplemental report also be continued for the same reason. After discussion, Member Lawless moved to grant the requested continuances on the condition that Mr. Weise ensure that all these matters are properly addressed in advance of the Registry's next meeting. Member Lawless further moved to issue a show cause notice with respect to the failure to file a 2021 Annual Year-End Supplemental report in order to allow all matters to be in the proper posture for disposition at the Registry's next meeting. Member Morton seconded the motion, which was unanimously approved. The members also confirmed that, provided that Mr. Weise had taken care of all of these matters by the Registry's next meeting, there was no reason for Mr. Weise to personally attend the next meeting, unless he chose to do so.

We Are Ready Nashville PAC, Case No. 21-70: Mr. Ray Justice appeared on behalf of the organization. This matter was previously reconsidered at the Registry's March meeting, and the originally assessed civil penalty was reduced to \$3500. Counsel for the Registry advised that this matter had been added to the Registry's agenda for a second reconsideration due to an error in communication between Counsel and the organization regarding the date of the prior meeting, which had resulted in a representative of the organization not attending the March meeting. After a lengthy discussion, in which Mr. Justice participated, Member Morton moved to take no further action on this matter. Member Lawless seconded the motion, which was unanimously approved.

Statement Submitted

Ovi Kabir, Case No. 22-02: *See discussion of Case No. 21-33.*

Persons Subject to Possible Issuance of Show Cause Notice

Director Young requested that further consideration of the matters pertaining to Jo Atwood and Martin Daniel be deferred to the next meeting in order to allow additional information to be gathered and presented to the Registry members. After no objections, these matters were deferred. Director Young also requested that the matter pertaining to Julie Byrd Ashworth be disregarded, as Ms. Byrd Ashworth no longer owed the report identified as being untimely. After no objections, this matter was disregarded.

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

Sam Brown	<i>Issue Show Cause</i>
Curtis Carney	<i>Issue Show Cause</i>
Michelle Foreman	<i>Issue Show Cause</i>
Christopher Dunn Heagerty	<i>Take No Action</i>
Anya Parker	<i>Issue Show Cause</i>
Tilman W. Payne	<i>Issue Show Cause</i>
Katrina Robinson	<i>Issue Show Cause</i>
Ashlie Shockley	<i>Issue Show Cause</i>
Ashlie Shockley	<i>Issue Show Cause</i>
Clarksville Firefighters PAC	<i>Take No Action</i>
Gen Next PAC	<i>Issue Show Cause</i>
Montgomery County Democratic Executive Committee	<i>Issue Show Cause</i>
Tennessee Society of Pathologists PAC	<i>Issue Show Cause</i>
TN Prosperity PAC	<i>Issue Show Cause</i>

Member Haynes seconded the motion, which was unanimously approved by roll call vote (6-0).

A representative of United States Cellular PAC, Mr. Lou Alsobrooks, personally appeared before the Registry and made a statement concerning the untimely filing of the PAC's 2021 Annual Year End Supplemental report. After discussion with the Board, Mr. Alsobrooks waived further notice and an opportunity for a later hearing on this matter. Member Morton moved to assess a \$500 civil penalty based upon the failure to timely file the 2021 Annual Year End Supplemental report. Member Lawless seconded the motion. Mr. Alsobrooks did not object. The motion carried unanimously (5-0).

Sworn Complaint

Paul Sherrell, Case No. C22-01: Mr. Sherrell participated in the meeting via telephone and made a statement to the Board concerning the allegations in the complaint. At the outset of the discussion, Director Young advised that the decision before the Board was whether to set this matter for a show cause hearing or to take no action on the complaint. Director Young and Counsel for the Registry also provided analysis of the alleged violations and the adequacy of the complaint presented. After additional discussion, Member Lawless moved to take no action on the complaint. Member Morton seconded the motion, which was unanimously approved.

Set date of Registry Board's next meeting

After a brief discussion, the Registry's next meeting was set to be scheduled for June 20, 2022, at 11:00 AM. The location of the meeting will be determined based on conference room availability.

Other Business

None.

Executive Session

After the conclusion of the Agenda, the Members moved into Executive Session to hear from Counsel regarding confidential matters. This portion of the meeting was not recorded, and members of the public were not permitted to remain in the room.

After conclusion of the Executive Session, Member Lawless moved to adjourn the meeting. Member Golden seconded the motion, which was unanimously approved by voice vote.