

# STATE OF TENNESSEE



## BUREAU OF ETHICS AND CAMPAIGN FINANCE TENNESSEE ETHICS COMMISSION

404 James Robertson Parkway, Suite 104

Nashville, TN 37243-1360

(615) 741-7959

Fax: (615) 532-8905

[www.tn.gov/tec](http://www.tn.gov/tec)

### BOARD MEMBERS

Charles Traughber, Chair  
Tammy S. White, Secretary  
Stacey Floyd-Thomas  
Duane Gilbert  
Lynn Richardson  
James G. Stranch, III

### EXECUTIVE DIRECTOR

Bill Young

## TENNESSEE ETHICS COMMISSION

### Public Meeting Minutes

May 10, 2022

The Tennessee Ethics Commission met Tuesday, May 10, 2022 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 the Multimedia Room of the 3<sup>rd</sup> Floor Conference Center.

Presiding over the meeting was Commission Chairman Charles Traughber. Also attending the meeting were Commissioners Tammy White, Duane Gilbert, and Stacey Floyd-Thomas. A quorum of members was physically present. Commissioner Jim Stranch participated in the meeting via telephone. 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.

- 1. Approval of February 28, 2022 minutes.** Commissioner White moved to approve the minutes of the February 28, 2022 meeting as presented in the Commission's materials. Commissioner Gilbert seconded the motion, which was unanimously approved.

Commissioner White moved to take the items on the agenda out of order to address those matters in which a representative had personally appeared before the Commission first. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved. *(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.)*

- 2. Update on Pending Ethics/Campaign Finance Legislation before Tennessee General Assembly.** Assistant Director Frizzell presented a summary of legislation recently passed by the Tennessee General Assembly pertaining to the Tennessee Ethics Commission and the Registry of Election Finance. No action was required or taken.
- 3. Discussion of Guidelines for Assessment of Civil Penalties.** Executive Director Young presented a draft document entitled "Guidelines for Assessment of Civil Penalties" presented to the Commission for its consideration. Director Young discussed the purpose of the document and the potential benefits of adopting such a document. A short discussion occurred concerning the purpose and use of the proposed document. Commissioner Floyd-Thomas moved to approve and adopt the document as proposed. Commissioner White seconded the motion, which was unanimously approved.

**4. Discussion of the matter of Leo Awgowhat, Case No. 2020-042.** General Counsel Topping presented to the Commission a letter from the Office of the Attorney General recommending that further efforts at the collection of the assessed civil penalties in this matter not be pursued. The Commission discussed this matter and this request. Commissioner Floyd-Thomas moved to authorize the Office of the Attorney General to take no further action to pursue collection of the outstanding civil penalties. Commissioner White seconded the motion, which was unanimously approved.

**5. Reconsiderations**

**Lenford Carr – 2022-002:** After a review of the facts and circumstances of the case, as well as the statement submitted by Mr. Carr and Mr. Carr’s previous history before the Commission, Commissioner White moved to reconsider the previous assessment and to reduce the assessed civil penalty to \$25. Commissioner Gilbert seconded the motion, which was unanimously approved.

**The ARC of TN – 2021-220:** After a review of the facts and circumstances of the case, as well as the statement submitted on behalf of the organization, Commissioner Stranch moved to defer further consideration of this matter to allow participation by the organization, which had indicated an intent to personally appear, but was not represented at the meeting. This motion failed for lack of a second. After further discussion, Commissioner White moved to reconsider the previous assessment and to reduce the assessed civil penalty to \$50. Commissioner Gilbert seconded the motion, which was unanimously approved.

**6. Informal civil penalty assessment proceedings –Lobbyist**

**Jim Wrye – 2022-014:** After a review of the facts and circumstances of this matter, Chairman Traugher moved to take no action on this matter. Commissioner White seconded the motion, which was unanimously approved.

**John Holloway – 2022-015:** After a review of the facts and circumstances of this matter, Commissioner Floyd-Thomas moved to take no action on this matter. Commissioner Gilbert seconded the motion, which was unanimously approved.

**Douglas Jones – 2022-041, Douglas Jones – 2022-042:** These matters were consolidated and addressed simultaneously. Mr. Jones was present at the Commission’s meeting and made a short statement to the Commission concerning these matters, confirming that despite his filed registration, he had not engaged in lobbying activities in the year 2022 on behalf of either client. After a review of the facts and circumstances of these matters, as well as further discussion among the Commissioners, Commissioner White moved to take no action on this matter. Commissioner Gilbert seconded the motion, which was unanimously approved.

**Kim Menke – 2022-031:** After a review of the facts and circumstances of this matter, Commissioner White moved to take no action on this matter. Commissioner Gilbert seconded the motion, which was unanimously approved.

**Heather Meshell – 2022-032, Heather Meshell –2022-033:** These matters were consolidated and addressed simultaneously. Ms. Meshell was present at the Commission’s meeting and made a short statement to the Commission concerning these matters, confirming that she had not provided lobbying services to either client in the year 2022. After a review of the facts and circumstances of these matters, as well as further discussion among the Commissioners, Commissioner Gilbert moved to take no action on this matter. Commissioner White seconded the motion, which was unanimously approved.

**William Nolen – 2022-034, William Nolen –2022-035:** These matters were consolidated and addressed simultaneously. After a review of the facts and circumstances of this matter, Commissioner Stranch moved to take no action on this matter. Commissioner White seconded the motion, which was unanimously approved.

**Robert White – 2022-036:** After a review of the facts and circumstances of this matter, Commissioner Stranch moved to defer this matter until the Commission’s next meeting and requested that the Commission staff reach out to Mr. White to request that he submit the required registration. Commissioner White seconded the motion, which was unanimously approved.

