

## **DECEMBER 7, 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 Monday, December 7, 2020 at the W.R. Snodgrass Tower, 312 Rosa L. Parks Ave., Nashville, in the Nashville Room of the 3<sup>rd</sup> Floor Conference Center.

Presiding over the meeting was Chairperson Tom Lawless. Attending the meeting were board members Paige Burcham-Dennis, David Golden, Tom Morton, and Henry Fincher. Member Paz Haynes was unable to attend the meeting. 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. Social distancing measures were observed, and all attending wore masks as part of the COVID-19 containment efforts. 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 Morton, seconded by Member Golden, the Board voted unanimously to approve and adopt the minutes from the September 9, 2020 meeting without discussion.

*The following 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.*

### ***Discussion of potential relocation of Bureau of Ethics and Campaign Finance***

This matter was deferred to the end of the meeting. Chairman Lawless discussed conversations between the Chair and various Members of the General Assembly regarding the Bureau’s potential move to office space outside of the Nashville City Center area. These members of the General Assembly have expressed a desire that the Bureau staff stay in Nashville and have requested that the Bureau consider state leased/owned space for relocation. Members discussed minimum needs for staff. Executive Director Bill Young provided an overview of the past notice to vacate received from Parkway Towers, which will likely be renewed prior to the expiration of the lease, and the current term of the Bureau’s lease. No formal actions were taken relating to this matter.

### ***Discussion of potential partnership with private entity to review/evaluate campaign finance disclosure data***

This matter was deferred to the end of the meeting. Executive Director Young advised the Board of ongoing discussions regarding the possibility of partnering with a local university to assist the Bureau’s staff in addressing the compilation and analysis of campaign finance data for the Board’s website. Members discussed additional possible changes to the Board’s website to address data concerns. No formal actions were taken relating to this matter.

### ***Discussion of Thelma Harper Matter***

This matter was taken out of order. Assistant Director Frizzell provided an update to the Board regarding the status of campaign finance disclosure filings with respect to former State Senator Thelma Harper. Assistant Director Frizzell confirmed that all required filings had been submitted and all funds were properly disposed of. Member Fincher moved to close Senator Harper's account and take no further action. Motion seconded by Member Burcham-Dennis. Motion approved unanimously.

### ***Audits***

These matters were taken out of order. Chairman Lawless recused himself from all discussion and voting concerning these matters, citing a potential conflict posed by a professional relationship with Mayor Ketron's counsel. Chairman Lawless left the room and Member Golden presided over the remainder of the discussion regarding these matters.

Assistant Director Lance Frizzell also disclosed that he had previously been a donor to Mayor Ketron's mayoral campaign, which predated his employment with the Bureau. Citing the possible appearance of a conflict, Assistant Director Frizzell confirmed that he had had no direct and/or substantive involvement in preparing the audit reports.

Director Young provided a summary of the audits before the Board. Director Young recommended that the Board accept and approve the audits and set these matters for a show cause hearing in April 2021, in order to allow the Board to address all matters related to these audits together. Director Young advised the Ketron mayoral campaign account audit was in progress and should be completed by the Board's next meeting in February 2021.

***Bill Ketron (Senate):*** Member Fincher moved to accept and approve the audit. Motion seconded by Member Morton. Motion approved by unanimous consent. Member Fincher moved to set the matters within the accepted audit for a show cause hearing to be held in April 2021. Motion seconded by Member Morton. Motion approved by unanimous consent.

***Quest PAC:*** Member Fincher moved to accept and approve the audit. Motion seconded by Member Morton. Motion approved by unanimous consent. Member Fincher moved to set the matters within the accepted audit for a show cause hearing to be held in April 2021. Motion seconded by Member Morton. Motion approved by unanimous consent.

Counsel for Mayor Ketron, Trey Harwell, requested consideration from the Registry on another matter. Mr. Harwell requested that the Board suspend the ongoing reporting requirements relating to Mayor Ketron's 2018 Senate Campaign account pending the resolution of matters raised in the audit. Mr. Harwell confirmed that the bank account associated with this campaign had been closed and that there has been no ongoing activity relating to this account. Member Burcham-Dennis moved to suspend all further reporting requirements until the resolution of the audit related proceedings and to set the matter of Mayor Ketron's Annual Mid-Year Supplemental (2020) (see, Agenda, Item 11) for a show cause hearing to be scheduled for April 2021. Motion seconded by Member Morton. Motion approved by unanimous consent.

## ***Sworn Complaints***

### **Hendersonville Firefighters Association PAC, Case No. C20-03**

A short summary of the complaint was presented to the Board by Executive Director Young. Member Fincher moved to dismiss the complaint as time barred pursuant to T.C.A. § 2-10-105(f). Motion was seconded by Member Morton and approved by unanimous consent.

