

Tennessee Ethics Commission
November 9, 2010
Minutes

The Tennessee Ethics Commission met on Tuesday, November 9, 2010 at 9:00 a.m. at the Bureau of Ethics and Campaign Finance office. Commissioners Larry Brown, Linda Knight, Dianne Neal, and Tammy White were present. Commissioner Brown called the meeting to order at 9:25.

The first order of business was to elect a chairperson. Commissioner Knight nominated Commissioner Neal and Commissioner White seconded. The nomination was approved 4-0.

August 31, 2010 Minutes

Commissioner White moved to approve the minutes and Commissioner Brown seconded. The motion passed 4-0.

Requests for Reconsideration

Jay Kalbes – 2010-091 (Candidate for State House)

Mr. Kalbes was present and addressed the Commission. Commissioner Knight made the motion to reduce the \$750 penalty imposed at the August 31, 2010 meeting to \$500. Commissioner Brown seconded and the motion failed 3-1 with Commissioner Neal voting no. Commissioner Neal voted to assess no penalty based upon the fact that had Mr. Kalbes been technically able to withdraw he would have done so. Commissioner White seconded and the motion to assess no penalty passed 4-0.

Darrell K. Moore – 2010-136 (Candidate for Local Office)

Mr. Moore was present and requested the Commission to reconsider the \$3,000 penalty assessed at the August 31, 2010 meeting. Commissioner Knight moved to assess no penalty and Commissioner Brown seconded. The motion passed 4-0.

Howard Switzer – 2010-096 (Candidate for Governor)

Mr. Switzer requested reconsideration of the \$50 civil penalty assessed at the August 31, 2010 meeting. Commissioner Knight moved to deny the request for reconsideration and Commissioner White seconded. The motion passed 4-0.

Coleman Thompson – 2010-137 (Candidate for Local Office)

Mr. Thompson requested reconsideration of the \$3,000 civil penalty assessed at the August 31, 2010 meeting. Commissioner Knight moved to reduce the penalty to \$250 and Commissioner Brown seconded. The motion passed 4-0.

Scott Allen – 2010-147 (Candidate for Local Office)

Mr. Allen requested reconsideration of the \$2,000 civil penalty assessed at the August 31, 2010 meeting. Commissioner White moved to reduce the penalty to \$125 and Commissioner Knight seconded. The motion passed 4-0.

Danny Shelton – 2010-131 (Candidate for Local Office)

Mr. Shelton requested reconsideration of the \$2,500 civil penalty assessed at the August 31, 2010 meeting. Commissioner Knight moved to reduce the penalty to \$400 and Commissioner Brown seconded. The motion passed 4-0.

Scott D. Guy – 2010-144 (Candidate for Local Office)

Mr. Guy requested reconsideration of the \$2,000 civil penalty assessed at the August 31, 2010 meeting. Commissioner Knight moved to reduce the penalty to \$500 and Commissioner Neal seconded. The motion passed 4-0.

William Jason Kemmer – 2010-154 (Candidate for Local Office)

Mr. Kemmer requested reconsideration of the \$25 civil penalty assessed at the August 31, 2010 meeting. Commissioner Brown moved to assess no penalty and Commissioner White seconded. The motion passed 4-0.

Janice Birchfield – 2010-124 (Candidate for Local Office)

Ms. Birchfield requested reconsideration of the \$750 civil penalty assessed at the August 31, 2010 meeting. Commissioner Brown made the motion to assess no penalty and Commissioner Neal seconded. The motion failed 3-1 with Commissioner Knight voting no. Commissioner Knight moved to reduce the penalty to \$100 and Commissioner Brown seconded. The motion passed 4-0.

Dennis Houser – 2010-035 (Local Officeholder)

Mr. Houser's first request for reconsideration of a May 26, 2010 assessment of \$2,000 was granted and reduced to \$500 at the August 31, 2010 meeting. Mr. Houser requested reconsideration of the \$500 assessment. Commissioner Knight moved to deny reconsideration and Commissioner Neal seconded. The motion was approved 4-0.

