

## **SEPTEMBER 16, 2021 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, September 16, 2021 at the W.R. Snodgrass Tower, 312 Rosa L. Parks Ave., Nashville, in the Multimedia Room of the 3rd Floor Conference Center.

Presiding over the meeting was Chairperson David Golden. Attending the meeting were Board Members Tom Lawless, Tom Morton, Henry Fincher and Paige Burcham-Dennis. Member Paige Burcham-Dennis participated electronically via telephone. Board Member Haynes was conflicted and could not attend the meeting. Executive Director Bill Young, Assistant Director Lance Frizzell, General Counsel Lauren Topping, and Chief of Staff Janet Williams also attended the meeting. The meeting was open to the public. This meeting was recorded via video and audio recording.

Member Golden confirmed that a physical quorum of the members was present at the meeting. Member Lawless moved to allow Member Burcham-Dennis to participate in the meeting remotely via telephone due to a last-minute scheduling conflict. Member Morton seconded the motion, which was unanimously approved by voice vote.

Member Lawless moved to allow the board to take items on the agenda out of order. Member Fincher seconded the motion, which was unanimously approved by voice vote. Member Golden directed that Item 2 would be taken out of order and deferred until the end of the Board’s agenda. *(Although the 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.)*

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

On motion by Member Fincher, seconded by Member Burcham-Dennis, the Board voted unanimously to approve and adopt the minutes from the July 23, 2021 meeting without discussion.

### ***Discussion of Public Chapter 302 (HB1193/SB626), whether Registry Board wishes to retain private counsel to pursue the collection of pending and/or future unpaid civil penalties assessed by the Registry Board***

Director Young presented a short statement regarding the background surrounding this matter. After a short discussion, Member Lawless requested that further consideration of

this matter be deferred to allow Member Lawless and Director Young to put together a comprehensive proposal to retain additional counsel for consideration by the full Board. No opposition to this request was raised. No action was taken on this matter and it will be set on the Board's next regularly scheduled meeting agenda.

### ***Discussion of Settlement Authority of Executive Director***

Director Young presented a short statement regarding this matter, including the previous actions of the Board with respect to this authority, and requested that the Board clarify whether this authority still existed and if it was in any way limited on a case-by-case basis. After discussion, Chairman Golden clarified that the Director's authority to enter into settlement agreements had not been changed from the previous delegation of authority. No further action was taken on this matter.

### ***Discussion of Mary Pruitt campaign account***

Attorney Ellen Taylor Turley appeared on behalf of the court-appointed administrator of former Representative Pruitt's estate. Ms. Marilyn Pruitt, the administrator of the estate and former Representative Pruitt's daughter, was also present. Mr. Renaldo Pruitt, former Representative Pruitt's son, was also present.

Ms. Turley presented a statement to the Board, describing the various ways that Renaldo Pruitt had allegedly misappropriated the funds in former Representative Pruitt's campaign finance account. Ms. Turley represented that, as of the date of the meeting, the amount of funds still in former Representative Pruitt's campaign finance account was \$903.81. Ms. Turley also represented that as of the date of former Representative Pruitt's death, the balance of the campaign finance account was \$1,008.71. Lastly, Ms. Turley represented that the amount that should be available in this account was \$39,050.35, which is the balance last reported on former Representative Pruitt's campaign finance disclosure statements.

Mr. Pruitt was provided an opportunity to respond to the statements made by Ms. Turley; however, the Members indicated that they did not need Mr. Pruitt to make any statement and cautioned him not to make any statements that might incriminate himself. Mr. Pruitt did make very limited comments and relied upon the written statement already submitted.

