

October 15, 2018

*Via U.S. Mail and e-mail: hatchact@osc.gov*  
The Honorable Henry Kerner, Special Counsel  
Office of Special Counsel  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505

**Re: Violation of the Hatch Act by Virginia Lodge**

Dear Mr. Kerner:

My name is Rick Tillis. I am the State Representative for the 92nd District of the Tennessee House of Representatives. I am writing to express my concern that Virginia Lodge has violated the Hatch Act. Ms. Lodge is a member of the Board of Directors for the Tennessee Valley Authority (“TVA”). As you know, the TVA is a federally owned corporation created by Congress in 1933. I respectfully request that the Office of Special Counsel investigate whether Ms. Lodge’s activities on behalf of U.S. Senate candidate Phil Bredesen have violated the Hatch Act.

**Factual Background**

Virginia Lodge (*a.k.a. Gina Lodge*) was appointed to the Board of Directors for the Tennessee Valley Authority by President Barack H. Obama in 2012. She receives a salary for her membership on the board. Her term expires May 18, 2019. I submit that Ms. Lodge is an “employee” as defined by *5 U.S. Code § 7322(1)*.

In January 2018, Phil Bredesen, a candidate for U.S. Senate for Tennessee, appointed Virginia Lodge as his political treasurer. According to the Federal Election Commission, a treasurer is responsible for ensuring that all contributions and expenditures are accounted for in a political campaign. These duties include monitoring all contributions, keeping records of receipts and disbursements, and authorize all expenditures for a campaign. (See <https://www.fec.gov/help-candidates-and-committees/get-treasurer>). As you well know, it is a violation of the Hatch Act to knowingly solicit, accept or receive political contributions from any persons. *5 U.S. Code § 7323(a)(2)*.

Pursuant to your office’s August 6, 2015 advisory opinion, being a treasurer for a political campaign, in and of itself, does not constitute a violation of the Hatch Act. I have attached a copy of this opinion for your convenience. However, this opinion does make it clear

that a federal employee “may not allow [her] name to appear anywhere on materials soliciting political contributions for the candidate...” (See *August 6, 2015 Advisory Opinion*, ¶ 3).

Considering this advisory opinion, I ask that you review and investigate Ms. Lodge’s appearance on Mr. Bredesen candidate website in which a contribution is sought. Her name appears on this page: [www.bredesen.com/press-releases/liar](http://www.bredesen.com/press-releases/liar) and the same webpage asks for a political contribution in multiple places. Also, she is featured in the video linked to this webpage. I have attached a copy of a screenshot of the webpage for your convenience. I submit that this is a clear violation of the Hatch Act in association with the August 6, 2015 advisory opinion.

### **Conclusion**

The purpose of the Hatch Act is to prevent federal employees from engaging in partisan political activity and fundraising. The statute prohibits an employee from accepting, soliciting, or receiving political contributions. Fundraising for a partisan political candidate constitutes a violation of the Hatch Act. A political treasurer is directly and intimately involved with the political contributions and fundraising of a candidate. Ms. Lodge appears to have violated the Hatch Act. I respectfully request that your office commence an immediate investigation and take or recommend appropriate disciplinary action against Ms. Lodge.

Sincerely,

Rick Tillis

Enclosures