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March 8, 2024

Metropolitan's Clerk Office  
The Honorable Austin Kyle  
1 Public Square, Suite 205  
Nashville, TN 37201

To Clerk Austin and to the Ethics Board members:

I, Lydia Yousief, and the undersigned community members are submitting this complaint for review by the Ethics Board. Because of the nature of the complaint, we are requesting that outside counsel, not Metro Legal, be brought to review and advise this complaint, since Metro Legal is implicated as enabling the misconduct. Pursuant of the Metropolitan Code of Laws 2.222.020 I and the undersigned are reporting the following Metropolitan Arts Commissioner:

Will Cheek, appointed by Mayor John Cooper and approved by Metropolitan Council.

The basis of this complaint revolves around the alleged breaches of the following standards of conduct:

1. Violated sunshine laws and schemed with former Commissioners Jim Schmidt and Marianne Byrd to defund BIPOC artists on August 17, 2023 and November 2023 during a Commission meeting; and
2. Provided services for compensation, directly or indirectly, to a person or organization who is requesting an approval, action, or determination from the metropolitan government; and
3. Worked actively against democratic equity work in distributing public funds.

**I. Violated Tennessee Open Meetings Act (TOMA) and schemed with former Commissioners Jim Schmidt and Marianne Byrd to defund BIPOC artists on August 17, 2023 during a Commission meeting**

After the Metropolitan Council approved \$2 million to fully fund Thrive in June 2023, the Metro Arts Commission met on July 20, 2023 ([minutes here](#)). The Commission voted and approved the request from Metro Council. Will Cheek was the only Commissioner to vote NAY (and has consistently voted against equity as is clear from the [MHRC report from March 4, 2024](#)); Carol McCoy was the only Commissioner to abstain. Commissioners Clarence Edward and Janet Kurtz recused themselves. Metro Arts staff sent out full approval of funds to Thrive applicants. A Metro Legal representative also attended the vote and discussion and approved the minutes.



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From the MHRC report published March 4, 2024:

“Not considering those four categories, Commissioner Cheek is the only Commissioner with an inconsistency in recusals/abstentions on his vote for mid-size organizations between meetings. In an interview he disclosed his COI due to a relationship with five large organizations: Belcourt Theater, Cheekwood, Nashville Symphony, Country Music Hall of Fame, and the Frist Art Museum. His on-the-record disclosure includes Oz Arts, a midsize organization, from which he should have recused himself from in the August vote, as he did in July.”

Will Cheek should have also disclosed that both he and former Commissioner Jim Schmidt have a history together. Jim Schmidt served on the board of the Nashville Children’s Theatre, and Will Cheek stated on the record multiple times that he offers Nashville Children’s Theatre pro bono legal services. These connections are detailed in the MHRC report published March 4, 2024.

Furthermore, during a special session held by the Arts Council on December 14, 2023, called on by Councilmember Joy Styles ([video here](#)), Commissioner Will Cheek confessed to being the commissioner who asked Metro Legal to recall the vote because of the overturning of affirmative action in June 2023.

A former board member of a multi-million “arts organization,” who left their position and also wishes to remain anonymous, overheard staff and board at the organization threatening to sue the city if Thrive was fully funded. They also cited affirmative action. Another staff member at another multi-million “arts organization” in Nashville overheard the same conversation between executives during this time.

Will Cheek used the same analysis, despite Director Daniel Singh requesting multiple times for clarification on the implications of the overturning of affirmative action ([see emails and texts here](#)).

After speaking with Metro Legal on citing affirmative action, Metro Legal directed the Commission to recall the vote on August 17, 2023 during the Commission meeting. Metro Legal issued a memo on July 24, 2023.

After recalling the vote ([see video here](#)), Director Singh names the alleged lawsuit Metro Legal was concerned about at 16:08. At 23:40, Commission Chair Powell emphasizes, “Now, I’m going to open up the floor for discussion around this particular notion. This is the time, if you have conversations to have them,” and she pointedly looks at Jim Schmidt sitting to her right.

