

STATE OF TENNESSEE



BUREAU OF ETHICS AND CAMPAIGN FINANCE TENNESSEE ETHICS COMMISSION

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Charles Traughber, Chair
Tammy S. White, Secretary
Stacey Floyd-Thomas
Duane Gilbert
Lynn Richardson
Martin G. McCain

EXECUTIVE DIRECTOR

Bill Young

TENNESSEE ETHICS COMMISSION

Public Meeting Minutes

May 9, 2023

The Tennessee Ethics Commission met Tuesday, May 9, 2023 for its regularly scheduled meeting. The meeting began at 9:00 AM and was held at the W.R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Ave., Nashville, TN, in Conference Room D.

Presiding over the meeting was Commission Chairman Charles Traughber. Also attending the meeting were Commissioners Duane Gilbert, Lynn Richardson, Stacey Floyd-Thomas, and Martin G. McCain. Commissioner White participated in the meeting via telephone. A quorum of members was physically present at all times. Executive Director Bill Young, Assistant Director Lance Frizzell, General Counsel Lauren Topping, and Chief of Staff Janet Williams were also in attendance. The Commission's meeting was recorded for the public and the video recording is to be made available on the Commission's website.

At the outset of the meeting, Chairman Traughber and Director Young presented a special Legislative Resolution to former Commission member James Stranch in appreciation for Mr. Stranch's many years of dedicated service to the Tennessee Ethics Commission.

Next, Director Young proposed that certain items on the Commission's agenda be taken out of order to allow participants who were physically present or participating by phone to have their matters heard expeditiously so they could then leave the meeting if they wished. Commissioner Floyd-Thomas moved to approve Director Young's request. Commissioner Richardson seconded the motion, which was unanimously approved (6-0). *(Although some items on the agenda were taken out of order, these minutes will continue to reflect the scheduled order of events according to the published agenda.)*

- 1. Approval of January 24, 2023 minutes.** Chairman Traughber requested the members to approve the minutes of the January 24, 2023 meeting as presented in the Commission's materials. Commissioner Richardson moved to approve the meeting minutes as written. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved by voice vote (6-0).
- 2. Reconsiderations.**

James Benau – 2022-119: After a short discussion of the facts of this matter and the request for reconsideration submitted, Commissioner Richardson moved to reconsider the assessed penalties. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved. Commissioner Richardson then moved to waive the assessed civil penalty and to take no further action. Commissioner White seconded the motion, which was unanimously approved by roll call vote.

Devon Johnson – 2023-063: After a short discussion of the facts of this matter and the request for reconsideration submitted, Commissioner Floyd-Thomas moved to reconsider the assessed penalties. Commissioner McCain seconded the motion, which was unanimously approved. Commissioner Richardson then moved to waive the assessed civil penalty and to take no further action. Commissioner White seconded the motion, which was unanimously approved by roll call vote.

Michelle Kientz – 2022-246: After a short discussion of the facts of this matter and the request for reconsideration submitted, Commissioner Floyd-Thomas moved to reconsider the assessed penalties. Commissioner McCain seconded the motion, which was unanimously approved. Commissioner Floyd-Thomas then moved to waive the assessed civil penalty and to take no further action. Commissioner Richardson seconded the motion, which was unanimously approved by roll call vote.

Sandra Janes Madison – 2023-117: After a short discussion of the facts of this matter and the request for reconsideration submitted, Commissioner Floyd-Thomas moved to reconsider the assessed penalties. Commissioner McCain seconded the motion, which was unanimously approved. Commissioner Floyd-Thomas then moved to waive the assessed civil penalty and to take no further action. Commissioner Gilbert seconded the motion, which was unanimously approved by roll call vote.

Kenneth Newsome – 2023-041: After a short discussion of the facts of this matter and the request for reconsideration submitted, Commissioner Richardson moved to reconsider the assessed penalties. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved. Commissioner McCain then moved to waive the assessed civil penalty and to take no further action. Commissioner Gilbert seconded the motion, which was unanimously approved by roll call vote.

David Page – 2023-043: After a short discussion of the facts of this matter and the request for reconsideration submitted, Commissioner Floyd-Thomas moved to reconsider the assessed penalties. Commissioner Richardson seconded the motion, which was unanimously approved. Commissioner Richardson then moved to waive the assessed civil penalty and to take no further action. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved by roll call vote.

Brandon Tucker – 2023-086: After a short discussion of the facts of this matter and the request for reconsideration submitted, Commissioner McCain moved to reconsider and to waive the assessed civil penalty on the condition that the outstanding registration fee is paid within 60 days

from the date of the Commission's meeting. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved by roll call vote.

