

**Metropolitan Board of Ethical Conduct
Minutes of Meeting**

Monday, April 16, 2018

The Board of Ethical Conduct held an adjourned meeting on this date in Metropolitan Council Committee Room 2 of the Historic Courthouse in Nashville, Tennessee.

Persons in attendance:

Josiah Reid, Board Chair
Mariah Cole, Board Vice Chair
Diane DiIanni, Board member
Keith Frazier, Board member
Burkley Allen, Deputy Council Pro Tempore

Kevin Klein, independent legal counsel/Department of Law designee
Elizabeth Waites, Metropolitan Clerk/Board secretary

Call to order

Mr. Reid called the meeting to order at 11:32 a.m.

Approval of Minutes of March 28, 2018

Ms. DiIanni moved to amend the minutes of the last called meeting of the Board of Ethical Conduct by appending the drafted Procedures which were revised and adopted by the Board on March 28, 2018 to the Minutes. Mr. Reid seconded the motion, and the motion was adopted by a voice vote of the Board. Mr. Reid moved to adopt the minutes as amended, which motion was seconded by Mr. Frazier and approved by a voice vote of the Board.

Announcement of Appeal Rights

The Clerk announced that parties are encouraged to consult an attorney to evaluate appeal rights they may have from a final order issued by this Board in order to ensure that applicable procedures and deadlines are met.

Discussion of document styled “I. Notice of Intent to Appeal; II. Request for Permission to Submit Written Materials after April 24; and III. Request to Reconsider Changing the Procedures for Hearing of Complaints” in the complaint of **Theeda Murphy v. Megan Barry.**

Counsel Mr. Klein provided a summary of the request submitted to the Board by Ms. Murphy for the record. The Board discussed the request to continue the hearing, and aspects of jurisdictional theory in the event of the Metropolitan Council’s adoption of BL2018-1111. Mr. Ayoade Yoon provided an update to the Board regarding a pending public records request by Ms. Murphy. Timing of a potential writ of certiorari was discussed.

Mr. Reid moved to deny the request to postpone the hearing until such time as a referenced potential writ of certiorari has been fully litigated and concluded. Mr. Frazier seconded the motion, which passed by a voice vote of the Board.

Mr. Reid moved to continue all aspects of the complaint to July 11 at 1:30 p.m., which motion was seconded by Mr. Frazier and approved by a voice vote of the Board.

Ms. DiIanni moved to amend the Board's Procedures adopted on March 28, 2018. Mr. Frazier seconded the motion. Mr. Reid asked Ms. DiIanni to amend her motion to amend the Board's Procedures as set forth herein below. Ms. DiIanni agreed to the amendment, and moved to approve an amendment to the Board Procedures as articulated by Mr. Reid. Mr. Frazier seconded the motion, which was adopted by a voice vote of the Board. The amendment to the Board's Procedures is incorporated as Section II.1(C), as follows:

I. HEARING PROCEDURES

1. Purpose.

A. To establish written procedures outlining the method and mode of proof and argument for hearings under Metropolitan Code of Laws § 2.222.040(C)(2). Pre-hearing procedures are contained in the Metropolitan Code of Laws § 2.222.040(C).

B. The Board encourages, where appropriate, for the parties to voluntarily discuss with each other the concerns raised in the complaint in order to avail themselves of any opportunity for informal resolution of the matter. Efforts at resolution, while encouraged, are not required.

C. Hearing procedures set forth herein are intended to supplement procedures contained in the Metropolitan Code of Laws § 2.222.040(C). If there is any conflict between these procedures and the Metropolitan Code of Laws § 2.222.040, the procedures set forth in the ordinance shall control.

Adjournment

Mr. Reid moved to adjourn the meeting, which motion was seconded by Ms. Cole and approved by a voice vote of the Board at 12:26 p.m. This Board is adjourned until its next called meeting.

ATTEST:

APPROVED:

/s/ Elizabeth Waites
Metropolitan Clerk

/s/ Josiah Reid
Chair of the Board