

Metropolitan Board of Ethical Conduct
Minutes of Meeting

Thursday, May 19, 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
Austin Kyle, Metropolitan Clerk
Shawn Reed, Deputy Clerk

Call to Order

The Chair called the meeting to order at 9:30 a.m.

Approval of Minutes of March 30, 2022 and April 22, 2022

Mr. Patton moved to adopt the minutes of the previous two called meetings of the Board of Ethical Conduct. Ms. Stewart seconded the motion, which was approved by unanimous vote 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: Philip v. Hollin

Mr. Spragens recused himself from the matter and did not participate in any discussions or votes regarding this complaint. Ms. Eke presented a summary of the legal report and analysis, which report recommended dismissal of the complaint. Ms. Eke explained that the alleged violations of the Lobbyist Code occurred prior to the update of the Lobbyist Code, which became effective on January 1, 2021. As such, the complaint would be outside the scope of the Board of Ethical Conduct's authority as delineated by the Metro Code of Laws that were in place at the time of the alleged violations. After discussion, Chair DiIanni moved to dismiss the complaint for the reasons stated in the Law Department's report, which motion was seconded by Mr. Patton and approved by the following roll call vote: "Ayes" (4): DiIanni, Carpenter, Patton, and Stewart; "Noes" (0); "Abstain" (1): Spragens.

Administrative Items

After some discussion, Chair DiIanni suggested that further discussion regarding updates to the Lobbyist Code be put on hold until the Board has an opportunity to meet with Council Member Murphy, who sponsored the most recent update to the Lobbyist Code and who has gathered some feedback from current lobbyist.

Chair DiIanni also suggested postponing further discussion regarding updates to the Standard of Conduct section of the Code until Ex-officio Member, Council Member Rosenberg, was present to participate and advise the Board in that discussion.

The Clerk reported that the publicly accessible SharePoint repository for the Board of Ethical Conduct cases was completed and ready to be published to the website. The repository is searchable, and each case is categorized based on the nature of the complaints filed with the Board.

The Clerk presented a proposed form template for the report of lobbyists that failed to file their financial disclosures. Currently, a list of lobbyists that failed to file their financial disclosures is given to the Board each March. This additional form would provide more specific information for each of the lobbyists on the list.

Next Steps/Scheduling

The Board discussed the need for 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. After discussion, the Board recommended that the due dates for both types of reports be set at 20 business days.

The Board discussed revising the Procedures and Organizational Rules by shifting from one annual standing meeting to quarterly standing meetings. Under the new proposal, the Board would meet on the first Thursday in March, June, September, and December. This meeting schedule would not preclude additional meetings that might be needed if there are complaints filed or other Board matters arise. The Board also discussed the possibility of having a meeting on the first Thursday in April to address the lobbyists that failed to file annual financial disclosures. This proposal would be contingent on the Lobbyist Code changes that the Board has discussed.

Adjournment

Upon motion properly seconded, the meeting was adjourned at 10:28 a.m.