

# REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, May 13, 2009, at Suite 104 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Presiding over the meeting was Chairperson Wade Hinton. Attending the meeting were board members George Harding, Patricia Heim, William Long and Darlene McNeece.

On motion by Heim, seconded by McNeece, the board voted unanimously to approve the minutes from the April 8, 2009 regular board meeting.

## ***Reconsideration***

***08-65 Kevin Fisher***, for failure to file a 2008 3<sup>rd</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Fisher has had previous matters before the board. (see below)

The board voted at its December 17, 2008 meeting to issue Mr. Fisher a show cause notice.

Without objection, at the board's January 14, 2009 meeting, action in this matter was deferred until the next regularly scheduled meeting to allow Mr. Fisher an opportunity to receive the show cause notice.

The board did not receive a response to the show cause notice and the report still had not been filed.

The board voted at its February 11, 2009 meeting to assess Mr. Fisher a \$10,000 civil penalty assessment. Mr. Fisher requested a reconsideration of the assessment via telephone.

Director Rawlins informed the board that the report has been filed but that the Registry had not received a statement from Mr. Fisher formally requesting the reconsideration.

On motion by Long, seconded by Heim, the board voted unanimously to take no action without prejudice in this matter.

***08-69 and 08-70 Democratic Resource Center, (Originally 08-69)*** for failure to file a 2008 3<sup>rd</sup> quarter 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 December 17, 2008 meeting to issue the organization a show cause notice.

Without objection, at the board's January 14, 2009 meeting, action in this matter was deferred until the next regularly scheduled meeting to allow the organization an opportunity to receive the show cause notice.

The board did not receive a response to the show cause notice and the report still had not been filed.

**(Originally 08-70)** For failure to file a 2008 pre-general 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 December 17, 2008 meeting to issue the organization a show cause notice.

Without objection, at the board's January 14, 2009 meeting, action in this matter was deferred until the next regularly scheduled meeting to allow the organization an opportunity to receive the show cause notice.

The board did not receive a response to the show cause notice and the report still had not been filed.

**(Cases Combined)** The board voted at its February 11, 2009 meeting to combine cases 08-69 and 08-70 and assess the organization a \$10,000 civil penalty. The organization requested a reconsideration of the assessment.

The organization filed the report and submitted a statement and an affidavit for the board's consideration.

On motion by Heim, seconded by McNeece, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. On motion by Heim, seconded by McNeece, the board voted unanimously to reduce the civil penalty assessment from \$10,000 to \$0.

### ***Sworn Statements Submitted***

**09-26 Tennessee Anesthesiologists PAC**, for failure to file a 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), report not filed, maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board.

The board voted at its April 8, 2009 meeting to issue the organization a show cause notice.

The organization filed the report and submitted a sworn statement for the board's consideration.

On motion by Heim, seconded by Long, the board voted unanimously to combine cases 09-26 and 09-27 and assess the organization a \$5,000 civil penalty.

**09-27 Tennessee Anesthesiologists PAC**, for failure to correct a 2008 3<sup>rd</sup> quarter campaign financial disclosure report. Class two (2), report not corrected, maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board.

The board voted at its April 8, 2009 meeting to issue the organization a show cause notice.

The organization filed the corrected report and submitted a sworn statement for the board's consideration.

On motion by Heim, seconded by Long, the board voted unanimously to combine cases 09-26 and 09-27 and assess the organization a \$5,000 civil penalty.

**09-29 Washington County Republican Executive Committee**, for failure to timely file a 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class one (1), eight

days late, maximum two hundred (\$200) civil penalty. The organization has had previous matters before the board.

The board voted at its April 8, 2009 meeting to issue the organization a show cause notice.

The organization submitted a sworn statement for the board's consideration.

A motion was made by Harding to take no further action in this matter. The motion to take no further action died for a lack of a second. A motion was made by Long, seconded by McNeece, to assess the organization a \$200 civil penalty. The motion to assess the organization a \$200 civil penalty passed the board unanimously.

**09-31 Jimmy Naifeh**, for failing to report 3 PAC contributions on his 2008 pre-general and 4<sup>th</sup> quarter campaign financial disclosure reports. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Naifeh has had no previous matters before the board.

The board voted at its April 8, 2009 meeting to issue Rep. Naifeh a show cause notice.

Rep. Naifeh submitted a statement for the board's consideration.

On motion by Long, seconded by Harding, the board voted 4 to 1 to take no further action in this matter, with McNeece voting "no."

**09-32 Becky Ruppe**, for failing to report 1 PAC contribution on her 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Ms. Ruppe has had a previous matter before the board.

The board voted at its April 8, 2009 meeting to issue Ms. Ruppe a show cause notice.

Ms. Ruppe submitted a statement for the board's consideration.

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

**09-33 Tim Barnes**, for failing to report 4 PAC contributions on his 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Sen. Barnes has had previous matters before the board.

The board voted at its April 8, 2009 meeting to issue Sen. Barnes a show cause notice.

Elisabeth Klein, treasurer for Sen. Barnes, submitted a sworn statement for the board's consideration.

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

**09-34 Glen Casada**, for failing to report 6 PAC contributions on his 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Casada has had previous matters before the board.

The board voted at its April 8, 2009 meeting to issue Rep. Casada a show cause notice.

Rep. Casada submitted a statement for the board's consideration.

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

**09-35 Steve Southerland**, for failing to report 13 PAC contributions on his 2008 year-end supplemental campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Sen. Southerland has had no previous matters before the board.

The board voted at its April 8, 2009 meeting to issue Sen. Southerland a show cause notice.

Sen. Southerland personally appeared before the board and submitted a statement for the board's consideration.

