



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

FREDDIE O'CONNELL
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DEPARTMENT OF LAW
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TO: MEMBERS, BOARD OF ETHICAL CONDUCT

FROM: THOMAS CROSS, DEPUTY DIRECTOR OF LAW
COURTNEY MOHAN, ASSOCIATE METROPOLITAN ATTORNEY

RE: DEPARTMENT OF LAW REPORT – ETHICS COMPLAINT OF
LYDIA YOUSIEF AGAINST ARTS COMMISSION MEMBER CAROL
MCCOY

DATE: MARCH 27, 2024

I. BACKGROUND AND RECOMMENDATION

On March 8, 2024, Lydia Yousief¹ filed an ethics complaint against Carol McCoy, a member of the Metropolitan Arts Commission.² The complaint alleges that McCoy discussed and voted on matters not on the agenda of Arts Commission meetings, publicly humiliated a Black female Arts Commission employee by questioning her qualifications, and made racist and classist remarks concerning certain members of the arts community.³

For the reasons provided herein, the Department of Law recommends that the ethics complaint filed against McCoy be dismissed.

¹ The Complaint states that it was submitted by Alayna Anderson, Christine Hall, Lydia Yousief, and Sangeetha Ekambaram. However, only Lydia Yousief signed the Complaint. Because Metropolitan Code § 2.222.040(C)(1)(b) requires that a complaint “be signed by the complainant and notarized,” only Lydia Yousief is considered a complainant.

² The signed and notarized March 8, 2024 complaint of Lydia Yousief is attached as Exhibit A.

³ For purposes of accessing links embedded therein, the unsigned complaint of Lydia Yousief is attached as Exhibit B.

II. DUTY OF THE DEPARTMENT OF LAW

The Department of Law is required to evaluate the complaint, applying the law of the standards of conduct to the facts alleged in the complaint, and shall undertake an investigation as may be deemed necessary, to determine if such complaint alleges facts, which if proven true, could be deemed to be a violation of the Standards of Conduct set forth in the Metropolitan Code.⁴ Thereafter, the Department of Law issues a report concluding whether the facts alleged in the complaint, if true, would give rise to a violation of the Standards of Conduct, and recommending either that the complaint be dismissed or a hearing be held on the complaint.⁵

III. ALLEGATIONS IN THE COMPLAINT

The complaint sets forth the following allegations as the basis for the claim that McCoy violated the Standards of Conduct:

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

In summary, the complaint reflects allegations that McCoy violated the Standards of Conduct as follows:

- Discussing and voting on matters at Arts Commission meetings that were not on the agenda.
- Humiliating a Black female Arts Commission employee who was introduced as the new director of finance during the November 16, 2023 meeting by aggressively remarking: “You’re the director of Finance? What qualifications do you have?”. The complaint alleges that at the meeting where three new staff members were introduced, McCoy challenged the qualifications of the Black female employee but not the qualifications of the two White female employees, causing the Black employee to become visibly upset and exit the room in tears.

⁴ Metropolitan Code § 2.222.040(C)(1)(e).

⁵ *Id.*

- Making racist and classist remarks about certain members of the arts community. Examples of the alleged remarks are set forth below.

- ❖ At the February 15, 2024 Arts Commission meeting: “I have been a member of many nonprofits. I 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.”
- ❖ During McCoy’s interview with the Council Rules Committee as part of her confirmation to the Arts Commission, as noted in the March 4, 2024 report of the Metropolitan Human Relations Commission (MHRC):

“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.”

IV. ANALYSIS OF THE COMPLAINT

The Metropolitan Standards of Conduct were enacted in response to state legislation mandating that local governmental entities adopt ethical standards for all officials and employees of such entities.⁶ The intent of the legislature is reflected in Tenn. Code. Ann. § 8-7-101 as follows:

It is the intent of the general assembly that the integrity of the processes of local government be secured and protected from abuse. The general assembly recognizes that holding public office and public employment is a

⁶ See Tenn. Code Ann. § 8-17-103.

public trust and that citizens of Tennessee are entitled to an ethical, accountable and incorruptible government.

