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STATE BOARD OF ELECTIONS

GARY O. BARTLETT
Executive Director

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Return Receipt Requested

NOTICE OF NONCOMPLIANCE

June 8, 2012

Jonathan Bush
Gardenia M Henley Campaign Comm
115 New Haven Dr
Lexington, NC 27292

Re: 2012 First Quarter Plus Report

Dear Mr. Bush:

This is official notice that the 2012 First Quarter Plus Report (due April 30, 2012) has not been received by the State Board of Elections.

In addition, if the report is not filed within twenty (20) days after the date of this letter, the Board is mandated by Chapter 1.0104(d) of Title 8 of the North Carolina Administrative Code to issue a **Notice of Termination of Active Status**. This status renders the committee ineligible to receive or make contributions until such time as it has filed the delinquent report and has satisfied any statutory penalty incurred as a result of noncompliance with the provisions of Article 22A of Chapter 163 of the General Statutes.

If you need assistance in this matter, you may contact Amy Strange in this office at (919) 733-7173.

Sincerely,


Kim W. Strach, Deputy Director
Campaign Finance Division

TO: Amy Strange/Compliance Specialist
Jason Schrader/Training Specialist

FROM: Gardenia M. Henley *GH*
Diplomat/FSO/Ret.
Committee to Elect Gardenia M. Henley

DATE: November 6, 2012

On October 30, 2012 you received a memo from me addressing the NCSBOE's Notification of Non-Compliance letter that was sent to my Campaign Treasurer Mr. Jonathan Bush which was received in June of this year. I stated that our campaign is built upon transparency and strict adherence to campaign finance laws. Also, I gave you preliminary results of a campaign investigation in which I commenced as a result of Mr. Bush's actions to find out what exactly took place, how and why. That investigation is complete and our findings are as follows:

- Mr. Bush was properly trained by the NCSBOE training division in Raleigh, North Carolina in his capacity as a Campaign Treasurer for a political committee.
- Mr. Bush is a highly skilled professional, who holds a high profile executive position with Bank of America, one of the largest financial institutions in the world. With in his capacity at Bank of America, he has somewhat similar reporting responsibilities.
- Mr. Bush is a long standing Treasurer at a religious institution in Winston-Salem, N.C.
- Mr. Bush has stated on numerous occasions that, he was capable of fulfilling his requirements as campaign treasurer and that he was fully aware of the parameters and the requirements of his position.

As a result, of our review of Mr. Bush's credibility, which in our opinion clearly speaks for it self, the committee found no reason to question his credibility, nor did we find reason not to believe that he was incapable of fulfilling his responsibility as campaign treasurer. In fact, through his own admittance and after the reports were turned in late, he asserted that, "I could do it from the beginning."

Also, we noted that only one non compliance letter was sent to the committee which informed it that the 1st quarter report was late. In fact, as is one subject of this letter, the 2nd quarter report was also not filed timely by Mr. Bush, which should have also warranted a notice of non compliance from the NCSBOE, as well. While we understand that this is a presidential election season we are aware that NCSBOE has an unusually large work load. However, having received a non compliance letter for the 2nd quarter report from the NCSBOE would have alerted us that the treasurer had not filed the reports on time. This comment is not to pass blame, but is made to only state the facts. We ask

that probable cause be considered against the treasurer, as set forth in the North Carolina General Statutes, as we believe that he knowingly and willfully violated the law. As the committee had no way of clearly knowing the reports had not been filed prior to calling the NCSBOE in late October concerning another unrelated matter.

Furthermore, as a result of our review of the requirements as set forth in the 2012 Campaign Finance Manual, issued by the Campaign Finance Office in Raleigh, North Carolina, the reporting requirements as set forth in the North Carolina General Statutes, various e-mails, text messages and other correspondence, from the committee, the NCSBOE and Mr. Bush, we conclude as follows.

- As the Campaign Treasurer Mr. Bush knowingly and willfully violated the *North Carolina General Statutes* relating to *The Timely Filing of Quarterly Reports*.
- On numerous occasion in regards to the 1st and 2nd quarter reports, Mr. Bush stated that he had either mailed the reports via USPS, or that he had electronically filed them, or that he had personally hand delivered the reports to the NCSBOE in Raleigh.
- As for the 3rd quarter report, Mr. Bush also knowingly caused this report to be late, as he was informed by the campaign as well as by the NCSBOE officials of the due date of this report.
- We found and documented that almost all of Mr. Bush's assertions were inconsistent and very hard to follow or verify.
- On October 29, 2012 Mr. Bush admitted in writing, that he had not communicated to me that the reports had not been filed.

Finally, I again ask that probable cause be considered against the treasurer, as set forth in the North Carolina General Statutes, as we believe and have evidence that Mr. Bush knowingly and willfully violated the law relating to the timely filing of the campaign's quarterly reports. As we previous stated, we have put the necessary controls in place as well to insure that this does not happen again.

We hold ourselves accountable to the same set of standards that we hold others as this investigation of our own campaign committee clearly indicates. We continue to strive to maintain and up hold an excellent level of trust with State and Local Board of Election Officials, as well as with the public.

Sincerely,



Diplomat/FSO/Ret.

Gardenia M. Henley

Committee to Elect Gardenia M. Henley