3. Informal civil penalty assessment proceedings – Local Candidates

Simone Butler – 2023-139: After a short discussion, Commissioner Richardson moved to take no action in this matter. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

Scott Crammond – 2023-021: Mr. Crammond participated in the meeting by telephone. After a short statement from Mr. Crammond and discussion, Commissioner White moved to take no action in this matter. Commissioner Richardson seconded the motion, which was unanimously approved.

Robert Owens – 2023-042: After a short discussion, this matter was deferred to the Commission's next scheduled meeting. Staff was instructed to contact Mr. Owens and inform him of the requirement to file the outstanding statement of interest disclosure due to his qualification as a candidate for office and despite his later withdrawal from the contest.

Dallas Wade – 2023-140: After a short discussion, Commissioner Richardson moved to assess a civil penalty of \$1,000. Commissioner McCain seconded the motion, which was unanimously approved by roll call vote.

4. Informal civil penalty assessment proceedings – Local Officials

Each of the following matters were considered together as a group. In each of these matters statement of interests had been filed with the Ethics Commission as required by Tennessee law, but these statements were untimely filed, accruing between 1 and 7 civil penalty days for being untimely filed. Commissioner Floyd-Thomas moved to take no action in these matters. Commissioner Richardson seconded the motion, which was unanimously approved. (Commissioner Richardson recused herself from voting on the McQueen and Birchfield matters.)

Cecil Arp, Jr. – 2023-142
Marc Campbell – 2023-143
Douglas Carson – 2023-144
Marilyn Ewing – 2023-145
Gregory Fish – 2023-146
Wanda Hamlin – 2023-147
Timmy Henley – 2023-148
Vernon Pairmore – 2023-149
Bubba Parker – 2023-150
Ron Phillips – 2023-151
Jonathan Richardson – 2023-152
Michael Woodlee – 2023-153
Talvin Barner, Jr. – 2023-154
Kimmie Birchfield – 2023-155

Ann Blackburn – 2023-156
Daniel Brewer – 2023-157
Lashara Reed – 2023-158
Kevin Stepp – 2023-159
Dewey Walker – 2023-239
Jerry W. Brandon – 2023-160
Larry Daniels – 2023-161
David Darnell – 2023-162
David Love – 2023-163
Stewart Clifton – 2023-164
John Luna – 2023-165
Cody McQueen – 2023-166
Josh Cain – 2023-167
Marlina Ervin – 2023-168

Barbara Phillips – 2023-169
Joyce Woods – 2023-170
Michael Carberry – 2023-171
Heather Bay – 2023-172

Carolyn Duke – 2023-173
Monty Ray – 2023-174
Joe Smith – 2023-175

Each of the following matters were considered together as a group. In each of these matters statement of interests had been filed with the Ethics Commission as required by Tennessee law, but these statements were untimely filed, accruing between 8 and 14 civil penalty days for being untimely filed. Commissioner Floyd-Thomas moved to take no action in these matters. Commissioner Richardson seconded the motion, which was unanimously approved.

Gregory Beck – 2023-176
George Foster – 2023-177
Janeen Gordon – 2023-178
Zachary Clement – 2023-179

Ray Ledger – 2023-180
Tony Young – 2023-181
Jason Craig – 2023-182

Danny Cheshier – 2023-183: After a short discussion, Commissioner Richardson moved to take no action in this matter. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

Dell Phillips – 2023-184: After a short discussion, Commissioner Richardson moved to take no action in this matter. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

Charlie Caswell – 2023-189: After a short discussion, Commissioner Richardson moved to take no action in this matter. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

Each of the following matters were considered together as a group. In each of these matters statement of interests had been filed with the Ethics Commission as required by Tennessee law, but were untimely filed, accruing more than 30 civil penalty days for being untimely filed. Commissioner White moved to take no action in these matters. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

Lois W. Larimer – 2023-206
James Tilson – 2023-213
David Tyler – 2023-214
Cale Crain – 2023-191

Russ Brewer – 2023-188
Brian Dougherty – 2023-192
Adam Alley – 2023-185
David White – 2023-215

Julie Anderson – 2023-186: After a short discussion noting that the outstanding statement of interests disclosure had indeed been filed (after accruing 91 penalty days), Commissioner Floyd-Thomas moved to take no action in this matter. Chairman Traugber seconded the motion, which was unanimously approved.

Mack Edward Pilkinton – 2023-209: After a short discussion noting that the Commission’s records indicate that Mr. Pilkinton is now deceased, Commissioner Floyd-Thomas moved to take no action in this matter. Commissioner Richardson seconded the motion, which was unanimously approved.

Each of the following matters were considered together as a group. In each of these matters statement of interests had not been filed with the Ethics Commission as required by Tennessee law. Commissioner White moved to assess a civil penalty of \$1,000 against all elected officials and \$500 against all appointed planning commission officials (appointed officials include Harkins, Johnson, and Manley). Commissioner Richardson seconded the motion, which was unanimously approved.

