

**LOUISVILLE METRO GOVERNMENT
ETHICS COMMISSION
MEETING MINUTES
September 17, 2015 @ 4:00 p.m.
MEMORIAL AUDITORIUM**

MEMBERS PRESENT

**Ms. Thelma Clemons
Mr. Terry Conway
Mr. Jonathan Ricketts
Ms. Enid Trucios-Haynes
Ms. Susan Rhodes
Ms. Vicki Tabler**

METRO STAFF & LEGAL COUNSEL

**Ms. Deborah Kent, Legal Counsel
Ms. Rhonda Williams, Paralegal**

Meeting Called to Order

Chairman Ricketts called the meeting to order at 4:10 p.m.

Approval of the Minutes

Commissioner Conway moved to approve minutes of January 22, 2015, and Commissioner Rhodes seconded the motion.

New Business

Request for Advisory Opinion 15-O-001

The request addressed LMO 21.02(G) regarding a conflict between an officer's financial interest in an organization representing clients before Metro agencies and the public interest. The Commission approved a draft opinion that the officer's financial interest in the organization was too remote to create a conflict because it arose from a retirement plan with fixed terms, and any financial gain from the organization's representation of clients was *de minimus* and therefore remote.

On Chairman Rickett's motion, seconded by Commissioner Vicki Tabler, the Commission approved the draft opinion, adding that it is the Officer's responsibility to ensure a conflict does not arise if his circumstances change.

Draft Annual Report for FY 2014/2015

Chairman Ricketts moved to approve, Commission Rhodes seconded and the commission approved.

Consideration of Complaint 15-P-001 and Responses:

Chairman Ricketts invited both parties the opportunity to speak prior to the Commission taking up alleged violations of the Ethics Commission Ordinance 21.02(A),(B)&(C) against Councilman David James. Counsel for Complainant alleges the Councilman used his position as an elected official to obtain records of an employee's arrest unavailable to the general public in order to harass the employee, and that the Councilman has abused his position to make derogatory comments in executive sessions.

Counsel for Respondent argued the violations alleged do not come within the Ethics Ordinance, and that the Complaint should be dismissed.

Following Executive Session pursuant to KRS 63.010 to make its determination, Chairman Ricketts moved to dismiss the Complaint, seconded by Enid Trucious-Haynes. The Commission found no probable cause to believe violations of 21.02(B) or (C) occurred, but that a complaint of violation of 21.02(A) could be supported by proof of a violation of the Open Records Acts. Chairman Ricketts further advised that the Commission was in unanimous disagreement with Respondent's argument that Complainant had no standing to file the Complaint. Any citizen has the right to file a complaint with the Ethics Commission.

Adjournment

Commissioner Trucios-Haynes moved to adjourn and Commissioner Tabler seconded. The meeting was adjourned at 5:45 p.m.