### **John Stevens, Case No. C20-04**

A short summary of the complaint was presented to the Board by Executive Director Young. Member Fincher moved to dismiss the complaint on the grounds that the conduct complained of had either been corrected, and therefore the complaint was rendered moot, or constituted permissible activities based on the previous rulings of the Board. Motion seconded by Member Golden and approved by unanimous consent.

### **Todd Warner, Case No. C20-06; Faith Family Freedom Fund (FFFF), Case No. C20-07; Facebook Incorporated and Mark Zuckerberg, Case No. C20-08**

A short summary of the complaints was presented to the Board by Executive Director Young. Director Young also confirmed that these three complaints on the agenda concerned the same matters and facts. Member Burcham-Dennis moved to dismiss all three complaints on the grounds that there was a lack of any evidence that any wrongdoing had occurred. The motion was seconded by Member Golden and was approved by unanimous consent.

## ***Requests for Reconsideration***

### **Rick Staples, Case No. 20-32**

Member Fincher moved to reconsider the civil penalty previously assessed against former Representative Rick Staples. Former Representative Staples participated in the meeting by telephone. The motion failed for lack of a second.

### **Empower Women PAC, Case No. 18-28; Empower Women PAC, Case No. 18-72; Empower Women PAC, Case No. 19-51; Empower Women PAC, Case No. 19-82**

Member Golden moved to consolidate these matters and reconsider all civil penalties previously assessed by the Board. The motion was seconded by Member Fincher and approved by unanimous consent. Representatives for the PAC appeared and presented a statement. Member Fincher moved to rescind all penalties and take no further action. The motion was seconded by Member Burcham-Dennis and approved by a unanimous consent.

### **Memphis Restaurant Association PAC (MRA PAC), Case No. 19-83**

Member Fincher moved to reconsider the civil penalty previously assessed by the Board. The motion was seconded by Member Golden and approved by a unanimous consent. A representative participated via telephone. Member Fincher moved to reduce the previously assessed civil penalty of \$10,000 to \$250. Motion seconded by Member Burcham-Dennis. The motion was approved by a unanimous roll call vote.

### **Robertson County Democratic Party, Case No. 19-72**

Member Fincher moved to reconsider the civil penalty previously assessed by the Board. The motion was seconded by Member Golden and approved by a unanimous consent.

A representative appeared and presented a statement to the Board. Member Fincher moved to reduce the previously assessed civil penalty of \$2,500 to \$250. Motion seconded by Member Burcham-Dennis. The motion was approved by a unanimous roll call vote.

**West TN Cream of the Crop, Case No. 20-30**

No representative appeared or participated via telephone. The request for reconsideration failed for lack of a motion to reconsider.

***Show Cause Hearings***

**Empower Women PAC, Case No. 20-14**

Member Fincher moved to take no action on this matter. The motion was seconded by Member Morton and approved by unanimous consent.

**Robertson County Democratic Party, Case No. 20-39**

Member Fincher moved to take no action on this matter. The motion was seconded by Member Burcham-Dennis and approved by unanimous consent.

***Consideration of Civil Penalty Orders with Statements Submitted***

**Christopher V. Sockwell, Case No. 20-36**

A representative submitted a written statement prior to the meeting and participated via telephone. Member Fincher moved to take no action. The motion was seconded by Members Golden and Morton and approved by unanimous consent.

**Lynnette P. Williams, Case No. 20-37**

A representative submitted a written statement ahead of the meeting. Member Fincher moved to take no action. The motion was seconded by Member Morton and approved by unanimous consent.

**The Maynard Group PAC, Case No. 20-29**

A representative submitted a written statement prior to the meeting and participated via telephone. Member Fincher moved to assess a civil penalty of \$259.85. The motion was seconded by Member Burcham-Dennis and approved by a unanimous roll call vote.

***Consideration of Civil Penalty Orders***

**Angela Callis, Case No. 20-34**

Member Burcham-Dennis moved to defer this matter to the Board's next scheduled meeting. Motion seconded by Member Fincher and approved by unanimous consent.

**JoAnne Favors, Case No. 20-06**

A summary of the posture of this matter was presented by Assistant Director Frizzell. Member Fincher moved to defer this matter to the Board's next scheduled meeting. Motion seconded by Member Burcham-Dennis and approved by unanimous consent.

**Rachel Mackey, Case No. 20-08**

A summary of the posture of this matter was presented by General Counsel Topping. Member Fincher moved to take no action. Motion seconded by Member Golden and approved by unanimous consent.

