

# REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, June 11, 2014, at Suite 104 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Presiding over the meeting was Chairperson Patricia Heim. Attending the meeting were board members Kent Coleman, Tom Lawless and Justin Pitt. Norma Lester participated via telephone.

## *Approval of Meeting Minutes*

On motion by Lawless, seconded by Lester, the board voted unanimously to approve the minutes from the April 9, 2014 regular board meeting.

## *Requests for Reconsideration*

**11-39 Jannie Foster**, for failure to file a 2011 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Foster has had a previous matter before the board. (see below)

The board voted at its April 13, 2011 meeting to issue Ms. Foster a show cause notice.

The board voted at its May 11, 2011 meeting to assess Ms. Foster a \$10,000 civil penalty. Ms. Foster requested a reconsideration of the \$10,000 civil penalty assessment.

Ms. Foster filed the required report, which closed her campaign account, and provided a statement for the board's consideration.

On motion by Coleman, seconded by Lester, the board voted 4 to 1 to reconsider the \$10,000 civil penalty assessment, with Lawless voting "no." A motion was made by Lester, seconded by Coleman, to reduce the civil penalty from \$10,000 to \$0. The motion to reduce the civil penalty from \$10,000 to \$0 failed the board 3 to 2, with Lawless and Pitt voting "no." A motion was then made by Heim, seconded by Coleman, to assess Ms. Foster a \$50 civil penalty. The motion to assess Ms. Foster a \$50 civil penalty passed the board 4 to 1, with Lawless voting "no."

**11-49 Jannie Foster**, for failure to file a 2011 1<sup>st</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Foster has had a previous matter before the board. (see above)

The board voted at its June 15, 2011 meeting to issue Ms. Foster a show cause notice.

The board voted at its August 10, 2011 meeting to assess Ms. Foster a \$10,000 civil penalty assessment. Ms. Foster requested a reconsideration of the \$10,000 civil penalty assessment.

Ms. Foster filed the required report, which closed her campaign account, and submitted a statement for the board's consideration.

On motion by Coleman, seconded by Lester, the board voted 4 to 1 to reconsider the \$10,000 civil penalty assessment, with Lawless voting “no.” A motion was made by Lester, seconded by Coleman, to reduce the civil penalty from \$10,000 to \$0. The motion to reduce the civil penalty from \$10,000 to \$0 failed the board 3 to 2, with Lawless and Pitt voting “no.” A motion was then made by Heim, seconded by Coleman, to assess Ms. Foster a \$50 civil penalty. The motion to assess Ms. Foster a \$50 civil penalty passed the board 4 to 1, with Lawless voting “no.”

### ***Statements Submitted***

***14-08 Tennessee Commercial Real Estate PAC***, for failure to file a 2013 year-end supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had no previous matters before the board.

The board voted at its April 9, 2014 meeting to issue the organization a show cause notice.

Donna Williams, treasurer for the organization, filed the required report and submitted a statement for the board’s consideration.

On motion by Pitt, seconded by Lawless, the board voted unanimously to take no further action in this matter.

***14-09 Tennessee Insurance PAC***, for failure to file a 2013 year-end supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had no previous matters before the board.

The board voted at its April 9, 2014 meeting to issue the organization a show cause notice.

Jeff Anderson, treasurer for the organization, filed the required report, submitted a statement and personally appeared before the board to explain the failure to file the required report.

On motion by Pitt, seconded by Lawless, the board voted unanimously to take no further action in this matter.

### ***Cases Subject to Approval of Civil Penalty Order***

***14-12 Keith Clotfelter***, for failure to file a 2013 year-end supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Clotfelter has had no previous matters before the board.

The board voted at its April 9, 2014 meeting to issue Mr. Clotfelter a show cause notice.

Director Rawlins informed the board that the report has been filed, which closed out his campaign account, but that there has been no response to the show cause notice.

On motion by Lawless, seconded by Lester, the board voted unanimously to take no further action in this matter.

**14-13 Bobby Scott**, for failure to file a 2013 year-end supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Scott has had previous matters before the board.

The board voted at its April 9, 2014 meeting to issue Mr. Scott a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

A motion was made by Lester, seconded by Lawless, to assess Mr. Scott a \$10,000 civil penalty. Lester then amended the motion, not accepted by Lawless, to assess Mr. Scott a \$25 civil penalty. Lester's amended motion to assess Mr. Scott a \$25 civil penalty was then seconded by Pitt. The motion to assess Mr. Scott a \$25 civil penalty passed the board 4 to 1, with Lawless voting "no."