The term “ethical standards” is defined in the state enabling statute and expressly excludes procedures related to operational aspects of governmental entities:

“Ethical standards” includes rules and regulations regarding limits on, and/or reasonable and systematic disclosure of, gifts or other things of value received by officials and employees that impact or appear to impact their discretion, and shall include rules and regulations regarding reasonable and systematic disclosure by officials and employees of their personal interests that impact or appear to impact their discretion. The term “ethical standards” does not include personnel or employment policies or policies or procedures related to operational aspects of governmental entities;...⁷ (Emphasis added.)

The Standards of Conduct, when read in conjunction with the state law requiring the adoption of ethical standards, are intended to protect and secure the processes of local government from corruption. The state enabling legislation and the Standards of Conduct are aimed at disclosure of interests, financial improprieties, improper influence of officials, and acceptance of benefits by officials.

The complaint essentially asserts that McCoy violated the Tennessee Open Meetings Act by discussing and voting on matters that were not on the agenda of Arts Commission meetings. The Open Meetings Act does not forbid all discussion among board or commission members at a public meeting of matters not on the agenda. But even if true, the other facts alleged in the complaint against McCoy could not support a finding that a violation of the Standards of Conduct had occurred. The Open Meetings Act establishes requirements for the manner in which public meetings are to be conducted and a general right for the public to attend and observe. The compliance of board and commission members with the requirements of the Open Meetings Act does not implicate the conflicts of interest and financial impropriety concerns addressed in the Standards of Conduct and related state enabling statute. Finally, the Board of Ethical Conduct is not the appropriate venue to adjudicate allegations concerning violations of the Open Meetings Act, the enforcement of which is provided for in the act itself.⁸

⁷ Tenn. Code Ann. § 8-17-102(a)(3).

⁸Tenn. Code. Ann. § 8-44-106.

The complaint alleges that McCoy engaged in racism by questioning the qualifications of a Black female Arts employee. The complaint further alleges that McCoy made racist and classist comments regarding certain members of the arts community. The comments attributed to McCoy do not implicate ethical matters. As delineated in Tenn. Code Ann. § 8-17-102(a)(3), the “term ‘ethical standards’ does not include personnel or employment policies or policies or procedures related to operational aspects of governmental entities.” The Board of Ethical Conduct is not the appropriate forum to address the speech described in the complaint.

The complaint lacks allegations that fall under the definition of “ethical standards” as intended or outlined in state law and the Standards of Conduct.

V. CONCLUSION

It is the opinion of the Department of Law that the allegations in the complaint filed by Lydia Yousief, if true, would not give rise to a violation of the Standards of Conduct. Therefore, the Department of Law recommends that the Board of Ethical Conduct dismiss the complaint filed against Carol McCoy in its entirety.

**Exhibit A – Signed and Notarized Complaint of Lydia
Yousief Against Carol McCoy**

Lydia Yousief
PO Box 17685
Nashville, TN 37217
615-861-0251
lydia.yousief@gmail.com

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. 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):

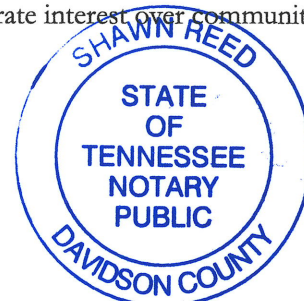
"I read a news article, and I couldn't quite figure out what was going on. I know that the Executive Director either retired or was replaced so there's a new person on board, and I don't know who that is...I don't think the focus of the Commission."

"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



Shawn Reed

My Commission Expires
July 7, 2027

Signed in my presence
on March 8, 2024



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**Exhibit B – Unsigned Complaint of Lydia Yousief Against
Carol McCoy**

Lydia Yousief
PO Box 17685
Nashville, TN 37217
615-861-0251
lydia.yousief@gmail.com

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