

# REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, September 5, 2012, at Suite 104 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Presiding over the meeting was Chairperson Justin Pitt. Attending the meeting were board members Henry Fincher, Patricia Heim, Darlene McNeece and Lee Anne Murray.

## *Approval of Meeting Minutes*

On motion by Heim, seconded by Murray, the board voted unanimously to amend the minutes from the August 8, 2012 regular board meeting to accurately reflect a civil penalty assessment made in the matter of Paul Berney. The motion to approve the minutes, as amended, for the August 8, 2012 meeting passed the board unanimously.

## *Show Cause Hearings*

**12-26 Truth Matters PAC**, for using a conduit and not informing the recipients of the original source of the contributions. Class two (2), maximum ten thousand (\$10,000) civil penalty per violation. The organization has had no previous matters before the board.

The board voted at its August 8, 2012 meeting to issue the organization a show cause notice.

Andrew W. Miller, Jr. and Tracy Miller, treasurer for the organization, personally appeared before the board and stated that they had received contribution pledges from other individuals but that they had not received those contributions before the end of the pre-primary reporting period. Mr. Miller provided copies of checks from those contributors and also stated that the contributors were willing to provide written documentation if needed.

On motion by Fincher, seconded by Heim, the board voted unanimously to postpone consideration in this matter until the next regularly scheduled meeting to allow Mr. Miller a chance to consult with legal counsel and respond to the allegations.

**12-27 Andrew W. Miller, Jr.**, for exceeding the individual contribution limits by use of a conduit. Class two (2), maximum ten thousand (\$10,000) civil penalty per violation. Mr. Miller has had no previous matters before the board.

The board voted at its August 8, 2012 meeting to issue Mr. Miller a show cause notice.

Mr. Miller personally appeared before the board and explained that Truth Matters PAC had received four additional contributions, totaling \$49,500, since the filing of the Pre-Primary Campaign Financial Disclosure report. In addition, Mr. Miller explained that the individuals making the contributions had committed to making the contributions

to Truth Matters PAC during the Pre-Primary reporting period but did not actually make the contributions until after the end of the Pre-Primary reporting period.

On motion by Fincher, seconded by Heim, the board voted unanimously to postpone consideration in this matter until the next regularly scheduled meeting to allow Mr. Miller a chance to consult with legal counsel and respond to the allegations.

### ***Sworn Complaint***

Director Rawlins provided the board with a sworn complaint from Pamela G. Strickland against Mayor Tim Burchett for possible campaign finance violations.

Director Rawlins informed the board that the complaint went to the Knox County District Attorney's Office but that the District Attorney had forwarded the complaint to the Registry without investigation.

Director Rawlins further informed the board that the complaint alleges various violations of the campaign finance statute which was documented by several newspaper articles.

Steven Zralik, representative for Mayor Burchett, personally appeared before the board.

A motion was made by Fincher, seconded for discussion by Heim, to postpone consideration of this matter until the next regularly scheduled meeting to allow both parties a chance to both respond and supplement the sworn complaint. A motion to amend was made by Pitt, seconded by Heim, to request that Registry staff conduct an audit on Mayor Burchett's 2010 election campaign. Pitt then withdrew the motion. The original motion by Fincher, seconded by Heim, to postpone consideration of this matter until the next regularly scheduled meeting to allow both parties a chance to both respond and supplement the sworn complaint failed the board 2 to 3, with Heim, Murray and Pitt voting "no." A motion was then made by Pitt, seconded by Murray, to issue Mayor Burchett a show cause notice. The motion to issue Mayor Burchett a show cause notice passed the board 4 to 1, with Fincher voting "no."

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

***Marion County Women's Democratic Club***, for failure to timely file a 2012 pre-primary campaign financial disclosure report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. The organization has had a previous matter before the board.

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

***Republicans of Overton County (ROC)***, for failure to timely file a 2012 2<sup>nd</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 Pitt, the board voted unanimously to take no action.

***Support Tennessee Grapes and Wines***, for failure to timely file a 2012 2<sup>nd</sup> quarter campaign financial disclosure report. Class one (1), six days late, maximum one hundred fifty (\$150) civil penalty. The organization has had previous matters before the board.

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

***Tennessee Mortgage Bankers PAC***, for failure to timely file a 2012 pre-primary campaign financial disclosure report. Class one (1), two days late, maximum fifty (\$50) civil penalty. The organization has had previous matters before the board.

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

***TOOL PAC***, for failure to timely file a 2012 pre-primary campaign financial disclosure report. Class one (1), two days late, maximum fifty (\$50) civil penalty. The organization has had no previous matters before the board.

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

***Zeneca Inc. PAC***, for failure to timely file a 2012 2<sup>nd</sup> quarter campaign financial disclosure report. Class one (1), nine days late, maximum two hundred twenty-five (\$225) civil penalty. The organization has had previous matters before the board.

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

***Charles Bone***, for failure to timely file a 2012 mid-year supplemental campaign financial disclosure report. Class one (1), 11 days late, maximum two hundred seventy-five (\$275) civil penalty. Mr. Bone has had a previous matter before the board.

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

***Charlotte Burks***, for failure to file a 2012 mid-year supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Senator Burks has had no previous matters before the board.

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

***Lee Frank***, for failure to timely file a 2012 mid-year supplemental campaign financial disclosure report. Class one (1), five days late, maximum one hundred twenty-five (\$125) civil penalty. Mr. Frank has had previous matter before the board.

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

***Randall McKee***, for failure to timely file a 2012 2<sup>nd</sup> quarter campaign financial disclosure report. Class one (1), 16 days late, maximum four hundred (\$400) civil penalty. Mr. McKee has had no previous matters before the board.

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

**Bobby Scott**, for failure to timely file a 2012 mid-year supplemental campaign financial disclosure report. Class one (1), three days late, maximum seventy-five (\$75) civil penalty. Mr. Scott has had previous matters before the board.

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

**Robert Spence, Jr.**, for failure to file a 2012 mid-year supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Spence has had previous matters before the board.

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

**Anita Tipton**, for failure to file a 2012 2<sup>nd</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Ms. Tipton has had no previous matters before the board.

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

**Ed Warren**, for failure to file a 2012 mid-year supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Warren has had no previous matters before the board.

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

**Jonathan White**, for failure to timely file a 2012 mid-year supplemental campaign financial disclosure report. Class one (1), one day late, maximum twenty-five (\$25) civil penalty. Mr. White has had no previous matters before the board.

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

### ***Other Business***

Without objection, the board voted unanimously to schedule the next Registry meeting for October 23, 2012.

Without objection, the board voted unanimously to adjourn the meeting until the next regularly scheduled meeting.