Marion Hawn – 2010-34 (Local Officeholder)

This was Mr. Hawn's second request for reconsideration. Mr. Hawn had been assessed a \$2,000 penalty at the May 26, 2010 meeting. He asked for reconsideration at the August 31, 2010 meeting and the penalty was reduced to \$500. Commissioner Knight made the motion to deny reconsideration and Commissioner Brown seconded. The motion was approved 4-0.

Michael Warmesley – 2010-154 and 2010-155 (Lobbyist)

Mr. Warmesley requested reconsideration of the \$750 civil penalty assessed for each violation. Commissioner Knight moved to assess no penalty and Commissioner Brown seconded. The motion passed 4-0.

Reginald Milton – 2010-134 (Candidate for Local Office)

Mr. Milton requested reconsideration of the \$1,500 penalty assessed at the August 31, 2010 meeting. Commissioner Knight moved to reduce the penalty to \$250 and Commissioner Brown seconded. The motion passed 4-0.

Mike Creasy – 2010-128 (Candidate for Local Office)

Mr. Creasy requested reconsideration of the \$2,000 civil penalty assessed at the August 31, 2010 meeting. Commissioner Brown moved to reduce the penalty to \$250 and Commissioner Knight seconded. The motion passed 4-0.

Lester Bolton – 2010-146 (Candidate for Local Office)

Mr. Bolton requested reconsideration of the \$10,000 penalty assessed at the August 31, 2010 meeting. Commissioner Brown moved to reduce the penalty to \$250 and Commissioner Knight seconded. The motion passed 4-0.

Tish Beck – 2010-138 (Candidate for Local Office)

Ms. Beck requested reconsideration of the \$3,000 penalty assessed at the August 31, 2010 meeting. Commissioner Knight moved to assess no penalty and Commissioner Neal seconded. The motion passed 4-0.

Assessments – Lobbyists

William L. (Chip) Smith – 2010-157

Commissioner Knight made the motion to assess Mr. Smith a \$25 civil penalty for failure to timely pay a registration fee. Commissioner White seconded and the motion passed 4-0.

Assessments – Statement of Interests – Officeholders

James Bradshaw – 2010-053

Commissioner Brown made the motion to assess a \$175 civil penalty for failure to timely file the Statement of Interests. Commissioner Neal seconded and the motion was approved 4-0.

Kenneth Cheatham- 2009-050

Mr. Cheatham was assessed a Class 1 penalty of \$750 in the August 20, 2009 meeting. Mr. Cheatham requested a reconsideration. In the October 15, 2009 meeting, the penalty was reduced to \$250 and no Class 2 penalty would be assessed if the Class 1 as paid in 30 days. In the May 26, 2010 meeting, the Commission postponed a decision on a Class 2 penalty until a future meeting.

Commissioner Knight moved to assess a total penalty (Class 1 and Class 2) of \$3,000. Motion failed for lack of a second. Commissioner White made the motion to assess a Class 2 penalty of \$500 for a total of \$750. Commissioner Brown seconded and the motion passed 4-0.

Donald Evans – 2009-58

Mr. Evans was assessed a Class 1 penalty of \$750 in the August 20, 2009 meeting. On August 15, 2009, he was assessed a Class 2 penalty of \$6,750. Mr. Evans requested a reconsideration of the civil penalties. On May 26, 2010, the Commission reduced the Class 1 penalty to \$650 and deferred reconsideration of the Class 2 penalty until a future meeting.

Commissioner Knight moved to not reconsider the Class 2 penalty because the Class 1 penalty had not been paid. The motion failed for lack of a second. Commissioner Brown made the motion to assess a total penalty of \$1,000 and Commissioner White seconded. The motion passed 4-0.

Assessments – Local Candidates

Fred J. McNabb – 2010-158

Commissioner Knight moved to assess a \$25 penalty and Commissioner White seconded. The motion passed 4-0.

