

**IN THE MATTER OF CHARGES AGAINST  
DISTRICT 19 COUNCILMAN ANTHONY PIAGENTINI**

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**COMPLAINT**

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1. From in or about November 2021 to January 2023, Louisville Metro Councilman Anthony Piagentini (“Piagentini”) pursued and solicited a consulting contract with the Louisville Healthcare CEO Council (“CEO Council”) at the same time he was considering, then advocating, that the CEO Council and its fellow grantees receive a \$40 million grant from the Metro Council. He advocated for this grant despite the fact that it had scored 29<sup>th</sup> out of 30 eligible applications. The day after the grant was approved, he accepted a \$240,000 consulting contract with the CEO Council.

2. Piagentini then participated in meetings with the Louisville Metro administration, advocating on the CEO Council’s behalf, while simultaneously serving as a member of the Metro Council.

3. After charges were brought against Piagentini under the Louisville Metro Ethics Code, Piagentini committed perjury at the Ethics Commission hearing, lying about material matters while under oath.

4. Piagentini’s actions have been found by unanimous agreement of the Louisville Metro Ethics Commission to violate the Louisville Metro Ethics Code, §21.01(1)(b), *et seq.*, and they constitute misconduct or willful neglect in the performance of the duties of his office.

5. Therefore, pursuant to KRS 67C.143(1), we, the undersigned members of the Louisville Metro Council and Charging Committee of the Metro Council (“Charging Committee”), prefer the

following charges against Piagentini for misconduct or willful neglect in the performance of the duties of his office, and we respectfully seek his removal from office as District 19 council member.

### **BACKGROUND**

6. In April 2003, an Ethics Code was adopted by the Louisville Metro Council. The Ethics Code would apply to certain elected and appointed officials in Louisville Metro Government, including Metro Council members. Louisville Metro Code No. 71-2003, approved April 16, 2003, codified at §21.01 *et seq.*

7. The Louisville/Jeferson County Metro Ethics Commission was created by §21.05 of the Ethics Code, currently consisting of seven members who are from different political parties and who are each appointed by the Mayor and have been unanimously approved by the Metro Council to date. Section 21.05 stipulates that these members “shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local governmental affairs.” §21.05(C)(1).

8. Section 21.05(B)(1) states that “[t]he investigation and determination of whether a Metro Officer has committed any violation of this subchapter shall be the responsibility of the Ethics Commission.” Further, §21.05(B)(2) stipulates that “the Ethics Commission shall have authority to issue an opinion concerning whether or not an act or activities undertaken by a Metro Officer constitute a violation of this subchapter. The Ethics Commission shall have authority to adjudicate factual issues, and to determine whether the alleged act or activity constitutes a violation of this subchapter.”

9. Section 21.02 of the Ethics Code, entitled “Standards of Conduct,” provides, in part:

In furtherance of the public trust assumed by Metro Officers upon their election or appointment to public office or employment, the following standards of conduct shall be applicable:

(A) No Metro Officer shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself or herself, members of his or her family or other persons.

(B) No Metro Officer shall act in his or her official capacity in any matter where such officer, a member of his or her family, or a business organization in which such officer has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgment.

(C) No Metro Officer, members of his or her family, or business organization, nonprofit entity, or labor organization in which such officer has a financial interest or private interest, shall solicit or accept any gift, favor, loan, political contribution, service, economic opportunity, promise of future employment, or other thing of value based upon an understanding, or under circumstances from which it could reasonably be inferred, that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered.

10. Section 21.03(F) of the Ethics Code, entitled “Financial Disclosure,” provides, in part:

(F) Any member of the Metro Council, or the County Attorney, as well as any Metro Officer who derives his or her authority from the Metro Council or from the County Attorney, or a relative of any such person, who has a financial or private interest in any matter pending before the Metro Council shall disclose such financial or private interest on the records of the Metro Council and shall disqualify himself or herself from participating in any debate, vote, or proceeding whatsoever relating thereto, including engaging in any communications with other Metro Council Members regarding said matter. . . .

11. Piagentini is a member of Metro Council and, under §21.01, a Metro Officer. At all times relevant to this Complaint, he was a member of the Budget Committee and a member of the Workforce Development working group, whose duties are described in paragraph 21 below.

