



## **2008 Random Audit Report for Lobbyist Frederick Congdon**

Pursuant to T.C.A. § 3-6-308(a)(7), on June 24, 2008, the name of registered lobbyist Mr. Frederick Congdon was randomly drawn for audit. The audit of Mr. Congdon was conducted in the offices of the Tennessee Ethics Commission, 201 4<sup>th</sup> Avenue North, 18<sup>th</sup> Floor, Nashville, Tennessee 37219. The audit was conducted by Assistant General Counsel, Willow E. Fort.

### **SUMMARY OF FINDINGS:**

All requested documentation was provided by Mr. Congdon and the only violation of Ethics Reform Act of 2006 was the late registration of Mr. Congdon's employer.

### **EMPLOYER**

Mr. Congdon is employed as an in-house lobbyist by the Association of County Mayors ("Association").

### **REGISTRATION:**

The Association is Mr. Congdon's sole employer. Mr. Congdon completes the registrations and lobbying disclosure reports for the Association.

By statute, employers of lobbyists and lobbyists must register within seven (7) days after entering into an agreement to become an employer or a lobbyist, respectively. Mr. Congdon registered as a lobbyist on January 2, 2008, and the Association registered as an employer of a lobbyist on May 19, 2008. The Association registered four (4) months after Mr. Congdon. Mr. Congdon explained that he completes the Association's registrations, and did not timely register them because he thought registration was complete after he registered as a lobbyist for the Association. Mr. Congdon indicated he now understands that registrations must be completed for both himself as a lobbyist and his employer as the employer of a lobbyist.

### **CONTRACT:**

Mr. Congdon has an oral employment contract with the Association. To verify the oral contract, Mr. Congdon provided the name and contact information of the president of the Association, Mr. Franklin Smith.

Mr. Congdon reported that his reimbursement and/ or pay were in no way contingent upon success.

**FAMILY OR BUSINESS ARRANGEMENTS WITH PUBLIC OFFICIALS:**

Mr. Congdon reported he had no business or familial relationships with persons who are officials in the legislative branch, officials in the executive branch, or any candidate for public office.

**TRAINING:**

Mr. Congdon attended the required training last year on June 19, 2007. Mr. Congdon has completed his 2008 training on May 16, 2008. The Commission has received payment for this 2008 training.

**AMOUNTS REPORTED BY LOBBYIST AND EMPLOYER:**

Mr. Congdon reports that his job description includes many tasks other than lobbying. He stated that his job includes non-lobbying duties such as attending meetings on behalf of the Association, acting as a spokesman for the Association on matters related to local government, and acting as a liaison between the Association and governmental agencies.

Mr. Congdon submitted a letter from his personal auditor which stated his total salary for the last disclosure period. In addition, Mr. Congdon submitted bank statements from the Association indicating the amount he was paid each month.

The Association reported spending between twenty-five thousand dollars (\$25,000) and fifty thousand dollars (\$50,000) on lobbyist compensation within Tennessee during the last reporting period. The expense reports submitted indicate the Association paid Mr. Congdon an amount in excess of these amounts during this same period. Mr. Congdon indicates his compensation is in excess of the amount reported by the Association as many of his job duties are non-lobbying related.

The Association reported spending less than ten thousand dollars (\$10,000) on lobbying related expenses during the last reporting period. Mr. Congdon did not indicate the Association reimbursed or in any way compensated him for any lobbying-related expenses and he provided nothing to the Commission indicating he was compensated in this way.

**IN-STATE EVENTS:**

Mr. Congdon reported neither he nor his employer had expenditures for events within Tennessee.

Report Completed by:

Willow Eden Fort /emr  
Willow Fort  
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Ethics Commission