**14-11 Steven Turner**, for failure to file a 2013 year-end supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Turner has had previous matters before the board.

The board voted at its April 9, 2014 meeting to issue Mr. Turner a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Lawless, seconded by Pitt, the board voted unanimously to assess Mr. Turner a \$2,000 civil penalty.

**14-05 American Party**, for failure to file a 2013 year-end supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board.

The board voted at its April 9, 2014 meeting to issue the organization a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Pitt, seconded by Lawless, the board voted 4 to 1 to take no further action in this matter, with Coleman voting "no."

**14-06 Republicans of Overton County**, for failure to file a 2013 year-end supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had a previous matter before the board.

The board voted at its April 9, 2014 meeting to issue the organization a show cause notice.

Director Rawlins informed the board that the report has been filed but that there has been no response to the show cause notice.

A motion was made by Lawless, seconded by Lester, to assess the organization a \$500 civil penalty. Lawless then amended the motion, accepted by Lester, to assess the organization a \$100 civil penalty. The motion to assess the organization a \$100 civil penalty passed the board unanimously.

**14-07 Tennesseans for Liberty PAC**, for failure to file a 2013 year-end supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had no previous matters before the board.

The board voted at its April 9, 2014 meeting to issue the organization a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Heim, seconded by Lester, the board voted unanimously to assess the organization a \$2,000 civil penalty.

**14-10 Zeneca Inc. PAC**, for failure to timely file a 2013 year-end supplemental campaign financial disclosure report. Class one (1), 11 days late, maximum two hundred seventy-five (\$275) civil penalty. The organization has had previous matters before the board.

The board voted at its April 9, 2014 meeting to issue the organization a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice.

On motion by Pitt, seconded by Lawless, the board voted unanimously to assess the organization a \$150 civil penalty.

## ***Sworn Complaints***

### ***Hugh Dupree***

Director Rawlins provided the board with a sworn complaint filed with the Registry from Endre B. Zongor against Hugh Dupree.

On motion by Lawless, seconded by Heim, the board voted issue a show cause notice.

### ***Amy Cook Puckett***

Director Rawlins provided the board with a sworn complaint filed with the Registry from Gail L. Chessor against Amy Cook Puckett.

Ms. Puckett and Eric Istre, treasurer for Ms. Puckett, personally appeared before the board.

On motion by Pitt, seconded by Coleman, the board voted 4 to 0 to take no action, with Lawless “abstaining.”

## ***Cases Considered for Issuance of Show Cause Notice***

**Bryant Dunaway**, for failure to timely file a 2014 pre-primary campaign financial disclosure report. Class one (1), nine days late, maximum two hundred twenty-five (\$225) civil penalty. Mr. Dunaway has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

**Forest Durard, Jr.**, for failure to timely file a 2014 1<sup>st</sup> quarter campaign financial disclosure report. Class one (1), three days late, maximum seventy-five (\$75) civil penalty. Mr. Durard has had no previous matters before the board.

On motion by Heim, seconded by Lawless, the board voted unanimously to take no action.

**Patti Garner**, for failure to file a 2014 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Garner has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

**Joy Kimbrough**, for failure to file a 2014 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Kimbrough has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

**Clifford Lewis**, for failure to file a 2013 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Lewis has had previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

**Quincy McKnight**, for failure to file a 2014 1<sup>st</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. McKnight has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

**Antonio Parkinson**, for failure to timely file a 2014 1<sup>st</sup> quarter campaign financial disclosure report. Class one (1), three days late, maximum seventy-five (\$75) civil penalty. Rep. Parkinson has had a previous matter before the board.

On motion by Heim, seconded by Lawless, the board voted unanimously to take no action.

**Mary Pruitt**, for failure to file a 2013 annual year-end supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Pruitt has had previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

**Edwin Sadler**, for failure to file a 2014 pre-primary campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Sadler has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

**John Duncan**, for failure to timely file a 2013 year-end supplemental campaign financial disclosure report with the Knox County Election Commission. Class one (1), ten days late, maximum two hundred fifty (\$250) civil penalty. Mr. Duncan has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

**Joe Hulquist**, for failure to timely file a 2013 year-end supplemental campaign financial disclosure report with the Knox County Election Commission. Class one (1), nine days late, maximum two hundred twenty-five (\$225) civil penalty. Mr. Hulquist has had a previous matter before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

**Buffalo PAC**, for failure to timely file a 2014 1<sup>st</sup> quarter campaign financial disclosure report. Class one (1), three days late, maximum seventy-five (\$75) civil penalty. The organization has had previous matters before the board.

