Tennessee Ethics Commission

Minutes of August 9, 2007

Pursuant to the call of Chairman Thomas J. Garland, the Tennessee Ethics Commission ("Commission") met on Thursday, August 9, 2007 at 9:00 a.m. in the auditorium of the Tennessee State and Archives in Nashville, Tennessee.

The following members were present: Thomas J. Garland (Chair), R. Larry Brown, Donald J. Hall, Linda W. Knight, and Dianne F. Neal. Commissioner Benjamin S. Purser, Jr. was absent.

Chairman Garland called the meeting to order at 9:17 a.m. Chairman Garland announced that Commissioner Purser was absent and that Anne Turner, General Counsel to the Commission, was also absent. Ms. Turner joined the meeting later. Chairman Garland also announced that the Commission received a request to defer Advisory Opinion 07-03.

Chairman Garland called for approval of the June 27 and June 28 minutes. Commissioner Neal proposed that the Minutes of the June meeting could not be changed sufficiently to correct them and that, she would be willing to work with the staff to correct. Commissioner Garland recommended to defer approval and so moved. Commissioner Hall seconded the motion which passed unanimously.

Next, Chairman Garland recognized Bruce Androphy to present the Executive Director's report. Mr. Androphy discussed the status of the lobbyist ethics training; late employer filings, lobbyist audits, the budget, and the lease of office space.

Commissioner Neal asked that the Executive Director submit the training evaluations for Commission review given the Commission's need to have a baseline for determination of the fee and how the training might better serve those under the Commission's jurisdiction. Commissioner Hall and Commissioner Garland voiced their approval of the suggestion. The matter was put to a vote and passed unanimously.

The Commission next considered Advisory Opinion 07-02, (**Interpretation of T.C.A. § 3-6-305(b)(6) with respect to Members of the Legislature participating in a charitable event in which their cost of attending is paid for by an employer of a lobbyist.**) Commissioner Hall moved for adoption of the advisory opinion to include Commissioner Knight's suggested edits. Commissioner Neal seconded. Mr. Androphy suggested another edit and Commissioner Hall moved to accept that change. Commissioner Neal seconded. The motion carried unanimously.

The next item on the agenda was the release of two pending documents requests to the public. Chairman Garland asked for a motion and Commissioner Brown made the motion

to release the requested documents. Commissioner Hall seconded and the motion carried unanimously.

The Commission next considered rule changes (**Chapter 0580-1-2, Access to Public Records of the Tennessee Ethics Commission**) as proposed by the Attorney General's office. Commissioner Neal made a motion to adopt the changes. Commissioner Hall seconded and the motion passed unanimously.

The next item considered was the Adjudicatory Proceeding Rules (**Chapter 0580-1-3, Rules Pertaining to Administrative Sanctions and Complaint Proceedings of the Tennessee Ethics Commission**). Commissioners Knight and Neal submitted written comments and questions to the Adjudicatory Rules. Commissioner Hall opened discussion of the Rules based upon his reading of the statute. After discussion, the Rules were determined to be, at least in part, contrary to the Ethics Reform Act. The Commission asked that the Rules be redrafted to incorporate the agreed-upon issues.

The next item discussed was the Commission's ability to waive the lobbyist registration fee, which would be an amendment to the rules. Commissioner Hall proposed that the Commission may reduce the fee if approved by a majority of Commissioners present. Commissioner Neal moved for adoption; Commissioner Brown seconded; and the motion passed unanimously.

The Commission considered Advisory Opinion 07-04 (**Interpretation of T.C.A. §§ 2-10-122, 2-10-125, and 2-10-126 with respect to the filing of a Sworn Disclosure of Consulting Services by a legislative employee who is a minority stockholder in a company that may contract with the state**). Commission Hall moved to adopt the advisory opinion as amended by Commissioner Knight; there was a second, and the motion carried unanimously.

Advisory Opinion 07-05 (**Interpretation of T.C.A. §§ 3-6-304(j) with respect to the application of the ban of lobbyist campaign contributions to state officials who are candidates for federal or local elected offices, and with respect to candidates for Governor and the General Assembly**) was next considered. Chairman Garland recognized Bill Mason, Executive Director of Tennessee Citizen Action, for comments. Commissioner Knight amended the advisory opinion and moved for adoption; Commissioner Hall seconded; and the motion carried unanimously.

The Commission next considered Advisory Opinion 07-06 (**Interpretation of T.C.A. § 3-6-301(8) as to whether an employer of a lobbyist must register for a lobbyist that was not directly retained or authorized to provide lobbying services**). Commissioner Neal moved for adoption as amended by Commissioner Knight; Commissioner Knight seconded; and the motion carried unanimously.

Advisory Opinions 07-07 and 07-08 were deferred in order to receive more facts from the requestors of the opinions.

Advisory Opinion 07-09 (**interpretation of T.C.A. § 3-6-301(15) with respect to the Greater Nashville Regional Council and the Regional Transportation Authority as "employers of lobbyists", and to the registration of their legal counsel as a "lobbyist"**) was next considered. Commissioner Knight made the motion to adopt the opinion; Commissioner Hall seconded; and the motion passed unanimously.

The Commission next considered the "Guiding Principles of Ethical Conduct for Lobbyists and Employers of Lobbyists." Commissioner Knight moved for adoption of the Guiding Principles; Commissioner Hall seconded, and the motion passed unanimously.

The next Commission meeting was scheduled for Thursday, September 27, 2007, at 8:00 a.m. with an alternate date of Wednesday, September 26, 2007.

Chairman Garland adjourned the meeting at 1:18 p.m.

Respectfully submitted,

Rebecca Bradley

Rebecca Bradley