

## Memorandum

To: General Funk  
From: Brian Ewald  
Date: 9/28/2021  
Re: Jonathan Hall

### **ISSUE:**

Whether Mr. Hall, a Metro councilman for District 1, properly disclosed campaign finances in his 2018 and 2019 disclosure reports.

### **BACKGROUND:**

Beginning in April, 2021, two residents of District 1, Mechele Neal and Murray Philip, identified what they perceived to be failures on Councilman Hall's behalf in abiding by the campaign finance disclosure rules and statutes. Ms. Neal and Mr. Philip initially complained to the Davidson County Election Commission as well as the Tennessee Bureau of Ethics and Campaign Finance. Ultimately, those agencies directed Mr. Philip to TCA §2-10-108(c), where a sworn complaint for a candidate of a local public office must be filed in the office of the district attorney general who represents the judicial district in which the voter resides. On April 30, 2021, Ms. Neal and Mr. Philip submitted a sworn complaint containing their allegations and supplementing with various documents in support. General Funk then handed the complaint to me to review.

I contacted Lauren Topping, General Counsel at the Bureau of Ethics and Campaign Finance, who was familiar with the complaint against Mr. Hall. She arranged a meeting on May 10 at her office where I met with Ms. Topping as well as Bill Young, Executive Director at the Bureau of Ethics and Campaign Finance, and others.<sup>1</sup> I then examined the complaint and researched the applicable statutes and reviewed the specific allegations. I attempted to speak with individuals from the Davidson County Election Commission to ask questions regarding Mr. Hall's disclosure reports available for public review on their website. However, I never received a call back from the individual to whom I was directed, Joan Nixon, despite multiple attempts.

At some point while looking into this matter, I received a call from Mr. Murray Philip, one of the authors of the sworn complaint. He told me he was interested in learning who had been assigned to review the matter and requested status updates if it were permissible. I told him that I was looking into the complaint and would keep him apprised of any updates that I could share with him. He requested my updates be emailed to him as he preferred correspondence in writing.

I received a call from Jennifer Kraus, a reporter from Channel 5, inquiring into the status of the investigation. She stated that she was preparing a story that would air in the future and wanted to know the status of the complaint. I told her that I had received the complaint and was reviewing it and would make any decisions as to the next step at a later date.

Ultimately, I decided to compose a letter to Mr. Hall and copy the sworn complaint so that he could have an opportunity to respond. I stated in my letter the specific areas of concern and requested a response. This letter was sent to Mr. Hall's

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<sup>1</sup> I was informed at this meeting that Mr. Hall has had multiple prior civil penalties levied against him, some of which remain outstanding.

home address (100 Queens Lane) on or about July 22, 2021. I then sent an email to Mr. Philip indicating that I had provided a copy of the complaint to Mr. Hall requesting him to address many of the allegations contained therein.

On August 30, having not received a response from Mr. Hall, I made two copies of my original July letter to Mr. Hall (along with the sworn complaint) and gave them to Steve Turner, investigator in the office. One packet was addressed to Mr. Hall at the Metro Council office and the other was addressed to Mr. Hall at his Queens Lane home. I asked Mr. Turner to please hand deliver these packets to each address.

As of September 28, neither Mr. Hall nor anyone representing him has contacted our office to address the claims in the sworn complaint. It is my opinion that Mr. Hall's unresponsiveness is consistent with his prior behavior in failing to pay his outstanding civil fines for previous violations. I have no expectation at this time that Mr. Hall intends to address the allegations. Therefore, it is my opinion that we must take the next step in the process.

#### **LEGAL BASIS:**

Tennessee Code Annotated §2-10-109(b) relates that it is the duty of our office to investigate any sworn complaint filed in accordance with §2-10-108(c). That section permits a "registered voter of Tennessee [to] file a sworn complaint alleging that a statement filed regarding an election for which that voter was qualified to vote does not conform to law or to the truth or that a person has failed to file a statement required by law." The sworn complaint is directed to be filed in our office when it relates to a "statement of a candidate for local public office...."

The allegations in the sworn complaint are fairly straightforward, in keeping with the simplicity of the requirements of the campaign finance regulations cited within (*See* Tenn. Code Ann. §2-10-105-107).

If, after investigating, it is our opinion that a show cause hearing ought to be conducted with the candidate to resolve the allegations and assess any civil penalties, then our office would forward that request, along with the complaint, to the Bureau of Ethics and Campaign Finance.

#### **ANALYSIS:**

Many of the allegations point out a consistent lack of specificity within Mr. Hall's campaign finance statements, in violation of the regulations. For example, contributions of greater than \$100 from a person must show the full name, address, occupation, employer, and amount contributed. The complaint identifies three donors whose information is not provided and eight instances where the donor is not even identified. There are also several examples of Mr. Hall's statements where expenditures are identified but not properly itemized nor documented to determine if the purposes of the expenditures are proper. I have identified these specific irregularities in my letter to Mr. Hall.

There are some additional allegations which are even more concerning. Mr. Hall's statements show that he had multiple treasurers on record for him at the same time. Mr. Hall also reports donating to his own campaign more than \$8,600 over a period of

eight months, without itemization as well as improperly listing his address as “Metro Council,” a position he had yet to assume for the time period of the financial disclosure. Furthermore, there are large quantities of money spent on extremely general categories which, without explanation or proper itemization pursuant to the campaign finance regulations, could have the appearance of impropriety. (Thus the requirement for campaign finance statements to comply with the regulations.) Examples of these are \$2,177 expenditures for “bank charges”, \$6,972 for “bank/cash withdrawals,” \$4,160 for “Misc purchases,” \$1,800 for “campaign staff and volunteer stipends”, and \$1,222 given to Mr. Hall himself for “supplies, phone bankers, poll worker supplies.” All of these expenditures were over \$100 and required itemization pursuant to the T.C.A.

Finally, and perhaps most troubling about Mr. Hall’s campaign finance reports, is that he submitted a statement purportedly covering the time period of May 15, 2018, through June 30, 2019, which reflects an ending balance of negative \$472.97.<sup>2</sup> However, the next financial statement covered the time period beginning July 1, 2019 (that is, the day after the time period for the previous statement concluded), and reflects a positive balance of \$1,350.00. There is no documentation or explanation as to this discrepancy, nor is there (obviously) any identification of the source of the funds deposited to make the campaign solvent.

#### **CONCLUSION:**

While certainly not my expertise, the campaign finance regulations at issue in the sworn complaint appear to be straightforward and unambiguous. The inaccuracies, omissions, and inability to comply with the regulations are difficult to pass off as basic sloppiness or unfamiliarity with the requirements. Mr. Hall’s lack of interest in responding to the sworn complaint provides no insight as to these failures. I am of the opinion that the sworn complaint be forwarded to the Bureau of Ethics and Campaign Finance along with a request that, based on our investigation, the agency seek a show cause hearing to resolve the allegations and levy any civil penalties which may be appropriate.

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<sup>2</sup> The statement indicates that the campaign maintained a balance of \$1,187.73 at the outset of the time period covered by this statement (which is consistent with the balance reflected on the previous statement filed by Mr. Hall). Total receipts for this period are reflected as \$17,382.40, while total disbursements were \$19,043.10. Therefore,  $(\$17,382.40 + \$1,187.73) - \$19,043.10 = -\$472.97$ .