



Meeting Agenda

Ethics Commission

Monday, August 14, 2023

12:00 PM

Board Room

CALL TO ORDER

APPROVAL OF MINUTES

1. Consideration Of Approval Of Minutes
July 27, 2023 Ethics Commission Special Meeting, 8:00 AM
July 27, 2023 Ethics Commission Special Hearing, 12:00 PM

NEW BUSINESS

2. Consideration Of Approval Of Findings of Fact And Conclusions of Law Relating to the Ethics Hearing
Regarding Alderman Gabrielle Hanson Held On July 27, 2023

OTHER BUSINESS

ADJOURN

Anyone needing accommodations due to disabilities please contact the ADA Coordinator at 615-791-3277 at least 24 hours prior to the meeting.



Meeting Minutes

Ethics Committee

Thursday, July 27, 2023

8:00 AM

Board Room

CALL TO ORDER

Chairman Martin called the meeting to order at 08:04 AM

Board Members Present: Jerry Sharber, Vona Wilson, Machel Thompson, Jim Martin

Board Members Absent: Juanita Patton (recused)

Staff Present: Tabitha Langley, Angie Johnson

EXECUTIVE SESSION

1. **Motion to Recess Into Executive Session**

Sponsors:

A motion was made by Commissioner Sharber, seconded by Commissioner Wilson to Recess into Executive Session. The motion passed unanimously.

RETURN FROM EXECUTIVE SESSION

2. **Actions From Executive Session**

Sponsors:

Chairman Martin acknowledged the Executive Session. The Ethics Commission will continue with the Public Hearing at 12PM on July 27, 2023.

ADJOURN

A motion was made by Commissioner Sharber, seconded by Commissioner Wilson to Adjourn the Meeting. The motion passed unanimously.

Meeting Adjourned @ 9:48 AM

Jim Martin, Chair

Minutes Prepared by Sarah Schilling, Assistant Deputy City Recorder, City Administrator's Office - 8/8/2023, 10:51 AM



Meeting Minutes

Ethics Committee

Thursday, July 27, 2023

12:00 PM

Board Room

CALL TO ORDER

Chairman Martin called the meeting to order at 12:01 PM

Board Members Present: Jim Martin, Jerry Sharber, Vona Wilson, Machele Thompson

Board Members Absent: Juanita Patton (recused)

Staff Present: Shauna Billingsley, Tabitha Langley, Angie Johnson

NEW BUSINESS

2. **PUBLIC HEARING: Consideration Of Ethics Complaint Against Alderman Gabrielle Hanson Relative To Correspondence To Douglas E. Kreulen, President And CEO Of The Metropolitan Nashville Airport Authority, And The BNA Board Of Commissioners Regarding Their Support And/Or Funding Of The Franklin Justice And Equity Coalition.**

1. Complaint Filed By Emily Jenkins
2. Complaint Filed By Peggy Kingsbury
3. Complaint Filed By Kate Osher
4. Complaint Filed By Damon Rogers
5. Complaint Filed By Janet Shouse
6. Complaint Filed By Rod Berger
7. Complaint Filed By Joseph Jenson

Sponsors:

The Commissioners discussed the item. This discussion and testimonies can be referenced in full in the attached Court Reporter's transcript.

Public Comment:

Bryant Herbert, 1336 Coleman Road, Franklin, TN, believes Alderman Gabrielle Hanson is in violation of the Franklin Municipal Code.

Ashley Webster, 2248 Winder Circle, Franklin, TN, believes Alderman Gabrielle Hanson is in violation of the Franklin Municipal Code.

Tara Blue, 3185 Appian Way, Spring Hill, TN, believes Alderman Gabrielle Hanson is in violation of the Franklin Municipal Code.

Rev. Dr. Chris Williamson, 120 Tyne Drive, Franklin, TN, believes Alderman Gabrielle Hanson is in violation of the Franklin Municipal Code.

Jeff Stewart, 117 Halswelle Drive, Franklin, TN, believes Alderman Gabrielle Hanson is in violation of the Franklin Municipal Code.

A motion was made by Commissioner Sharber, seconded by Commissioner Wilson to conclude that Alderman Gabrielle Hanson violated Section 1-805(1) of the Franklin Municipal Code. The motion passed unanimously.

A motion was made by Commissioner Sharber, seconded by Commissioner Thompson to conclude that Alderman Gabrielle Hanson violated Section 1-808(2) of the Franklin Municipal Code. The motion passed unanimously.

Then, a motion was made by Commissioner Sharber to issue a written decision of violation of Section 1-805(1) and Section 1-808(2) in accordance with Sections 1-813(1) and 2-310(7) of the Franklin Municipal Code. The motion failed for lack of a second.

A motion was made by Commissioner Wilson, seconded by Chairman Martin to issue a written decision of violation of Section 1-805(1) and Section 1-808(2) of the Franklin Municipal Code and to recommend that Alderman Gabrielle Hanson be censured by the Board of Mayor and Alderman. The motion passed unanimously.

APPROVAL OF MINUTES

1. **Consideration Of Approval Of Minutes**
June 27, 2023 Ethics Commission Meeting
July 6, 2023 Ethics Commission Meeting
Sponsors:

A motion was made by Commissioner Sharber, seconded by Commissioner Wilson to approve the June 27, 2023 and July 6, 2023 Ethics Commission Minutes. The motion passed unanimously.

OTHER BUSINESS

Chairman Martin Adjourned the Meeting.

Chairman Martin reopened the Meeting to discuss the post-hearing provisions in the Amended Ethics Commission Bylaws and Procedures. The full discussion can be referenced in the attached Court Reporter's transcript.

ADJOURN

Again, Chairman Martin Adjourned the Meeting.

Meeting Adjourned @ 2:28 PM

Jim Martin, Chair

Minutes Prepared by Sarah Schilling, Assistant Deputy City Recorder, City Administrator's Office - 8/7/2023, 3:37 PM

**The following contains the complete transcript
and exhibits for the July 27, 2023 City of
Franklin Ethics Commission Meeting.**

**Prepared by Tammy K. Benefield, RPR, CLR,
LCR of Elite-Brentwood Reporting Services.**

ETHICS COMMISSION MEETING

TRANSCRIPT OF PROCEEDINGS

July 27, 2023



Tammy K. Benefield, RPR, CLR, LCR

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**CITY OF FRANKLIN
ETHICS COMMISSION MEETING**

JULY 27, 2023

12:00 p.m. CST

**109 3rd Avenue South
Franklin, TN 37064**

TRANSCRIPT OF PROCEEDINGS

**Elite-Brentwood Reporting Services
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Tammy K. Benefield, RPR, CLR, LCR
555 Marriott Drive
Nashville, Tennessee 37214
(615)595-0073**

A P P E A R A N C E S

BOARD MEMBERS:

MR. JIM MARTIN, CHAIR

MR. JERRY SHARBER

MS. VONA WILSON, REVEREND

MS. MACHELLE THOMPSON

ALSO PRESENT:

MS. SHAUNA BILLINGSLEY, ATTORNEY AT LAW

MS. GAIL VAUGHN ASHWORTH, ATTORNEY AT LAW

MS. KAITLIN PARHAM, ATTORNEY AT LAW

MR. DANIEL A. HORWITZ, ATTORNEY AT LAW

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* * *

MR. MARTIN: Good afternoon, everyone.
This is a special called meeting of the City of
Franklin Ethics Commission. Today is July the 27th
of 2023.

The members of the Commission are Vona Wilson to my right, Machel Thompson to my immediate left, Jerry Sharber on the other side of Ms. Thompson. I am Jim Martin, and I am the Chair of the Commission. Our attorney, Gail Ashworth, is here seated at counsel table just ahead of me.

The purpose of this meeting is to consider the merits of complaints that were filed with the City of Franklin alleging that Alderman Gabrielle Hanson has violated the City of Franklin's ethics code when she sent an e-mail to Mr. Doug Kreulen and the Board of the Nashville Airport Authority on June the 5th of 2023.

On June the 27th of 2023, the Commission considered the complaints and found that there was a colorable claim that Sections 1-805, 807, and 808 of the ethics code were violated and set the matter for hearing today to hear from the complainants and also to hear from Ms. Hanson and, in addition, members of the public. If we have members of the public that

1 want to address the Commission, I would ask that you
2 sign up. Right now I only have four individuals that
3 want to address the Commission.

4 The order that we will consider is,
5 first, we'll hear from the complainants, and there
6 are seven of them potentially. Then we will hear
7 from Ms. Hanson or her lawyer, either one. And then
8 we'll hear from members of the public. But I need to
9 know how many folks want to address us so that I'll
10 be able to know what time limitation, if any, we
11 should be placing on the comments from the public
12 members.

13 The Commission afforded Ms. Hanson an
14 opportunity to file an answer to the complaints, and
15 she did. On July the 13th of 2023, the Commission
16 received Ms. Hanson's answer through her lawyer,
17 Mr. Daniel Horwitz, and he is seated to my left over
18 here, as I understand.

19 MR. HORWITZ: That's correct.

20 MR. MARTIN: Good to see you this
21 afternoon.

22 Has the answer been filed as part of our
23 record?

24 I'm informed it has. So our record now
25 consists of the complaints as well as the answer and

1 the minutes from the June 27th proceeding. Is that
2 correct?

3 (Inaudible.)

4 All right. Thank you.

5 The persons who address the Commission
6 are respectfully requested to limit your statements
7 and comments to the issues that are here to be
8 decided by the Commission, which are the facts and
9 matters contained in Ms. Hanson's e-mail of June
10 the 5th, 2023, and the provisions that are set forth
11 in the Franklin Municipal Code of Ethics.

12 We do not want personalities to play into
13 this or comments about personalities and things of
14 that nature, unrelated matters that have nothing to
15 do with the responsibilities of the Commission. We
16 do have a Public Meeting Code of Conduct that I was
17 furnished, and I read it and I thought it was well
18 done and I'll share it with you.

19 The City of Franklin has this code of
20 conduct, and it says that the policy is to focus on
21 the subject matter, never the person. We are to
22 follow the following rules: that the comments will
23 be directed through the chairperson; time limits may
24 be established; no person will approach the Board or
25 Commission without permission of the chairperson; the

1 chairperson can stop comments after time is expired
2 or if the commenter violates the public meeting
3 guidelines and rules of decorum; and the chairperson
4 can remove a commenter from the meeting if violation
5 occurs.

6 And those are well-written rules that I
7 thought were worth sharing with everyone in the room
8 today, and I expect that they will be followed.

9 The bylaws of the Commission specify that
10 at the beginning, we will have a brief explanation of
11 why we're here, and I've done that. We do have the
12 authority to place time limits on comments. And
13 right now I only have four requests for public
14 comment, so right now I would ask that any presenter
15 be reasonable in time. Otherwise I don't see any
16 reason to put time limits at this point on it.

17 When you do speak to the Commission, if
18 you would, state your name so that we have in our
19 record who you are, and then address the comments
20 that you want to share with us to me.

21 I have been handed a paper. This is from
22 Kate Osher, and it's dated July the 27th, and she
23 submits a statement that she hopes to be considered.
24 She is one of the complainants, as I understand it.
25 And is Ms. Osher here today?