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| Dustin L. Baker – 2023-187 | Will Jackson – 2023-203 |
| Ryan Christian – 2023-190 | John James – 2023-204 |
| Joyce Dorse-Coleman – 2023-194 | Patrick Denny Johnson – 2023-205 (\$500) |
| Andy Ford – 2023-196 | Bruce Manley – 2023-208 (\$500) |
| Chris Grindstaff – 2023-198 | Justin Rich – 2023-210 |
| Billy Harkins – 2023-199 (\$500) | Justin Kyle Rodriguez – 2023-211 |
| Waylon Inman – 2023-201 | Stan Rush – 2023-212 |
| Sherry Inman – 2023-202 | Martavius Williams – 2023-216 |

5. Informal civil penalty assessment proceedings – State Candidates

Tanya Cooper – 2023-217: After a short discussion, Commissioner Richardson moved to take no action in this matter. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

Justin Jones – 2023-141: After a short discussion, Commissioner White moved to continue this matter to allow the Commission’s staff additional time to attempt to resolve this matter with Representative Jones. Commissioner McCain seconded the motion, which was unanimously approved (5-0, Commissioner Floyd-Thomas recused).

Rebecca Robinson – 2023-218: After a short discussion, Commissioner Richardson moved to assess a civil penalty of \$1,000. Commissioner McCain seconded the motion, which was unanimously approved by roll call vote.

6. Informal civil penalty assessment proceedings – Lobbyists

Each of the following matters were considered together as a group. In each of these matters, either the lobbyist registration or payment of the lobbyist registration fee had been submitted to the Commission between 3 and 5 penalty days late. After a short discussion, Commissioner Richardson moved to take no action. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

William Nolan – 2023-219
William Nolan – 2023-220

Rick Williams – 2023-221

Les Fugate – 2023-222: Erica Penley of Brown-Forman appeared on behalf of Mr. Fugate and presented a statement to the Commission concerning this matter. After a short discussion, Commissioner Richardson moved to take no action. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

7. Informal civil penalty assessment proceedings – Employers of Lobbyists

The following matters were considered together as a group. In each of these matters, the required employer of a lobbyist registration was submitted to the Commission after accruing between 1 and 3 penalty days for being late filed. After a short discussion, Commissioner Gilbert moved to take no action. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

CGI Technologies & Solutions, Inc. – 2023-223
Blount Memorial Hospital, Incorporated – 2023-224
Blount Memorial Hospital, Incorporated – 2023-225

The following matters were considered together as a group. In each of these matters, the required employer of a lobbyist registration fees were submitted to the Commission after accruing between 1 and 38 penalty days for being late filed. After a short discussion, Commissioner Gilbert moved to take no action. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

Star Community Builders – 2023-226	LKQ CORP – 2023-232
Do No Harm – 2023-227	LKQ CORP – 2023-233
Reagan Outdoor Advertising – 2023-228	Tennessee Recovery Coalition, Inc. – 2023-234
Cognia – 2023-229	Volunteer Materials LLC – 2023-235
LKQ CORP – 2023-230	
LKQ CORP – 2023-231	

The following matters were considered together as a group. In these matters, the required employer of a lobbyist expenditure reports were filed with the Commission after accruing between 6 and 19 penalty days for being late filed. After a short discussion, Commissioner Floyd-Thomas moved to take no action. Commissioner Richardson seconded the motion, which was unanimously approved.

LKQ CORP – 2023-236	25 for Life – 2023-237
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Origis Development LLC – 2023-238: After a short discussion of this matter, Commissioner White moved to assess a civil penalty of \$750. Commissioner McCain seconded the motion, which was unanimously approved by roll call vote.

8. Rescind civil penalty assessments

After a short explanation to the Commission from Ms. Williams, Commissioner White moved to rescind the civil penalties previously assessed in each of the following matters. Chairman Traugher seconded the motion, which was unanimously approved by roll call vote.

Jennifer Garland – 2022-135
Jesse Gibson – 2022-136

Gay Webb – 2022-187

- 9. Discussion of Advisory Opinions.** Director Young and Counsel Topping advised the Commission of recent legislative changes to the requirements for documenting and reporting informal advisory opinions to the Commission.
- 10. Legislative Update.** Director Young and Counsel Topping advised the Commission of recent legislative changes impacting the Commission and, to a lesser extent, the Registry of Election Finance.
- 11. Bureau Relocation Update.** Director Young and Assistant Director Frizzell advised the Commission of recent developments regarding the Bureau's planned office move to the Tennessee Tower's 26th Floor, which will occur during the week of May 22, 2023.
- 12. Set date of Ethics Commission's next meeting.** After a short discussion, the Commission determined that its next meeting would be held on September 21, 2023 at 9:00 AM. A location for the meeting will be determined based on conference room availability.
- 13. Other business.** None.
- 14. Executive Session.**