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

**09-36 Curry Todd**, for failing to report 4 PAC contributions on his 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Todd has had a previous matter before the board.

The board voted at its April 8, 2009 meeting to issue Rep. Todd a show cause notice.

Rep. Todd submitted a statement for the board's consideration.

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

**09-37 Friends of the University of Memphis PAC**, for failing to report 1 expenditure on its 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

The board voted at its April 8, 2009 meeting to issue the organization a show cause notice.

Charlotte Traicoff, treasurer for the organization, submitted a sworn statement for the board's consideration.

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

**09-38 Metro Memphis Hotel & Lodging PAC**, for failing to report 1 expenditure on its 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had a previous matter before the board.

The board voted at its April 8, 2009 meeting to issue the organization a show cause notice.

The organization submitted a statement for the board's consideration.

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

**09-39 Tennessee Fire Sprinkler Contractors PAC**, for failing to report 7 expenditures on its 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2),

maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

The board voted at its April 8, 2009 meeting to issue the organization a show cause notice.

Larry Michael Ulrey, treasurer for the organization, submitted a sworn statement for the board's consideration.

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

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

**09-19 Bill Brown**, for failure to file a 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), report not filed, maximum ten thousand (\$10,000) civil penalty. Mr. Brown has had a previous matter before the board.

The board voted at its April 8, 2009 meeting to issue Mr. Brown 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 Long, seconded by McNeece, the board voted unanimously to assess Mr. Brown a \$10,000 civil penalty.

**09-20 Tim Cook**, for failure to file a 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), report not filed, maximum ten thousand (\$10,000) civil penalty. Mr. Cook has had a previous matter before the board.

The board voted at its April 8, 2009 meeting to issue Mr. Cook a show cause notice.

Randy Hendon, treasurer for Mr. Cook, submitted a statement for the board's consideration.

On motion by, seconded by, the board voted unanimously to assess Mr. Cook a \$10,000 civil penalty.

**09-21 Timothy Cook, Jr.**, for failure to file a 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), report not filed, maximum ten thousand (\$10,000) civil penalty. Mr. Cook has had a previous matter before the board.

The board voted at its April 8, 2009 meeting to issue Mr. Cook 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 McNeece, the board voted unanimously to assess Mr. Cook a \$10,000 civil penalty.

**09-22 Kevin Fisher**, for failure to file a 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), report not filed, maximum ten thousand (\$10,000) civil penalty. Mr. Fisher has had previous matters before the board.

The board voted at its April 8, 2009 meeting to issue Mr. Fisher a show cause notice.

Director Rawlins informed the board that Mr. Fisher filed the 3<sup>rd</sup> quarter report showing a \$0 balance and therefore does not owe the 4<sup>th</sup> quarter report.

On motion by Harding, seconded by Heim, the board voted unanimously to dismiss the show cause notice.

**09-23 Schree Pettigrew**, for failure to file a 2008 year-end supplemental campaign financial disclosure report. Class two (2), report not filed, maximum ten thousand (\$10,000) civil penalty. Ms. Pettigrew has had a previous matter before the board.

The board voted at its April 8, 2009 meeting to issue Ms. Pettigrew 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 McNeece, the board voted unanimously to assess Ms. Pettigrew a \$10,000 civil penalty.

**09-24 Rachel Ray**, for failure to file a 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), report not filed, maximum ten thousand (\$10,000) civil penalty. Ms. Ray has had a previous matter before the board.

The board voted at its April 8, 2009 meeting to issue Ms. Ray 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 Long, seconded by Heim, the board voted unanimously to assess Ms. Ray a \$10,000 civil penalty.

**09-28 TNAMB PAC**, for failure to timely file a 2008 4<sup>th</sup> quarter campaign financial disclosure report. Class one (1), 22 days late, maximum five hundred fifty (\$550) civil penalty. The organization has had a previous matter before the board.

The board voted at its April 8, 2009 meeting to issue the organization a show cause notice.

Brian Short, treasurer for the organization, submitted a sworn statement for the board's consideration.

On motion by Long, seconded by McNeece, the board voted unanimously to assess the organization a \$50 civil penalty.

**09-30 Ty Cobb**, for failing to report 2 PAC contributions on his 2008 pre-general campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Cobb has had no previous matters before the board.

The board voted at its April 8, 2009 meeting to issue Rep. Cobb a show cause notice.

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

A motion was made by Long, seconded by McNeece to assess Rep. Cobb a \$250 civil penalty. A friendly amendment was made by Heim, accepted by Long and

McNeece, to assess Rep. Cobb a \$500 civil penalty. The motion to assess Rep. Cobb a \$500 civil penalty passed the board unanimously.

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

***Cheatham Taxpayers for United Government***, for failure to file a 2008 4<sup>th</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.

Director Rawlins informed the board that the Registry has been unable to locate the organization and requested that the PAC be closed.

On motion by Harding, seconded by Long, the board voted unanimously to take no action in this matter and authorize Director Rawlins to close the organization's PAC account with the Registry.

***Tennessee Respiratory Therapy PAC***, for failure to file a 2008 4<sup>th</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 McNeece, the board voted unanimously to issue the organization a show cause notice.

### ***Reported Financial Expenses***

Director Rawlins provided the board members with a list of civil penalties that have been paid year to date.

Director Rawlins presented the expenditure reports for the 2008/2009 fiscal year through March 31, 2009.

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

- Director Rawlins discussed pending legislation with the Board.
- A copy of a sworn complaint against Sen. Tim Barnes was passed out to the board. Director Rawlins explained that the sworn complaint was received after the agenda was created and that the complaint would appear on the Registry's next agenda.

### ***Other Business***

Long, seconded by Heim, made a motion, to adjourn the meeting until the next regularly scheduled meeting. The motion passed unanimously.