

# EXHIBIT 4



## Email vote for Towns' settlement draws dissent

By [Sam Stockard](#)

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A Tennessee Registry of Election Finance member is questioning the validity of an email vote the board took in the midst of the COVID-19 pandemic to consider a settlement for civil penalties levied against state Rep. Joe Towns.

Tom Lawless, a Republican appointee to the board, said Monday, April 6, he disagrees with the way the vote was conducted, even though Registry members were asked individually to cast email votes on a \$22,000 civil penalty for Towns in an agreement reached between his attorney, state Rep. Mike Stewart and the Attorney General's Office.

### Registry of Election Finance cuts Towns \$44,100 break



"I do not feel that it was an appropriate meeting and was not an appropriate action under open meetings (law)," Lawless said.

"More importantly, the whole purpose of our entity is transparency and openness to the public, the media and the Legislature, and I don't like the way it happened."

**State Rep. Joe Towns** Lawless was one of two board members who voted against a settlement with Towns in a 4-2 decision that let him knock about \$45,000 off civil penalties totaling \$66,100 from the Registry of Election Finance and Ethics Commission.

The Attorney General's Office advised Registry of Election Finance Executive Director Bill Young the vote would be appropriate.

"And to be quite honest, it's one of those things, I don't know how it cannot be the right thing to do," Young said. "I wish we hadn't gotten the settlement offer when we did. I wish we'd had more time to consider it. I wish we weren't in the middle of a coronavirus, which has caused us a hard time to get together."

Towns faced a total of \$66,100 in civil penalties by the Registry and the state's Ethics Commission, mainly for refusing to file campaign finance reports for the 2018 election. He brought all of his reports up to date before the March 6 meeting, where he apologized to the board and said he would not make the same mistake again, calling himself "the prodigal son."

Towns faced a noon deadline April 2 to pay his penalties and qualify for the 2020 election ballot. Democratic candidate Dominique Primer has also qualified to run for the District 84 seat in Memphis.

Asked what rationale it used to advise the board it didn't need to advertise a meeting or conduct a meeting - even a conference call - to hold a vote, Attorney General's Office spokeswoman Samantha Fisher said in an email statement: "I know that seems confusing, but the Registry does not need to meet for a settlement offer."

Likewise, Stewart, a Nashville Democrat, said he felt the board's action was "completely legal."

"To me, I don't think that even requires a formal meeting," Stewart said.

Registry member Paz Haynes, a Democratic appointee who voted in favor of the settlement, said he feels the board took the email vote based on Attorney General

Herbert Slatery's advice it would comply with "relevant" open meeting statutes.

"I think as a whole, the board relied on our legal opinion and voted on the settlement of a dispute that was in litigation or was headed toward litigation," Haynes said.

However, he said board members should come back at a later meeting and, without revealing any attorney-client privilege information, explain their rationale.

Lawless, though, isn't sure the board's decision would stand up if someone filed a legal challenge. And, he contends, the Attorney General's Office shouldn't be representing the Registry of Election Finance as its attorney for collections.

Before the Registry members voted last week, Wednesday night and early Thursday, April 1-2, quite a bit of back and forth took place between the AG's Office, Stewart and the Registry.

According to Lawless, the Registry was offered settlements of \$5,000, \$10,000, \$12,000 and, finally, \$20,000, before the matter was put to a vote. Young confirmed several offers were made.

Lawless even acknowledged he and Registry member David Golden discussed their views that initial offers were too low in a phone call. Such a discussion itself could be considered a violation of open meetings laws, too, because members aren't supposed to deliberate toward a decision outside public meetings.

Though he admitted talking to Golden about another matter, Lawless, a Nashville attorney, said he was under the impression the Attorney General's Office was prepared to do whatever it wanted because it was representing the Registry, and that irritated him.

“I don’t think they can. And, by God, they’d better not or Herbert Slatery’s gonna have an opportunity to sit in the chair across from me,” Lawless said.

Lawless was also upset that Stewart threatened to file a lawsuit if the Registry didn’t vote on the matter. Stewart said he “personally” didn’t threaten legal action.

Haynes and Young declined to comment on whether Stewart was prepared to file suit, citing attorney-client privilege.

Despite disagreement within the Registry, Tennessee Coalition for Open Government Executive Director Deborah Fisher sees a clear violation of the state’s open meetings law.

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### Governor signs executive order on electronic local government meetings

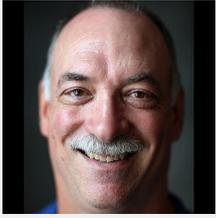
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Fisher said she doesn’t understand the legal reasoning of the Attorney General’s Office and pointed out the settlement paid by Towns could be challenged. She noted such an email vote would not be allowed under the executive order made by Gov. Bill Lee during the COVID-19 pandemic.

“I don’t believe that the action that the board took in violation of the Open Meetings Act is valid. I just don’t think the board can vote and take action outside of a meeting,” Fisher said.

#### TOPICS

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