

Tennessee Ethics Commission
June 3, 2015
Minutes

The Tennessee Ethics Commission met on Wednesday, June 3, 2015, at 9:00 a.m. at the Bureau of Ethics and Campaign Finance office. Members present were: Tammy White, Greg Hardeman, George Jaynes, Jim Stranch, and Charles Traugher. Ms. White called the meeting to order.

April 2, 2015 Minutes

Mr. Jaynes made the motion to approve the April 2, 2015 minutes. Mr. Traugher seconded and the motion passed 5-0.

Requests for Reconsideration

Bryan Carson – 2014-203
Connie Fain Woodcock – 2015-005
Edward Leon Buck – 2014-251
Mwafaq Aljabbarry – 2014-250
Jerome Dillard – 2015-009
Lisa Skinner – 2015-006
Cynthia Stanley-Cash – 2015-217

Mr. Carson was assessed \$1,000 at the September 17, 2014 meeting for failure to file the Statement of Interests. Mr. Carson has subsequently filed and appeared before the Commission to explain the tardiness of his filing. After the discussion, Mr. Stranch made the motion to reconsider and to waive the penalty as it was Mr. Carson's first time filing. Mr. Hardeman seconded and the motion passed 5-0.

Ms. Woodcock was assessed \$100 at the April 2, 2015 meeting for failure to timely file the Statement of Interests. Ms. Woodcock requested reconsideration in a statement submitted April 13, 2015. After discussion, Mr. Jaynes made the motion to reconsider and to waive the penalty. Mr. Stranch seconded and the motion passed 5-0.

Mr. Buck was assessed \$1,000 at the December 16, 2014 meeting for failure to timely file the Statement of Interests. Mr. Buck requested reconsideration in a statement submitted April 16, 2016. After discussion, Mr. Traugher made the motion to reconsider and to waive the penalty. Mr. Jaynes seconded and the motion passed 5-0.

Mr. Aljabbarry was assessed \$1,000 at the December 16, 2014 meeting for failure to file the Statement of Interests. Mr. Aljabbarry subsequently filed and requested reconsideration in a statement submitted April 20, 2015. After discussion, Mr. Hardeman made the motion to reconsider and to waive the penalty. Mr. Jaynes seconded and the motion passed 5-0.

Mr. Dillard was assessed \$100 at the April 2, 2015 meeting for failure to timely file the Statement of Interests. Mr. Dillard submitted a request for reconsideration on April 17, 2015. After discussion, Mr. Stranch made the motion to reconsider and to waive the assessment. Mr. Hardeman seconded and the motion passed 5-0.

Ms. Skinner was assessed \$100 at the April 2, 2015 meeting for failure to timely file the Statement of Interests. Ms. Skinner submitted a request for reconsideration on April 23, 2015. After discussion, Mr. Jaynes made the motion to reconsider and to waive the penalty. Mr. Stranch seconded and the motion passed 5-0.

Ms. Stanley-Cash was assessed \$1,000 at the September 17, 2014 meeting for failure to file the Statement of Interests. On April 30, 2015, Ms. Stanley-Cash submitted a request for reconsideration and later filed the Statement of Interests. After discussion, Mr. Traughber made the motion to reconsider and to waive the penalty. Mr. Stranch seconded and the motion passed 5-0.

Informal Civil Penalty Assessments – Local Candidate

John Clendenin – 2015-001

Mr. Hardeman made the motion to assess a \$1,000 penalty for failure to file and Mr. Traughber seconded. The motion passed 5-0.

Informal Civil Penalty Assessment – State Officials

Keith Bell – 2015-049

Matt Stowe – 2015-050

Mary McDaniel – 2015-051

Mr. Hardeman made the motion to take no action since this was the first time the above filers have not filed timely. Mr. Traughber seconded and the motion passed 5-0.

Bryant C. Dunaway – 2015-052

Mr. Dunaway submitted a statement explaining why he did not file timely (56 penalty days late). Mr. Jaynes made the motion to take no action and Mr. Hardeman seconded. The motion passed 5-0.

