5:39 pm, May 07 2024

FILED METROPOLITAN CLERK

BEFORE THE BOARD OF ETHICAL CONDUCT
OF THE
METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
TENNESSEE

Lydia Yousief, Complainant	)
	)
Vs.	)
	)
Carol L. McCoy, Respondent	)

MOTION FOR CONTINUANCE OF JUNE 5, 2024 HEARING

The Board of Ethical Conduct ("Board") of the Metropolitan Government of Nashville and Davidson County issued its Order on May 1, 2024, pursuant to an amended complaint filed by Lydia Yusief ("Complainant"), against Metropolitan Arts Commission ("Arts Commission") member, Carol McCoy ("Respondent") in which it set a hearing for June 5, 2024 on the allegation that the Respondent violated § 2.222.020(k) of the Metropolitan Code.

At present, Carol McCoy is a Commissioner of the Metro Art Commission and as such is the subject of an investigation conducted by the Metro Human Relations Commission ("MHRC") regarding a Title VI complaint. The issues raised in the ethics complaint are closely related to the issues raised in the TItle VI complaint and there may be some witnesses testifying in both proceedings. Moreover, Respondent has been advised by the Metro Legal Department that there may be civil litigation arising from these same matters.

It would be prejudicial to Respondent, the Arts Commission and to the Metropolitan Government to allow the June 5 hearing to be used, directly or indirectly, by the complainants in the MHRC case or by plaintiffs in future civil suits to conduct discovery by cross-examining the Respondent and the Respondent's witnesses. This is not a hypothetical concern since it appears likely that the Complainant in the Board's case is cooperating with the complainants in the MHRC case and perhaps also with those who may sue Metro, the Arts Commission and individual Commissioners. The Board should avoid putting any witness in a situation where the witness' sworn testimony before the Board may later be used in the MHRC hearing or subsequent civil against that same witness. Therefore, the Respondent requests that the June 5, 2024 hearing be continued at least until the pending Title VI complaint against the Metro Arts Commission and its Commissioners, including the Respondent, has been finally resolved.

Respectfully submitted, this 6th day of May, 2024.

CAROL L. McCOY
Pro Se

Cc: Metropolitan Clerk, Austin Kyle
Metropolitan Legal Department, Tom Cross
Lydia Yusief
Metro Arts Commission, Chair Leah Love