1 UNIDENTIFIED SPEAKER: She is not. She
2 was unable to appear.

3 MR. MARTIN: She is not. Okay.

4 The complaints need to be presented in
5 person. And so if Ms. Osher is unable to be with us,
6 we will not consider her complaint.

7 Do any members of the Commission have
8 anything you want to add to the remarks that I have
9 made at this point?

10 Ms. Wilson?

11 MS. WILSON: No.

12 MR. MARTIN: Ms. Thompson?

13 MS. THOMPSON: No.

14 MR. MARTIN: Mr. Sharber?

15 MR. SHARBER: You've done well,
16 Mr. Chairman.

17 MR. MARTIN: All right. Very good.

18 Then let us at this time hear from Emily
19 Jenkins.

20 MR. HORWITZ: Commissioner, if I may, I
21 have two preliminary motions that I would like the
22 Commission to consider before we open the hearing.

23 MR. MARTIN: Sure. And if you don't
24 mind -- I'm hard of hearing, so pull that mic close
25 to you if you don't mind.

1 MR. HORWITZ: Yes, sir.

2 MR. MARTIN: Is it live?

3 MR. HORWITZ: Can you hear me?

4 MR. MARTIN: I'm not sure it's live.

5 MR. HORWITZ: I'll start over.

6 MR. MARTIN: And you're Mr. Horwitz?

7 MR. HORWITZ: Yes.

8 MR. MARTIN: All right. Very well,
9 Mr. Horwitz.

10 MR. HORWITZ: I have two preliminary
11 motions that I would like the Commission to consider
12 before the hearing opens. I've handed copies to the
13 Commission's counsel.

14 The first is the respondent's motion to
15 dismiss these complaints. That would be based on the
16 May 17th, 2023, Amended Bylaws and Procedures.
17 Section V.3 provides that any complaint shall be
18 based on personal knowledge, set forth such facts as
19 would be admissible in evidence, and shall show
20 affirmatively that the complainant is competent to
21 testify to the matters stated therein. All documents
22 referred to in the complaint shall be attached to the
23 complaint.

24 Commissioners, none of the seven
25 complaints asserted against Alderman Hanson satisfies

1 these requirements. No complaint is or purports to
2 be based on any personal knowledge. No complaint is
3 sworn or otherwise verified in a manner that would
4 render the facts asserted in them admissible in
5 evidence. No complainant personally purports to be
6 able to authenticate any exhibit in their complaints.
7 For those reasons, they all fail to comply with the
8 mandatory requirements of Section V.3, and they
9 should all be dismissed.

10 MR. MARTIN: And you're reading from our
11 bylaws, what section?

12 MR. HORWITZ: V.3.

13 MR. MARTIN: Roman numeral V.3?

14 MR. HORWITZ: Yes, Commissioner.

15 MR. MARTIN okay.

16 UNIDENTIFIED SPEAKER: We cannot hear.

17 UNIDENTIFIED SPEAKER: We can't hear.

18 UNIDENTIFIED SPEAKER: We're working on
19 it.

20 UNIDENTIFIED SPEAKER: We're getting the
21 mics turned up.

22 MR. MARTIN: So do we need to give you a
23 minute to work on our sound?

24 UNIDENTIFIED SPEAKER: Yes.

25 MS. ASHWORTH: Mr. Chair?

1 MR. MARTIN: Yes.

2 MS. ASHWORTH: The ethics hearing
3 procedures does not contemplate such motions.

4 MR. MARTIN: All right.

5 MS. ASHWORTH: Preliminary motions.

6 MR. MARTIN: Let me see if -- let me test
7 your mic again. Let me see if you're up.

8 MR. HORWITZ: Can you hear me?

9 MR. MARTIN: I can hear you. Can the
10 folks in the audience hear him now?

11 Very good.

12 (Inaudible.)

13 MR. HORWITZ: Let me finish the motion.
14 I'd like the Commission to vote on it, even if to
15 deny it, so that we can preserve this for the record.

16 MR. MARTIN: That's fine. Go ahead,
17 Mr. Horwitz.

18 MR. HORWITZ: The second is substantive.
19 The complaints fail to state a cognizable ethics
20 violation as a matter of the law. The reasons were
21 set forth in the answer that we filed. I'd like
22 those reasons incorporated.

23 To summarize, the United States Supreme
24 Court has held repeatedly and without ambiguity: The
25 manifest function of the First Amendment in a

1 representative government requires that legislators
2 be given the widest latitude to express their views
3 on issues of policy. That includes expressing
4 statements on behalf of their constituents and
5 advocating for how public expenditures should be
6 made, rescinded, redirected. How public money should
7 be spent is a quintessential legislative function.

8 All of these complaints assert that the
9 Alderman was not permitted to express a point of view
10 on behalf of her constituents regarding how public
11 expenditures should be made. As a result, they all
12 fail to state an ethics violation as a matter of law.

13 Ms. Ashworth, if you don't mind, I'd like
14 to make the motion just a part of the record.

15 MR. MARTIN: That's fine. It will be
16 marked as part of our record.

17 (WHEREUPON, a document was marked as an
18 exhibit.)

19 MR. MARTIN: While our bylaws don't
20 contemplate prehearing motions as we have been
21 advised by counsel, when I read the response from
22 Ms. Hanson on July the 13th of 2023, she does not
23 deny sending the e-mail in question. She doesn't
24 contest any of the content contained in the e-mail.
25 The focus of the Commission is to examine the content

1 in light of the provisions of the Franklin Municipal
2 Code Ethics section and determine whether, in fact,
3 there's been a violation.

4 So the court -- I started to say the
5 court. I'm not the court anymore. The Commission
6 Chair finds that the motion to dismiss should be
7 denied, both because there's no procedure for it and
8 also because of the substance.

9 The constitutional argument that
10 Mr. Horwitz has advanced is contained in the answer,
11 and so it will be part of what is considered today.

12 Thank you.

13 MR. HORWITZ: Thank you.

14 The second motion, Commissioner, is a
15 motion for leave to cross-examine the complainants
16 and witnesses here. The Commission's rules do not
17 generally provide for it.

18 MR. MARTIN: Right.

19 MR. HORWITZ: I would insist on the right
20 to do so as a matter of due process for the reasons
21 stated in the written motion. And for that reason, I
22 would request leave --

23 MR. MARTIN: Well, yeah. Our bylaws
24 provide: Cross-examination of any party by another
25 party shall generally not be permitted. All such

1 comments shall be addressed to the Commission.

2 Mr. Horwitz, what is the reason why your
3 client would wish to cross-examine anyone that's
4 presenting to the Commission?

5 MR. HORWITZ: It's a matter of due
6 process, Commissioner.

7 MR. MARTIN: You're going to have to
8 speak up. I apologize.

9 MR. HORWITZ: It is a matter of due
10 process.

11 MR. MARTIN: Due process?

12 MR. HORWITZ: Yes.

13 MR. MARTIN: Okay.

14 Ms. Ashworth, what is your thought on
15 that?

16 MS. ASHWORTH: I think absent exceptional
17 circumstances, you should follow the bylaws. And
18 unless there's a compelling need for
19 cross-examination of the complainants, at this time I
20 would not advise granting such a motion.

21 MR. MARTIN: We'll take the motion under
22 advisement. If there's something you can't establish
23 through your own proof, then I'd reconsider. But,
24 generally, this is not a court. And we do have
25 members of the public here that want to present and

1 cross-examination might chill that, and I'm not
2 interested in having that chilled.

3 Anything further as a preliminary matter?

4 MR. HORWITZ: I'd just like to make the
5 second motion part of the record as well, please.

6 MR. MARTIN: All right. Very good.

7 (WHEREUPON, a document was marked as an
8 exhibit.)

9 MR. MARTIN: Any other preliminary
10 matter, Mr. Horwitz?

11 MR. HORWITZ: Not at this time.

12 MR. MARTIN: Very good.

13 With that, then, the Chair is ready to
14 move into the substance of the complaints.

15 Are the other Commission members ready as
16 well?

17 MR. SHARBER: Yes.

18 MR. MARTIN: Okay. Very good.

19 Is Ms. Emily Jenkins present?

20 So, Ms. Jenkins, give me just one minute,
21 if you would, to get my papers organized.

22 Very good. And you are Ms. Emily
23 Jenkins. Is that correct?

24 MS. JENKINS: I am.

25 MR. MARTIN: Very good. The floor is

1 yours.

2 MS. JENKINS: Okay. I'm Emily Jenkins, a
3 resident of Franklin. I wanted to thank you for the
4 opportunity to speak, as well as your willingness to
5 serve in this crucial oversight role for ensuring
6 ethical conduct for our elected officials.

7 After reading the response from
8 Ms. Hanson to the complaint, in which she threatened
9 to sue both the City as well as the members of this
10 Commission individually, I think it's important that
11 we preserve an accurate record of this proceeding as
12 well as her response.

13 Accordingly, as provided in the operating
14 rules of this Commission, I would like to request to
15 be placed under oath for my presentation as well as
16 for the statement of my witness.

17 MR. MARTIN: Mr. Horwitz, any objection?

18 MR. HORWITZ: No.

19 MR. MARTIN: Do we have anybody that can
20 administer an oath?

21 UNIDENTIFIED SPEAKER: The court
22 reporter.

23 MR. MARTIN: Our court reporter.

24 Very well.

25 (Ms. Jenkins was sworn.)

1 MS. JENKINS: Thank you.

2 This complaint arises from an e-mail that
3 Alderman Hanson sent to the Metropolitan Nashville
4 Airport Authority, in which she had made a demand on
5 behalf of the City of Franklin in her role as
6 alderman. She made slanderous statements about the
7 Franklin Justice and Equity Coalition and attempted
8 to interfere with the contract between the FJEC and
9 the airport, demanding funding to the nonprofit of
10 her choice.

11 Some background to these events is
12 necessary. We are blessed in Franklin to have two
13 organizations advancing the cause of the African
14 American population here. Their missions are
15 different but not in opposition to one other. The
16 African American Heritage Society's mission is to
17 collect, preserve, and interpret artifacts from
18 African American history.

19 Contrary to Ms. Hanson's derogatory and
20 defamatory characterization of the organization, the
21 Franklin Justice and Equity Coalition's mission is to
22 ensure justice in Franklin across the pillars of
23 education, law enforcement, housing, business, and
24 mentoring.

25 The FJEC has hosted prayer vigils,

1 college fairs for minority students, school supply
2 giveaways, worship services, given scholarships to
3 minority students, and been blessed to bring a
4 Juneteenth event to downtown Franklin for multiple
5 years.

6 I would challenge Ms. Hanson to present a
7 scintilla of evidence that the faith leaders and
8 community servants doing the work of FJEC have
9 advanced a radical social agenda as she claimed. If
10 praying and lifting people up struggling in the
11 community is radical, then I'm as radical as they
12 come and I hope we all are.