Informal Civil Penalty Assessment – Local Officials

Dianne Baker – 2015-169

Brenda Barber – 2015-057

Ms. Baker submitted a statement for the Commission's consideration and also appeared before the Commission. Ms. Baker explained that she and Brenda Barber, both Millington Planning Commission members, did not receive the December notice and tried to file timely when they received the certified notice. After discussion, Mr. Stranch made the motion to take no action and Mr. Traughber seconded. The motion passed 5-0.

Dale McClendon – 2015-088

Mr. McClendon appeared before the Commission. He explained that he had resigned from the Ridgetop Planning Commission in January and did not think he was required to file. Mr. Traugher made the motion to take no action and Mr. Jaynes seconded. The motion passed 5-0.

Betty Ann Allgood – 2015-053

Wayne Henry – 2015-054

Gene Gammons – 2015-059

Walter Peggs, Sr. -2015-060

Gary Melton – 2015-063

George Clemmer – 2015-065

Carolyn Hall – 2015-056

John Allen Anderson – 2015-058

Jerry Sharp – 2015-061

Wayne Brackeen – 2015-064

Lenford Carr – 2015-066

Billy Dorris – 2015-067

Johnny Frank Patrick – 2015-068

Vonda Weir – 2015-069

James Lee – 2015-071

James Saylor – 2015-073

Stanley Wheeler – 2015-074

Clifford Allen Nail, Jr. – 2015-084

Walter L. Evans – 2015-094

James O. Hastings - 2015-124

Tabitha Denney – 2015-082

Kimberly Martin – 2015-070

John H. Barnes, Jr. – 2015-072

Todd Wade – 2015-0075

Brian Harbin – 2015-076

Jason A. McCord – 2015-077

Marcia Allen – 2015-078

Robert Bailey – 2015-079

Ronnie Dillard – 2015-080

Jerry Day – 2015-081

Kelsey Ketron – 2015-083

Harold Davis – 2015-085

Robert Foster – 2015-086

Allen Collins – 2015-099

Gerald McGee – 2015-127

Christie Glover – 2015-128

Steven Brad Griffey – 2015-089

Oneal Stanford – 2015-092

Carlisle Mitchum, III – 2015-095

James Beasley, Jr. – 2015-096

Cliff Jennings – 2015-097

Walter Cress – 2015-098

Jerry Choate – 2015-100

Greg Brooks – 2015-101

Steve Guinn – 2015-111

Andrew J. Pruitte, Jr. – 2015-112

Barbara F. Parker – 2015-115

Clark Bates – 2015-102

Timothy E. Brock – 2015-093

Hal Knight – 2015-103

William Vogle – 2015-104

Gregory Horton – 2015-105

Reid C. Yates – 2015-106

Clifford Kohlmeyer – 2015-107

Ken Mitchum – 2015-108

Russell L. Leonard – 2015-109

Ray Grove – 2015-110

Norris Colvert – 2015-113

Moses Freeman – 2015-114

Gary Wayne Dalton – 2015-117

Tim Pauley – 2015-120

Bobby Moten – 2015-116

John Clark – 2015-118

Earl Lee Garvin – 2015-121

Bobby L. Coutts, Jr. – 2015-122

Zorrick Beard – 2015-125

Carl Wayne Koch – 2015-119

Randy Roberts – 2015-123

Eddie Cook – 2015-126

Henry Clay Sneed – 2015-130

Gary D. Kee – 2015-129

Mr. Stranch made the motion to take no action against the above filers who were from one to seven penalty days late filing. Mr. Hardeman seconded and the motion passed 5-0.

John Roberts – 2015-132
Marilyn Campbell Rodman – 2015-131
Dennis Brennan – 2015-133
Amy Johnson – 2015-134
Dwight Johnson – 2015-135
Timothy Morris – 2015-157

Jim Hollandsworth – 2015-136
Teri Steele – 2015-137
McCaw Johnson – 2015-163
Bob Rial – 2015-138
Raymond Runions – 2015-139
Tony Hawn – 2015-164

Mr. Hardeman made the motion to take no action against the above filers who were from eight to fourteen penalty days late. Mr. Traughber seconded and the motion passed 5-0.

