

## **FEBRUARY 10, 2021 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 Wednesday, February 10, 2021 at the W.R. Snodgrass Tower, 312 Rosa L. Parks Ave., Nashville, in the Multimedia 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, and Paz Haynes. Members Burcham-Dennis, Morton, and Haynes participated electronically via telephone. 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.

Member Golden moved to continue with the meeting, without a physical quorum present and allowing 3 members to participate electronically, under the terms of Executive Order #71. Member Morton seconded the motion, which was unanimously approved.

Member Golden then moved to suspend the rules and allow items to be taken out of order so as to address those matters for which a representative was either physically present at the meeting or participating electronically first. Member Fincher seconded the motion, which was unanimously approved. *(Although the 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.)*

Member Golden moved to approve the Registry’s Code of Conduct statement for the year 2021 with the following amendment: under the section labeled “Violations – Reporting”, the contact information for the Director of Audit shall be replaced with the contact information for Assistant Director Lance Frizzell. Members Fincher and Haynes seconded the motion, which was unanimously approved.

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

On motion by Member Fincher, seconded by Member Burcham-Dennis, the Board voted unanimously to approve and adopt the minutes from the December 7, 2020 meeting without discussion.

### ***Audit***

Chairman Lawless recused himself from discussion and voting on this matter. Member Golden assumed the Chair to continue proceedings. Mayor Ketron participated in the meeting through his counsel, Mr. Trey Harwell, telephonically. Member Fincher moved to accept and approve the audit report as submitted and to set the matter for a show cause hearing in April 2021. Member Burcham-Dennis seconded the motion, which was approved by a 5-0 vote with Member Lawless abstaining.

Member Fincher then moved to set all matters currently before the Registry relating to Mayor Ketron for consideration on the April 2021 agenda. This motion was seconded by Member Morton and approved by a unanimous roll call vote with Member Lawless abstaining.

### ***Discussion of Rep. David Byrd***

The family of Representative David Byrd requested guidance from the Registry regarding whether the due date for Representative Byrd's 2020 4<sup>th</sup> Quarter campaign finance disclosure report could be extended due to Representative Byrd's prolonged hospitalization as a result of the COVID-19 pandemic. In a letter to the Registry, Representative Byrd's family represented that Representative Byrd is the only person with the knowledge and expertise sufficient to complete the filing. After some discussion, the Registry determined that it does not have the statutory authority to suspend the filing deadlines, even in such circumstances. However, the Registry stated that it would certainly take such factors into consideration in the event that the assessment of civil penalties for either untimely filing or a failure to file were ever before the Registry for a determination. Executive Director Young was instructed to relay the Registry's determination to Representative Byrd's family and direct that they make their best efforts to complete the required filing on his behalf and to amend the report as necessary upon Representative Byrd's recovery.

### ***Discussion of campaign finance reporting regarding Rep. Todd Warner***

Representative Todd Warner requested that the Registry extend the time allowed for him to complete and file his 2020 4<sup>th</sup> Quarter campaign finance disclosure report owing to the fact that the Federal Bureau of Investigation had recently confiscated from his home and office all of the records necessary to complete the filing. After a lengthy discussion, the Registry determined that it does not have the statutory authority to suspend the filing deadlines, even in such circumstances. Instead, the Registry directed that Executive Director Young convey this determination to Representative Warner and direct that he make his best efforts to reconstruct the records necessary to complete the filing and amend the report as necessary when the records are returned to him.

### ***Requests for Reconsideration***

**Milton Action Fund, Case No. 19-84** – Mr. David Upton participated in the meeting electronically via telephone. Member Fincher moved to reconsider the civil penalties assessed against Milton Action Fund. Member Burcham-Dennis seconded the motion, which was unanimously approved by roll call vote. After discussion, Member Morton moved to assess a civil penalty of \$5000; however, the motion failed for a lack of a second. After further discussion, Member Morton moved to assess a civil penalty of \$500. Member Burcham-Dennis seconded the motion and Mr. Upton signaled his agreement and acquiescence to the civil penalty amount. The motion was approved unanimously by roll call vote.

**West TN Cream of the Crop, Case No. 20-30** – Despite previously indicating a desire to participate in the meeting, a representative of this organization was not present at the meeting. Executive Director Young requested that the Registry continue this matter to the next scheduled meeting to ensure that notice of the meeting had been received and that poor weather conditions in West Tennessee had not prevented a representative from attending. Member Morton moved

to continue the matter on this stated basis. Member Golden seconded the motion, which was unanimously approved by roll call vote.

