

STATE OF TENNESSEE

Office of the Attorney General



JONATHAN SKRMETTI
ATTORNEY GENERAL AND REPORTER

P.O. BOX 20207, NASHVILLE, TN 37202
TELEPHONE (615)741-3491
FACSIMILE (615)741-2009

June 28, 2024

Via Email: William.Young@tn.gov

Bill Young
Executive Director
Bureau of Ethics and Campaign Finance
WRS Tennessee Tower, 26th Floor
312 Rosa L. Parks Avenue
Nashville, TN 37243-1360

Re: Wes Duenkel v. Sumner County Constitutional Republicans and Tennessee
Constitutional Republicans, Registry No. C24-001

Dear Mr. Young:

As requested by the Tennessee Registry of Election Finance (“Registry”), the Tennessee Attorney General’s Office investigated Registry Case No. C24-001, Wes Duenkel v. Sumner Country Constitutional Republicans and Tennessee Constitutional Republicans (“SCCR report”). The findings of fact are set forth in the enclosed investigative report.

Based on comments to the media, it seems that at least one member of the Registry is discontented over the timing of the SCCR report. Last year, Tenn. Code Ann. § 2-10-108 was amended to give the Registry *the option* to refer complaints to this Office for a preliminary fact-finding investigation without providing us with any additional resources to investigate the optional referrals. As you know, the AG’s Office is not an investigative agency—it is a law firm with only three investigators who specialize in consumer and Medicaid fraud investigations in support of the Office’s enforcement of the Tennessee Consumer Protection Act and Tennessee Medicaid False Claims Act. This Office pursues excellence in all its work, and with shared and finite resources—as is certainly the case with our investigators—we may sometimes have to sacrifice speed for a job well done.

For Registry referrals, our goal is to complete investigations and issue a fact-finding report within 90 days of receiving the referral. Should we need more than 90 days, will notify you and provide an estimated completion date. Also, we will email you fact-finding reports as soon as they are complete, and you can provide them to the Registry at the appropriate time, as determined by you. If the Registry is not satisfied with this timeline, please keep in mind that its referrals to this Office are optional, not mandatory.

Sincerely,



ANDREW C. COULAM
Deputy Attorney General
Public Interest Division
Office of the Attorney General & Reporter
615-496-9546
andrew.coulam@ag.tn.gov

Encl.

David Golden
Paige Burcham Dennis
Tom Lawless
Henry Fincher
William Haynes, III
Tom Morton

STATE OF TENNESSEE

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**TENNESSEE ATTORNEY GENERAL'S
INVESTIGATIVE REPORT**

**Wes Duenkel v. Sumner County Constitutional Republicans and
Tennessee Constitutional Republicans
(Tennessee Registry of Election Finance No. C24-001)**

June 28, 2024

INTRODUCTION

The Tennessee Registry of Election Finance received a sworn complaint with allegations that the Sumner County Constitutional Republicans (“SCCR”) and the Tennessee Constitutional Republicans (“TCR”) are operating as unregistered political-action committees (“PAC”) in violation of Tennessee’s Campaign Finance Disclosure Act, Tenn. Code Ann. §§ 2-10-101, *et seq.*¹ Pursuant to the Act, the Registry chose to refer the complaint to the Tennessee Attorney General’s Office to conduct a preliminary investigation into Mr. Duenkel’s allegations. This report sets out the factual findings of the Office’s investigation.

FACTUAL FINDINGS

Investigator Tristina Craft from the Tennessee Attorney General’s Office conducted the investigation. She interviewed seven individuals, attempted to but was unsuccessful in contacting four additional individuals, and reviewed documents and other information provided by both interviewees and the Registry.

Review of Websites

Investigator Craft reviewed SCCR’s and TCR’s webpages, as well as social-media pages. Sumner County Constitutional Republicans, <https://sccrtn.org/> (last visited June 27, 2024); Tennessee Constitutional Republicans, <https://tcrtn.org/> (last visited Jun 27, 2024). She found endorsements for various political candidates, including Todd Kerr, Marie Mobley, and Chris Spencer. The SCCR website noted that it had a nine-person vetting committee, which utilized formal background checks, and that the group held monthly meetings. Kurt Riley paid for the SCCR website, and Investigator Craft found that TCR had merchandise for sale on its website. She noted that both websites once had a “Donate” link, but that those links had since been removed.

