

Metropolitan Board of Ethical Conduct
Minutes of Meeting

Monday, March 7, 2022

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
Larry Patton, Board Member
John Spragens, Board Member
Diamond Stewart, Board Member

Nicki Eke, Assistant Metropolitan Attorney/Legal Counsel
Lora Fox, Assistant Metropolitan Attorney/Legal Counsel
Shawn Reed, Deputy Metropolitan Clerk/Secretary
Austin Kyle, Interim Metropolitan Clerk

Call to Order

The Chair called the meeting to order at 10:00 a.m.

Approval of Minutes of January 13, 2022

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

Announcement of Appeal Rights

The Deputy 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 in the matter styled **Philip v. Hall**

Chair DiIanni confirmed that the Complainant was present and that the Respondent was not yet present. The Board confirmed with the Clerk's office that notices had been properly sent to all parties. The Board concluded to continue with the hearing. After some discussion, the Respondent arrived, and the Board noted that all parties were now present.

Chair DiIanni explained the procedures for the conduct of the hearing.

The Board asked the Respondent if he would stipulate to the facts of the allegations presented in Metro Legal's Order, and if the Complainant and Respondent would stipulate to the factual nature contained in the documents to be used in the case. After discussion with the Complainant, it was agreed to proceed to stipulation.

The Respondent stipulated to Allegations 1 & 4, failure to file annual disclosure statement in 2018 & 2020.

The Respondent stipulated to Allegation 2, failure to file a timely annual disclosure statement in 2019.

The Respondent stipulated to Allegation 3, failure to file a timely annual benefit statement in 2019

The Respondent stipulated to Allegations 6 & 7, failure to file amended disclosure statements for 2020 to report additional debts.

Allegation 5 had been previously dismissed.

Both the Complainant and Respondent were sworn by the Deputy Clerk.

The Complainant gave a statement and presented his case. Members of the Board asked questions of the Complainant and of the Legal Department. No witnesses were called.

The Respondent gave a statement and presented his case. Members of the Board and the Legal Department asked questions of the Respondent. No witnesses were called.

The Complainant was offered an opportunity for rebuttal. He asked questions of the Respondent, who answered. The Board also asked questions of both the Complainant and the Respondent during this period.

The Respondent was offered an opportunity for re-examination, but he declined.

Both the Complainant and Respondent gave closing statements.

Chair DiIanni announced the conclusion of the hearing and that the Board would now move to deliberation. The Board discussed the findings.

In the matter of allegations 1, 2, and 4, a motion was made by Ms. Carpenter that the standards of conduct had been violated, which motion was seconded by Mr. Patton and approved by a unanimous vote of the Board.

In the matter of allegation 3, a motion was made by Mr. Spragens that the standards of conduct had been violated, which motion was seconded by Ms. Carpenter and approved by a unanimous vote of the Board.

In the matter of allegation 6, a motion was made by Ms. Carpenter that the standards of conduct had been violated, which motions was seconded by Ms. Stewart and approved by a unanimous vote of the Board.

In the matter of allegation 7, a motion was made by Chair DiIanni that no violation of the standards of conduct had occurred, which motion was seconded by Mr. Spragens and approved by a unanimous vote of the Board.

A motion was made by Ms. Stewart that the Board recommend public censure be initiated by the Metropolitan Council for failure to file required reports for years 2018, 2019, and 2020 to the

Metropolitan Clerk's office, which motion was seconded by Mr. Patton and approved by a unanimous vote of the Board.

Annual Election of Officers

Chair DiIanni called for nominations for Chair of the Board of Ethical Conduct.

Chair DiIanni self-nominated to serve as Chair for the next one-year term. Ms. Carpenter moved to accept the nomination, which motion was seconded by Mr. Patton and approved by a unanimous vote of the Board.

Mr. Patton nominated Ms. Carpenter to serve as Vice Chair for the next one-year term, which motion was seconded by Ms. Stewart and approved by a unanimous vote of the Board.

Administrative Items

The Board acknowledged receipt of the list of lobbyists who have not filed their 2021 Lobbying and Expense reports. The Metropolitan Clerk's Office confirmed that lobbyists were notified of the January 31, 2022 reporting deadline and that the late reminder was sent on February 4, 2022. No complaints have been filed with the Board of Ethical Conduct to date.

New Meeting Date

The Board will hold its next meeting on March 30, 2022 at 9:00 a.m. in the Metropolitan Historic Courthouse, Suite 205 in Council Committee Room 2, to discuss the lobbyist complaint filed against Mr. Roy Dale by Mr. Murray Philip.

Adjournment

There being no further business, the meeting was adjourned at 1:27 p.m.