

Tennessee Ethics Commission
May 26, 2010
Minutes

The Tennessee Ethics Commission met on Wednesday, May 26, 2010 at 9:00 a.m., at the Bureau of Ethics and Campaign Finance office. Commissioners R. Larry Brown, John K. King, Linda W. Knight, and Dianne F. Neal were present. Chairman Brown called the meeting to order at 9:15 a.m.

Election of Chair

Chairman Brown opened the floor for nominations. Commissioner Knight nominated Commissioner King and Commissioner Neal seconded the nomination. The nomination passed unanimously.

October 15, 2009 Minutes

Commissioner Knight moved to approve the minutes and Commissioner Brown seconded. The minutes were unanimously approved.

Penalty Assessment Proceedings - Reconsideration Requests

Kenneth Cheatham, 2009-050

Commissioner Knight moved to rescind the previous assessment of \$250 and reinstate the \$750 assessment. The motion was seconded and passed 4-0. Chairman King moved to reduce the Class 1 penalty to \$250.00 and postpone a decision on Class 2 until the July meeting or first meeting thereafter. Commissioner Neal seconded and the motion passed 4-0.

Donald Evans, 2009-58

Commissioner Brown moved to reduce the Class 1 penalty from \$750 to \$650. Chairman King seconded and the motion passed 4-0. Commissioner Knight moved to defer reconsideration of the Class 2 penalty to July or the first meeting thereafter. Chairman King seconded and the motion passed 4-0.

Marc Harris, 2009-32

Commissioner Knight moved to deny reconsideration of the \$750 class 1 penalty and Commissioner Brown seconded. The motion passed 4-0. Chairman King moved to reduce the Class 2 penalty from \$9250 to \$1750. Commissioner Brown seconded and the motion passed 4-0.

Danny Hartsfield, 2009-44

Commissioner Knight moved to deny reconsideration of the Class 1 \$125 penalty. Commissioner Neal seconded the motion passed 4-0.

Treva Maitland, 2009-13

Commissioner Neal moved to deny reconsideration of the Class 1 \$750 penalty because Ms. Maitland had been late on previous filings and eliminate the Class 2 penalty of \$6250. Commissioner Brown seconded and the motion passed 4-0.

The Commission next considered cases of those present at the meeting.

Penalty Assessment Proceedings – Lobbyists

William Owen – 2010-045

Commissioner Neal moved to assess a \$125 penalty and Commissioner Knight seconded. The motion passed 4-0.

Penalty Assessment Proceedings – Officeholders

Elvis White – 2010-041

Commissioner Brown moved to assess a \$100 Class 1 penalty and no Class 2 penalty. Commissioner Neal seconded and the motion passed 4-0.

The Commission discussed the timing of lobbyists and employers of lobbyists registrations. Staff requested the discussion because of issues involved with lobbyists' audits. In Advisory Opinion 06-01, the Commission opined that "A lobbyist must register within seven (7) days after entering into an agreement or arrangement with an employer to provide lobbying services." Mark Greene, lobbyist for the Tennessee Lobbyist Association, addressed the Commission. Chairman King stated that the Commission's policy is that new clients will be required to register within seven days of being engaged or when the system allows registration for the new registration year. The Commission also adopted the policy, on a trial basis, of allowing registration for 2011 to begin on December 1, 2010.

The Commission broke for lunch and reconvened at 1:45.

Penalty Assessment Proceedings – Employers of Lobbyists

Ragan Smith – 2010-005

Commissioner Knight moved to assess a \$25 penalty for failure to timely register. Chairman King seconded and the motion passed 4-0.

TN Men's Health Network – 2010-003

Commissioner Knight moved to assess a \$25 penalty for failure to timely pay registration fee. Chairman King seconded and the motion passed 4-0.

General Electric Company – 2010-004

Commissioner Brown moved to assess a \$175 penalty for failure to timely pay registration fee. Chairman King seconded and the motion passed 4-0.

LKQ Corporation – 2010-002

Commissioner Knight moved to assess a \$250 penalty for failure to timely register and Chairman King seconded. The motion passed 4-0.

Ritchie Power Sports, LLC – 2010-007

Chairman King declared a business interest with Ritchie Power and Mr. Wilson Ritchie. The matter was postponed until more members are present so that Chairman King can recuse himself.

Penalty Assessment Proceedings – Lobbyists

Michael Leventhal – 2010-006

Chairman King moved to assess a \$25 penalty for failure to timely pay the registration fee and Commissioner Brown seconded. The motion passed 4-0.

Patrick Fosbinder – 2010-001

Commissioner Knight moved to assess a \$75 penalty for failure to timely register. Chairman King seconded and the motion passed 4-0.