Complainant Wes Duenkel

Investigator Craft met with Mr. Duenkel. Mr. Duenkel stated that he had been involved in politics and education since 2012. Mr. Duenkel has been the chair of Strong Schools, a registered PAC, and stated that he is familiar with the laws governing the actions of political organizations because he had run his own PAC, Strong Schools. Mr. Duenkel found out about SCCR when SCCR began endorsing county commissioners and the mayor. Mr. Duenkel noticed that, as of 2023, SCCR began endorsing school-board candidates in anticipation of the March 5, 2024, primary election. Mr. Duenkel received most of his information from public websites or social-

¹ The term used by Mr. Duenkel and others was “political-action committee” or “PAC.” This term is the one used in federal law and is often the popular vernacular for the entities known under state law as political-campaign committees, or “PCCs.” We understand that the terms are being used interchangeably here, and this report will employ the terms used by the witnesses.

media pages of SCCR and TCR. In Mr. Duenkel’s view, SCCR used those websites to recruit people who aligned with SCCR to run for public office and to offer the potential candidates “financial support.” Mr. Duenkel also perceived that SCCR expressed the ability to show candidates “how” to get elected. In Mr. Duenkel’s opinion, SCCR operates as a political organization collecting and spending money to support the candidates that they endorse.

Mr. Duenkel also pointed Investigator Craft to Renee Brewer, a private investigator whom Mr. Duenkel believed to have experience with SCCR. Mr. Duenkel claimed that SCCR holds an election night watch party with drinks and food provided, and he noted instances where he perceived that SCCR may be financially backing candidates. Mr. Duenkel shared that SCCR’s Facebook page had posted a video of celebrity and actor Kirk Cameron promoting SCCR. Mr. Duenkel also provided some documents, including:

- A screenshot of voteforfinegan.com, a website for Tracy Finegan, a Republican running for the Sumner County School Board. The “latest news” link on the website directly links to the SCCR website. *See* Tracy Finegan for School Board, <https://voteforfinegan.com> (last visited June 27, 2024) (clicking the latest news link redirects to sccrtn.org).
- Expenditure reports for SCCR endorsed school board member, Todd Kerr, which reflect a contribution by Shannon Bergdorf—a county commissioner endorsed by SCCR—for \$500 and an expenditure of \$2,942.22 to TCR for “signs.” (SCCR 043-56.)
- A copy of a blog post from Gina Carpenter, www.yourlocalpolichicks.com, a supporter of SCCR, stating that the “citizen group does not collect money or spend money on campaigns.” *See* Gina Carpenter, *The Elephant in the Room*, YOUR LOCAL POLICHICKS, (June 27, 2024 9:45 AM), <https://www.yourlocalpolichicks.com/blog/the-elephant-in-the-room/>.

Todd Kerr

Investigator Craft spoke with Todd Kerr who unsuccessfully ran for the Sumner County School Board in the March 2024 election. Mr. Kerr acknowledged endorsement by SCCR but stated that he did not receive financial contributions from them. He characterized the SCCR membership as “stingy,” thereby ensuring that no contributions were made to candidates. Mr. Kerr stated that individual members of SCCR may make donations in their individual capacity, but any such donations are not from SCCR. Mr. Kerr acknowledged that he had paid TCR for signs, which he disclosed. But he disavowed receiving any contributions from TCR. Mr. Kerr clarified that, according to his understanding, TCR and SCCR are separate and do not overlap. He stated that TCR is a limited-liability company that pays taxes, whereas SCCR does not collect fees, dues, or donations.

Mr. Kerr recalled attending SCCR monthly meetings, where members rotate paying for breakfast out of their personal funds. According to Mr. Kerr, a veteran organization once hosted a SCCR monthly breakfast to support veterans, like Mr. Kerr.

When speaking of his endorsement by SCCR, Mr. Kerr recalled meeting with a “vetting committee” of five to six members of SCCR, who interviewed him to ensure that he aligned with their mission. Mr. Kerr could not remember the names of the members of the committee, but he did recall that Kurt Riley was not among them. While Mr. Kerr had heard of SCCR conducting background checks on candidates, Mr. Kerr had never personally completed any background-check information. Mr. Kerr mentioned Teresa Perona, Sharee Andrade, and Kimberly Overton as individuals who could provide information related to SCCR and TCR. Mr. Kerr stated that Ms. Andrade played a leading role in the vetting committee.