Both Jim Schmidt (31:22-40:04) and Marianne Byrd (23:48-28:24) speak using scripts. Their scripts cite the same details:

1. Writing a script was necessary to know what my decision was going to be.
2. Despite the script and despite going through all the notes from December 2022-July 2023, said commissioners were confused (and therefore not liable for their decisions).
3. This is very complicated funding.
4. The Commission has a “promise” to keep.
5. This is not racism because the Commission has a Committee of Anti-Racism and Equity.

Both Jim Schmidt and Marianne Byrd were either not present or voted AYE for the July 20th vote respectively. During the August 20th Commission vote to fund Thrive, all three—Cheek, Schmidt, and Byrd—voted against funding Thrive. Schmidt and Byrd both personally approached public comment community members and apologized for voting AYE, but still claim it was their personal opinion to defund Thrive. All



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three of these commissioners use the same language when questioned about “a promise” and “so much chaos and confusion.” Cheek used the same language during the special session with the Arts Committee of Metro Council ([see video here from 59:27](#)).

During the November 2023 Commission meeting (recording not available), Cheek and Schmidt went out to the bathroom together between the Executive Committee meeting on Daniel’s performance and the Commission meeting. After they came back, McCoy motioned to start a “Finance and Oversight” Committee, Cheek and Schmidt seconded quickly after. The meeting was then adjourned since McCoy had taken the whole time of discussion to complain about reading pdfs.

The shared language with no genuine personal connection to the choices being made on Commission since July 2023 suggests private communications and particularly legal support in avoiding prosecution for malfeasance. Lastly, never has Will Cheek since July 2023 participated in discussions in Commission meetings, but will support motions and vote only.

## **II. Provided services for compensation, directly or indirectly, to a person or organization who is requesting an approval, action, or determination from the metropolitan government;**

During the Arts Council special session on December 14, 2023 ([video here](#)), Will Cheek confessed that his connection to Nashville artists was “serving on boards” of arts organizations. When Councilmember Styles asks him directly about his affiliations, Cheek answers (1:00:53): “I act as legal counsel to a number of nonprofits, and yes, I have given legal advice on a pro bono basis—not paid—to a lot of nonprofits of the arts. A lot of arts groups, yes. From the Nashville Children’s Theater to I don’t know—a bunch of ‘em.” Despite serving on the Commission giving arts funding—80% going to white-led organizations in Nashville—Cheek does not name his clients/his affiliations. This places him in a position of overseeing the finances of “arts” organizations in Nashville and simultaneously overseeing public funds to said organizations.

## **III. Worked actively against democratic equity work in distributing public funds.**

Will Cheek is the only commissioner who took all of the following equity stances in the Metro Arts Commission:

1. December 2022: Cheek voted against the community-driven adoption of making Thrive applications more accessible to individual artists by streamlining questions and attachments
2. July 2023: Cheek voted against Metro Council’s funding for Thrive
3. August 2023: Cheek voted against Metro Council’s funding for Thrive after recall
4. October 2023: Cheek wanted to eliminate public comments from Commission meetings
5. November 2023: Cheek voted for a Finance and Oversight Committee which is now (in February 2024) holding closed meetings with Metro Legal on Director Singh’s performance



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While other commissioners (notably BIPOC or queer community members) have resigned, like Matia Powell, Clarence Edwards, and Ellen Angelico, due to unaddressed racism and pressure of the Commission, Cheek remains, ramping up his media spotlights with Wally Dietz of Metro Legal in fascist newspapers in Nashville, notably: *The Nashville Banner* ([12/1/2023 article here](#)) and *The Pamphleteer* ([1/23/2024 article here](#)).

What's worse, Will Cheek during his confirmation hearing in January 2023 openly lies about supporting equity work in Metro Arts. [In the MHRC report published March 4, 2024,](#)

In it [Commissioner Will Cheek's confirmation interview for his second consecutive term] he stated: *"We are really optimistic about the way things are going. We just took a critical vote at how we are going to allocate funding. We are very focused on what we call equity, which is putting more arts funding and more support from the Commission into neighborhoods and arts that have been traditionally overlooked by the Commission."* This statement appears contradictory when compared to his nay vote on the December funding formula and his continued nay votes in July and August 2023.