12. On March 2, 2023, a complaint was brought against Piagentini, alleging that he violated the Ethics Code by soliciting a \$240,000 consulting contract from the CEO Council while at the same time considering then promoting the efforts of the CEO Council to obtain a \$40 million grant from the Metro Council. On July 14, 2023, the Ethics Commission brought an Amended Complaint against Piagentini, charging him with seven violations of the Ethics Code.

13. On August 21-24, 2023, the Ethics Commission conducted a hearing on the allegations. The Complainant, the Investigating Officer, and Piagentini all presented evidence. On October 19, 2023, the Ethics Commission unanimously concluded that there was clear and convincing evidence that

Councilman Piagentini was guilty on six counts. On one count, relating to updating his financial disclosures, it found that the allegations were moot because he had made the disclosures, although they were untimely.

14. The eight counts set forth below bring charges for removal against Piagentini on the six counts on which he was found guilty by the Ethics Commission. Count VII charges him with misconduct or willful neglect in the performance of the duties of his office because of his failure to disclose his conflict of interest, and Count VIII charges him with perjury.

#### Statement of Facts

##### A. Piagentini Begins a Job Search

15. Piagentini had been unable to maintain a long-term and sustainable position in healthcare since he came to Louisville in 2010. Since that time, he had worked for six different companies, most of them for less than two years. In 2021, Piagentini was looking for a job.

16. His longest-tenured job was with WellCare, but he planned to leave that company in the spring of 2022. Piagentini told the Investigating Officer for the Ethics Commission, “I had already made the decision to leave. But the question was timing.”

17. After his position at WellCare terminated, Piagentini found a part-time position consulting on an hourly basis for a subsidiary, WellCare of North Carolina. That position was only a six-month contract, though, and it was not renewed. Piagentini even pursued work outside of the health care industry, as he had obtained a license to sell commercial real estate. But that new business line was taking some time to get established, and Piagentini did not receive any income from his new real estate venture in 2021 or 2022.

18. In November 2021, as part of his job search, Piagentini met with Tammy York Day, the President of the CEO Council. She told him that her organization, which only had approximately four

staff members at that time, had no available position for him at that point. But Day testified that "I thought he would be great if we ever decide to leverage our 501(c)(4) status and take legislative positions." The Ethics Commission found that the circumstances "leads to the logical conclusion that the seeking of employment by Piagentini was a central purpose of this meeting."

19. The Ethics Commission further found that "[t]he record developed at trial was abundant with clear and convincing instances of [Piagentini] seeking employment of [the CEO Council] as early as November 2021. This was confirmed by the testimony of Tammy York Day, and to some extent by Piagentini himself." The evidence "included at least three (3) known instances of Piagentini interacting with York Day for that purpose [prior to being offered a position]: in November of 2021; in January 2022; in September 2022; and ultimately of course between November, 2022 and December 1, 2022 [when he was engaged and awarded a position with the CEO Council]. As Piagentini himself testified, . . . 'if you're discussing a job with someone, then you have to disqualify from any matters related to that person you're discussing the job with, right? Yes.'"

#### B. The American Rescue Plan Grant

20. Also in 2021, the federal government enacted the American Rescue Plan ("ARP"), a large spending measure to help the economy recover from the COVID-19 pandemic shutdown. The law provided \$388 million grant funds to Louisville Metro.

21. The Metro Council wanted to have a substantial involvement in deciding how to spend the money. It created five workgroups to consider spending on priority areas – public safety, homelessness and affordable housing, premium pay for certain employees, public health, and workforce development. Interested members of the budget committee and council volunteered and joined the workgroups, and Metro Council Budget Committee Chairman William Hollander attended meetings of each.

22. The workgroups were assisted by two experienced members of the Fischer Administration: Margaret Handmaker, the Director of the Louisville Accelerator Team, and Grace Simrall, Louisville's Chief of Civic Innovation and Technology.

23. Piagentini, along with Councilman Markus Winkler, volunteered for the Workforce Development Workgroup. To get ideas from the public on how to use the funds, they issued a Request for Information in October 2021, with responses due on November 3, 2021. On January 3, 2022, the Workforce Development Workgroup issued a Request for Applications ("RFA"), asking groups to apply for grants to use the money. Forty-one responses to the RFA were received, and thirty of them were considered eligible under the terms of the ARP.

