

## **JANUARY 19, 2023, MEETING MINUTES REGISTRY OF ELECTION FINANCE**

The Registry of Election Finance (“the Registry” or “the Board”) of the Bureau of Ethics and Campaign Finance (“the Bureau”) met at 10:00 AM on Thursday, January 19, 2023 in the Seventh Floor Conference Room of the Tennessee Tower located at 312 Rosa L. Parks Ave., Nashville, TN 37243.

Presiding over the meeting was Chairman Tom Morton. Attending the meeting were Board Members Tom Lawless, Paige Burcham-Dennis, David Golden, Hank Fincher, and Paz Haynes. Executive Director Bill Young, Assistant Director Lance Frizzell, General Counsel Lauren Topping and Chief of Staff Janet Williams also were in attendance. The meeting was open to the public. This meeting was recorded via video and audio recording.

Executive Director Young opened the meeting by noting that a physical quorum of the Registry members was present.

### ***Approval of Meeting Minutes***

Member Lawless moved to approve the meeting minutes of the Registry’s previous November 17, 2022, meeting as presented. Member Golden seconded the motion, which was unanimously approved by voice vote (6-0).

### ***Settlement Offers***

Winning Our Liberty PAC, Case No. 17-07: Director Young provided an overview of this PAC treasurer’s proposal to settle this matter by the payment of \$1,500 and that the Registry had previously offered in March 2018 to settle this matter by the payment of \$2,500. Member Lawless made a motion to take no action on this proposal, which was seconded by Member Burcham-Dennis. The motion was unanimously approved (6-0).

Member Lawless moved to take matters out of order to allow persons in attendance have their matters heard first on the Registry’s docket. Member Haynes seconded the motion. This motion was unanimously approved by voice vote (6-0). Nonetheless, the minutes will reflect the matters in the order they were placed on the Registry’s published agenda.

Director Young noted that Case Nos. 22-19, 22-39, 22-40, and 22-50 would be deferred and reset for the Registry’s next scheduled meeting.

## ***Show Cause Hearings***

Legacy PAC, Case No. 22-56: Andre Dean, PAC Treasurer, personally appeared before the Registry and offered a statement. Consideration of this matter was consolidated with Case Nos. 22-25 (reconsideration) and 22-37 (reconsideration) after a motion by Member Fincher to reconsider these matters. The motion was seconded by Member Haynes and approved. Mr. Dean also waived any further notice with respect to matters concerning Legacy PAC's 2022 Third Quarter and 2022 Pre-General reports, which were set for consideration of the possible issuance of a show cause notice. After a lengthy discussion, Member Fincher moved to assess a total civil penalty of \$1000. Member Haynes offered a friendly amendment to the motion to assess a total civil penalty of \$2500, which was accepted. Member Haynes seconded the motion as amended. However, the motion failed on roll call vote (3-3). Following further discussion, Member Fincher moved to assess a total civil penalty of \$5000 for Case Nos. 22-25, 22-37, and 22-56. Member Burcham-Dennis seconded the motion. The motion carried 5-1 by roll call vote (Member Lawless opposed). Member Haynes then moved to take no action on those matters before the board for possible issuance of a show cause notice. Member Burcham-Dennis seconded the motion, which was approved.

## ***Reconsiderations***

Patricia Causey, Case No. 22-29: After a short discussion of the history and facts of this case, Member Haynes moved to reconsider the civil penalty assessed in this matter. Member Lawless seconded the motion, which was approved. Member Lawless moved to reduce the assessed civil penalty to \$0. Member Fincher seconded the motion, which was unanimously approved.

Lemichael D. Wilson, Case No. 22-24: Mr. Wilson personally appeared before the Registry and offered a statement concerning this matter. Mr. Wilson also waived any further notice of a show cause hearing concerning the failure to timely file a 2022 Pre-General Report, which was set for consideration of the possible issuance of a show cause notice. Therefore, these matters were considered together. After a lengthy discussion of various factors contributing to the non-filing, Member Lawless moved to defer any further consideration of these matters to the Registry's next scheduled meeting, pending the filing of the outstanding reports. The Registry advised Mr. Wilson that, if he submits the required filings prior to this meeting, he will not need to attend this subsequent meeting.

Legacy PAC, Case Nos. 22-25 and 22-37: *See above.*

## ***Statements Submitted***

Basil Marceaux, Case No. 22-50: *Deferred to the Registry's Next Scheduled Meeting.*

Tim Roberts, Case No. 22-51: Following a short discussion of the facts of this case, Member Lawless moved to assess a civil penalty of \$250 to cover costs associated with this matter. Member Burcham-Dennis seconded the motion, which passed by a 4-2 vote (Members Fincher and Haynes opposed).