Jack McMahan – 2015-140
Gerald Franklin Clark – 2015-141
Derrick Dalton – 2015-142

Gary D. Deaton – 2015-147
Janet Evans – 2015-148
John Long – 2015-149

Mr. Hardeman made the motion to take no action against the above filers who were in the category of fifteen to thirty days late, but had provided statements explaining the tardiness of the filings. Mr. Stranch seconded and the motion passed 5-0.

Walker L. Jones – 2015-143
Dwight Henry – 2015-145
Ricky Whitaker – 2015-146
Magdalene Hampton – 2015-158

No statements were submitted for consideration by the above filers. Mr. Hardeman made the motion to assess a \$50 penalty against each filer for not timely filing. Mr. Stranch seconded and the motion passed 5-0.

Terry Hailey – 2015-144

No statement was submitted for consideration by Mr. Hailey. Mr. Hardeman made the motion to assess a \$100 penalty against Mr. Hailey for not timely filing (21 penalty days late). Mr. Stranch seconded. Because this was the second time Mr. Hailey has been assessed for late filing, Mr. Hardeman amended his motion to assess \$200. Mr. Stranch seconded and the motion passed 5-0.

Michael Hillard – 2015-166
Stacey Weeks – 2015-150

Mark Farrar – 2015-165
Robert Markli – 2015-152

Mr. Stranch made the motion to assess no penalty against the above filers who were less than 50 days late and provided statements. Mr. Traughber seconded and the motion passed 5-0.

Jack Clark – 2015-172

Mr. Clark submitted a statement for consideration. Mr. Hardeman made the motion to take no action against Mr. Clark for not timely filing (65 penalty days late). Mr. Stranch seconded and the motion passed 5-0.

Gary Tinch – 2015-180
Dickie Hart – 2015-154

Both Mr. Tinch and Mr. Hart submitted statements for consideration. Mr. Hardeman made the motion to take no action because it was the first time either filer had been late (each were 72 penalty days late). Mr. Traughber seconded and the motion passed 5-0.

Donna Boggs – 2015-151
Jay Bradshaw – 2015-153
James Morgan – 2015-156

None of the above filers provided statements explaining their late filings (39, 44, and 69 penalty days late). Mr. Hardeman made the motion to assess a \$100 penalty against each. Mr. Jaynes seconded and the motion passed 5-0.

David Perkins – 2015-171
Diane Savage – 2015-178
Kenny Mayo – 2015-175
Jesse B. Bowman – 2015-183

None of the above filers provided statements explaining their late filings (75, 54, 73, and 65 penalty days late). Mr. Hardeman made the motion to assess a \$100 penalty against each. Mr. Stranch seconded and the motion passed 5-0.

Christopher Howard – 2015-176
Michael Kevin Kent – 2015-181
Tom Anderson – 2015-182

The above filers provided statements explaining their late filings (89, 86, 69 penalty days late). Mr. Hardeman made the motion to take no action and Mr. Traugher seconded. The motion passed 5-0.

Bryan Voyles – 2015-167
Bill Cochran – 2015-170
Melanie Green – 2015-174
Don Petty – 2015-177
Ray Tanner – 2015-179

None of the above filers filed the Statement of Interests. Mr. Hardeman made the motion to assess a \$1,000 penalty each and Mr. Jaynes seconded. The motion passed 5-0.

James Barker – 2015-184

Mr. Barker did not file the Statement of Interests. Because this is the second time Mr. Barker has been assessed a penalty, Mr. Hardeman made the motion to assess \$1,000. Mr. Stranch seconded and the motion passed 5-0.