**Christie M. Rice, Case No. 20-35**

Member Morton moved to take no action. The motion was seconded by Member Fincher and approved by unanimous consent.

**Patient Access to Addiction Treatment (PATAT), Case No. 20-23; Patient Access to Addiction Treatment (PATAT), Case No. 20-38**

A late-filed statement was submitted to the Board regarding both of these matters on the morning of the Board's meeting. These matters were consolidated by the Board. After some discussion, Member Fincher moved to assess a civil penalty of \$500, or \$250 per matter. Motion seconded by Burcham-Dennis. The motion was unanimously approved by roll call vote.

**Tennessee Volunteers for Good Government, Case No. 20-40**

Member Morton moved to assess a civil penalty of \$10,000. The motion was seconded by Member Burcham-Dennis and unanimously approved by roll call vote.

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

**Bill Ketron**

The matter relating to Bill Ketron was taken out of order and addressed immediately following the consideration of audits concerning Mr. Ketron. Chairman Lawless did not participate in the discussion of this matter and did not vote on this matter. Member Golden presiding. The Board voted to issue a show cause notice concerning this matter, to be set in April 2021. See, *Audits* above.

In an omnibus motion, Member Morton moved to take the following actions in the referenced matters:

**Take No Action**

Gina Higgins  
Matthew Hill  
Matthew Park  
Katrina Robinson  
Melody Shekari  
1<sup>st</sup> TN-PAC  
Conservation Action PAC  
Hamilton County Fund for Children & Public Educ.  
Hawkins County Republican Committee  
Henderson County Republican Party  
Hickman County Democratic Party  
Holston Medical Group, PC PAC  
Milton Action Fund  
Roane County Republican Party PAC (Pre-Primary)  
Roane County Republican Party PAC (Pre-General)  
Robertson County Democratic Party  
Tennessee College Democrats  
Tennessee Legislative Sportsmen's Caucus  
Tennessee Victory PAC

**Issue Show Cause Notice**

Julie Byrd Ashworth (2nd Quarter)  
Julie Byrd Ashworth (Pre-Primary)  
Julie Byrd Ashworth (3rd Quarter)  
William Brock Brewer  
Sam Brown  
Merriel Bullock Neal  
Dennis Doster (Pre-Primary)  
Dennis Doster (3rd Quarter)  
James Ebb Gupton, Jr.  
Troy B. Jones  
Anya Parker  
Jeremy Allen Stephenson (2nd Quarter)  
Jeremy Allen Stephenson (3rd Quarter)  
Matt Stowe  
Charles A. Thompson (2nd Quarter)  
Charles A. Thompson (Pre-Primary)  
Charles A. Thompson (3rd Quarter)  
Brandon Weise  
Rob White (2nd Quarter)  
Rob White (Pre-Primary)  
Rob White (3rd Quarter)  
Marion LaTroy A. Williams, Jr. (2nd Quarter)  
Marion LaTroy A. Williams, Jr. (Pre-Primary)  
Marion LaTroy A. Williams, Jr. (3rd Quarter)  
Liberty Legacy PAC  
Memphis Leaders for Kids PAC  
Patient Access to Addiction Treatment (PATAT) (2nd Quarter)  
Patient Access to Addiction Treatment (PATAT) (Pre-Primary)  
Patient Access to Addiction Treatment (PATAT) (3rd Quarter)  
People for the American Way  
Tennessee Volunteers for Good Government

This motion was seconded by Member Fincher and approved by unanimous consent, except that Chairman Lawless recused himself from voting on the 1<sup>st</sup> TN-PAC matter.

**Terry Clayton**

In a separate motion, Chairman Lawless moved to issue a show cause notice concerning this matter. The motion was seconded by Member Fincher and approved by unanimous consent.

**JoAnne Favors**

In a separate motion, Member Morton moved to defer this matter to the Board's next regularly scheduled meeting. The motion was seconded by Member Fincher and approved by unanimous consent.

***Rescind Civil Penalty Order***

**Rachel Mackey, Case No. 19-71**

Member Fincher moved to rescind the previously assessed civil penalty and take no further action. The motion was seconded by Member Golden and unanimously approved by roll call vote.

***Other Business***

Member Fincher moved to defer cases previously held over (Tammie Fuller, Case No. 19-77; Woody Degan, Case No. 18-18) until the Board's next regularly scheduled meeting. The motion was seconded by Member Morton and approved by unanimous consent.

Executive Director Young presented the following dates as suggestions for the Board's next two regularly scheduled meetings: Wednesday, February 10, 2021; either April 7<sup>th</sup> or April 14<sup>th</sup> 2021. After some discussion, Director Young stated he would confirm these dates with Board Members via email.

***Meeting Adjourned***