Member Lawless offered a motion to defer further consideration of this matter, as well as any other related matters, pending the outcome of an audit, as requested by Ms. Turley, and to request that Mr. Pruitt obtain counsel and provide the name of such counsel to the Registry. Member Fincher seconded the motion. After discussion, the Registry determined that Ms. Turley had presented sufficient information to indicate that either a

civil or criminal cause of action may exist but also found that no further substantive action by the Registry would be appropriate as there was no remaining party against whom the Registry would have authority to take action in the event that any violations of campaign finance law were found. Member Lawless, therefore, amended his motion to instead refer this matter to the proper Office of the District Attorney General (Davidson County), to take no action on the possible issuance of a show cause notice relating to the 2021 Annual Mid-Year Supplemental report, and to direct the Registry's staff to take any steps necessary to close the filing account upon receiving proof from Ms. Turley that the \$903.81 balance had been distributed in accordance with Tenn. Code Ann. § 2-10-114(a). Member Fincher seconded the amended motion, which was unanimously approved by roll call vote.

### ***Discussion of JoAnne Favors campaign account***

Assistant Director Frizzell presented a recitation of the facts surrounding this matter and the efforts made by the Registry's staff to resolve this matter by working with former Representative Favors and her family. Director Frizzell confirmed that former Representative Favors has filed all required reports and has reported a balance of \$2,842.60, as of September 1, 2021. Director Frizzell also described the guidance given to former Representative Favors relating to the steps needed to close the campaign filing account.

After a short discussion, there was a motion and second to reconsider the penalties previously assessed against former Representative Favors (Case No. 20-06), which was unanimously approved by roll call vote. Member Fincher then moved to rescind the previously assessed civil penalty, to take no further action with respect to Case No. 20-06, and to take no further action with respect to the matters also before the Registry (Case Nos. 21-30, 21-31, and possible issuance of show cause relating to the 2021 Annual Mid-Year supplemental report). This motion was seconded and unanimously approved by roll call vote.

### ***Legislative Update from 2021 General Assembly***

General Counsel Topping presented a short synopsis of the legislation passed during the 2021 Legislative Session with impacts to both the Registry of Election Finance and the Tennessee Ethics Commission. There was no further discussion and no action taken by the Registry.

Discussion of Items 7-9 was deferred to the end of the meeting's business. *(Although the 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.)*

### ***Discussion of SB1005/HB1201***

Director Young briefly discussed the substance of the provided amendment to SB1005/HB1201 (which makes the bill) considered during the 2021 Legislative Session and deferred for further consideration until 2022. Director Young requested that the Registry members review the document and inform him of any comments or concerns that the members may have and any actions that the Registry members might wish for the Director to undertake.

Member Morton expressed his opposition to any proposed term limits for members of either the Registry of Election Finance or the Tennessee Ethics Commission. However, no action was taken on this matter.

### ***Discussion of possible proposed legislation by the Bureau***

Director Young presented a draft of potential legislation prepared by the Registry's staff for submission to the Legislature in advance of the 2022 Legislative Session. Director Young requested that the Registry members review the document and inform him of any comments or concerns that the members may have and any actions that the Registry members might wish for the Director to undertake. No action was taken on this matter.

### ***Discussion regarding future meeting participation via telephone by participants and/or other persons***

Chairman Golden stated this matter would be handled on a meeting-by-meeting basis after a discussion between the Chair and the Executive Director. No further action was taken.

### ***Sworn Complaint***

Caleb D. Thomas, Case No. C21-03: General Counsel Topping provided a summary of the allegations in the complaint and the investigation undertaken by the Registry's staff. After further discussion, Member Burcham-Dennis moved to take no action on this matter. Member Fincher seconded the motion, which was unanimously approved by voice vote.

### ***Request for Reconsideration***

Anya Parker, Case No. 20-52 (2020 3rd Quarter): After a short discussion of the facts and history of this case, Member Fincher moved to reconsider the civil penalty previously assessed in this matter. The motion was seconded by Chairman Golden; however, the motion failed by a 3-2 roll call vote, with Members Lawless and Morton opposed.

Later in the meeting, after further discussion of the Registry's previous procedure in similarly situated cases, Member Fincher moved to reconsider the actions taken during this meeting regarding this matter and to reconsider the civil penalties previously assessed. Member Lawless seconded the motion, which was unanimously approved by roll call vote. Member Lawless then moved to reduce the assessed civil penalty to \$250, consistent with the Registry's previous procedures in similarly situated cases. Member Morton seconded the motion, which was unanimously approved by roll call vote.