13 Before getting into the e-mail that's the
14 crux of the issue, I have provided a copy of the
15 public records request that I sent the City, in which
16 I requested public documents relevant to Ms. Hanson's
17 ethical breach. You will see in the packet that I
18 provided, a copy of an e-mail that Angie Johnson with
19 the City sent to Ms. Hanson, in which she instructed
20 Ms. Hanson that because she used her personal e-mail
21 for conducting business as an alderman, she would
22 need to produce any responsive documents from her
23 personal e-mail and text message accounts.
24 Ms. Hanson has refused to produce any responsive
25 documents.

1 As a result, I filed a request for
2 assistance with the State Open Records Council, which
3 should also be in your packet. On July 14th, 2023,
4 the Office of Open Records Council contacted me by
5 phone and confirmed that Ms. Hanson is in violation
6 of open records law and stated that they would
7 contact her to inform her of her duty to produce
8 documents.

9 Nonetheless, Ms. Hanson has refused to
10 produce anything from her personal accounts, even
11 when she's using them to purportedly conduct public
12 business on behalf of the City and utilizing her City
13 title. I would like to state that I have a standing
14 objection to anything being produced in her defense
15 that was responsive to the public records request but
16 she refused to provide in response to a legitimate
17 request.

18 The events at issue began on June 4th,
19 2023, when Ms. Hanson sent a text message to Alma
20 McLemore, the head of the African American Heritage
21 Society. A copy of that text exchange is provided in
22 your packet. In the text she stated: I am about to
23 make a huge financial ask for you and want your
24 permission. A major group in Nashville needs to send
25 you a large check.

1 I would like you to note that although
2 Ms. Hanson has characterized her letter as
3 representing constituent concerns about taxpayer
4 funds, when she texted Ms. McLemore, she did not
5 reference any constituent complaints or taxpayer
6 funds. She just said that she was making a demand
7 for money.

8 Ms. Hanson sent the e-mail to the airport
9 authority, in which she demanded that they take funds
10 from the FJEC and/or give the same amount to the
11 African American Heritage Society. She threatened
12 that if they did not comply, she would unleash a
13 public campaign against the board and the members
14 individually.

15 In regards to the e-mail Ms. Hanson sent,
16 I believe there are at least two clear violations of
17 the City of Franklin ethics policy. Section 1-805 of
18 the code governs acceptance of gifts and honoraria
19 and states: Except as provided in this section, no
20 officials or employees, either for themselves or for
21 their immediate family, or for any other person, may
22 knowingly solicit, receive benefit from, accept or
23 agree to accept any gratuity, gift, honoraria, loan,
24 favor, promise or any thing of value for themselves,
25 any other person or any member of the immediate

1 family of such official.

2 Hanson's e-mail is a direct solicitation
3 of funds for the African American Heritage Society.
4 In her text to Ms. McLemore, she described her plan
5 to solicit a large donation before she sent the
6 e-mail, and it's clear that her e-mail itself had
7 three goals. First, to defame the reputation of FJEC
8 with a major donor. Second, to interfere with the
9 contract between FJEC and the airport. And most
10 importantly, to demand money for her preferred
11 nonprofit under threat of retaliation against the
12 airport authority if they refused her demand as an
13 elected official representing the City of Franklin.

14 It's clear that her letter was soliciting
15 a donation to an organization she is closely enough
16 related to that she even requested their permission
17 before making the ask, and that she claimed her
18 solicitation was made in her official capacity as an
19 alderman.

20 In her response to the complaint,
21 Ms. Hanson's counsel noted that her scheme does not
22 appear to have succeeded, a fact which is irrelevant
23 because the ethics code does not require that she be
24 successful in her solicitation scheme. It merely
25 prohibits the act of soliciting funds.

1 The second violation pertains to
2 Section 108 [sic] of the ethics policy which governs
3 use of position or authority and states: Officials
4 or employees may not use or attempt to use their
5 position to secure any privilege or exemption for
6 themselves or others that is not authorized by the
7 charter, general law, or ordinance or policy of the
8 municipality.

9 Ms. Hanson sent this letter and
10 specifically stated that she was donating a --
11 demanding a donation, quote, as an elected official,
12 and she signed it with her official title of
13 alderman. There is no charter, general law,
14 ordinance, or policy of the City of Franklin to
15 demand donations to local nonprofits under threat of
16 a public smear campaign if a respondent were to
17 refuse.

18 Threatening public harm to the
19 reputations of volunteer board members of an
20 organization in another jurisdiction is not generally
21 what one thinks of as legitimate action on behalf of
22 the City. It is difficult to imagine a more clear
23 case of using your position to secure a privilege or
24 exemption than shaking down an organization for money
25 while threatening them with public retaliation.

1 Before I address Ms. Hanson's response to
2 the complaint, I would like to call Pastor Walter
3 Simmons from the FJEC to come forward, be sworn in,
4 and to address the Commission about the impact
5 Ms. Hanson's actions had on the work and reputation
6 of the FJEC.

7 MR. MARTIN: If you would state your name
8 for us, sir.

9 MR. SIMMONS: Walter Simmons.

10 (Pastor Simmons was sworn.)

11 MR. SIMMONS: Good afternoon. This is a
12 bad day to have to be here under these circumstances,
13 but one that we have to deal with.

14 What is the harm that has happened to the
15 e-mail that was sent to BNA on behalf of the African
16 American Heritage Society by Alderman Hanson?
17 Speaking on behalf of the Franklin Justice and Equity
18 Coalition, we want to make clear that this is just
19 not an over time overstepping. This is a part of a
20 pattern from Alderman Hanson.

21 In 2022 when we were here for the
22 nonconsent vote, Alderman Hanson pulled Juneteenth
23 festival off the consent agenda and then made her
24 demand that there be a committee picked by the City
25 of Franklin that will take over Juneteenth, that the

1 Franklin Justice and Equity Coalition had led for two
2 years.

3 In her demand, a sitting board member of
4 the African American Heritage Society did second that
5 motion. Thankfully, the City of Franklin did not see
6 that was right, and we continue to do Juneteenth as
7 we've done it.

8 Conversely in 2023 during a work session
9 meeting, Alderman Hanson then openly asked for our
10 sponsors to not only the city administrator, our
11 permit director, who was Monique McCullough, and Tara
12 Blue, who was our coordinator for the Juneteenth
13 event; she did that in April and then wrote that same
14 e-mail to BNA later. This is clearly an issue that
15 must be dealt with.

16 When we put in a permit for Juneteenth,
17 we come in doing exactly what the City of Franklin
18 has asked us to do. And if we have to come in under
19 this kind of banter and trust -- mistrust with a
20 sitting alderman, it creates an issue for us to even
21 want to come into the City of Franklin, because
22 Alderman Hanson said that we want to defund the
23 police, which is untrue.

24 If you can ask any alderman here, after
25 White Lives Matter showed up to Juneteenth of 2022, I

1 personally wrote a letter on behalf of my board to
2 Chief Faulkner thanking her for how her police
3 responded to White Lives Matter at Juneteenth. That
4 letter ended up in every hand of every City of
5 Franklin employee because we thanked Chief Faulkner.

6 Conversely in 2023 when Tyre Nichols was
7 murdered, Chief Faulkner e-mailed me and asked me
8 what can we do. And if you search the archives of
9 the Williamson Herald, you'll see that myself, Chief
10 Faulkner, Dr. Chris Williamson, who is an advisor to
11 the FJEC, and Anthony Pickett, who is also an
12 advisor, met with Chief Faulkner not to defund the
13 police, but to talk about how we can create an
14 opportunity for community and police to be together,
15 especially finding affordable living spaces for
16 police officers to be able to afford to live in
17 Franklin, but not defund the police.

18 When she said we wanted to talk about
19 reparations, no, we want to talk about equity. There
20 is not an African American business in downtown, and
21 we want to make sure that all people have an
22 opportunity to be a part of this. Alderman Hanson
23 said we came about behind George Floyd, Ahmaud
24 Arbery, and Breonna Taylor.

25 We did but, no, we really came about -- I

1 live in Fieldstone Farms, and I was out walking one
2 day, and I was racially profiled at least four to
3 five times a week just walking in my neighborhood
4 attempting to lose weight. On this day I happened to
5 be on my phone recording the interaction between
6 myself and the police, and I was reached out to say
7 what could we do.

8 We had a prayer vigil, and we then moved
9 on with the Franklin Justice and Equity Coalition. I
10 serve as the president and founder. We believe in
11 justice and equity, but what we don't believe in is
12 allowing people who are not on our board and sitting
13 official -- City officials to write in their capacity
14 when the African American Heritage Society has
15 capable members on their board to be able to ask for
16 finances.

17 For us, it is a liability to continue to
18 do Juneteenth in downtown Franklin if Alderman Hanson
19 is on this Board because Alderman Hanson has a vote.
20 In 2022 when she pulled it, Alderman Hanson voted yes
21 for the Juneteenth festival. In 2023 when she pulled
22 it and did what -- asked the questions, she still
23 voted yes. Why would Alderman Hanson have these
24 things written privately, but publicly vote for that
25 event?

1 Two years that she's been a sitting
2 alderman when she said we're Black Lives Matter,
3 we're defunding the police, we're creating a division
4 in our community, Alderman Hanson even voted yes.
5 And I must say that two years we've had a unanimous
6 vote of yes for Juneteenth in downtown Franklin
7 because we are here to engage, educate, and empower
8 our community.

9 Alderman Hanson is pitting two
10 organizations involved in supporting African American
11 presence here in Franklin at each other's. We know
12 for a fact that Alderman Hanson had -- this isn't the
13 first time she has sent troubling e-mails to our
14 sponsors. In her e-mail to BNA, she actually sent a
15 picture to BNA about sponsors at the time. My
16 question would be today, why did she only send that
17 to BNA?

18 Mars Petcare has been one of our title
19 sponsors for two years. The Urban League of Middle
20 Tennessee was our title sponsor. They gave us more
21 money than anyone. She did not send a message to the
22 Urban League. She did not send a message to Mars
23 Petcare. Why BNA?

24 Openly, I've had to meet with sponsors
25 who walked away from our Juneteenth festival because

1 of Alderman Hanson's e-mail. And I just want to say
2 I don't appreciate Alderman Hanson being the savior
3 for the African American community. I think we're
4 intelligent enough to handle ourselves. I think
5 we're gifted enough to handle our own Juneteenth
6 festivities. I think we're gifted enough to be able
7 to handle what we need to do and best represent our
8 City without a sitting City official coming, because
9 no other City official has done it.

10 In retrospect, when one of our sponsors
11 decided in 2023 they would not support us, I have a
12 witness who can tell you that I told them, if you
13 would not support us, then you need to go give your
14 money to the African American Heritage Society
15 because you should be supporting Juneteenth.

16 As I noted, she already sent the letter
17 asking for our sponsors. Alderman Hanson has a
18 history of acting in favor of the African American
19 Heritage Society against the Franklin Justice and
20 Equity Coalition. She clearly has a conflict of
21 interest and has misused her office by trying to act
22 in favor of one organization over the other. She has
23 on multiple occasions met in private with the
24 leadership of the African American Heritage Society
25 to discuss the Juneteenth festival and the Franklin

1 Justice and Equity Coalition.

2 Alderman Hanson's letter upset a major
3 sponsor of Juneteenth and caused serious damage to
4 the relationship between the Franklin Justice and
5 Equity Coalition and the airport. Her actions have
6 been widely covered nationally by her comments. It
7 is clear that she has a pattern of specific malice
8 against the FJEC and will not hesitate to harm the
9 organization anytime she has a chance.