Douglas Jones – 2010-043

Commissioner Knight moved to assess no penalty for failure to timely pay registration fee because Mr. Jones was a volunteer for the Assn. for the Preservation of Tennessee Antiquities and received no compensation or reimbursement. Chairman King seconded and the motion passed 4-0.

Douglas Jones – 2010-044

Commissioner Neal made the motion to assess a penalty of \$750 for failure to timely pay registration fee and Chairman King seconded. The motion passed 4-0.

Penalty Assessment Proceedings – Officeholders – Failure to Timely File Statement of Interests

Dale Brandon – 2010-008

Stevie Clark – 2010-009

Jerry Dryden – 2010-010

Andy Honeycutt – 2010-011

Chairman King moved for the assessment of \$25 penalty for each and Commissioner Knight seconded. The motion passed 4-0.

Commissioner Brown made the motion to waive 1 day penalties in the future if there was no prior history and the motion was seconded. The motion passed 4-0.

William Lawson – 2010-012

Chairman King moved to assess no penalty. Commissioner Brown seconded and the motion passed 4-0.

Robert Dale Morton – 2010-013

William Peach – 2010-014

Chairman King moved to assess a \$25 penalty and Commissioner Brown seconded. The motion passed 4-0.

Ronald J. Eydtt – 2010-015

Jason J. Fite – 2010-016

Chairman King moved to assess a \$50 penalty each and Commissioner Brown seconded. The motion passed 4-0.

Frank Gibbs – 2010-017

Commissioner Knight moved that no penalty be assessed. Commissioner Brown seconded and the motion passed 4-0.

Kevin Isbell – 2010-018

Rhonda Turner – 2010-019

Chairman King moved to assess a \$50 penalty each and Commissioner Neal seconded. The motion passed 4-0.

Frank Baker – 2010-020

Terry Hailey – 2010-021

Commissioner Knight moved to assess a \$100 penalty. Commissioner Brown seconded and the motion passed 4-0.

John D. Henderson – 2010-023

Commissioner Brown moved to assess a \$125 penalty and Chairman King seconded. The motion passed 4-0.

Kenneth Evans – 2010-024

Commissioner Brown moved to waive the penalty and Commissioner Neal seconded. The motion passed 4-0.

Sandra Shockley – 2010-025

Commissioner Brown moved to assess a \$150 penalty and Chairman King seconded. The motion passed 4-0.

Perry Smith – 2010-027

Commissioner Knight moved to assess no penalty and Chairman King seconded. The motion passed 4-0.

Mark Weaver – 2010-028

Chairman King moved to assess no penalty and Commissioner Knight seconded. The motion passed 4-0.

Joyce McCoy – 2010-029

Commissioner Knight moved to assess a \$250 penalty and Chairman King seconded. The motion passed 4-0.

J. Bennett – 2010-030

Chairman King moved to assess a \$750 Class 1 penalty and a \$9250 Class 2 penalty for a total of \$10,000. The motion was seconded and passed 4-0.

Jorene Choate – 2010-031

Chairman King moved to assess a \$750 Class 1 penalty and a \$9250 Class 2 penalty for a total of \$10,000. Commissioner Brown seconded and the motion passed 4-0.

Jerry Ford – 2010-032

Chairman King moved to assess a \$750 Class 1 penalty and a \$9250 Class 2 penalty for a total of \$10,000. Commissioner Brown seconded and the motion passed 4-0.

Marion Hawn – 2010-034

Dennis Houser – 2010-035

Commissioner Knight made the motion to assess a \$750 Class 1 penalty and a \$4250 Class 2 penalty on each. Chairman King offered an amendment to the motion to assess \$750 Class 1 and \$1250 Class 2 for a total of \$2,000. Commissioner Knight accepted the amendment. Commissioner Brown seconded the motion as amended and the motion passed 4-0.

Bill Lockett – 2010-036

Commissioner Knight made the motion to assess Class 1 and Class 2 penalties for a total of \$10,000. Commissioner Neal seconded and the motion passed 4-0.

Stan O'Neal – 2010-038

Chairman King moved to assess a \$750 Class 1 penalty and a \$9250 Class 2 penalty for a total of \$10,000. Commissioner Brown seconded and the motion passed 4-0.

Mary Annette Smith – 2010-039

Chairman King moved to assess a \$750 Class 1 penalty and a \$9250 Class 2 penalty for a total of \$10,000. Commissioner Brown seconded and the motion passed 4-0.

Bufford Swafford – 2010-040

Chairman King moved to assess a \$750 Class 1 penalty and a \$125 Class 2 penalty. Commissioner Brown seconded and the motion passed 4-0.

Roosevelt Whitfield – 2010-042

Commissioner Brown moved to assess a \$750 Class 1 penalty and a \$1250 Class 2 penalty. The motion was seconded and passed 4-0.

After setting the next meeting for June 14, 2010, the Commission adjourned at 4:05 p.m.