J.K. Brister

Investigator Craft spoke with J.K. Brister, a person spotted on SCCR’s Facebook page. Mr. Brister stated that this investigation was a “political witch hunt.” Mr. Brister stated that SCCR consists of individuals who make donations on behalf of themselves, not the organization. He explained that SCCR is a group of people on Facebook that meet once a month and work together to elect certain individuals.

Mr. Brister noted that he had worn some SCCR merchandise in the past, but when asked if he paid for the merchandise, Mr. Brister stated that the merchandise was “given away,” nothing was sold, and no proceeds were generated. When asked about a “donate now” button on the SCCR website, Mr. Brister indicated no familiarity with it.

Chris Spencer

The Office of the Attorney General received a mailer for Chris Spencer, a candidate for state senator, that said he was a founding member of SCCR. (SCCR 057.) Investigator Craft spoke with Mr. Spencer. He stated that he was part of a small group of individuals who gathered in Sumner County in 2018 or 2019 to help get likeminded individuals to run for public office. Mr. Spencer specifically stated that SCCR is “not a PAC.” Mr. Spencer stated that no money was collected by SCCR. Mr. Spencer added that he had never seen any merchandise or sales benefiting SCCR, apart from what individuals may have done independent of the organization. After being asked about the monthly meetings and the refreshments provided, Mr. Spencer stated, “I am done with questions. This is such a waste of time.”

Kurt Riley

Investigator Craft spoke with Kurt Riley, who is founder of SCCR and is the registered agent for the TCR. Mr. Riley shared his belief that there is a misunderstanding whereby people are confusing SCCR with Mr. Riley’s former PAC, the Sumner County Republican Assembly (“SCRA”). Mr. Riley explained that SCRA was founded in August 2018, as a chapter of the Tennessee Republican Assembly. According to Mr. Riley, SCRA was a registered PAC, with John Persona as the treasurer, and SCRA followed the Registry’s requirements, including filing

annual reports, etc. Mr. Riley noted that, over time, it became apparent that the PAC was no longer useful. Mr. Riley explained that the PAC was closed, as were its bank accounts, and that the group changed its name to SCCR. Mr. Riley expounded that SCCR has no legal structure, but it exists as a group that discusses politics. Now if someone attempts to give money to SCCR, Mr. Riley refers the individual to donate directly to their favorite candidate.

Mr. Riley stated that SCCR does not collect money as donations, but SCCR will accept voluntary contributions to pay for breakfast at their monthly meetings. According to Mr. Riley, the breakfast is “free.” At the same time, Mr. Riley noted that some people have chosen to buy breakfast in its entirety.

When asked about the ability to donate online, Mr. Riley explained that TCR, LLC was founded after other counties in Tennessee requested his expertise for creating organizations like SCCR. TCR was established to pay for Mr. Riley’s travel and expertise. Mr. Riley affirmed that the sale of TCR merchandise does not benefit candidates of any platform. Mr. Riley maintained that all money generated is for TCR.

When questioned about SCCR’s vetting process, Mr. Riley detailed that the information obtained for that process was all public information. While there was an instance where a member of SCCR wanted SCCR to hire a private investigator, Mr. Riley heard that the individual hired their own private investigator.

In conclusion, Mr. Riley stated that SCCR consists of law-abiding citizens, its goal is to comply with laws and regulations, it is not acting nefariously, and it always conducts matters in accordance with rules and regulations.

Renee Brewer

Investigator Craft called Renee Brewer, the private investigator Mr. Duenkel believed to have experience with SCCR. Ms. Brewer explained that she had once investigated a matter tangentially related to SCCR. Ms. Brewer shared the names of other private investigators, Mike Sands and Jack Haeger, who might have worked for SCCR or have other related information. She did not offer any additional information.

Attempts to Gather Additional Information

Investigator Craft reached out to several additional individuals who were either unwilling to answer questions, were not actually familiar with SCCR or TCR, or did not return her calls: Jack Haegar, Rosemarie Schulze, Sharee Andrade, and Kimberly Overton.