

Metropolitan Board of Ethical Conduct
Minutes of Meeting

Friday April 22, 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
Councilman Dave Rosenberg, Board Member

Nicki Eke, Assistant Metropolitan Attorney/Legal Counsel
Austin Kyle, Metropolitan Clerk
Shawn Reed, Deputy Clerk

Call to Order

The Chair called the meeting to order at 2:00 p.m.

Approval of Minutes of March 7, 2022

Without objection, the approval of the Minutes of the March 7, 2022 meeting was deferred to the next meeting of the Board.

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.

Summary and Discussion of Metro Legal memorandum re: Tomes v. Welsch

Ms. Eke presented a summary of the legal report and analysis, which report recommended dismissal of the complaint. Ms. Eke explained that the specific nature of the complaint would be outside the scope of the Board of Ethical Conduct as delineated by the Metro Code of Laws. After discussion, Ms. Carpenter moved to dismiss the complaint for the reasons states in the Law Department's report, which motion was seconded by Mr. Patton and approved by the following roll call vote: "Ayes" (5): DiIanni, Carpenter, Patton, Spragens, and Stewart; "Noes" (0); Abstain (0).

Administrative Items

The Clerk gave a status report on the project to set up a publicly accessible SharePoint repository for the Board of Ethical Conduct cases. The repository will be searchable, and each case will be categorized based on the nature of the complaints filed with the Board.

Chair DiIanni discussed potential changes to the Annual Disclosure and Benefit reporting that is due to the Metro Clerk by January 31 each year. Council Member Rosenberg had previously suggested that a reminder should be sent after the initial due date, and failure to file the disclosures by March would result in the names being read aloud at meetings of the Metro Council. The Board determined that more discussions would need to take place in order to determine the appropriate way to address the change in process.

Chair DiIanni requested for the Clerk to develop a form for the report of lobbyist that failed to file their financial disclosures. This list is due to the Board each March. The Board also discussed revisions to the procedures for sanctioning lobbyists that aren't in compliance. Chair DiIanni recommended a process similar to the State of Tennessee Ethics Commission, where a violation hearing would be held and those lobbyists that are not in compliance would be required to attend and give the reasoning for their failure to file their disclosures.

Chair DiIanni proposed legislative changes to the Metro Code to better align the due dates for the Law Department report to the Board. Currently, the Code has different timelines depending on if the complaint is a Standards of Conduct complaint or a lobbyist complaint. Ms. Eke of the Law Department recommended that the due dates for both types of report be set at 21 business days.

Chair DiIanni proposed expanding the options for sanctions that are available to the Board when a Standard of Conduct Violation has been found. The idea of a public admonition or reprimand from the Board was proposed as an initial sanction for a violation that doesn't rise to the level of a public censure. More discussion will take place at the next meeting.

New Meeting Date

A lobbyist complaint was received on April 12, 2022, and the Law Department report on the complaint will be sent by May 2, 2022. The Board set the date for the next meeting as May 19, 2022 at 9:30 a.m.

Adjournment

There being no further business, the meeting was adjourned at 2:46 p.m.