On motion by Heim, seconded by Lawless, the board voted unanimously to take no action.

**D&S PAC, Inc.**, for failure to timely file a 2014 1<sup>st</sup> quarter campaign financial disclosure report. Class one (1), five days late, maximum one hundred twenty-five (\$125) civil penalty. The organization has had no previous matters before the board.

On motion by Heim, seconded by Lawless, the board voted unanimously to take no action.

**Memphis Convention and Visitors Bureau PAC**, for failure to file a 2014 1<sup>st</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

**Shelby County Democratic Executive Committee**, for failure to file a 2013 year-end supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

*Support Tennessee Grapes and Wines*, for failure to file a 2013 year-end supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

*Tennesseans for Liberty PAC*, for failure to file a 2014 1<sup>st</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. The organization has had no previous matters before the board.

On motion by Heim, seconded by Pitt, the board voted unanimously to issue a show cause notice.

### ***Audit Review***

#### ***Robert Childers***

On motion by Pitt, seconded by Lester, the board voted 4 to 0 to approve Judge Childers' 2013 year-end supplemental campaign finance audit with the included finding, with Lawless "abstaining."

On motion by Pitt, seconded by Lester, the board voted 4 to 0 to take no action in this matter, with Lawless "abstaining."

#### ***Charles Smith***

On motion by Pitt, seconded by Lester, the board voted 4 to 0 to approve Judge Smith's 2013 year-end supplemental campaign finance audit with the included finding, with Lawless "abstaining."

A motion was made by Heim, seconded by Pitt, to issue Judge Smith a show cause notice. The motion to issue Judge Smith a show cause notice passed the board 3 to 1, with Coleman voting "no" and Lawless "abstaining."

#### ***David Wolfe***

On motion by Lester, seconded by Heim, the board voted 4 to 0 to approve Mr. Wolfe's 2013 year-end supplemental campaign finance audit with the included finding, with Lawless "abstaining."

A motion was made by Lester, seconded by Heim, to issue Mr. Wolfe a show cause notice. The motion to issue Mr. Wolfe a show cause notice passed the board 3 to 1, with Coleman voting "no" and Lawless "abstaining."

### ***Cross Indexing Report***

Director Rawlins provided the board with a cross indexing report which contains contributions reported as being given by PACs but not reported by candidates for the 2013 mid-year supplemental and year-end supplemental reporting periods. Director

Rawlins informed the board that the list contained only those that exceeded the exemptions contained in T.C.A. §2-10-110.

The following candidates failed to report PAC contribution(s) on their original campaign financial disclosure statements:

- Steven Dickerson
- Barry Doss
- Jeremy Faison
- G. A. Hardaway
- Bill Ketron
- Judd Matheny
- Randy McNally
- Doug Overbey
- Johnny Shaw
- Michael Sparks
- Ryan Williams

On motion by Pitt, seconded by Lester, the board voted unanimously to issue a show cause notice to the following candidates:

- Barry Doss
- G. A. Hardaway
- Judd Matheny
- Michael Sparks

On motion by Pitt, seconded by Lester, the board voted 4 to 0 to issue a show cause notice to the following candidate, with Lawless “abstaining:”

- Bill Ketron

### ***Other Business***

- Director Rawlins informed the board that the Registry had received an anonymous complaint.
- Director Rawlins provided the board with a copy of a sworn complaint filed with Williamson County District Attorney’s Office by Nathan Johnson against local candidate Kevin Muse.

The complaint alleged that Mr. Muse failed to file an Appointment Political Treasurer form. The District Attorney determined that Mr. Muse filed the Appointment of Treasurer with the Williamson County Election Commission and thus complied with campaign finance statutes.

The District Attorney forwarded a copy of the complaint to the Registry.

On motion by Lawless, seconded by Pitt, the board voted unanimously to take no action in this matter.

### ***Executive Director's Report***

- After discussion, on motion by Lawless, seconded by Pitt, the board voted unanimously to approve Bureau staff raises.

Without objection, the board voted unanimously to schedule the next Registry meeting for August 13, 2014.

On motion by Lawless, seconded by Heim, the board voted unanimously to adjourn the meeting until the next regularly scheduled meeting.