### ***Show Cause Hearing***

**Memphis Leaders for Kids PAC, Case No. 20-67** – Following a short discussion, Member Burcham-Dennis moved to continue this matter to the Registry's next regularly scheduled meeting in order to ensure that poor weather conditions in West Tennessee had not prevented a representative from attending the meeting, despite previously requesting to personally appear before the Registry. Member Fincher seconded the motion, which was unanimously approved.

### ***Show Cause Hearings – Statements Submitted***

**Angela Callis, Case No. 20-34** – After a short discussion, Member Fincher moved to take no action in this matter. Members Golden and Burcham-Dennis seconded the motion, which was unanimously approved.

**William Brock Brewer, Case No. 20-44** – Member Morton moved to assess a civil penalty of \$500. Upon further discussion, Member Morton amended his motion to assess a civil penalty of \$250. Member Fincher seconded the motion, which was approved unanimously by roll call vote.

**James Ebb Gupton, Jr., Case No. 20-49** – Mr. Gupton participated in the meeting via telephone and made a short statement to the Registry. Member Fincher moved to take no action. Member Golden seconded the motion, which was unanimously approved by voice vote.

**Troy B. Jones, Case No. 20-50** – Member Fincher moved to take no action and Member Haynes seconded the motion. However, the motion was defeated by a 2-4 roll call vote. Member Morton moved to assess a civil penalty of \$500. Member Golden seconded the motion, which was approved by a 4-2 roll call vote with Members Fincher and Haynes opposed.

**Matt Stowe, Case No. 20-55** – Mr. Stowe was present at the meeting and made a short statement to the Registry. Member Fincher moved to take no action. Member Golden seconded the motion, which was approved by 5-1 voice vote with Member Morton opposed.

**Liberty Legacy PAC, Case No. 20-66** – Michelle Foreman participated on behalf of Liberty Legacy PAC via telephone and made a short statement. Member Fincher moved to take no action. Chairman Lawless seconded the motion, which was unanimously approved.

**Patient Access to Addiction Treatment (PATAT), Case No. 20-68 (2nd Quarter); Patient Access to Addiction Treatment (PATAT), Case No. 20-69 (Pre-Primary); Patient Access to Addiction Treatment (PATAT), Case No. 20-70 (3rd Quarter)** – These matters were consolidated for consideration and were continued to the Board's regularly scheduled meeting due to a lack of a quorum on these issues as at least 3 members disclosed possible conflicts of interest. The members expressed that they would each conduct additional reviews to determine if a conflict in fact exists.

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

**Julie Byrd Ashworth, Case No. 20-41 (2nd Quarter); Julie Byrd Ashworth, Case No. 20-42 (Pre-Primary); Julie Byrd Ashworth, Case No. 20-43 (3rd Quarter)** – These matters were consolidated for consideration. Member Morton moved to assess a civil penalty of \$10,000 per matter (\$30,000 total). Member Fincher seconded the motion, which was approved by a unanimous roll call vote.

**Sam Brown, Case No. 20-45** – Member Haynes abstained from discussion and voting in this matter due to a possible conflict of interest. Member Morton moved to assess a civil penalty of \$10,000. Member Fincher seconded the motion, which was approved by a 5-0 roll call vote.

**Merriel Bullock Neal, Case No. 20-46** – Ms. Bullock Neal participated in the meeting via telephone and made a short statement to the Registry. Member Fincher moved to take no action. Member Burcham-Dennis seconded the motion, which was unanimously approved.

**Terry Clayton, Case No. 20-73** – Member Haynes abstained from discussion and voting in this matter due to a conflict of interest. Member Morton moved to assess a civil penalty of \$10,000. Member Fincher seconded the motion, which was approved by a 5-0 roll call vote.

**Woody Degan, Case No. 18-18 (previously 13-18)** – After a short discussion of the history of this matter, the Registry determined that this matter should be deferred until the next regularly scheduled meeting in order to insure that notice of the meeting had been received and to allow Counsel to obtain more information regarding the history and posture of the matter. Member Fincher moved to continue the matter for the reasons above. The motion was seconded by Member Golden and unanimously approved by roll call vote.

**Dennis Doster, Case No. 20-47 (Pre-Primary); Dennis Doster, Case No. 20-48 (3rd Quarter)** – These matters were consolidated for consideration. Mr. Beau Pemberton participated in the meeting via telephone on behalf of Mr. Doster and requested that the matter be continued until the Registry's April meeting. Member Burcham-Dennis moved to grant the requested continuance. Member Fincher seconded the motion, which was unanimously approved.