### ***Statements Submitted***

Daniel Berry, Case No. 21-28: After a short discussion of the facts and history of this case, Member Lawless moved to assess a civil penalty of \$250. Member Morton seconded the motion, which was approved by a 4-1 roll call vote (Member Fincher opposed).

Matthew White, Case No. 21-37: After a short discussion of the facts and history of this case, the members moved to reconsider the actions taken with respect to Case No 20-52. After returning to this matter and after additional discussion of the facts and history of this case, Member Lawless moved to assess a civil penalty of \$300. Member Fincher seconded the motion, which was unanimously approved by roll call vote.

Johnson & Johnson Political Action Committee, Case No. 21-39: After a short discussion of the facts and history of this case, including Counsel's interactions with representatives for the PAC, Member Lawless moved to assess a civil penalty of \$1000. Member Fincher seconded the motion, which was unanimously approved by roll call vote.

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

Dennis Bynum, Case No. 21-29 (4th Quarter): After a short discussion of the facts and history of this case, Member Lawless moved to assess a civil penalty of \$10,000. Member Morton seconded the motion. After further discussion, Member Lawless amended his motion to assess a civil penalty of \$500. Member Morton seconded the amended motion, which was unanimously approved by roll call vote.

Joanne Favors, Case No. 21-30 (2020 Annual Mid-Year Supplemental): *See Discussion of JoAnne Favors campaign account above.*

Joanne Favors, Case No. 21-31 (2020 Annual Year-End Supplemental): *See Discussion of JoAnne Favors campaign account above.*

Brandon Weise, Case No. 21-36 (2020 4th Quarter): After a short discussion of the facts and history of this case, Member Lawless moved to assess a civil penalty of \$10,000. Member Morton seconded the motion, which was unanimously approved by roll call vote.

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

Member Morton moved to take the following actions in each case:

Julie Byrd Ashworth, *Issue Show Cause Notice*  
Sam Brown, *Issue Show Cause Notice*  
Dennis Bynum (2021 Annual Mid-Year Supplemental), *Take No Action*  
Tanya Cooper, *Take No Action*  
Adrienne Dailey-Evans, *Issue Show Cause Notice*  
Sheleah Harris, *Issue Show Cause Notice*  
Andrew Holt, *Take No Action*  
Terri Johnson, *Take No Action*  
Jean-Marie Lawrence, *Issue Show Cause Notice*  
Shawn McBrien, *Take No Action*  
Roderick Motley, *Issue Show Cause Notice*  
Anya Parker (2021 Annual Mid-Year Supplemental), *Issue Show Cause Notice*  
Katrina Robinson, *Issue Show Cause Notice*  
Tre Stewart, *Issue Show Cause Notice*  
Kristy Sullivan, *Issue Show Cause Notice*  
Brandon Weise (2021 Annual Mid-Year Supplemental), *Issue Show Cause Notice*  
Lynnette P. Williams, *Issue Show Cause Notice*  
Lisa Wimberly, *Take No Action*  
Sheila Younglove-Miner, *Issue Show Cause Notice*  
D&S Political Action Committee, Inc., *Issue Show Cause Notice*  
Fitzgerald Industries PAC, *Take No Action*  
Fitzgerald Peterbilt PAC, *Take No Action*  
Henderson County Republican Party, *Take No Action*  
Memphis PACE, *Issue Show Cause Notice*  
Roane County Republican Party, *Issue Show Cause Notice*  
Rural/Metro Employee PAC, *Issue Show Cause Notice*  
Southern Glazers Wine & Spirits of Tennessee PAC, *Issue Show Cause Notice*  
TN BLAK-PAK PAC, *Issue Show Cause Notice*  
Tyson Foods, Inc., *Issue Show Cause Notice*

Member Fincher seconded Member Morton's motion, which was unanimously approved by roll call vote.

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

The Registry's next meeting will be held on November 4, 2021.

***Other Business***

None.

A motion and second were made to adjourn the meeting. This motion was unanimously approved by voice vote. Adjourned.