Finally, I encourage Ethics board members to review this article on Will Cheek's participation in the active dismemberment of equity-based work at Metro Arts: [Crumboling Numbers: Unraveling the Fiscal Artistry in Nashville's Finances](#) by Mike Lacy.

While Will Cheek says he's for equity (which is the baseline for every person), his actions and voting patterns prove otherwise. Furthermore, the March 4th MHRC confirms his racist and classist biases in his own words: "If you receive \$10,000, who is following up with you to see what you do? Did you go to Kroger and shop? Or did you put on the arts production that you were supposedly going to do with that money?" They prove that he is more interested in keeping power and public subsidies with his clients and not with the people of Nashville. Because he is clearly working on behalf of large institutions against Nashville artists and small organizations, we are asking this Board to file a resolution with the Metropolitan Council to censure this individual from serving on any board or commission in Metropolitan Nashville.

Respectfully submitted,

Alayna Anderson  
Christine Hall  
Lydia Yousief  
Sangeetha Ekambaram



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Nashville, TN 37201

To Clerk Austin and to the Ethics Board members:

I, Lydia Yousief, and the undersigned community members are submitting this complaint for review by the Ethics Board. Pursuant of the Metropolitan Code of Laws 2.112.030, I and the undersigned are reporting the following Metropolitan Arts Commissioner:

Carol McCoy, appointed by Mayor John Cooper and approved by Metropolitan Council.

The basis of this complaint revolves around the alleged breaches of the following standards of conduct:

1. Interrupted Metro Arts Commission meetings and spoke to topics not set in the agenda/not made public twice;
2. Humiliated a Black Metro Arts staff member publicly;
3. Made openly racist and classist remarks and general disregard for the arts community.

Breaching the above standard of conduct violates the promotion of the study of, the participation in, and the appreciation of the arts.

**I. Interrupted Metro Arts Commission meetings and spoke to topics not set in the agenda/not made public twice:**

On November 16, 2023, during a Metro Arts Commission meeting, Commissioner Carol McCoy derailed a public meeting, interrupting the Public Works presentation, to form the Finance and Oversight Committee. This was not on the agenda, so the public was not prepared to comment on the creation of another Metro Arts Committee. She was seconded by Will Cheek and Jim Schmidt. This meeting is not recorded, but Lydia Yousief and Sangeetha Ekambaram were witnesses and attended the meeting in full.

On February 15, 2024, Commissioner McCoy again de-railed the meeting to discuss another topic and to vote on a decision not on the agenda and not given proper public notice. [This meeting is recorded and available online](#). At 43:40, Director Daniel Singh asks Metro Legal if it's legal to bring in discussion on the memo Metro Legal sent without public notice; Lora Fox (representing Metro Legal) allows that first interruption on the basis that the memo was part of the director's report, which would be later in the agenda, so it was simply



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moved up in the agenda. From this opening to discuss the Metro Legal Memo, McCoy goes off a tangent on financial oversight. She brings up consultants like Dana Parsons and Justin Laing who are doing anti-racist work in Metro Arts. She offends Thrive recipients by suggesting there is no oversight for the administration of those funds (though Director Daniel Singh corrects her multiple times during past Commission meetings in October and November 2023). The meeting runs for another 2 hours without reaching any of the important agenda items like Public Works; the Commission does not make any decisions they were scheduled to make. Instead, all decisions were delayed, and McCoy motions to fire Dana Parsons and break that contract.