### ***Consideration of Civil Penalty Orders***

Khadija Babb, Case Nos. 22-39 and 22-40: *Deferred to the Registry's Next Scheduled Meeting.*

Daniel Berry, Case Nos. 22-41 and 22-42: Consideration of these matters was consolidated. After a short discussion of the facts of these matters, Member Burcham-Dennis moved to assess a civil penalty of \$10,000 in each matter (total, \$20,000). Member Lawless seconded the motion, which was unanimously approved.

James (Mike) Brewer, Case Nos. 22-43 and 22-44: Consideration of these matters was consolidated. After a short discussion of the facts of these matters, Member Burcham-Dennis moved to assess a civil penalty of \$250 in each matter (total, \$500) to cover costs associated with these matters. Member Golden seconded the motion. However, the motion failed (3-3). After additional discussion, Member Lawless moved to assess a civil penalty of \$150 in each matter (totaling \$300) to cover costs associated with these matters. Member Burcham-Dennis seconded the motion, which was unanimously approved.

Curtis Carney, Case No. 22-45: After a short discussion of the facts of this case, Member Burcham-Dennis moved to assess a civil penalty of \$10,000. Member Lawless seconded the motion, which was unanimously approved.

Patricia Causey, Case No. 22-46: After a short discussion of the facts of this matter, Member Lawless moved to take no action. Member Fincher seconded the motion, which was unanimously approved.

R. Deno Cole, Case No. 22-47: Mr. Cole personally appeared before the Registry and offered a statement. Member Haynes moved to consolidate this matter with consideration of the untimely filing of Mr. Cole's 2022 Third Quarter report, which was set for consideration of possible issuance of a show cause notice and requested that Mr. Cole waive any further notice concerning this matter. Mr. Cole did affirmatively waive such further notice. The motion was seconded and approved. After further discussion, Mr.

Haynes moved to assess a civil penalty of \$250 in each of these matters (totaling \$500) to cover administrative costs associated with these matters. Member Burcham-Dennis seconded the motion, which was approved (4-0; Members Lawless and Fincher were temporarily absent).

Althea Greene, Case No. 22-19: *Deferred to the Registry's Next Scheduled Meeting.*

Toniko S. Harris, Case No. 22-48: After a short discussion of the facts of this case, Member Burcham-Dennis moved to assess a civil penalty of \$475. Member Lawless seconded the motion, which was unanimously approved.

Kathy Kirk, Case No. 22-22: After a short discussion of the facts of this case, Member Lawless moved to assess a civil penalty of \$10,000. Member Burcham-Dennis seconded the motion, which was unanimously approved.

London Lamar (House), Case No. 22-49: Senator Lamar personally appeared before the Registry and presented a statement concerning this matter. After a short discussion of the facts of this matter, Member Burcham-Dennis moved to take no action. Member Haynes seconded the motion, which was approved (4-0; Members Lawless and Fincher were temporarily absent).

Kathleen Murphy, Case No. 22-33: Member Haynes recused himself from discussion and consideration of this matter. Ms. Murphy personally appeared before the Registry and presented a statement concerning this matter. After a short discussion of the facts of this matter, Member Golden moved to take no action. Member Burcham-Dennis seconded the motion, which was approved (4-0; Member Lawless was temporarily absent).

Katrina Robinson, Case No. 22-52: After a short discussion of the facts of this case, Member Burcham-Dennis moved to assess a civil penalty of \$10,000. Member Lawless seconded the motion, which was unanimously approved.

Marcus Shute, Jr., Case No. 22-53: Mr. Shute personally appeared before the Registry and presented a statement concerning this matter. After a short discussion of the facts of this matter, Member Lawless moved to take no action. Member Haynes seconded the motion, which was unanimously approved.

Joe Towns, Jr. Case No. 22-58: Representative Towns appeared before the Registry and presented a statement concerning this matter. After a short discussion of the facts

of this matter, Member Haynes moved to take no action. Member Golden seconded the motion, which was unanimously approved.

Marion LaTroy A. Williams, Jr., Case No. 22-54: After a short discussion of the facts of this matter, Member Lawless moved to assess a civil penalty of \$10,000. Member Burcham-Dennis seconded the motion, which was unanimously approved.

Conservative Voice for Life, Case No. 22-55: After a short discussion of the facts of this case, Member Burcham-Dennis moved to assess a civil penalty of \$10,000. Member Lawless seconded the motion, which was unanimously approved.

We Are Ready Nashville PAC, Case No. 22-57: After a short discussion of the facts of this case, Member Burcham-Dennis moved to assess a civil penalty of \$10,000. Member Lawless seconded the motion, which was unanimously approved.

***Persons Subject to Possible Issuance of Show Cause Notice***

*We Are Ready PAC:* Member Lawless moved to issue a show cause notice. Member Burcham Dennis seconded the motion, which was unanimously approved.