24. Simrall, Handmaker, and their staffs evaluated the responses, including a response from the CEO Council, which requested \$9.2 million for training of nurses. Simrall and Handmaker ranked the CEO Council proposal as 29<sup>th</sup> out of the 30 eligible responses for several reasons. Handmaker testified that "they got low scores because they were competing against organizations that were already in the workforce business and ready to go." Simrall agreed, and she added that the jobs proposed in the CEO Council grant were low wage positions, not the highly skilled, highly paid jobs needed: "[F]or many of these – many of these applications, we were looking at, again, would these be family-supporting wage jobs or were these entry level jobs?"

25. The RFA Scoresheet noted that the CEO Council proposal was "a new initiative that would require hiring all staff. . . ." The grant required that all funds be allocated and expended within tight timelines, and an organization without an existing and experienced staff would be unlikely to meet those deadlines.

26. For these reasons, the CEO Council application scored 29<sup>th</sup> out of 30, next to last of all the eligible proposals.

C. Piagentini Sends a Resume to Day, and the Workforce Development Workgroup Declines to Follow the Staff Scoring of the Grant Applications

27. Piagentini and Day continued their job discussions into 2022. Piagentini sent Day a copy of his resume in January at the same time as the Workforce Group was accepting applications for its share of ARP funding. The Ethics Commission found that “[a]gain, York Day communicated to Piagentini that there was not a position available at [the CEO Council.] Also, again, one can conclude that Piagentini's seeking of possible employment was a central purpose of these interactions.” As set forth below, Piagentini secured the funding to make his employment possible.

28. In addition, although other applicants recognized that it would be improper to lobby the decision makers about the grant while it was receiving applications, Day testified at the Ethics Commission hearing that she met in January 2023 with Piagentini, Winkler, and Council President David James about the CEO Council’s application and other workforce initiatives.

29. In April 2022, Handmaker and Simrall presented their evaluations of the RFA responses to the Workforce Development Workgroup. Piagentini and Winkler both expressed dissatisfaction with the responses, including the CEO Council’s response. Handmaker testified, “I was told during the meeting, ‘We don’t – we don’t like any of these projects.’”

30. The Ethics Commission found that it was abundantly clear that “Piagentini chose not only to disregard the scoring, but in fact had come to champion one, and only one, grant application—the [CEO Council]-led proposal.”

31. Piagentini and Winkler decided to hold the ARP funds in reserve pending the decision on a different federal grant for the Build Back Better (“BBB”) program in which a consortium of Louisville organizations, including the University of Louisville and the CEO Council, had submitted an application for \$50 million. Some components of the grant were very different than the CEO Council proposal,

initially seeking \$9.2 million, and were designed to develop cutting edge and sophisticated uses of artificial intelligence in health care. If the application were accepted, \$10 million would be paid to fund research in artificial intelligence and to develop a state-of-the-art tech center in the NuLu neighborhood of Louisville.

32. The CEO Council’s contribution to the BBB grant proposal, nurse training, was similar to the ARP grant proposal that had scored next to last. Nevertheless, Piagentini and Winkler proposed to use the ARP funds to “backstop” the BBB proposal if it was not accepted, although Simrall told them that the BBB proposal would not meet the ARP eligibility rules.

E. The September Optimize Conference

32. In September 2022, Piagentini and the BBB applicants learned that Louisville’s proposal was not successful.

33. On September 21 and 22, 2022, the CEO Council hosted the Optimize Conference at Churchill Downs. According to its promotional literature, the conference was “attended by some of the most influential leaders in the world in the aging innovation space.” It was touted as being attended by the CEO Council board and committee members, as well as “attendees from all over the world, including A2 Ambassadors from chapters in Japan, Israel, England, Switzerland, South America as well as US cities. They are leaders in corporate industry, entrepreneurs and innovators, investors, and aging focused organizations.”

34. On September 14, 2022, Day’s assistant sent an invitation to the Optimize Conference to Piagentini, Winkler, and Council President David James. These three Council members were the same members with whom Day met with in January 2022 to persuade them to support her organization’s proposal. Day offered the tickets to influence and to gain access to members of Metro Council, including Piagentini.



35. Although the tickets to the conference cost between \$199 and \$499, depending on the access features of the tickets, they were offered for free to these three members of the Metro Council. No invitations were extended to any other Metro Council members. Only Piagentini accepted the free ticket.

36. Piagentini registered for this conference describing his company as "ABP Consulting," which "specializes in strategic support in the healthcare and managed care space."