10 Alderman Hanson has stated that the City
11 of Franklin has been part of taking away Juneteenth,
12 which is not true. That is not the truth. The City
13 of Franklin has been with us. In 2022 the City of
14 Franklin asked our organization to have one event so
15 we would not stretch our police department. We
16 agreed.

17 In an open agreement, it was agreed that
18 the Franklin Justice and Equity Coalition would lead
19 Juneteenth and that was later rescinded by the other
20 organization. And even in response to that, I met
21 with the City of Franklin and I called Ms. Monique
22 McCullough. Well, she can tell you that I asked what
23 should we do. Every offer that we made to the other
24 organization was denied by them. So when Alderman
25 Hanson says that we took this and bullied them, that

1 is not the truth.

2 The City of Franklin even reached out to
3 the other organization and asked them, and they
4 denied doing what the City of Franklin offered them.
5 We don't own the space in downtown. As a matter of
6 fact, I even told the City of Franklin, we will move
7 our event and allow the African American Heritage
8 Society to do it in downtown Franklin.

9 I don't think Alderman Hanson should be
10 removed. This is against my board's wishes. I just
11 want to say this in closing. Her constituents voted
12 for her. What she's caused financially, she can't
13 say ethically. What she wrote to BNA was counter to
14 what she does publicly.

15 But what she has caused for the City of
16 Franklin, it's not my duty on today. My duty is to
17 say, to say that we are defunding the police is not
18 true. To say that we are against every other, that
19 is not true.

20 We work with every nonprofit in the City
21 of Franklin to do major events every year all year.
22 But we won't be silenced by one day. Our Juneteenth
23 is only one day of celebration that we put into a
24 month, but we will not stop doing Juneteenth because
25 of Alderman Hanson.

1 I think Alderman Hanson should stay --
2 remain the alderman because her constituents voted
3 for her. If this ethics committee finds that she has
4 done something in malice, then she should be put off.
5 It should not be under the public discourse of what
6 she's done. If she should have been put off, she
7 should have been put off the last time.

8 But this time, you all know who the
9 alderman is. And it's your responsibility and you
10 have a great responsibility today to figure it out.
11 Alderman Hanson has caused our sponsors to walk away,
12 but she has not caused our fight to stop. Is it a
13 fight? No, it's not. It is only us doing what God
14 has called us to do, and that is to engage, educate,
15 and empower. It is up to you to make that decision.

16 Last, thank you for even considering it,
17 to even have us here to speak openly about it.
18 Because this is an important time in our city where
19 two organizations are trying to empower not only
20 African Americans, but empower our total community,
21 that we have to stand here today and have this
22 discussion. Although important, it is not the most
23 important thing, and I think we could be doing a lot
24 better things than here on today.

25 Alderman Hanson's words are hurtful,

1 bothersome, and it should not have been done. But
2 this ethics committee, you have a hard chance and a
3 hard time today as you listen to your community.
4 Thank you so much.

5 MR. SHARBER: Mr. Chairman, I have a
6 question of Mr. Simmons. Would you like me to do
7 that now or later?

8 MR. MARTIN: No. You go ahead.

9 MR. SHARBER: Mr. Simmons.

10 MR. SIMMONS: Yes, sir.

11 MR. SHARBER: Is the Justice and Equity
12 Coalition a nonprofit organization?

13 MR. SIMMONS: Yes, sir. We are a
14 nonprofit organization recognized by the Internal
15 Revenue Service by Code 501(3)(c).

16 MR. SHARBER: Thank you.

17 MR. MARTIN: Ms. Jenkins.

18 MS. JENKINS: Thank you, Pastor Simmons.

19 Before I conclude, while I know that in
20 addition to the City attorneys, the City has engaged
21 outside counsel to advise you of the legal issues at
22 stake, I would like to briefly address a few things
23 from the lengthy response provided by Ms. Hanson's
24 counsel to the complaints.

25 First, I want to note for the public

1 record and the benefit of all citizens watching that
2 in response to legitimate public oversight of her
3 actions as alderman, Ms. Hanson has continued her
4 pattern of believing that her position is above
5 reproach. She has refused to produce public
6 documents of correspondence she's sent or received in
7 her official capacity from her personal accounts.

8 Frankly, that should be alarming to
9 anyone in City leadership because the City has no
10 idea what else she may have done, money she may have
11 secured, or who else she may have threatened while
12 claiming to act in her official capacity. It's more
13 than a little suspicious that when she took the
14 action in question that she claims was legitimate
15 advocacy as an alderman, she chose not to do it from
16 her official account that's subject to immediate
17 oversight by the City. Instead she used her personal
18 e-mail account for her, what she claims to be,
19 legitimate advocacy.

20 The Commission has to ask why she felt
21 the need to hide her actions. When you as the ethics
22 commission conducted your initial review and
23 determined that there were legitimate questions
24 regarding whether her behavior constituted an ethics
25 breach, you scheduled this hearing. Ms. Hanson's

1 response to having the activity she's conducting in
2 secret from her personal accounts questioned is that
3 by and through her counsel, she has demanded that
4 this hearing be canceled, has threatened to sue the
5 City, and has threatened to sue every member of the
6 ethics committee individually.

7 I appreciate that like the airport
8 authority, the ethics committee has refused to be
9 cowed by threats of retaliation from Ms. Hanson. For
10 a public official to abuse her authority and threaten
11 litigation against the very city she is supposed to
12 be serving, as well as to make personal threats
13 against volunteers performing their duties of ethical
14 oversight, is beyond the pale.

15 Second, in her response, Ms. Hanson
16 repeatedly claimed that her actions were, quote,
17 expressing her constituent concerns about an
18 expenditure of public funds. What is notable is that
19 nowhere in the public records produced was there a
20 single e-mail or text message to or from Ms. Hanson
21 and a constituent regarding concerns about the
22 airport, Juneteenth, or FJEC. This leads to only
23 three possible conclusions.

24 The first is either that over the course
25 of one weekend, Ms. Hanson was contacted in person by

1 20 different constituents that she never followed up
2 with in writing. Second, that she was contacted in
3 writing and is refusing to comply with her
4 obligations as a public official to produce those
5 documents. Or, third, that she has fabricated these
6 constituents, and this concern with the FJEC is hers
7 alone.

8 Additionally, as to her claims that this
9 is legitimate oversight of tax dollars, on June 8th
10 the airport board sent an e-mail in which they
11 informed Ms. Hanson that they received no tax dollars
12 and that the donation was not from taxpayer funds. A
13 copy of that e-mail exchange is in your packet.

14 You will also find a follow-up e-mail in
15 which the airport authority stated, quote, now that
16 you have understanding that no tax dollars are used
17 by the airport authority for any charitable
18 contributions, I hope that you will correct that
19 false premise in the future.

20 Unfortunately, their hope was in vain as
21 not only has Ms. Hanson not corrected that false
22 premise, through her counsel she has submitted a
23 response to the ethics complaint that repeats that
24 false allegation that these were taxpayer funds over
25 a dozen times.

1 Ms. Hanson's response is focused on her
2 First Amendment rights to express concerns of how
3 taxpayer funds are being used. No one is claiming
4 that she doesn't haven't a right to express her
5 opinion. However, the First Amendment is not a
6 defense to clear violations of ethics provisions
7 prohibiting utilizing official capacity to wrongfully
8 secure financial gain for herself or others.

9 Taken at face value, Ms. Hanson's defense
10 is that as long as her wrongdoing aligns with her
11 constituents' belief system -- these imaginary
12 constituents I discussed earlier -- she's free to
13 abuse her position for any purpose she deems to
14 advance that cause.

15 I do have to note that it's interesting
16 that Ms. Hanson has developed an affinity for the
17 First Amendment, when she as an elected official has
18 violated a plethora of case law that states that
19 elected officials cannot block their constituents
20 from interacting on social media. It would seem that
21 her views of the First Amendment are that it is a
22 shield built just for her.

23 Beyond her false claims that the First
24 Amendment gives her carte blanche to shake down
25 organizations for money in her official capacity, she

1 has also made claims that the petition clause of the
2 Federal and Tennessee constitution provides
3 protection for her advocacy as a citizen, quote,
4 instructing their representative.

5 Ms. Hanson is playing fast and loose with
6 her identity in her response, switching from it being
7 part of her legitimate advocacy as a representative
8 to it being a petition she as a citizen is making to
9 instruct her representative.

10 This argument fails for multiple reasons;
11 most notably that the airport board is a volunteer
12 oversight board and not a representative form of
13 government, as well as the fact that the only
14 government entity it bears any connection to is that
15 of Metropolitan Nashville.

16 Ms. Hanson may be confused as to where we
17 reside, but the City of Franklin does not, in fact,
18 fall under the control of the Metropolitan Nashville
19 government. Her response has thrown many things at
20 the wall to justify her actions, but none of them
21 stick.

22 I want to thank you again for your
23 service to our community and for giving me the
24 opportunity to present the reasons why Ms. Hanson's
25 abuse of her powers as an alderman cannot be allowed

1 to go unchecked. Allowing an official to use their
2 position to threaten public retaliation against a
3 nonprofit board, both as a board and individually, if
4 they do not give, as she described it, a big check to
5 her pet charity is simply not a choice this
6 Commission can make. The FJEC deserves better. The
7 African American Heritage Society deserves better.
8 The airport authority deserved better, and all of the
9 citizens of Franklin deserve better.

10 I believe, contrary to Pastor Simmons,
11 that this Commission has no appropriate action to
12 choose other than her removal from office. She is a
13 danger to our nonprofits, the reputation of the city
14 and the community, and any lesser response would
15 continue to place our city at substantial risk of
16 reputational damage at her hands.

17 Thank you.

18 MR. MARTIN: The packet you've handed us
19 will be made part of the record.

20 MR. HORWITZ: Let me interpose an
21 objection to that.

22 MR. MARTIN: I'm sorry?

23 MR. SHARBER: Mr. Chairman, I have a
24 question for Ms. Jenkins.

25 MS. JENKINS: Yes.

1 MR. MARTIN: Fine. Hold on just a
2 minute.

3 Mr. Horwitz?

4 MR. HORWITZ: I object to the packet
5 being included in the record. None of these
6 documents are authenticated. Nobody with personal
7 knowledge has attempted to authenticate them. They
8 were not part of the complaint. They cannot be
9 admitted.

10 UNIDENTIFIED SPEAKER: We can't hear you.

11 MS. JENKINS: If I may respond, all of
12 the documents were provided pursuant to a public
13 records request from the City of Franklin.

14 MR. HORWITZ: The witness has no personal
15 knowledge of the authenticity of these documents.

16 MR. MARTIN: Very well. Your objection
17 is noted. They'll still be made part of the record.

18 (WHEREUPON, a document was marked as an
19 exhibit.)

20 MR. MARTIN: Mr. Sharber.

21 MR. SHARBER: I have two questions,
22 Ms. Jenkins. First of all, very simply, are you a
23 resident of the city of Franklin?

