

Assistant District Attorney General
Frank Harvey
Lee Ledbetter
Kristin Kelley
Patti Murphy
Bill Reedy

Criminal Investigator
B.R. Ladd

Russell Johnson
District Attorney General
Ninth Judicial District
Loudon~Meigs~Morgan~Roane



1008 Bradford Way
PO Box 703
Kingston, TN 37763-0703
(865) 376-2145
(865) 376-2148 fax

Victim/ Witness Division
Julia Bebb
Charlene Hipsher
Lisa Lee
Holly Miller

Administrative Assistants
Angie Vittatoe
Tina Jarnagin
Rita Johnson

May 13, 2012

Charles Holloway
Roane County Administrator of Elections
Kingston, Tennessee 37763

Re: complaint regarding district attorney's office employee

Dear Mr. Holloway:

It is my understanding from someone that read a post on a local media Facebook page that your office has received a complaint regarding an employee in my office. I am writing to let you know that the employee informed me of a possible problem last Wednesday when she received a call from a local reporter asking "why Dennis Ferguson's campaign web-site was registered to her name at the district attorney's office address?" She gave the reporter her explanation and immediately called to inform me of the issue.

This employee actually setup our district attorney office website, our drug task force website and a church related website in Loudon County. Dennis Ferguson knew this and asked her to set up his website for his fishing rodeo last year, which she did. Several months ago Ferguson asked her to set up his website for his campaign for road supervisor. She told him that she could not do this. He did ask her to at least reserve a domain name for his campaign website using the same webhost as was used for his fishing rodeo. She did this using Ferguson's credit card. This was evidently done early in the morning or late in the evening when she was unable to reach Ferguson to determine what name (campaign treasurer or manager) and what address (did not know his official campaign address) he wanted to use for the domain registration. She went ahead and listed her name and the district attorney's address for the domain registration. She then later gave the credit card and domain information to Ferguson and requested him to change the name and the address. This obviously never happened.

My employee never performed any work on Ferguson's website, his campaign helpers Brian Matthews and Derrick Hendrickson performed all of that work. My employee merely reserved the domain name, period.

On Thursday of last week I spoke with the Deputy Director of the Tennessee District Attorneys Conference and informed him about the situation. I took internal administrative action with the

June 13, 2012

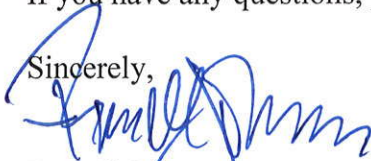
employee to address any possible breach state or office policy. That action was confirmed with the Executive Director of the TNDAGC. On Friday I spoke in person with Mark Goins the State Coordinator of Election Administrators. I gave him all of this information and assured him of the limited scope of the employee's involvement in this issue.

I have researched TCA 2-19-206 and feel that there is not a breach of that statute as the state employee action (registering a domain name) did not involve campaign advertising as actually building the website might have involved. This statute is one that is frequently brought up in campaigns. Whereas the federal Hatch Act is certainly more restrictive, the state 'Little Hatch Act' is more protective of state employee involvement in campaigns, etc.

I have thoroughly addressed the issue with the employee and through the proper channels. It was an unfortunate lapse in judgment when she was merely performing an uncompensated favor for someone who in his former role as state representative was always a supporter of law enforcement, the state district attorneys and state employees. For her part, my employee has always performed exemplary service for my office and the officers, attorneys and folks that we deal with on a daily basis.

If you have any questions, please feel free to contact me or Wally Kirby at the TNDAGC.

Sincerely,



Russell Johnson
District Attorney General