37. At the conference, Day spoke to Piagentini. Day told him that she was working on developing a position in governmental affairs at the state level, and she wanted to talk to him about taking this job once it is approved. She testified that "yes, that could be a consulting, you know, position." Later, she testified, "What I meant was, if we move forward with this initiative, I would like to have Anthony's engagement. Yes." She believed he understood she was talking about a job. Piagentini testified that he did not recall the conversation, but the Ethics Commission did not find that testimony credible.

38. Shortly after the Optimize Conference, in early October 2023, Piagentini called Handmaker to tell her that the \$40 million from the workforce funds would go to the CEO Council and a handful of other programs that would be bundled into it. The decision was not made in a meeting of the full workgroup. The proposal would include the January 2022 application of the CEO Council that had placed 29<sup>th</sup> out of 30 in the staff scoring, at a level of over twice what was requested.

39. All these proposals were made in response to the January Request for Applications, and all of them scored poorly. Piagentini and Winkler had rejected all of them in April, concluding that none of them was "transformative." Nothing in the record explains why Winkler changed his mind, although it is clear that time was running out to use the ARP grant funds. All the "transformative" aspects of the BBB grant were ineligible under the ARP grant, including the \$10 million in research funding at the University of Louisville and the tech center in NuLu.

40. Handmaker and Simrall were alarmed because no eligibility review had been undertaken.

Handmaker testified:

[M]y concern would've been ensuring that the projects were eligible. The federal requirements on eligibility were extensive and complex. And although in some conversations with the Healthcare Council, we just didn't have adequate information to . . . ascertain on whether the projects were eligible. . . [M]y concern would've been just making sure that the projects were eligible before . . . these projects were taken to the Metro Council for approval.

41. Piagentini told Handmaker to do the eligibility review at the same time that they were proceeding through the Budget Committee and the Metro Council. Handmaker testified that her team would always do the eligibility review first. "We – we would not have taken something to the Council without knowing if it was eligible." There were problems in determining the eligibility determination because the CEO Council "didn't have their team in place yet to provide all of the information that we needed."

42. Simrall had trouble getting timelines and budgets from Day. "At some point, she said she no longer needed or – wanted my support." Day did not need Simrall's support, of course, because she had Piagentini's support, guaranteed by his interest in a consulting contract with the CEO Council.

D. Piagentini Secures Approval for the Grant to the CEO Council

43. Piagentini spoke in favor of the CEO Council grant proposal at the October 20, 2022, meeting of the Budget Committee. The workforce recommendations were not on the agenda, but he took the opportunity to tout the grant during a discussion of a proposed birthing center. He told the committee that "once everybody sees it, will be completely convinced that it must be funded," without mentioning that the CEO Council's proposal scored next to last in the staff review, that all the elements of the grant

proposal scored poorly, and that all of the thirty projects had been rejected by Piagentini and Winkler in April. He told the committee that this would be a transformational proposal, without telling them that training entry-level nurses did not meet the goals of the Request for Applications to create family-supporting jobs.

44. The next day, on October 21, 2022, there were three phone calls between Piagentini and Day. Piagentini testified that he only "very vaguely" remembers these calls, but he claimed that the calls were "absolutely not" about any possible employment or consulting position at CEO Council, as had been previously discussed between the two in prior meetings and communications. The Ethics Commission did not find this testimony credible.

45. Piagentini and Winkler announced their support for this proposal in a press release on October 25, 2022. Budget Chairman Hollander testified that this kind of announcement was unusual, and he "viewed it as sort of putting down a marker" for the funds. The proposal was set out in Ordinance No. 182, Series 2022, and Piagentini and Winkler were the sponsors.

46. Seven days later, on November 1, 2022, Piagentini and York Day had an eleven-minute phone conversation. Like all her phone calls with Piagentini between September and November 1, 2022, Day denied that this conversation touched on any possible employment by Piagentini. The Ethics Commission did not find this testimony credible.

47. Piagentini spoke in favor of the grant proposal again, two days later, at the November 3, 2022, Budget Committee meeting, saying that "nothing else came close" to the CEO Council proposal, without disclosing his discussions with Day about working for the CEO Council, or that the proposal had scored 29<sup>th</sup> out of 30 eligible responses.

48. In addition, Day was present at the meeting with other members of the CEO Council staff and made a presentation in support of the grant proposal. The CEO Council was the only grant

applicant permitted to give a presentation that evening or at any time during the ARP allocation process. The Committee ultimately tabled the proposal for further action at a future Budget Committee hearing set for November 17, 2022. Day had originally expected her proposal to be approved at this November 3rd meeting.