24 MS. JENKINS: I am, yes.

25 MR. SHARBER: Thank you.

1 Secondly, the sections of our ethics code
2 that I heard you quote, I only heard you quote
3 Section 1-805. Is that the only section that you're
4 laying claim was a violation of the ethics?

5 MS. JENKINS: Section 108 and -- 1-808.

6 MR. SHARBER: 5. 805.

7 MS. JENKINS: And 1-805 both.

8 MR. SHARBER: Which ones?

9 MS. JENKINS: 805, which governs gifts
10 and honoraria. And I believe it's 808 which governs
11 use of your position or authority.

12 MR. SHARBER: Oh, authority. Okay.

13 MS. JENKINS: Correct.

14 MR. SHARBER: Thank you very much.

15 MS. JENKINS: I had originally stated a
16 claim under the misuse of public equipment.

17 MR. SHARBER: 807?

18 MS. JENKINS: Yes. When we thought that
19 it was sent from her public account, but we didn't
20 know that she was using her private account to hide
21 the e-mails.

22 MR. SHARBER: But you're only laying
23 claim today to 805 and 808?

24 MS. JENKINS: Correct.

25 MR. SHARBER: Thank you.

1 MR. MARTIN: Any questions, Ms. Wilson?

2 MS. WILSON: No.

3 MR. MARTIN: Ms. Thompson?

4 MS. THOMPSON: No.

5 MR. HORWITZ: Mr. Commissioner, one thing
6 I just want to interpose for the record. Had I been
7 able to cross-examine the witness here, I would have
8 done so based on a Facebook post that the witness
9 made some -- about a week and a half ago, which
10 simply states:

11 If you live in Franklin and don't know
12 why this ethically challenged woman would be a
13 disaster for our government, I'm available for a
14 dissertation at any time.

15 I may not agree with every decision he
16 has made, but Ken Moore has done a great job of
17 steady, level-headed, nonpartisan leadership of our
18 city. I will gladly support his re-election. When
19 someone is so far right that they think the City of
20 Franklin is woke, that is terrifying.

21 Also not for nothing, the Franklin we
22 know is coming from someone who moved here recently
23 from Chicago and whose husband was still registered
24 to vote in Chicago and running for office up there
25 while she was trying to get elected here.

1 The purpose of this examination would be
2 to show that this complainant has political
3 opposition to the respondent that is completely
4 unrelated to this ethics complaint that has been the
5 subject of this hearing, and that opposition is
6 fair --

7 MR. MARTIN: Well, Mr. Horwitz, that's
8 the very issue that the court addressed -- or that I
9 addressed earlier. I want to keep the comments and
10 the responses focused on the e-mail that was sent by
11 your client to the airport authority and the
12 provisions of the ethics code.

13 This post that you've referenced and
14 allegedly made by Ms. Jenkins goes far beyond that.
15 And that's what I do not want to allow this
16 proceeding to delve into.

17 MR. HORWITZ: And that's fair, Your
18 Honor -- or Commissioner.

19 MR. MARTIN: That's all right.

20 MR. HORWITZ: I need to get this into the
21 record especially if this Commission is relying on --

22 MR. MARTIN: And you've done it and it's
23 there. But I really want to focus precisely on the
24 June 5th e-mail and the terms and provisions of our
25 ethics committee.

1 MR. HORWITZ: Which is fair. But to the
2 extent that this Commission is going to rely on her
3 claims of authenticity regarding e-mails that she was
4 not privy to, credibility matters here. I just want
5 to get the objection in because -- well, for all the
6 reasons I need to.

7 MR. MARTIN: And I understand your
8 position. Thank you.

9 MS. JENKINS: And if I may -- I know that
10 I don't represent the City.

11 MR. MARTIN: No.

12 MS. JENKINS: I just want to remind the
13 Commission that I did also place an objection to
14 Ms. Hanson bringing in evidence related to any
15 documents she should have produced from my records
16 request, which would have authenticated the
17 documents.

18 MR. MARTIN: Thank you.

19 All right. So next I have Peggy
20 Kingsbury.

21 MS. KINGSBURY: Thank you. I have no
22 formal legal training.

23 MR. SHARBER: Neither do I.

24 MS. KINGSBURY: We're in school today
25 apparently, both of us.

1 Thank you for this opportunity to speak.
2 I'm Peggy Kinsbury. I do live in the city of
3 Franklin, also in Fieldstone Farms.

4 This first section of my complaint
5 focuses on Section 1-805 of the ethics policy.
6 Specifically this section states -- and I'm
7 paraphrasing; you have a copy of the policy: No
8 official may knowingly solicit any gift for any other
9 person. Alderman Hanson clearly solicited a gift for
10 the African American Heritage Society.

11 My complaint also holds that Alderman
12 Hanson violated Section 1-808, which deals with use
13 of position or authority and states in part that
14 officials may not use their position to secure any
15 privilege that is not authorized by the charter.

16 Alderman Hanson did attempt to use her
17 position, clearly evidenced by her letter which notes
18 her position of alderman on more than one occasion,
19 to secure the privilege of a donation for her
20 favorite charity.

21 I also had included in my original
22 complaint 1-807, but as Ms. Jenkins stated, we did
23 not know where the original e-mail had come from, so
24 I am removing that part of my complaint.

25 With all this said, I would like to take

1 a minute to address Attorney Horwitz's response to
2 the complaints. Again, I have no formal legal
3 training. Attorney Horwitz bases much of his
4 response on what he calls Hanson's advocacy for the
5 expenditure of taxpayer funds.

6 As noted in the response to Hanson's
7 letter from Doug Kreulen, president and CEO of
8 Metropolitan Nashville Airport Authority, BNA, which
9 I have provided for you, quoting, BNA receives no
10 local tax dollars. This charitable donation is not
11 linked to your taxpayer money in any way, unquote.

12 Of note is that Mr. Kreulen is also chair
13 of Williamson, Inc., our version of the chamber of
14 commerce, and, thus, his knowledge of local finances
15 is notable.

16 Also notable is that Attorney Horwitz
17 claims in the footnote on page 5 of his response
18 that, and I quote, nobody whom the complainant's
19 claim was extorted has even complained, unquote.

20 I assert that the letter from Mr. Kreulen
21 is, in fact, a complaint. Attorney Horwitz is
22 asserting that Alderman Hanson feels that she is the
23 gatekeeper for all tax money spent anywhere by anyone
24 and, thus, she is allowed to make financial demands
25 of private entities.

1 He asserts that her letter to BNA was due
2 to her advocacy for her constituents. His response
3 includes the words "advocate" and "taxpayer money" on
4 at least 16 occasions and seems to be one of the
5 bases for her defense. Advocating for your
6 constituents is a good thing. Violating ethics
7 policies to do so is not.

8 I also note many references to Hanson's
9 First Amendment rights. These are the same rights
10 Hanson's letter refers to when she writes, quote, so
11 that the public will know that the board of BNA is
12 financially supporting and in agreement with radical
13 social justice agendas in towns where they literally
14 should have no voice, unquote.

15 The poor sentence structure makes it
16 unclear whether those she feels should have no voice
17 are BNA or FJEC. Either way, Alderman Hanson
18 seemingly has no problem limiting the freedom of
19 speech of those with whom she disagrees.

20 I work for a large organization, and I
21 have clients whom I advocate for often. However, our
22 ethics policies do not allow me to break company
23 rules to do so. For example, I cannot disclose
24 company confidential information in my quest to
25 advocate for my customers. I cannot tell a business

1 to provide something for my customer or else I will
2 retaliate. These are violations of my company ethic
3 rules.

4 Franklin's Code of Ethics is designed to
5 regulate behavior actions of City employees and
6 elected officials. Sometimes that behavior is
7 undertaken in written or oral communication. Had
8 Alderman Hanson sat in on a podcast, which she likes
9 to do, and disparage BNA for their donation or posted
10 on social media her displeasure, these words would
11 have been protected under the First Amendment. Had
12 she written to Mr. Kreulen or called him on the phone
13 and discussed her displeasure with the donation, this
14 too would have been permitted under the First
15 Amendment.

16 However, when she made demands of a
17 private party -- an entity, BNA -- she undertook the
18 actions our Code of Ethics is designed to prohibit,
19 the action of using her position to solicit a gift
20 for another person. In layman's terms, Hanson told
21 BNA to pay up or else. This threatening behavior is
22 exactly what the code is designed to prohibit.

23 Again, I want to thank you for your
24 attention and time to this matter and for fostering
25 the exercise of democracy in the city of Franklin.

1 MR. MARTIN: This paper from Doug Kreulen
2 to Gabrielle Hanson is to be admitted?

3 MS. KINGSBURY: Yes.

4 MR. MARTIN: Let me mark --

5 MR. HORWITZ: Let me interpose an
6 objection. It is not authenticated. The witness
7 does not have personal knowledge of it.

8 MR. MARTIN: Very well.

9 MS. KINGSBURY: She wrote it.

10 MR. MARTIN: That's all right.

11 MS. KINGSBURY: Okay. That's personal
12 knowledge.

13 MR. MARTIN: That's fine.

14 MR. HORWITZ: Secondly --

15 MR. MARTIN: It's part of our record, and
16 I don't want dialogue between you and Mr. Horwitz.

17 (WHEREUPON, a document was marked as an
18 exhibit.)

19 MR. HORWITZ: Let me move to strike the
20 testimony as unsworn.

21 MR. MARTIN: Okay. All right.

22 Let's see. Next we would have Damon
23 Rogers.

24 MR. HORWITZ: Was that motion --

25 MR. MARTIN: Is Damon Rogers here?

1 UNIDENTIFIED SPEAKER: No, she's not.

2 MR. MARTIN: Then we'll strike her

3 complaint.

4 Janet Shouse?

5 MS. SHOUSE: I'm here, but I don't wish
6 to speak. I think the points I made have been
7 clearly illuminated by the two previous speakers, so
8 I don't feel a need to add my voice.

9 MR. MARTIN: Then your complaint will be
10 stricken.

11 Kate Osher, we've addressed that earlier.
12 Ms. Osher is not here. Her complaint will be
13 stricken.

14 Rod Berger.

15 MR. HORWITZ: Commissioner, may I just
16 clarify. Stricken, we're -- I'm moving to dismiss
17 the complaints by Kate Osher and anyone else --

18 MR. MARTIN: Well, we're not considering
19 it. That's what I --

20 MR. HORWITZ: Okay.

21 MR. MARTIN: That's what I mean by --

22 MR. HORWITZ: Okay. But not that they
23 will be reconsidered at another time. They are gone?

24 MR. MARTIN: Well, there's a time
25 limitation in our code on when we can hear the

1 complaints.