## **II. Humiliated a Black Metro Arts staff member publicly;**

During the November 16, 2023 Metro Arts Commission meeting, Director Daniel Singh introduced three new staff members. Because this meeting was not recorded by Vivian Fox, the Operations staff person, I will detail it here:

After de-railing the meeting, (after already arriving late), McCoy asks about new staff present. Director Daniel Singh had already introduced them, but complied with introducing them again. He introduces the two new white staff members first and then he introduces the new Director of Finance of Metro Arts, a Black woman named Christiana Afotey. She is seated behind McCoy. McCoy turns around and aggressively remarks (while very close to Afotey): “You’re the director of Finance? What qualifications do you have?” Afotey responds that she had run her own small business and has several years in accounting experience. McCoy turns around, unsatisfied, without a thank you. Afotey gets up, visibly upset. She exits the room in tears.

Daryn Jackson, one of the new Metro Arts staff members at that meeting, asks for that racist confrontation to be added to the minutes.

Multiple committee meetings go by and McCoy does not make a statement. Commissioner Diana Perez, during the January 25, 2024 Commission meeting, made a public statement about Commissioner McCoy’s racism. [That comment is available online at 1:25:00 of the recording.](#)

On February 15, 2024, McCoy issued a terrible apology for her racist remarks. She says, “I was overzealous; therefore, I was rude,” and then quickly transitions the meeting. This apology was merely performative because she failed to recognize the deep-seated racist perspective of challenging the qualifications of a Black woman and not two white women. McCoy also failed to address that Afotey cried and that this confrontation brought her great distress and humiliation. McCoy, even in apologizing, could not center the victim of her racism.

## **III. Made openly racist and classist remarks and general disregard for the arts community**

During [the February 15, 2024 meeting](#), Carol McCoy implied that she had just learned how Thrive was arts funding for individuals and organizations (48:00), even though she’s been on the Commission since March 2023. She rattles on with other inaccurate information about Thrive funding in terms of amount awarded and recipients without correction. Finally, she culminates in saying: “I have been a member of many nonprofits. I



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don't think I've ever been on a micro agency that has a budget of \$25,000. That is not even enough to pay one staff person, so it occurred to me that if you give money to a micro agency or to an individual, how do you do it in such a way it can be accounted for and properly used."

Not only did McCoy confuse Thrive with general operating funds (micro organizations are a category within general operating grant funds), revealing that she does not understand how money is dispersed through Metro Arts, but she also is implying, even after Director Daniel Singh mentions reporting measures for Thrive recipients, that local artists misuse art funds. This is a classist statement because it ignores that the Frist, Symphony, and TPAC do not have to report how funds were spent and most of their funding from Metro Arts will go towards staffing (not artists or art-making). McCoy even says that micro organizations can't be real on the basis that they don't have staff. She has no idea what artists in this city go through. \$25,000 could be rent for a gallery that a curator is running on the weekends in Wedgewood Houston; \$25,000 could be a small production's budget for a yearly show in North Nashville; \$25,000 could run a magazine. Yes, it often does not go towards staffing or paying even the artist for their labor, but implying that art-making requires staff and million-dollar budgets means she's a Commissioner who is not connected to Nashvillians.

Even worse, during McCoy's interview with the Rules Committee, she stated ([as noted in the MHRC report published March 4, 2024](#)):

"I read a news article, and I couldn't quite figure out what was going on. I know that the Executive Director either retired or was replaced so there's a new person on board, and I don't know who that is...I don't think the focus of the Commission."

"People who come in who just want to start a new venture. Their application is woefully poor, you wouldn't award anyone that money until you thought it would be handled properly...The one I remember was the Chinese New Year's festival, it was a little group of people getting together and I think they asked for \$5,000 but the grant was just so poorly written, maybe if they'd gone to the center for nonprofits they might have gotten some help."

We ask this board to sanction Carol McCoy. Racism is intolerable; while there is no exact mention of anti-racism in Metro Code, this Board has the opportunity to place into precedence that repeatedly-racist, unapologetic commissioners/board members can be sanctioned. This would be a major step against white supremacy in Nashville; holding space on a Commission to serve the corporate interest over community investment, health, and wealth.

Respectfully submitted,

Alayna Anderson  
Christine Hall  
Lydia Yousief  
Sangeetha Ekambaram



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