49. Four days after the Budget Committee hearing, on November 7, 2022, the board of the CEO Council met and gave final approval to an initiative to hire a contractor for "government affairs," a position which Day testified had been in the works since at least May of 2022, and a position for which Piagentini had always been "in the back of her mind" as the ideal candidate. It is also the position discussed by Piagentini and Day at the September 2022 conference at Churchill Downs to which Piagentini was invited free of charge by Day.

50. The vote on the grant proposal was set for November 17, 2022, at the Budget Committee's 5 p.m. meeting. Piagentini was a sponsor of the ordinance and voted in favor of it. On that day at 11:56 a.m., Piagentini received an email from Day with a non-disclosure agreement as an attachment. The Subject line read, "Confidential CEOc NDA," and the text of the email stated as follows:

Hi Anthony,

Please see our mutual NDA, and let me know if you have any questions or any requested changes. Tammy

51. The Ethics Commission found that this email and attachment document was not a surprise to Piagentini, because after his conversation with Day in September, he knew that it was coming.

52. When asked at the Ethics Commission hearing whether he had read the email when it was sent the previous day -- about 5 or 6 hours prior to the Budget Committee hearing and vote -- Piagentini stated that he does not remember, but that he may have. He admitted that he regularly checks his email on his mobile phone. Piagentini denied that he knew in advance why Day was sending an NDA for his

signature. Day, on the other hand, testified that that she had no reason to believe this email would have surprised Piagentini, given the course of previous interactions between the two.

53. The Ethics Commission also concluded that Piagentini was expecting the NDA and knew what it was about because Day does not include an explanation in the email, not even a suggestion that Piagentini call her so that she could explain the document. The only plausible explanation is that both knew why she was sending him an NDA because of prior discussions they had about it. The Ethics Commission also noted that Piagentini testified that he returned the NDA on November 18 before he talked to Day, and he lists his title as “Principle [sic] Consultant,” the same title he used when he finalized the deal.

54. Between November 18th and December 1, 2022, Piagentini remained as a named sponsor of the Ordinance to approve \$40 million in ARP funding for the CEO Council grant proposal. During this time period, Piagentini and Day also spoke numerous times, finalizing the terms of what would become a consulting contract between Piagentini and the CEO Council. This included phone calls on November 18, 2022, and November 29, 2022. This also included, by necessity, enough interaction between the two to complete the terms of a work agreement between Piagentini and the CEO Council, entitled a "Statement of Work."

55. The “Statement of Work” provides for Piagentini to work for the CEO Council as an independent contractor in exchange for a payment of \$20,000 per month for twelve months, a total of \$240,000 for the year. The Statement of Work was executed and dated as effective on December 1, 2022, the same day that the grant proposal would be submitted to the Metro Council for a vote.

56. The consulting salary paid to Piagentini was higher than any other employee or consultant for the CEO Council, even higher than the salary paid to Day, the President.

57. Piagentini testified that he told no one connected to Metro Council, during this time period, about any of the interactions he had been having with Day about his pending, and ultimately consummated, employment with the CEO Council. Nor did he take any action to remove his name as sponsor of the ordinance funding the grant proposal or to abstain from further action connected to it on any official record during this time.

58. Between November 17 and December 2, 2022, Piagentini and the CEO Council conducted the internal process of finalizing his job. This process culminated in an "onboarding" email chain on December 1, 2022, beginning at 1:06 p.m. and continuing through 5:41 PM that same day. These emails include a statement from Day at 1:06 p.m. that day stating: "Welcome aboard Anthony, excited to have you as a part of the team!" Piagentini's response eight minutes later stated: "Thank you for your help and I look forward to working with you." All of this discussion occurred before the Metro Council vote on the CEO Council grant that same evening.

F. The Consulting Contract and the December 1 Metro Council Meeting

59. The grant proposal came before the Metro Council on December 1. Piagentini waited until mid-vote to recuse, saying that he had to recuse and remove his name as a sponsor because of a potential conflict of interest. He did not identify the interest, as both Metro Council Rules and the Ethics Ordinance require. Budget Committee Chair Hollander testified that this failure violated the Council Tules. If Piagentini had fully disclosed his conflict, it would have caused a significant issue. Hollander testified why:

Because we were dealing with an enormous amount of money that had been requested by the Louisville Healthcare CEO Council. And I think we would've called a time-out and said, "What is this interest?" If it's a job or a consultancy, when was the application made for this, where were there any discussion about having this, when did this consultancy begin to develop?