2 MR. HORWITZ: But the hearing is today.

3 MR. MARTIN: That's right. And we're
4 right up against the time limitation.

5 MR. HORWITZ: So I will move to dismiss
6 them to the extent I need to.

7 MR. MARTIN: Well, I'm striking them.
8 Rod Berger here?

9 UNIDENTIFIED SPEAKER: No.

10 MR. MARTIN: Okay. Mr. Berger's
11 complaint is stricken.

12 MR. HORWITZ: Move to dismiss that.

13 MR. MARTIN: And Mr. Joe Jensen, is he
14 here?

15 Mr. Jensen.

16 MR. JENSEN: Good afternoon,
17 Mr. Chairman, Members of the Commission, Counsel.

18 MR. MARTIN: Give me a minute, if you
19 would, Mr. Jensen. Let me get some papers organized.

20 Thank you. The floor is yours.

21 MR. JENSEN: I'm Joe Jensen. I both live
22 in Franklin and work in Franklin.

23 I'd like to begin clarifying three points
24 that were included in Ms. Hanson's response to the
25 complaints that were filed.

1 First, it's asserted that each of the
2 seven people that have filed the complaints are
3 people who have, quote, repeatedly disclosed their
4 political opposition to Ms. Hanson regarding
5 unrelated matters. For the record, I have never done
6 that.

7 She also asserts in her response that
8 each of the seven complaints at issue literally
9 claims that it was illegal for Ms. Hanson to send the
10 e-mail that she sent. I've read the seven
11 complaints. I don't believe anybody, and I know that
12 I did not, assert it was illegal for her to send that
13 complaint -- or send that e-mail. Rather, it's an
14 ethical violation.

15 Similarly, in what I do as a profession,
16 if I don't communicate with a client in a timely
17 manner, that's an ethical violation. It's not an
18 illegal activity. And so we're not asserting and I'm
19 not asserting an illegal activity on her part. I
20 think if we were, we might be in front of a different
21 tribunal today.

22 The other point is it is alleged that all
23 of the people that have filed complaints are admitted
24 political opponents who have initiated these
25 complaints. I'm not her political opponent. I have

1 no political aspirations. I'm not running for
2 office. I might run from office, but I'm not running
3 for office.

4 Section 1-808(2) is the only section that
5 I am addressing. The section provides --

6 MR. SHARBER: Would you repeat that
7 again?

8 MR. JENSEN: Yes, sir. 1-808(2).

9 MR. SHARBER: Thank you.

10 MR. JENSEN: That section of the code
11 provides in pertinent part: Officials or employees
12 may not use or attempt to use their position to
13 secure any privilege or exemption for themselves or
14 others that is not authorized by the charter, general
15 law, ordinance or policy of the municipality.

16 In the e-mail which Ms. Hanson has sent,
17 she identifies herself, quote, as an elected
18 official. So, clearly, she is an official under
19 808(2).

20 Her e-mail says: I am respectfully
21 requesting that you either withdraw the financial
22 support and public endorsement of FJEC, or write a
23 check to the African American Heritage Society and
24 allow them to advertise you as a sponsor, providing
25 the same financial level of funding that you did to

1 the Franklin Justice and Equity Coalition.

2 She is attempting to secure a
3 privilege -- a financial contribution -- for the
4 African American Heritage Society or so it appears.
5 What I don't really know is is she asking the airport
6 authority to withdraw their financial support of one,
7 or is she asking them to make a contribution to the
8 other? But her intent doesn't matter. What matters
9 is: Did the e-mail she send violate this code?

10 She's an official. She used it in an
11 attempt -- she used her official capacity in an
12 attempt to secure a privilege or exemption for an
13 other. And I submit to you that the African American
14 Heritage Society would fit the definition of "an
15 other."

16 Similarly, she does not in her e-mail
17 include -- and I think it's very clear -- but her
18 e-mail does not make any reference or any suggestion
19 that the relief she is requesting has been authorized
20 by the charter, general law, ordinance, or policy of
21 the municipality, i.e., the City of Franklin. So the
22 content of her message fits squarely within 808(2)
23 and, therefore, it is -- in and of itself, it is a
24 violation of the ethics code.

25 Section 2-308 of the ethics code, which

1 is also referenced in this Commission's Amended
2 Bylaws and Procedures, says: The ethics commission
3 shall have the following duties and powers: (2) To
4 receive and hear complaints of violations of
5 standards required by the ethics code; (3) To make
6 investigations as it deems necessary to determine
7 whether any person has violated the ethics code, but
8 only after the affirmative vote of majority of the
9 ethics commission have voted to conduct the
10 investigation; and (4) To take such action as
11 provided in the ethics code as deemed appropriate
12 because of any violation of this...code.

13 The City of Franklin code has been
14 adopted by a legislative body -- i.e., the Board of
15 Mayor and Aldermen -- and it remains the code of
16 Franklin until the Board either amends it or revokes
17 it or until an appellate body reviews it and deems it
18 as unenforceable or unconstitutional.

19 The ethics commission -- this
20 Commission -- unlike an appellate court is empowered
21 with determining whether a violation has occurred,
22 not whether any provision of the ethics code is
23 unenforceable or unconstitutional. I want you to all
24 remember your charge: Did an ethics violation occur?

25 The response that has been filed by

1 Ms. Hanson argues repeatedly that the content of her
2 e-mail is constitutionally protected free speech,
3 that the City of Franklin is unable to restrict an
4 elected official -- an elected official's free speech
5 rights, and that the attempt to find and your
6 potential finding of an ethics violation by her will
7 result in a lawsuit against the City of Franklin
8 and/or any of you individually. But I again remind
9 you, your charge is limited to determine whether she
10 violated the ethics code.

11 Code Section 2-310 provides in pertinent
12 part, and this is subpart (7): If the ethics
13 commission determines that specific, substantiated
14 evidence from a credible source exists to support a
15 reasonable belief that there has been a violation of
16 the ethics code, then it shall render a written
17 decision stating facts supporting that finding,
18 conclusions of law and censure, as appropriate.

19 The e-mail at issue today violated the
20 ethics code. You should make that finding and you
21 should censure Ms. Hanson as appropriate. It is not
22 my job -- as Mr. Simmons and his counsel and
23 Ms. Jenkins commented, it's not up to me to decide
24 what that censure should be. That's your charge.
25 But your first charge is to determine that an ethics

1 code violation occurred, and it clearly did.

2 Thank you. And unless the Commission has
3 any questions for me, may I be excused? I need to
4 get someplace.

5 MR. MARTIN: Mr. Sharber, anything?

6 MR. SHARBER: No.

7 MR. MARTIN: Ms. Thompson?

8 MS. THOMPSON: No.

9 MR. MARTIN: Ms. Wilson?

10 MS. WILSON: No.

11 MR. MARTIN: Thank you.

12 MR. JENSEN: Thank you.

13 MR. MARTIN: Those are the complaints
14 that we've had.

15 Mr. Horwitz --

16 MR. HORWITZ: I apologize. I don't mean
17 to keep interrupting you. I just need to interpose
18 an objection to strike that testimony for lack of
19 personal knowledge and on the basis that it was not
20 sworn.

21 MR. MARTIN: Well, I understand your
22 motion. The court denies -- the Chair denies your
23 motion. The e-mail is undisputed. It's not disputed
24 that she sent the e-mail. Mr. Jensen is focusing on
25 the content of the e-mail and on the provisions of

1 the ethics code. There can be no basis for any
2 complaint about what Mr. Jensen had to say,
3 respectfully.

4 Does Ms. Hanson want to offer remarks on
5 her own, or are you going to represent her?

6 MR. HORWITZ: I will represent her.

7 MR. MARTIN: Then the podium is yours.

8 MR. HORWITZ: I believe there's a public
9 hearing that has to happen first.

10 MR. MARTIN: Excuse me. We had a hand go
11 up back there. Come up, if you would.

12 And this is Ms. Kingsbury?

13 MS. KINGSBURY: Yes. If it is necessary
14 for me to be put under oath, I will go through what I
15 said again.

16 MR. MARTIN: No. You're not -- it's not
17 necessary that you be under oath, and you don't have
18 to go through it again. We have it. Thank you.

19 MR. HORWITZ: We interpose the objection.

20 MR. MARTIN: I can't hear you.

21 MR. HORWITZ: I just want to note the
22 objection for the record.

23 MR. MARTIN: Do you want her under oath?
24 Do you?

25 MR. HORWITZ: I believe her testimony is

1 closed. We have moved to strike it on the basis that
2 it was unsworn. I am permitted to make these
3 objections --

4 MR. MARTIN: Raise your right hand,
5 please.

6 Do you solemnly swear or affirm the facts
7 and matters to which you have already testified were
8 accurate to the best of your knowledge?

9 MS. KINGSBURY: Yes, I do so, under God.

10 MR. MARTIN: Thank you. You may have a
11 seat.

12 All right. Mr. Horwitz, the floor is
13 yours.

14 MR. HORWITZ: I believe there's a public
15 hearing first, is there not?

16 MR. MARTIN: No. I'll hear from the
17 complainant, I'll hear from the respondent, and then
18 I'll open it up for public comment.

19 MR. HORWITZ: I only have four exhibits I
20 just want to make part of the record, and then I will
21 simply renew my motion to dismiss.

22 First is the City of Franklin's
23 Appropriations to Outside Agencies program.

24 UNIDENTIFIED SPEAKERS: We can't hear
25 you --

1 (Overlapping speech/inaudible.)

2 UNIDENTIFIED SPEAKER: Go to the
3 podium --

4 MR. MARTIN: It might be better if you
5 work from the podium, if that's okay.

6 MR. HORWITZ: I only have four exhibits
7 that I want to make part of the record.

8 MR. MARTIN: Okay.

9 MR. HORWITZ: First is the City of
10 Franklin's Appropriations to Outside Agencies
11 program, which concerns available funding for
12 nonprofit agencies from the City of Franklin, from
13 the City of Franklin's website. I just want to make
14 that an exhibit.

15 MR. MARTIN: And how is that
16 authenticated?

17 MR. HORWITZ: By me.

18 MR. MARTIN: We'll admit it.

19 MR. HORWITZ: I will swear based on
20 personal knowledge that is a true and exact copy of
21 the Appropriations to Outside Agencies.

22 MR. MARTIN: Very well. It will be
23 marked. And do you have a bench copy by chance for
24 us?

25 MR. HORWITZ: You can have mine.

1 MS. ASHWORTH: Would you like to see it
2 before?

3 MR. MARTIN: Well, we're going -- I'm
4 going to admit it, but I'd like to see it.

5 Thank you.

6 MR. SHARBER: And this came from the City
7 of Franklin's website?

8 MR. HORWITZ: Yes, Commissioner.

9 MR. SHARBER: Thank you.

10 MR. MARTIN: So in summary, what this
11 document does is, as I understand it, explain to the
12 public how you go about applying for nonprofit
13 funding. Is that it?

14 MR. HORWITZ: That's correct.

15 MR. MARTIN: All right. Does anyone else
16 need to glance over it?

17 MS. THOMPSON: I do.

18 (Reviewing document.)

19 MR. MARTIN: Ms. Wilson?

20 MR. HORWITZ: The only two other
21 exhibits are two news articles --

22 MR. MARTIN: Hold on just one minute.

23 MR. HORWITZ: I apologize.

24 MR. MARTIN: Let Ms. Wilson glance at it
25 first.

1 MS. WILSON: (Reviewing document.)

2 Thank you.

3 MR. MARTIN: So I'll just put a little 1
4 here in the upper right-hand corner.

5 MR. HORWITZ: Thank you.

6 The next two exhibits are typically two
7 news articles, one titled "Metro sues State for
8 taking control of airport authority"; the other from
9 the Tennessean, "Will the real Metro Nashville
10 Airport Authority please stand up?" I will
11 authenticate these personally. And I will also tell
12 the Commission the reason why I'm introducing them
13 into the record.