Member Morton moved to take the following actions in each of the following matters:

<i>A. Melissa Boyd</i>	<i>Issue Show Cause</i>
<i>Curtis Carney (two cases)</i>	<i>Issue Show Cause</i>
<i>Mark Davidson</i>	<i>Issue Show Cause</i>
<i>Amanda B. Dunn</i>	<i>Issue Show Cause</i>
<i>Sherry Grubb</i>	<i>Issue Show Cause</i>
<i>Sergio Gutierrez</i>	<i>Issue Show Cause</i>
<i>Yusuf A. Hakeem</i>	<i>Take No Action</i>
<i>Donnie Hall (two cases)</i>	<i>Issue Show Cause</i>
<i>Jonathan Hall</i>	<i>Issue Show Cause</i>
<i>Mark Miller</i>	<i>Issue Show Cause</i>
<i>P. Danielle Nellis</i>	<i>Issue Show Cause</i>
<i>Hannah Parton</i>	<i>Issue Show Cause</i>
<i>Katrina Robinson</i>	<i>Issue Show Cause</i>
<i>Mitchell Skelton</i>	<i>Issue Show Cause</i>
<i>Rick Tyler</i>	<i>Issue Show Cause</i>
<i>Kevin A. West</i>	<i>Issue Show Cause</i>
<i>Robert Roger Young</i>	<i>Issue Show Cause</i>
<i>AutoZone, Inc. Committee for Better Government</i>	<i>Issue Show Cause</i>

<i>Conservative Voice for Life (3Q)</i>	<i>Issue Show Cause</i>
<i>Conservative Voice for Life (PG)</i>	<i>Take No Action</i>
<i>CWAA PAC</i>	<i>Issue Show Cause</i>
<i>East TN Leadership PAC</i>	<i>Take No Action</i>
<i>Hawkins County Republican Committee</i>	<i>Deferred.</i>
<i>Highlands Physicians PAC</i>	<i>Issue Show Cause</i>
<i>Southern AG Coalition</i>	<i>Take No Action</i>
<i>Sullivan County Republican Party (three cases)</i>	<i>Deferred</i>
<i>TE PAC-TN</i>	<i>Take No Action</i>
<i>Vote No on 1 (Single Measure Committee)(two cases)</i>	<i>Issue Show Cause</i>
<i>Workplace Democracy &amp; Justice (Single Measure Committee)(two cases)</i>	<i>Issue Show Cause</i>
<i>Yes on 3 Tennessee (Single Measure Committee)</i>	<i>Take No Action</i>

Member Burcham-Dennis seconded the motion, which was unanimously approved.

Member Haynes abstained with respect to the cases of Jonathan Hall, P Danielle Nellis, and AutoZone, Inc. Committee for Better Government.

***Audit Update of Gary Humble***

Director Young provided an update concerning this matter. After a short discussion, Member Lawless moved to formally commence the audit requested in this matter effective January 26, 2023 pursuant to statute. Member Burcham-Dennis seconded the motion, which was unanimously approved.

***Discussion of Collection of Unpaid Civil Penalties***

Director Young provided an update concerning discussions of this matter with the Office of the Attorney General. Director Young advised that Staff would be working with Deputy Attorney General Lacey Mase and General Pablo Varela to determine the best way to proceed with outstanding cases, and that recommendations would be presented to the Registry for approval. Director Young was directed to begin referring new and more recent outstanding matters to the Tennessee Attorney General’s Office for collection, the referral of these collection matters had been temporally suspended by the Registry until Director Young discussed this matter with representatives of the Attorney General’s Office.

### ***Discussion of Guidelines for the Assessment of Civil Penalties***

The Members discussed the guidelines presented for consideration by staff and provided instructions for changes that should be made to the proposed language. This matter will be set for additional discussion once those changes have been addressed.

### **Discussion of Interim Report Filings**

Director Young advised that Registry staff had reviewed all candidate and political campaign committee 2022 third quarter filings to determine whether any candidate or political campaign committee failed to file the interim reports for the August 2022 election that are now required by Public Law 1087. Counsel for the Registry provided an overview of the findings.

Director Young requested guidance from the members as to how to proceed in addressing these matters. Member Fincher moved to direct the Staff that letters should be sent to all candidates and political campaign committees which the staff's review of filings had indicated may have been non-complaint with reporting requirements to educate these filers on these requirements. Member Haynes seconded the motion, which was unanimously approved (5-0, Member Burcham-Dennis had departed the meeting).

### ***Code of Conduct/Statement of Interests***

Members were reminded that their Statement of Interest disclosures were due to be filed by January 31, 2023. Member Lawless moved to approve the Code of Conduct as presented. Member Haynes seconded the motion, which was approved. All members provided a signed Code of Conduct Disclosure Statement to General Counsel Topping.

### ***Set date of Registry Board's next meeting***

After a brief discussion, the Registry members determined that regularly scheduled meetings of the Registry would be set for the third Thursday of every second month beginning on April 20, 2023. The Registry's next scheduled meeting was set for April 20, 2023 at 9:30 AM. The location of the meeting will be determined based on conference room availability.

### ***Other Business***

None.

***Executive Session***

None.

*Meeting Adjourned.*