#### **7. Informal civil penalty assessment proceeding – Employer of Lobbyist**

**TN Public and Teaching Hospital Assn. – 2022-017:** A representative of the employer of a lobbyist was present and participated in the Commission’s meeting. After a review of the facts and circumstances of this matter, Commissioner White moved to take no action on this matter. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

**APPRISS, Inc. – 2022-018, APPRISS, Inc. – 2022-019:** These matters were consolidated and addressed simultaneously. After a review of the facts and circumstances of these matters, Commissioner Stranch moved to take no action on this matter. Commissioner White seconded the motion, which was unanimously approved.

**Integrated Biometric Technology LLC – 2022-038, Integrated Biometric Technology LLC – 2022-039, Integrated Biometric Technology LLC – 2022-040:** These matters were consolidated and addressed simultaneously. After a review of the facts and circumstances of these matters, Commissioner Floyd-Thomas moved to assess a civil penalty of \$500 in each case (\$1500 total). Commissioner White seconded the motion, which was unanimously approved.

**Wolf River Conservancy, Inc. – 2022-037:** J.A. Bucy appeared on behalf of his employer and presented a short statement to the Commission. After a review of the facts and circumstances of this matter, Commissioner White moved to take no action on this matter. Chairman Traugher seconded the motion, which was unanimously approved.

**The ARC of TN – 2022-007:** After a review of the facts and circumstances of this matter, Commissioner Floyd-Thomas moved to assess a civil penalty of \$25 in this matter. Commissioner White seconded the motion, which was unanimously approved.

**TSLMS – 2022-016:** After a short discussion, this matter was deferred to the Commission’s next meeting and Commission staff was directed to request an explanation and/or response from the organization concerning the cause of the untimely registration.

**SmileDirectClub – 2022-008:** After a review of the facts and circumstances of this matter, as well as a summary by Director Young of the procedural posture of this matter, Commissioner Floyd-Thomas moved to take no action on this matter. Chairman White seconded the motion, which was unanimously approved. Commissioner Stranch recused himself from consideration of this matter, citing a possible professional conflict.

**The Equity Alliance Fund – 2022-020:** After a review of the facts and circumstances of this matter, Commissioner Floyd-Thomas moved to take no action on this matter. Commissioner White seconded the motion, which was unanimously approved.

**Acadia – 2022-021:** After a review of the facts and circumstances of this matter, Commissioner White moved to take no action on this matter. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

**Nomi Health, Inc. – 2022-022:** After a review of the facts and circumstances of this matter, Chairman Traugher moved to take no action on this matter. Commissioner Giblert seconded the motion, which was unanimously approved.

**James K. Polk Memorial Association – 2022-023:** Douglas Jones appeared on behalf of the organization. Mr. Jones confirmed that he did not provide lobbying services to the organization and that the organization did not make any lobbying expenditures during the reporting period. After further discussion of the facts and circumstances of this matter, Member White moved to take no action on this matter. Chairman Traugher seconded the motion, which was unanimously approved.

**Campaign for the Fair Sentencing of Youth – 2022-024:** A representative of the organization personally appeared at the Commission’s meeting and presented a short statement to the Commission. After further review of the facts and circumstances of this matter, Commissioner White moved to take no action in this matter. Commissioner Floyd-Thomas seconded the motion, which was unanimously approved.

**One-to-One Health – 2022-027:** After a discussion of the facts and circumstances of this case, the matter was deferred to the Commission’s next scheduled meeting and Commission staff was requested to request an explanation and/or response from the organization concerning the cause of the untimely filing

**TN Optometric Assn. – 2022-029:** A representative of the organization personally appeared at the Commission’s meeting and presented a short statement to the Commission. After further review

of the facts and circumstances of this matter, Commissioner Stranch moved to take no action in this matter. Commissioner Gilbert seconded the motion, which was unanimously approved.

**TSLMS – 2022-030:** After a discussion of the facts and circumstances of this case, the matter was deferred to the Commission’s next scheduled meeting and Commission staff was requested to request an explanation and/or response from the organization concerning the cause of the untimely filing

**Guerrier Development, LLC – 2022-025:** After a discussion of the facts and circumstances of this case, Commissioner Stranch moved to assess a civil penalty of \$750. Commissioner White seconded the motion, which was unanimously approved.

**National Coalition for Public School Options – 2022-026:** After a discussion of the facts and circumstances of this case, Commissioner Stranch moved to assess a civil penalty of \$750. Commissioner White seconded the motion, which was unanimously approved.

**Redflex Traffic Systems, Inc. – 2022-028:** After a discussion of the facts and circumstances of this case, Commissioner White moved to assess a civil penalty of \$750. Chairman Traughber seconded the motion, which was unanimously approved.

**8. Set date of Ethics Commission’s next meeting.** The Members of the Commission determined that its next meeting will be held on September 27, 2022 at 9:00 AM. Additional details on the location of the meeting will be announced by the Commission when confirmed.

**9. Other Business.**

- **Discussion of the Initial Order entered in Case No. 38.00-204677J, Tennessee Ethics Commission v. Jeremy Durham.** Counsel for the Commission summarized the findings of the Administrative Law Judge in the above styled matter and discussed the current procedural posture of the case as of the date of the Commission’s meeting. Counsel for the Commission, along with Director Young, presented a recommendation concerning next steps to the Commissioners. After discussion of the findings made by the Administrative Law Judge in this matter, Chairman Traughber moved to take no action to review the Initial Order as written and entered on April 25, 2022; however, if the Administrative Law Judge grants the pending Request for Reconsideration of the Initial Order filed by Mr. Durham and enters a revised Initial Order, additional action may be taken at that time. Commissioner White seconded the motion, which was unanimously approved.

At this time, the Commission moved into Executive Session to address confidential matters.