Scott Hembree – 2010-161

Gary Scott Mantooth – 2010-164

Shawna C. Mashburn – 2010-160

Randall Lee Spurling – 2010-159

Elizabeth Jean Hammons – 2010-162

Casey W. Carver – 2010-170

Commissioner White made the motion to assess the above candidates from Polk County a \$25 civil penalty because of confusion of where to file their statements. Commissioner Neal seconded and the motion passed 4-0.

Donald L. McIntyre – 2010-057

Commissioner White made the motion to assess a \$50 civil penalty and Commissioner Knight seconded. The motion passed 4-0.

Taurus Bailey – 2010-165

Commissioner Brown recused himself from this case. As there were only 3 other members present, this case will be presented at the next Commission meeting.

Ivie E. Hobson – 2010-183

Commissioner Knight moved to assess a \$37.50 penalty and then amended her motion to assess \$25.00. Commissioner White seconded and the motion passed 4-0.

Rebecca C. Iaquina – 2010-163

Commissioner White made the motion to assess a \$100 penalty and Commissioner Knight seconded. The motion was approved 4-0.

Mark Carlton – 2010-059

Commissioner Knight made the motion to assess no penalty. Commissioner White seconded and the motion passed 4-0.

Chris Speck – 2010-166

Commissioner Knight made the motion to assess a \$250 civil penalty and Commissioner Brown seconded. The motion was approved 4-0.

Steven A. Sloan – 2010-167

Commissioner Knight made the motion to assess a \$1,000 civil penalty. Commissioner Brown seconded and the motion was approved 4-0.

James Gary Runyan – 2010-168

Commissioner Knight made the motion to assess a \$1,000 civil penalty. Commissioner Brown seconded and the motion was approved 4-0.

Edward Luttrell – 2010-169

Commissioner Brown moved to assess a civil penalty of \$100 and Commissioner Neal seconded. The motion was approved 4-0.

Thomas A. Jellison – 2010-171

Commissioner Knight moved to assess a civil penalty of \$2,000 and Commissioner Brown seconded. The motion was approved 4-0.

Delmar L. Spence – 2010-172

Commissioner Brown moved to assess a civil penalty of \$2,000 and Commissioner Knight seconded. The motion was approved 4-0.

Robert Lee Taylor – 2010-174

Commissioner Knight moved to assess a civil penalty of \$2,000 and Commissioner Brown seconded. The motion was approved 4-0.

Johnny Carlton Davis – 2010-176

Commissioner Brown moved to assess a civil penalty of \$2,000 and Commissioner Knight seconded. The motion was approved 4-0.

Harold Jackson – 2010-177

Commissioner Knight made the motion to assess no penalty. Commissioner Brown seconded and the motion was approved 4-0.

Tim Garrett – 2010-173

Commissioner Knight made the motion to assess a penalty of \$5,000. Commissioner Brown offered an amendment to assess \$3,000. The amendment was accepted by Commissioner Knight. The motion was seconded by Commissioner White and approved 4-0.

Patricia King – 2010-175

Commissioner Brown made the motion to assess a \$5,000 civil penalty and Commissioner Neal seconded. The motion was approved 4-0.

Ronald Bess – 2010-179

Commissioner Brown made the motion to assess a civil penalty of \$1,000. Commissioner Neal seconded and the motion passed 4-0.

Roger Spence – 2010-181

Commissioner Brown made the motion to assess a \$5,000 civil penalty and Commissioner White seconded. The motion was approved 4-0.

Shawn Beckham – 2010-182

Commissioner Brown made the motion to assess a \$5,000 civil penalty and Commissioner White seconded. The motion was approved 4-0.

Jason E. Cole – 2010-129

Commissioner Brown made the motion to assess a \$5,000 civil penalty and Commissioner White seconded. The motion was approved 4-0.

There being no other business before the Commission, the meeting adjourned.