Margaret Muenstermann – 2015-186

Ms. Muenstermann did not file the Statement of Interests. Because this is the second time Ms. Muenstermann has been assessed a penalty for failure to file, Mr. Jaynes made the motion to assess \$2,500. Mr. Hardeman seconded and the motion passed 5-0. The Commission directed the staff to bring this matter back to the Commission before referring it to the Attorney General's office in the event Ms. Muenstermann did not pay the penalty.

Informal Civil Penalty Assessment – Lobbyists

Chris Ford – 2015-020

Mr. Ford did not provide a statement for consideration. Mr. Stranch made the motion to assess a \$50 penalty for failure to timely register (23 penalty days late). Mr. Jaynes seconded and the motion passed 5-0.

Michael McGovern – 2015-021

Mr. McGovern provided a statement for consideration. Mr. Stranch made the motion to assess a \$50 penalty for failure to timely register (over 30 penalty days late). Mr. Hardeman seconded and the motion passed 5-0.

William Nolan – 2015-017

William Nolan – 2015-018

Mr. Nolan provided a statement for consideration. Mr. Hardeman made the motion to take no action for failure to timely pay registration fees (5 days late each). Mr. Traughber seconded and the motion passed 5-0.

Ruth Allen – 2015-019

Ms. Allen provided a statement for consideration. Mr. Hardeman made the motion to take no action for failure to timely pay the registration fee (over 30 days late). Mr. Traughber seconded and the motion passed 5-0.

Informal Civil Penalty Assessment – Employers Lobbyists

Air Evac EMS – 2015-022

Norandal – 2015-023

Both Air Evac EMS and Norandal provided statements explaining the failure to timely register (6 and 9 penalty days late). Mr. Hardeman made the motion to take no action and Mr. Jaynes seconded. The motion passed 5-0.

Farm Credit Mid-America – 2015-026

Farm Credit Mid-America – 2015-042

Tom Lee, lobbyist for Farm Credit Mid-America, appeared before the Commission and explained the circumstances that led to not timely registering (over 30 penalty days late) and not timely filing the expenditure report (15 penalty days late). Mr. Hardeman made the motion to take no action and Mr. Traughber seconded. The motion passed 5-0.

Rx Development Associates – 2015-024

Well Child, Inc. – 2015-029

Well Child, Inc. – 2015-160

Well Child, Inc. – 2015-038

Elizabeth Millsaps, lobbyist, appeared before the Commission and explained the circumstances that led to Rx Development Associates to not timely registering (9 penalty days late) and why Well Child did not timely pay registration fees (5 penalty days late) and file the expenditure report (5 penalty days late). Ms. Millsaps assured the Commission that her firm now has procedures in place to follow up with their clients on lobbying compliance issues. Mr. Traughber made the motion to take no action and Mr. Jaynes seconded. The motion passed 5-0.

Brentwood Services – 2015-025

Brentwood Services – 2015-159

Brentwood Services – 2015-037

Everett Sinor, General Counsel for Brentwood Services, appeared before the Commission and explained why Brentwood Services was late registering (9 penalty days late) and filing the expenditure report (5 penalty days late). He also submitted a written statement. Mr. Stranch made the motion to take no action and Mr. Traugher seconded. The motion passed 5-0.

Tennessee Captive Insurance Association – 2015-027

Kevin Doherty appeared on behalf of the Association. He also submitted a written statement. Mr. Doherty explained the actions that led to late registration (over 30 penalty days late). Mr. Stranch made the motion to take no action and Mr. Traugher seconded. The motion passed 5-0.

DEA Corporation – 2015-028

Tracy O'Neill, lobbyist for DEA, submitted a statement explaining the late payment of registration fee (1 penalty day late). Mr. Stranch made the motion to take no action and Mr. Hardeman seconded. The motion passed 5-0.

Maxim Healthcare Services – 2015-030

Maxim Healthcare Services – 2015-161

Maxim Healthcare Services – 2015-162

Maxim Healthcare Services provided a statement explaining the late payment of the three registration fees (over 30 penalty days late). Mr. Hardeman made the motion to assess a \$50 penalty on each late payment (\$150 total). Mr. Stranch seconded and the motion passed 5-0.

