

**LOUISVILLE/JEFFERSON COUNTY
METRO ETHICS COMMISSION MINUTES**

August 22, 2012

MEMBERS PRESENT

Ms. Thelma Clemons
Mr. Terry Conway
Mr. Skip Daleure
Mr. Jonathan Ricketts
Ms. Enid Trucios-Haynes
Ms. Susan Rhodes

METRO STAFF/LEGAL COUNSEL PRESENT

Ms. Janet Black, Admin. Support, HR
Ms. Deborah Kent, Legal Counsel
Ms. Sherri Toohey-Taylor, Asst. Dir., HR
Ms. Kellie Watson, Dir., HR
Mr. Aubrey Williams, Attorney
Mr. Richard Beliles
Ms. Elizabeth McKinney-Hoffman,
Mr. Tony Hyatt and Mr. Steve Haag, Metro Council Staff

OTHERS PRESENT

Ms. Pat Thurman, Citizen
Dan Klepal, Courier-Journal
Mr. Phillip Bailey
WDRB-TV
WAVE-TV
WLKY-TV
WHAS-TV

Meeting Called to Order

The meeting of the Louisville/Jefferson County Metro Ethics Commission was called to order at 4:05 pm by Chair Jonathan Ricketts. Mr. Ricketts asked for a motion to accept the minutes of the July 26, 2012 meeting. Mr. Skip Daleure made a motion to accept the minutes and Ms. Susan Rhodes seconded and the minutes were accepted.

Old Business

Mr. Ricketts asked Legal Counsel to update the Commission on the final changes to the Annual Report. Mr. Daleure made a motion to adopt the 2011-2012 Annual Report to the Mayor and Metro Council as written. Ms. Enid Trucios-Haynes seconded and the motion was accepted.

New Business

Mr. Ricketts recommended to the Commission that they begin discussion with Request for Opinion 12-C-006.

Advisory Opinion 12-C-006- Council Member Robin Engel requested an opinion whether it would be a violation to write a letter of recommendation for the son of someone he knows personally. The son is applying for a position with the Planning and Design Services that will occasionally have business before the Metro Council. The Commission decided that there was not a violation, but the Councilmember should use discretion with writing the recommendation and should not use Metro Council letterhead.

Advisory Opinion 12-C-005- Council Member David Tandy requested an opinion whether it would be a conflict of interest for him to partner with another law firm in response to an MSD

Request for Proposals for legal assistance related to bond issues. The Commission decided it was a potential violation under Section 21.02 Standards of Conduct (D) and (I).

Advisory Opinion 12-C-004-The Commission decided to table Request for Opinion 12-C-004 to table it until the next meeting pending receiving more information from Council Member Robin Engel.

Executive Session (Complaint 12-P-014)

The Chair moved to go to Executive Session to discuss litigation related to the Complaint. Mr. Daleure seconded, the motion carried and the Commission adjourned to closed session. Mr. Aubrey Williams interjected an objection that deliberation in Executive Session would deny his client due process. Mr. Ricketts instructed Mr. Williams that the closed session was not to hear the Complaint but to decide if the Complaint should be heard. Ms. Pat Thurman, Metro Louisville Citizen then interjected that the Commission must cite the statutory exemption allowing the Commission to deliberate in closed session.

The Commission went to closed session at 5:08 pm.

On a motion from Mr. Ricketts and seconded by Ms. Susan Rhodes the Commission reconvened at 5:35 pm.

The Chair made a motion to overrule the Respondent's Motion to Dismiss, Respondent's Motion to Strike Complainant Reply, and Respondent's Motion to Strike Complainant's Response to Motion for More Definite Statement. Mr. Terry Conway seconded and the motion was carried.

The Chair asked for a motion setting a date to hearing allegations that councilwoman Shanklin violated Section 21.02 (B)(C)(D)(E), Section 21.03(C) and Section 21.04(B)(C) of the Metro Ethics Ordinance, and that the Commission convene a special meeting on August 28, 2012 at 4:30pm to approve a issue a hearing notice. Mr. Daleure so moved, Ms. Thelma Clemons seconded and the motion carried.

As there was no other business to discuss, Ms. Trucios-Haynes made a motion to adjourn. Mr. Terry Conway seconded and the meeting was adjourned at 5:38 pm.