

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

Friday, October 29, 2021

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

Persons in Attendance:

Diane DiIanni, Board Chair
Brigid Carpenter, Board Member
Amy Mohan, Board Member
Larry Patton, Board Member
Diamond Stewart, Board Member

Wallace Dietz, Metropolitan Attorney/Director of Law Department
Nicki Eke, Assistant Metropolitan Attorney/Legal Counsel
Elizabeth Waites, Metropolitan Clerk/Board Secretary

Call to Order

The Chair called the meeting to order at 8:30 a.m.

Approval of Minutes of September 30, 2021

Mr. Patton moved to adopt the minutes of the last called meeting of the Board of Ethical Conduct. Ms. Mohan seconded the motion, which was approved by unanimous vote of the Board.

Announcement of Appeal Rights

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

Discussion and Analysis of Complaint and Metro Legal memorandum re: Heller et al. v. Sims

Ms. Eke presented a summary of the legal report and analysis, which report recommended dismissal of the complaint. Mr. Patton moved to adopt the recommendation submitted by the Metropolitan Department of Law, which motion failed for lack of a second.

Ms. Carpenter moved to dismiss the complaint without prejudice and allow for a new complaint to be filed if the Complainants choose after receipt of the public records that have been requested as referenced by footnote in the legal report, which motion was seconded by Ms. Mohan. Ms. DiIanni moved to amend the motion to reflect the motion is to dismiss the complaint without prejudice, which motion was seconded by Ms. Stewart and adopted by a voice vote of the Board.

Ms. Mohan moved to defer to a meeting date to be set for the month of January 2022, which motion was seconded by Ms. DiIanni and failed by the following roll call vote: “Ayes” (2): DiIanni and Mohan; “Noes” (3): Carpenter, Patton, and Stewart. The matter recurred on the motion to dismiss

the complaint without prejudice, which failed pursuant to Metropolitan Code of Laws subsection 2.222.040.C(1)(h) by the following roll call vote: “Ayes” (3): Carpenter, DiIanni, and Stewart; “Noes” (3): Mohan and Patton.

Ms. DiIanni moved to continue the discussion of this complaint to a called meeting on December 16, 2021 at 8:30 a.m., which motion was seconded by Ms. Stewart and approved by a voice vote of the Board.

Adjournment

There being no further business, the meeting was adjourned at 9:55 a.m.