Leconte Village – 2015-131

Tennessee Citizen Action – 2015-032

LeConte Village and Tennessee Citizen Action provided statements explaining the late filing of the expenditure reports (1 penalty day late). Mr. Stranch made the motion to take no action and Mr. Hardeman seconded. The motion passed 5-0.

Rialto Capital Management – 2015-034

A statement was submitted on behalf of Rialto Capital Management explaining why the expenditure report was not timely filed (2 penalty days late). The Commission also received a check for \$50. Mr. Hardeman made the motion to accept the check and assess a \$50 penalty. Mr. Traugher seconded and the motion passed 5-0.

McKesson Corporation – 2015-039

Midtown Consulting Group – 2015-048

Statements were received by both employers explaining why the expenditure reports were not timely filed (9 and 10 penalty days late). Mr. Jaynes made the motion to take no action and Mr. Hardeman seconded. The motion passed 5-0.

TN Construction Coalition – 2015-033

Automated Health Systems – 2015-035

Both employers of lobbyists were 2 penalty days late filing the expenditure report. Mr. Stranch made the motion to take no action and Mr. Traugher seconded. The motion passed 5-0.

Maxim Healthcare Services – 2015-036

A statement was submitted explaining why the expenditure report was not timely filed (3 penalty days late). Mr. Hardeman made the motion to take no action and Mr. Jaynes seconded. The motion passed 5-0.

TN Assn. of Professional Bail Agents – 2015-040

Mr. Hardeman made the motion to take no action for the late filing of the expenditure report (8 penalty days late). Mr. Stranch seconded and the motion passed 5-0.

TN Farm Winegrowers Alliance – 2015-041

Mr. Stranch made the motion to take no action for the late filing of the expenditure report (30 penalty days late). Mr. Hardeman seconded and the motion passed 5-0.

Exile Co. – 2015-043

Mr. Jaynes made the motion to assess a \$750 penalty because the expenditure report had not been filed. Mr. Hardeman seconded and the motion passed 5-0.

A-1 Interlocks – 2015-044

Mr. Hardeman made the motion to assess a \$750 penalty because the expenditure report had not been filed. Mr. Traughber seconded and the motion passed 5-0.

Nolensville Retail No. 41 – 2015-045

Tracy O'Neill, lobbyist for DEA, submitted a statement explaining that there were no expenses to report. Because the expenditure report had not been filed, Mr. Hardeman made the motion to assess a \$750 penalty and Mr. Traughber seconded. The motion passed 5-0.

Tennessee Recovery & Monitoring – 2015-046

Mr. Jaynes made the motion to assess a \$750 penalty because the expenditure report had not been filed. Mr. Hardeman seconded and the motion passed 5-0.

Other Business

Drew Rawlins, Executive Director of the Bureau, explained that he had been contacted by the Attorney General's office regarding a case referred for payment. William Swearingen, 2014-164, had been assessed \$1,000 for failure to file the Statement of Interests. The Attorney General's office contacted Mr. Swearingen. Mr. Swearingen's health care provider submitted a statement that Mr. Swearingen is in poor health and has not been able to work. Mr. Stranch made the motion to direct the Attorney General's office not to proceed with collection. Mr. Jaynes seconded and the motion passed 5-0.

Mr. Traughber asked that, with the Commission's agreement, the following statement be entered into record:

We want to thank the staff for their excellent work. They provide the Commission with all the information we need to make informed decisions. The staff strives to accomplish the main goals of the Commission which include timely filing of all required reports and providing this information to the public.

The staff works hard to ensure that all filers have the information they need to file required reports. In addition, they assist all filers that require additional help. As evidenced by the remarks in the responses the Commission receives, the staff is professional and helpful in providing this assistance.

The staff ensures that all information filed with our office is made available to the public in a timely manner. In addition, the staff is always available to assist the public in locating and understanding this information.

The Commission concurred.

There being no other business before the Commission, the meeting adjourned.

DRAFT