**JoAnne Favors, Case No. 20-06** – Member Fincher moved to continue this matter to the Registry's next scheduled meeting. Member Golden seconded the motion, which was unanimously approved by roll call vote.

**Tammie Fuller, Case No. 19-64 (2nd Quarter)(Reconsideration); Tammie Fuller, Case No. 19-77 (Pre-General); Tammie Fuller, Case No. 19-77 (3rd Quarter); Tammie Fuller, Case No. 19-77 (4th Quarter)** – These matters were consolidated for consideration. Member Fincher moved to continue these matters to the Registry's next scheduled meeting in order to ensure that notice of the meeting had been received and to allow Counsel to obtain additional information regarding the posture and history of this matter. Chairman Lawless seconded the motion, which was unanimously approved by roll call vote.

**Anya Parker, Case No. 20-52** – Member Morton moved to assess a civil penalty of \$10,000. Member Fincher seconded the motion, which was unanimously approved by roll call vote.

**Jeremy Allen Stephenson, Case No. 20-53 (2nd Quarter); Jeremy Allen Stephenson, Case No. 20-54 (3rd Quarter)** – These matters were consolidated for consideration. Member Morton moved to assess a civil penalty of \$10,000 for Case No. 20-53. Member Fincher seconded the motion, which was unanimously approved by roll call vote. Member Morton moved to assess a civil penalty of \$175 (maximum penalty) for Case No. 20-54. Member Fincher seconded the motion, which was unanimously approved by roll call vote.

**Brandon Weise, Case No. 20-59** – Member Morton moved to assess a civil penalty of \$10,000. Member Fincher seconded the motion, which was unanimously approved by roll call vote.

**Rob White, Case No. 20-60 (2nd Quarter); Rob White, Case No. 20-61 (Pre-Primary); Rob White, Case No. 20-62 (3rd Quarter)** – Member Haynes abstained from discussion and voting in this matter due to a possible conflict of interest. These matters were consolidated for consideration. Member Morton moved to assess a civil penalty of \$10,000 in each matter (\$30,000 total). Member Fincher seconded the motion, which was approved by a 5-0 roll call vote.

**People for the American Way, Case No. 20-71**– Member Morton moved to assess a civil penalty of \$10,000. Member Fincher seconded the motion, which was unanimously approved by roll call vote.

**Tennessee Volunteers for Good Government, Case No. 20-72** – Member Morton moved to assess a civil penalty of \$10,000. Member Fincher seconded the motion, which was unanimously approved by roll call vote.

*At this time, Member Fincher leaves the meeting.*

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

Member Morton moves to take the following actions on these matters:

<b>Julie Byrd Ashworth</b>	Show Cause
<b>Houston Butler, Jr.</b>	Show Cause
<b>Chelsea Camp</b>	Show Cause
<b>Joanne Favors</b>	Continued
<b>Torrey Harris</b>	Show Cause
<b>Grant Medeiros</b>	Show Cause
<b>Cassandra (CJ) Mitchell</b>	Take No Action
<b>Jarvus Montez Turnley</b>	Show Cause
<b>Rob White</b>	Show Cause (Haynes Abstains)

<b>Acadia Healthcare PAC TN-C</b>	Take No Action	
<b>Clarksville Firefighters PAC</b>	Take No Action	
<b>Hamilton County Democratic Party</b>	Show Cause	
<b>Memphis Leaders for Kids PAC</b>	Show Cause	
<b>People Working for Reform</b>	Take No Action	
<b>Polk County Counts</b>	Take No Action	
<b>Tennessee Volunteers for Good Government (Pre-Primary)</b>		Show Cause
<b>Tennessee Volunteers for Good Government (3rd Quarter)</b>		Show Cause
<b>Williamson Business PAC</b>	Take No Action	

Member Golden seconded the motion, which was approved by voice vote.

### ***Other Business***

**Election of Officers** – Chairman Lawless moves to elect Member Golden as the Registry’s next Chair and Member Burcham-Dennis as its next Secretary. Member Morton seconded the motion, which was approved by voice vote.

### ***Executive Session***

Following the conclusion of the Registry’s business, the public was asked to leave the room and to disconnect from the phone line in order for the Registry to move into Executive Session.

Following the conclusion of the Executive Session, Member Lawless made a motion and Member Morton seconded a motion to adjourn the meeting. The motion was approved by voice vote.