

2021 Lobbyist Registration Audit of Charles Cagle

FINDING(S)

- 1. Charles Cagle failed to timely register for two employers.**

EMPLOYER(S)

- Tennessee Association of Independent Schools
- TN Organization of School Superintendents

REGISTRATION(S)

Charles Cagle works for a firm which contracts to provide lobbying services for several clients. Charles Cagle registered as a lobbyist for two employers during 2021. Based on the audit documentation, Charles Cagle failed to timely registered both lobbying relationships. The details of these registrations are in the subsequent paragraphs.

Tennessee Association of Independent Schools

Charles Cagle and the related firm contracted with the Tennessee Association of Independent Schools for lobbying and other services for 2021. The lobbying relationship was established with an engagement letter. The letter provided by the lobbyist for 2021 was dated and signed in 2012. The lobbyist and employer had a registered lobbying relationship in the 2020 year. The employer then registered for the current year on January 8, 2021. Based on this data, the lobbyist and employer had a continuing relationship from 2020 to 2021. Therefore, Charles Cagle had to register by January 8, 2021, to be within seven days required by statute. The lobbyist did not register until February 23, 2021, 46 days late.

The Bureau's records also indicated that the Ethics Specialist noted that the employer had registered in January but that the lobbyist had yet to file. As such the Bureau staff sent a notice to Charles Cagle concerning the one-sided registration on January 22, 2021. As no registration had still occurred, the notice was followed-up with a certified notice sent on February 22, 2021, indicating this should be resolved within seven days of the notice. Charles Cagle then registered the following day on February 23, 2021. The lobbyist also noted in the records provided that no lobbying services were provided for the client in 2021, however, neither the employer nor the lobbyist ever withdrew their registration indicating the relationship was, at minimum, in case lobbying services were needed.

The audit assessment of timely registration does not consider whether the lobbyist or entity meet the definition of a lobbyist or employer after registration. The audit process is to determine that the registered lobbyist and employer had an agreement that lobbying services may be provided in 2021 and when a registration would be required by statute based on those agreements. Thus the 43 days noted in the opening paragraph is the days late based on that data. The notice process in the subsequent paragraph describes a procedural process to help lobbyist and employers' complete compliance in certain instances. In this case, those processes made the registration timely for those notices (1-day after receipt of notice) based on the five-day certified notice letter. However, as the audits are based on timeliness of the registration based on statutory

basis the finding is being presented along with all circumstances surrounding the registration for the TEC Members consideration.

TN Organization of School Superintendents

Charles Cagle and the related firm contracted with the TN Organization of School Superintendents for lobbying and other services for 2021. The lobby relationships were established with an engagement letter. The letter provided by the lobbyist for 2021 being signed by both parties with the last signature dated July 30, 2021 (The letter was dated May 26, 2021). However, the lobbyist and employer had a registered lobbying relationship in the prior year. The employer then early registered for the current year on December 15, 2020, indicating the relationship was continuing from the prior period. The lobbyist then registered on January 11, 2021, well ahead of the agreement provided (also indicating the relationship was a continuation of the prior year). Based on this data, it appears the lobbyist and employer had a continuing relationship from 2020 to 2021. Therefore, Charles Cagle had to register by January 8, 2021, to be within seven days required by statute. As noted, the lobbyist did not register until January 11, 2021, 3 days late.

Similar to above, the lobbyist noted in the records provided that no lobbying services were provided for the client in 2021, however, neither the employer nor the lobbyist ever withdrew their registration indicating the relationship was at minimum in case such services were needed.

Based on review of the Bureau of Ethics and Campaign Finance's lobbyist records, Charles Cagle paid all registration fees

LOBBYING AGREEMENT(S)

Based on a review of the audit documentation provided, Charles Cagle was a contracted lobbyist employed by a firm. The firm had written contracts or letters of understanding with each employer (The contracts were all signed by Charles Cagle). The terms of the contracts appear to be within the statutes for lobbying activities including having no terms for contingency payments based on lobbying success.

FAMILY OR BUSINESS ARRANGEMENTS WITH PUBLIC OFFICIALS

Charles Cagle reported no business or familial relationships with persons who were officials in the legislative branch or officials in the executive branch.

TRAINING

Based on review of the Bureau of Ethics and Campaign Finance's lobbyist records, Charles Cagle completed required lobbyist training for the 2021 registration year and paid all training fees.