

Metropolitan Board of Ethical Conduct
Minutes of Meeting

Monday, April 29, 2024

The Board of Ethical Conduct held a meeting on this date in Metropolitan Council Committee Room 1 of the Second Floor of the Historic Courthouse in Nashville, Tennessee.

Persons in Attendance:

Diane DiIanni, Board Chair
Brigid Carpenter, Board Member
Kirsten Grimes, Board Member
Joseph Gutierrez, Board Member
John Spragens, Board Member
Kinika Young, Board Member

Tom Cross, Legal Counsel
Courtney Mohan, Legal Counsel
Austin Kyle, Metropolitan Clerk
Shawn Reed, Deputy Clerk

Call to Order

The Chair called the meeting to order at 9:00 a.m.

Public Comment Period

No members of the public signed up to speak.

Approval of Minutes of April 4, 2024

Ms. Young moved to approve the minutes of April 4, 2024, which motion was seconded and approved by the following vote: “Ayes” (6): DiIanni, Carpenter, Grimes, Gutierrez, Spragens, and Young; “Noes” (0); “Abstain” (0).

Announcement of Appeal Rights

The Clerk announced that parties who disagree with a final decision of the Board may appeal by filing a writ of certiorari with the Davidson County Chancery Court within sixty (60) days of entry of the Order, and parties are encouraged to seek independent legal advice to ensure that applicable procedures and deadlines are properly followed.

Hearing for complaint Yousief v. Will Cheek

Mr. Gutierrez notified the Board that he is part of an arts organization that receives grant funding from the Metro Arts Commission and recused himself from all discussion and votes on this matter.

Chair DiIanni gave a brief summary of the role of the Board pursuant to the Metro Code of Laws and the process they would be following for this hearing.

Chair DiIanni called the hearing to order. The complainant, Ms. Lydia Yousief, offered an opening statement. After some discussion, Mr. Jon Cooper, representing Mr. Will Cheek, waived the right to give an opening statement.

Ms. Yousief began the presentation of her case and called Ashley Bachelder (Metro Human Relations Commission) forward as a witness. Ms. Bachelder was sworn in and answered questions from Ms. Yousief and Mr. Cooper.

Mr. Cooper presented Mr. Cheek's case and entered an affidavit for Mr. Cheek for the record. Mr. Cooper answered questions from the Board.

Ms. Yousief and Mr. Cooper delivered closing statements.

The Board deliberated and asked question for the Department of Law. After discussion, Mr. Spragens moved to find no violation of Metro Code of Laws Section 2.222.020(o), which motion was properly seconded and approved by the following vote: "Ayes" (4) DiIanni, Carpenter, Grimes, and Spragens; "Noes" (1): Young; "Abstain" (0). Chair DiIanni announced the motion had passed and concluded the hearing.

Summary and Discussion of Department of Law memorandum re: Amended Complaint Yousief v. Carol McCoy

Mr. Gutierrez notified the Board that he is part of an arts organization the receives grant funding from the Metro Arts Commission and recused himself from all discussion and votes on this matter.

Mr. Cross provided a summary of the Department of Law memorandum regarding the amended complaint filed by Lydia Yousief against Arts Commission member Carol McCoy. Mr. Cross indicated the Department of Law report concluded that the amended complaint alleged sufficient facts that if true could support a finding of a violation of Metro Code of Laws Section 2.222.020(k) and recommended that hearing be conducted on the claim.

After discussion, Mr. Spragens moved to adopt the recommendations of the Department of Law memo to dismiss the allegations regarding a potential violation of Metro Code of Laws Section 2.222.020(j) and to hold a hearing on the on the allegations regarding a potential violation of Metro Code of Laws Section 2.222.020(k), which motion was properly seconded and approved by the following vote: "Ayes" (5): DiIanni, Carpenter, Grimes, Spragens, and Young; "Noes" (0); "Abstain" (0). Chair DiIanni stated that the Board would be moving forward with a hearing on this matter. The hearing was set for Wednesday, June 5, 2024 at 9:00 a.m.

Next Steps/Scheduling

At this time, the next meeting is scheduled for Wednesday, June 5, 2024 at 9:00 a.m.

Adjournment

Upon motion properly seconded, the meeting was adjourned at 11:28 a.m.