60. Unaware of Piagentini's impending \$240,000 consulting contract with the CEO Council, the Metro Council approved the grant.

G. Piagentini Advocates for the CEO Council at City Government Meetings About the Grant Until the Public Learns About His Actions

61. In January 2023, Day and other representatives of the CEO Council met with Metro Government representatives to work on finalizing details of the grant. In spite of his position as a Metro Councilman, Piagentini attended two such meetings on behalf of the CEO Council to advocate on its behalf, even though he testified at the Ethics Commission hearing that a "wall" had been built" to ensure that he did not participate in activity related to the \$40 million grant. Participating in these meetings was clearly contrary to the testimony Piagentini provided at the Ethics Commission hearing and to the alleged policy that the CEO Council employed.

62. As a result, Piagentini testified falsely at the Ethics Commission hearing, when he stated under oath that he had not performed any services related to the grant.

63. Piagentini offered no substantial evidence of any other services he has provided for the CEO Council. The Statement of Work provides that Piagentini would perform lobbying services at the state level. Indeed, a Republican politician such as Piagentini might have contacts or affinities with the Republican-dominated Kentucky General Assembly that would be useful for lobbying that body. Yet the CEO Council already had retained the Rotunda Group to perform lobbying services, and Day herself is a registered legislative lobbyist. Piagentini did not register as a legislative lobbyist, and he testified that he performed no lobbying of the General Assembly.

64. Piagentini did register as an Executive Branch lobbyist, and he testified that he did perform some of those services. It is implausible that the CEO Council would hire a Republican to be the main

lobbyist to a Democratic administration, and Piagentini did not testify to any contacts he had within the Democratic administration that would have made him helpful in lobbying the administration.

65. The registration documents Piagentini filed in April 2023 show that he performed no executive branch lobbying services at that time and that he was paid \$0 for his lobbying activity. The update filed in July 2023 states that he was paid \$1,000 per month for lobbying. As that is only 5% of his monthly salary, the Ethics Commission found that Piagentini provided no significant lobbying services.

66. In February 2023, media sources reported the news about Piagentini's position with the CEO Council. He had never disclosed that relationship to anyone connected to Metro Government or the Metro Council before the December 1, 2022, approval of the grant.

67. Handmaker testified that during her work with Piagentini over the course of a year and a half, he never told her that he was taking a job with the CEO Council as a consultant, or that he received a non-disclosure agreement from the CEO Council on the day of the Budget Committee vote, or that he had taken a \$240,000 contract to consult with that organization. If she had learned about it, she would have "felt obligated to take that forward to the Office of Management and Budget and the county attorney's office."

68. Simrall also had no information about Piagentini talking to Day about working for the CEO Council. She learned about the connection in a meeting with Mayor Greenberg and others, and she was surprised. She testified that if Mr. Fields had not brought the complaint, someone else would have had to do so. "If I didn't do it, somebody should have, just, again, as officer of Louisville Metro Government."

69. Hollander also did not know about Piagentini's taking a job with the CEO Council, learning about it only when he read Piagentini's Christmas card in late January. He was "very surprised," and he thought it should have been disclosed to him "well before."



70. Most significantly, Piagentini did not tell Winkler, with whom he had worked closely, anything about his contracts and job with the CEO Council. Winkler testified:

Q: At any time during that process, did he tell you that he was talking to the CEOC about taking a job?

Winkler: No.

Q: Did he ever tell you that he was talking to them about taking a consulting position there?

Winkler: No.

Q: Did he ever tell you that he had in fact agreed to take a job there?

Winkler: No.

Q: Do you wish he had done that? [Overruled objection].

Winkler: Yes.

71. Piagentini did not update his Financial Disclosures until February 15, 2023, past the thirty-day deadline for disclosing a material change in a council member's financial situation. He did so only after receiving a call from a member of the press.

72. After conducting a full hearing, the Ethics Commission unanimously found as follows:

The Commission finds that the Respondent took advantage of a perilous moment in government finance and did so with the intent to personally enrich himself. The amount of funds involved is truly extraordinary and, as a result, required the utmost conscientiousness with regard to its handling. Instead, the opposite occurred. To the extent the issuance and receipt of these funds is in question as a result of Respondent's actions, the amount of harm is even more significant.