14 The first makes reference to the
15 \$29 million from the State and \$26 million from the
16 Federal government that the airport authority
17 received in 2022.

18 The second is -- contains a statement
19 from Metro's law director referring to the agency as
20 an -- or referring to the airport authority as an
21 agency and instrumentality of Metro government.

22 MR. MARTIN: Do any of the members of the
23 Commission want to glance at these?

24 MR. SHARBER: These are news articles
25 about, I'll just say, BNA?

1 MR. HORWITZ: The airport authority, yes.

2 MR. SHARBER: Airport authority.

3 And the article -- the news article says
4 they get State funds. And what else did you say they
5 get?

6 MR. HORWITZ: That it is a government
7 entity.

8 MR. SHARBER: That it is a government?

9 MR. HORWITZ: Yes. That it's an
10 instrumentality of the Metropolitan government.

11 MR. SHARBER: Okay. I understand that.

12 MR. HORWITZ: And also that generally
13 this is a matter of public concern involving a
14 conflict between Nashville and the State.

15 MR. SHARBER: And that's what both
16 articles say?

17 MR. HORWITZ: The first refers to the
18 funding that it's received from the State and the
19 Federal government. The second refers -- contains
20 that statement from Metro's legal director referring
21 to it as an instrumentality of Metro government.

22 MR. SHARBER: Okay.

23 MR. MARTIN: So the first article --

24 MR. SHARBER: Referring to the airport
25 authority as an instrument?

1 MR. HORWITZ: Correct.

2 MR. MARTIN: Yeah. If you'll just mark
3 number 2 in the upper right-hand of the first
4 article, and put the number 3 in the upper right-hand
5 corner of the second article.

6 MR. HORWITZ: And that's it.

7 MR. MARTIN: All right. So let me --
8 Ms. Ashworth, let me pass back the first document
9 that was presented and marked.

10 Very well. Those three papers will be
11 made part of our record.

12 MR. HORWITZ: Thank you, Commissioner.
13 (WHEREUPON, documents were marked as
14 exhibits.)

15 MR. MARTIN: All right.

16 MR. HORWITZ: At this time, we renew the
17 motion to dismiss these complaints.

18 MR. MARTIN: Very well. It's denied.
19 Go ahead.

20 MR. HORWITZ: That's it.

21 MR. MARTIN: Then beyond the three papers
22 that have been marked and your motion, your client
23 would stand on the answer that was filed?

24 MR. HORWITZ: The legal argument in the
25 answer, yes.

1 MR. MARTIN: Yes. That's fine. All
2 right. Very good.

3 Let's see. I have a note here that a
4 Bryant Herbert wishes to address the Commission.

5 Good afternoon.

6 MR. HERBERT: Good afternoon. My name is
7 Pastor Bryant Herbert. I'm a cofounder of FJEC and
8 also vice president.

9 I would like to -- I wanted to start off
10 by introducing myself to Ms. Gabrielle Hanson because
11 I don't know her, never met her, never held a
12 conversation. She's never attended my church. But I
13 would just like to say that Alderman Hanson, she's
14 dangerous. And when I say dangerous, I want to
15 explain it this way.

16 On January 6th, 2020, then-President
17 Trump held a rally, and let's say there was 20,000
18 people there.

19 MR. MARTIN: Mr. Herbert, let me stop
20 you. With great respect for what you would like to
21 present, I want to focus the work of the Commission
22 on the content of that e-mail of June the 5th and the
23 language of the provisions of the City of Franklin
24 Ethics Code.

25 MR. HERBERT: I'm getting there. Can I

1 have a just a little bit of latitude because as --

2 MR. MARTIN: Well, I'll give you a little
3 latitude, but I don't want too much. Okay?

4 MR. HERBERT: It's just because with me
5 being directly impacted, I have to use this
6 illustration before you can understand it.

7 MR. MARTIN: We'll take it only as an
8 illustration, but be brief. Okay?

9 MR. HERBERT: Yeah. I only have a minute
10 and a half. I was almost done.

11 MR. MARTIN: All right. Go ahead.

12 MR. HERBERT: Now I got to start back
13 over. No. I'm just messing with you.

14 On January 6th, 2020, then-President
15 Trump held a rally with 20,000 people, got them riled
16 up with misleading information, and later on that
17 day, those 20,000 people stormed the Capitol. People
18 who were working were accosted, assaulted, and some
19 even lost their lives because of misleading
20 information.

21 During 2022, Juneteenth in our downtown
22 celebration we had, let's say, ten White Lives Matter
23 show up at Juneteenth celebration downtown while
24 myself and other City officials were on the stage.
25 Then an hour later, we had another group of armed

1 militia that came to confront those White Lives
2 Matter people.

3 I intervened. I interceded. I worked
4 with the police that day and gave them all the
5 information, the pictures that I took. I put myself
6 in harm's way. Why or who sent both of the groups, I
7 don't know. Later I found out that I had private
8 security watching me on detail after these threats
9 were made, unbeknownst to me.

10 Ms. Hanson's e-mail stated she had
11 20 citizens who are prepared to post publicly about
12 her false claims about the FJEC and myself as a
13 radical divisive organization to be feared. But what
14 if one person actually believed what she had in that
15 e-mail? What if one person believed what she said --
16 something about me who she's never met, never had a
17 conversation with -- believes it, acts on it, and
18 goes further?

19 As a pastor I work in this community and
20 other communities, and her words have put a target on
21 my back as if I'm someone to be feared. Her e-mail
22 put me, my colleagues, my family, and many innocent
23 bystanders in danger because all it takes is one.
24 That's why Ms. Hanson is dangerous.

25 In Matthew -- I'm closing. This is my

1 pastoral close right here. In Matthew 7 it says,
2 Judge not lest you be judged. So I won't judge
3 because I don't know her. We've never held a
4 conversation. But it also says you'll know them by
5 their fruit. And, quite frankly, Alderman Hanson's
6 fruit is dangerous.

7 So whether you keep her, whether you
8 remove her does not bother me one bit. All I know,
9 based upon her comments and her e-mails, she's a
10 dangerous person, and anyone who works with her
11 should distance themselves.

12 Thank you for your time.

13 MR. MARTIN: Then I have Ashley Webster.

14 MS. WEBSTER: Hi there. I'm Ashley
15 Webster, and I live in Franklin and have since 1998.

16 And it's already been proven here today
17 that the ethics code was violated, so what I'm going
18 to appeal to you about is the leeway that you have as
19 a body as to whether Ms. Alderman is censured or
20 removed from the Board.

21 And I know you said to focus on the
22 behavior, but she is a person. And I have personal
23 knowledge of a lot of these people here in the
24 audience today and personal knowledge of that e-mail.
25 I saw a direct copy. So I'm speaking from personal

1 experience.

2 A person who follows the ethics code of
3 the office to which they were elected could be said
4 to have integrity, and the definition of integrity is
5 the quality of being honest and having strong moral
6 principle, moral uprightness. And I would posit that
7 Ms. Hanson has not shown integrity in her behavior
8 surrounding this issue.

9 She's not here today. She hasn't
10 apologized. She hasn't admitted that the things she
11 said were untrue in several other instances that this
12 audience is aware of. I won't go into those details.
13 She has used -- she's doubled down, she's made
14 demands, and she's made threats. So consider that
15 when you decide whether to censure her or remove her
16 from the Board.

17 The freedom of speech does not relieve
18 you of the consequences of your words. It does not
19 relieve a public official from their duty to uphold
20 the policies and codes of the body to which they are
21 elected. She has clearly violated the ethics code.

22 And your action today is especially
23 important because she is running for mayor, but she
24 only filed to run for mayor after she disregarded the
25 requirements to file with the City before beginning

1 fund-raising activity and appointing a treasurer. So
2 your action today can actually affect future problems
3 for the City.

4 She has shown no regard for ordinances,
5 laws, or policies, and when called to the carpet on
6 violating them, she doubles down, makes threats,
7 denies, dismisses.

8 Thank you.

9 MR. MARTIN: We now have Tara Blue.

10 Are you Ms. Tara Blue?

11 MS. BLUE: I am.

12 MR. MARTIN: You have the floor.

13 MS. BLUE: Okay. I am. My name is Tara
14 Blue, and I need to give you a little history of why
15 I'm here and why it's important for me to speak
16 today.

17 I am one of the organizers of the FJEC
18 Juneteenth celebration for the past three years. I'm
19 a board member of FJEC, also cochair of the Black
20 Business Coalition that falls under the umbrella of
21 the chamber of commerce. My job is to make sure that
22 the underserved minority businesses are given the
23 opportunity to be spotlighted every Juneteenth
24 festival and beyond.

25 In 2021 I came before the BOMA work

1 session to answer any questions concerning the
2 Juneteenth festival. There were no questions asked,
3 and during the BOMA meeting, we received a unanimous
4 vote.

5 In 2022 I came before the BOMA work
6 session, and again there were no questions asked of
7 me. But on the night of the BOMA meeting, Ms. Hanson
8 felt it necessary to suggest that the City of
9 Franklin should select individuals to work together
10 for Juneteenth events, and she had the audacity to
11 give us a history lesson on what Juneteenth means.
12 We felt humiliated and embarrassed, and I personally
13 sent Ms. Hanson an e-mail addressing this issue. No
14 other organization has been forced to work together.
15 We will not and cannot be boxed in.

16 In 2023 during the BOMA work session,
17 Ms. Hanson asked if we were working with another
18 group this year, and she was informed that that was a
19 request, not a requirement. Ms. Hanson then
20 proceeded to ask me who our sponsors were. This
21 question is not typically asked of organizations, but
22 I see why she asked the question. No. We received
23 another unanimous vote.

24 On June the 5th, 2023, Ms. Hanson
25 e-mailed Doug Kreulen, the CEO of BNA, requesting

1 that we -- that they withdraw funds for our
2 Juneteenth festivities. She belittled our
3 organization and gave nothing but negative remarks
4 about FJEC.

5 Ms. Hanson, we're not a radical group.
6 We are a newly founded group that has made great
7 contributions in the City of Franklin and abroad.
8 There is more room for more than one black,
9 nonprofit-led group.

10 We provide scholarships for high school
11 students. We assist families with household bills,
12 and in a few weeks, we are partnering with other
13 organizations to hold a back-to-school bash where we
14 will offer free haircuts, food, school supplies, and
15 gift cards. You may have a group that you would like
16 to support, but you do not have the right to tell any
17 organization who they can and cannot financially
18 support.

19 Doug Kreulen, a dear colleague of mine,
20 as we both serve on the board of directors for the
21 chamber, knows that I am a woman of integrity, what I
22 stand for, and he and the BNA believe supporting all
23 ethnicities and trusts me as an individual and the
24 work that I have done with promoting the black
25 businesses in Williamson County.