For all the reasons cited herein, under the totality of the evidence in this case, the Ethics Commission hereby **STRONGLY RECOMMENDS**, pursuant to Louisville Metro Ordinance 21.99(A)(1)(d) and 21.99(3)(b), that the Louisville Metro Council take the swiftest action consistent with its existing procedures and KRS 67C.143, to **REMOVE** Respondent Anthony Piagentini from the office of Metro Councilperson.

73. On the Ethics Commission's recommendation, the Charging Committee brings the charges set forth below.

## **CHARGES**

### Count I

#### **Improperly Soliciting or Accepting Promise of Employment or other Thing of Value**

74. The Charging Committee repeats and realleges the allegations above.

75. Between November 2021 and December 2022, Piagentini solicited or accepted a thing of value or promise of future employment by seeking a consulting contract with the CEO Council during a time in which the CEO Council was actively seeking public funds through the Louisville Metro Council, a request over which Piagentini had authority to act in his official capacity as a Metro Officer.

76. By these actions, Piagentini solicited or accepted a promise or thing of value which was being offered for the purpose of, or under circumstances from which it could reasonably be inferred, that the promise or thing of value was being given or offered for the purpose of (a) influencing him in the discharge of his official duties and/or (b) gaining access to him as a Metro Council member.

77. The Ethics Commission found Piagentini guilty of these allegations and recommended his removal.

78. These actions constitute violations of the Metro Ethics Code, §21.02(C), and misconduct or willful neglect in the performance of the duties of his office, for which Piagentini should be removed as a Metro Council member.

Count II  
Use of Official Position to Secure Unwarranted Privileges or Advantages

79. The Charging Committee repeats and realleges the allegations above.

80. Between November 2021 and December 2022, Piagentini used his official position as a member of Metro Council to ultimately obtain employment with the CEO Council by acting in his official capacity to promote the grant funding request of the CEO Council to Metro Government.

81. By these actions, Piagentini obtained an unwarranted privilege or advantage for himself by use of his official position, in violation of Metro Ethics Code, §21.02(A).

82. The Ethics Commission found Piagentini guilty of these allegations and recommended his removal.

83. These actions constitute violations of the Metro Ethics Code, §21.02(A), and misconduct or willful neglect in the performance of the duties of his office, for which Piagentini should be removed as a Metro Council member.

Count III  
Impairment of Objectivity or Independent Judgment as Metro Officer

84. The Charging Committee repeats and realleges the allegations above.

85. Between November 2021 and December 2022, Piagentini acted in his official capacity in a matter in which Piagentini had a financial interest or private interest that might reasonably be expected to impair his objectivity and independence of judgment.

86. By these actions, Piagentini obtained an unwarranted privilege or advantage for himself by use of his official position, in violation of Metro Ethics Code, §21.02(B).

87. The Ethics Commission found Piagentini guilty of these allegations and recommended his removal.

88. These actions constitute violations of the Metro Ethics Code, §21.02(B), and misconduct or willful neglect in the performance of the duties of his office, for which he should be removed as a Metro Council member.

Count IV  
Failure to Disqualify from a Matter Pending Before Metro  
Council in Which Piagentini Had a Private or Financial Interest

89. The Charging Committee repeats and realleges the allegations above.

90. Between November 2021 and January 2023, Piagentini failed to disqualify himself from participation in official acts, including debates, votes, communications and proceedings involving the grant request of the CEO Council while the request was pending before Metro Council, and during a time that Piagentini had a financial or private interest in the decisions of the CEO Council.

91. Moreover, Piagentini had a financial or private interest in his wholly-owned company, ABP Consulting, through which he entered into a \$240,000 consulting contract with the CEO Council.

92. By these actions, Piagentini violated Metro Ethics Code §21.03(F).

93. The Ethics Commission found Piagentini guilty of these allegations and recommended his removal.

94. These actions constitute violations of the Metro Ethics Code, §21.03(F), and misconduct or willful neglect in the performance of the duties of his office, for which he should be removed as a Metro Council member.

Count V  
Failure to Disclose a Financial or Private  
Interest in a Matter Pending Before Metro Council

95. The Charging Committee repeats and realleges the allegations above.

96. Between November 2021 and December 2022, Piagentini failed to properly disclose to Metro Council his agreement to begin working as a contractor for the CEO Council while the CEO Council was seeking approximately \$40 million in public funds from Louisville Metro Government, a request over which Piagentini had authority to act in his official capacity as a Metro Officer.

97. By these actions, Piagentini has violated Metro Ethics Code § 21.03(F), in failing to disclose on the records of Metro Council his financial or private interest in a matter pending before Metro Council.

98. The Ethics Commission found Piagentini guilty of these allegations and recommended his removal.

99. These actions constitute violations of the Metro Ethics Code, §21.02(F), and misconduct or willful neglect in the performance of the duties of his office, for which he should be removed as a Metro Council member.

Count VI  
Use of Official Position to Obtain Unwarranted Privileges or Advantages—  
Conference Attendance Valued Between \$199 and \$499

100. The Charging Committee repeats and realleges the allegations above.

101. Between September 1, 2022, and September 22, 2022, Piagentini accepted admission to a private conference valued between \$199 and \$499, which admission was paid for by the CEO Council, at a time the latter was seeking and receiving his active assistance, promotion and official actions in obtaining a grant of public funds from Metro Government, a decision over which Piagentini held authority as a Metro Officer.

102. By these actions, Piagentini thereby obtained an unwarranted privilege or advantage for himself by use of his official position, in violation of §21.02(A).

103. The Ethics Commission found Piagentini guilty of these allegations.

104. These actions constitute violations of the Metro Ethics Code, §21.02(A), and misconduct or willful neglect in the performance of the duties of his office, for which he should be removed as a Metro Council member.

Count VII  
Misconduct By Failing to Disclose

105. The Charging Committee repeats and realleges the allegations above.

106. From in or about November 2021 to December 2022, Piagentini pursued and solicited a consulting contract with the CEO Council at the same time he was considering, then advocating, that the CEO Council and its fellow grantees receive a \$40 million grant from the Metro Council. The day after the grant was approved, he accepted a \$240,000 consulting contract with the CEO Council.

107. Piagentini willfully failed to disclose the information above to his constituents and fellow members of Metro Council.

108. These actions constitute a violation of his duty to provide honest services in his official position.

109. These actions further constitute misconduct or willful neglect in the performance of the duties of his office, for which he should be removed as a Metro Council member.

Count VIII  
Misconduct By Perjury

110. The Charging Committee repeats and realleges the allegations above.

111. On August 22 and August 23, 2023, Piagentini testified to the Ethics Commission under oath.

112. He testified that a wall had been erected at the CEO Council so that he would not work on any matters related to the \$40 million grant awarded by the Metro Council, that he “didn’t engage” with the group executing the grant, and that “I’m not executing any part of that.” In fact, he had participated in two meetings in January 2023 with the Louisville Metro administration regarding the grant on behalf of the CEO Council.

113. He further testified that when he received an email from Day with a non-disclosure agreement on November 17, 2022, he had no idea what the reason for the non-disclosure agreement might be, stating that “it was unclear to me 100 percent what it could have been. . . .” In fact, he well knew the reason for receiving the NDA was the consulting arrangement he had discussed on prior occasions with Day.

114. These statements were false, material, and known by Piagentini to be false when he made them.

115. Piagentini’s actions constitute perjury in the first degree under Kentucky law, in violation of KRS §523.020.

116. These actions further constitute misconduct or willful neglect in the performance of the duties of his office, for which he should be removed as a Metro Council member.

### **REQUEST FOR RELIEF**

We request that the Louisville Metro Council convene a hearing at its earliest convenience on the preceding charges that Councilman Anthony Piagentini intentionally violated Sections 21.02(A), 21.02(B), 21.02(C), and 22.03(F) of the Ethics Code and committed other acts of misconduct or willful neglect in the performance of the duties of his office, so that the Council may remove him from office, pursuant to KRS 67C.143(1).

Respectfully submitted,

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Cindi Fowler  
Chair of the Charging Committee  
Member of Metro Council  
District 14

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Andrew Owen  
Vice Chair of the Charging Committee  
Member of Metro Council  
District 9

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Jennifer Chappell  
Member of Metro Council  
District 15

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Paula McCraney  
Member of Metro Council  
District 7

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Pat Mulvihill  
Member of Metro Council  
District 10

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Betsy Ruhe  
Member of Metro Council  
District 21