1 So I have a lot to say about your remarks
2 because I personally asked for the sponsorship, BNA,
3 because I know what these festivals do for the black
4 businesses and the City of Franklin. Ms. Hanson, you
5 have missed a great time. Every year we continue to
6 grow. And to see the officers and the City workers,
7 who are very helpful, and to see the community come
8 together is a beautiful sight.

9 Your remarks also affected our
10 sponsorships this year as you have tainted our name
11 in the community, and unfortunately others have
12 listened to your rants. I ask that you not use your
13 political stance to try to persuade others to not
14 support one group, but another.

15 Yes, we are a new organization, but
16 whether we are three years in existence or thirty, we
17 are doing great work. And, yes, our vision and
18 mission is unique, but we are not looters and we are
19 not unreasonable. We have board members from
20 different walks of life who believe that an
21 organization such as this is needed in Williamson
22 County.

23 We appreciate all the support that we
24 have received, and we hope that Ms. Hanson will
25 become more familiar with groups for herself before

1 passing judgment and blocking financial blessings
2 that cannot be stopped.

3 Thank you.

4 MR. MARTIN: And then --

5 MR. SHARBER: Mr. Chairman, I have a
6 question of Ms. Blue, and it's purely clarification
7 for me.

8 Is the name of the organization the
9 acronym FJEC?

10 MS. BLUE: Yes.

11 MR. SHARBER: Or just JEC?

12 MS. BLUE: FJEC.

13 MR. SHARBER: Franklin Justice Equity
14 Coalition.

15 MS. BLUE: Franklin Justice Equity
16 Coalition.

17 MR. SHARBER: Thank you.

18 MR. MARTIN: Any other questions?

19 Thank you, ma'am.

20 Let's see, Reverend Chris Williamson.

21 Good afternoon.

22 MR. WILLIAMSON: Good afternoon.

23 MR. MARTIN: And are you Chris
24 Williamson?

25 MR. WILLIAMSON: My name is Reverend

1 Dr. Chris Williamson. My wife and our four children
2 have lived in the city of Franklin for 30 years.
3 28 years ago, I started a multiracial church in
4 Franklin called Strong Tower Bible Church. I am also
5 one of the architects of the Fuller Story here in
6 Franklin, and I serve as an advisor for the Franklin
7 Justice and Equity Coalition.

8 Over the years I've seen a lot transpire
9 in our city that has been mostly positive and
10 uplifting. But the reasons that require my presence
11 here today are extremely concerning. When I was made
12 aware of the e-mail Alderman Gabrielle Hanson sent to
13 BNA on behalf of Alma McLemore and the African
14 American Heritage Society, I was puzzled and
15 saddened, but unfortunately not surprised.

16 The fact that Alderman Hanson had
17 absolutely nothing positive to say about the FJEC in
18 her e-mail was astounding, especially when you
19 consider she voted yes in 2022 and yes in 2023 to
20 approve our downtown Juneteenth festival.

21 My question is, if the FJEC, as she
22 attested in her e-mail, has a, quote/unquote, radical
23 agenda and is, quote/unquote, equivalent to a BLM or
24 Black Lives Matter chapter, why did the alderman vote
25 yes for us to have our festival two years in a row?

1 At no time during work session meetings or consent
2 votes did Alderman Hanson raise the so-called
3 concerns she wrote about in her e-mail to BNA.

4 Here are some of the other lies Alderman
5 Hanson mentioned in her e-mail. She said the FJEC
6 seeks to defund the police. That is a lie. The
7 truth is the FJEC has regularly worked with Chief
8 Faulkner, Sheriff Rhoades, and the local police to
9 serve our community.

10 She said the FJEC was founded in the heat
11 of BLM rioting in America. Just another dog whistle.
12 We know that is a lie. The truth is the FJEC was
13 founded after an outdoor community prayer vigil
14 following the murders of George Floyd, Breonna
15 Taylor, and Ahmaud Arbery, as well as Walter Simmons
16 being profiled in his neighborhood. The local news
17 media captured how thousands of people from Franklin
18 attended this sacred moment in the history of our
19 city that brought us together.

20 She said that FJEC asked the City to take
21 Juneteenth away from the African American Heritage
22 Society. That is a lie. The truth is that FJEC and
23 the City of Franklin sought to develop a partnership
24 with the African American Heritage Society
25 surrounding the celebration of Juneteenth, but Alma

1 McLemore declined that offer.

2 Gabrielle Hanson said the City and the
3 FJEC targeted the African American Heritage Society
4 and asked for tens of thousands of dollars. Not only
5 is that a lie, that is ludicrous. The truth is
6 Alderman Hanson asked for the donor list of the FJEC,
7 and now we know why.

8 She said that African American Heritage
9 Society has been the stalwart of celebrating
10 Juneteenth in Franklin for decades. That is a lie.
11 The truth is the African American Heritage Society
12 had held Juneteenth festivities in Hard Bargain for
13 approximately 16 years when the FJEC had its first
14 Juneteenth celebration in 2020. The FJEC has stated
15 repeatedly that the black community, just like the
16 white community, is not a monolith, and with the
17 accelerated growth and diversity of our city,
18 multiple expressions of celebrating Juneteenth should
19 be welcome.

20 Alderman Hanson, it's time for you to
21 admit you made false statements again. It's time for
22 you to admit that you've never once sought to reach
23 out and have a conversation with the FJEC to gain a
24 better understanding. You formed your conclusions
25 about the FJEC based on hearsay, slander, and lies

1 presented by envious cowards. Your e-mail to BNA was
2 not only inexcusable, it was dastardly and divisive.

3 I dare you to prove that you are a leader
4 by taking responsibility for your errors. You can no
5 longer expect others to operate under accountability
6 while you refuse to do so yourself. The ethics code
7 is in place to guarantee that those who are in
8 authority never forget that they are also under
9 authority.

10 Prove that you are a Christian as you
11 profess by repenting publicly of your lies and
12 incendiary ways. Prove that you are a true public
13 servant who cares about the well-being of the
14 residents of Franklin than you do your own personal
15 agendas by refusing to create any more foolish
16 controversies.

17 I hope that one day you will join the
18 rest of us who seek the greater good of our beloved
19 city.

20 Thank you.

21 MR. MARTIN: Thank you. I appreciate the
22 audience refraining from clapping or otherwise
23 demonstrating.

24 Jeff Stewart.

25 Good afternoon.

1 MR. STEWART: Thank you. Good afternoon.

2 My name is Jeff Stewart, and I feel I
3 better swear something in to make sure it's not
4 challenged after the fact.

5 MR. MARTIN: That's not necessary.

6 MR. STEWART: Are we okay?

7 All right. I came today as a concerned
8 resident of Franklin, as a dear personal friend of
9 Pastor Walter, Pastor Bryant, and also as a leader of
10 a nonprofit here in Williamson County, One WillCo,
11 vice president and board member, a registered
12 501(c)(3) whose mission is to ensure the public
13 schools here in Williamson County are a place where
14 children from all racial and ethnic backgrounds can
15 thrive; and concerned about one of our elected
16 officials who seems to be intentionally sowing
17 discord and dissension between organizations who seek
18 to lift up people of color in our community.

19 I wasn't actually intending to speak and
20 particularly did not want to follow my good friend
21 Reverend Dr. Chris Williamson. But I spoke in case
22 it is relevant or helpful to corroborate something
23 that my friend Pastor Walter said, as I was the
24 unnamed witness that he referenced in his testimony.
25 And really just speaking to this specific attempt to

1 sow discord, as I said.

2 I was in the meeting with Pastor Walter
3 and a leader from a local organization who had
4 historically supported Juneteenth, but who had pulled
5 their support over some of these concerns that were
6 raised. And I personally witnessed Pastor Walter
7 saying to this leader, this individual, that you need
8 to be supporting something for Juneteenth here in our
9 community. You need to be supporting African
10 American-led nonprofits, and I'm very happy for you
11 to support the African American Heritage Society.

12 He was not sort of fighting to maintain
13 the support that had previously been there, but we
14 had an open and frank discussion, and he made it very
15 clear that the African American Heritage Society was
16 doing good work in the community for black people
17 here in Franklin and encouraged that support if, for
18 whatever reason, they did not feel comfortable
19 supporting the FJEC's efforts.

20 So I wanted to speak just to again
21 corroborate -- not under oath, as it turns out --
22 that statement as I was a witness there in that
23 meeting.

24 Thank you.

25 MR. MARTIN: Any questions from any

1 member?

2 Thank you, sir.

3 MR. STEWART: Thank you.

4 MR. MARTIN: Those are all of the notices
5 that the Chair has received that individuals want to
6 address the Commission. Is there anyone else that
7 I'm overlooking?

8 Very well. Then the public hearing
9 portion is closed, and the hearing itself in terms of
10 evidence is closed. It will now be up to the
11 Commission to deliberate and decide what we should
12 do.

13 Do y'all all want to take a short break
14 before we do?

15 MR. SHARBER: Yeah. Mother Nature would
16 appreciate that.

17 MR. MARTIN: Then we'll take ten minutes.
18 Thank you.

19 (Short break.)

20 MR. MARTIN: Very well. At this time,
21 ladies and gentlemen, it's the responsibility of the
22 Commission members to deliberate and determine
23 whether there has been a violation of the Franklin
24 Ethics Code or not, and if there has, what remedy is
25 appropriate.

1 Let me suggest to the members of the
2 Commission that the two code sections that are
3 implicated are 1-805(1) which, redacted, I think
4 reads: No official may knowingly solicit anything of
5 value for any other person. And then 1-808(2) which,
6 redacted, reads: Officials may not use or attempt to
7 use their position to secure any privilege or
8 exemption for others.

9 Now, y'all may want to correct me if you
10 think there should be a different summary of those
11 provisions, but when I went through it and tried to
12 redact it to fit the issues today, that's what I came
13 up with.

14 So 808(1): No official may knowingly
15 solicit anything of value for any other person.
16 That's -- I'm sorry. It's 805(1). And then 808(2):
17 Officials may not use or attempt to use their
18 position to secure any privilege or exemption for
19 others. So then the question becomes whether
20 Alderman Hanson in the e-mail that was sent to
21 Mr. Doug Kreulen and the Board of Nashville Metro
22 Airport violated either one or the other or both of
23 those provisions.

24 The allegations that were made regarding
25 Section 1-807(2) that connotes the use of facilities,

1 that's been withdrawn.

2 MR. SHARBER: Yes.

3 MR. MARTIN: So that's not before us.

4 The e-mail, by the way, is a part of the
5 complaint that was submitted by Ms. Jenkins, and it's
6 also a part of the complaint, as I recall...

7 MR. SHARBER: By Ms. Kingsbury.

8 MR. MARTIN: I think by Mr. Jensen.

9 It's -- yes. So you've got the text of the e-mail in
10 two different complaints: one from Mr. Jensen and
11 one from Ms. Jenkins.

12 MR. SHARBER: Correct.

13 MR. MARTIN: So do we have discussion
14 from anyone?

15 MR. SHARBER: I just want to make a point
16 here, Mr. Chairman.

17 We are here to determine ethics violation
18 or whether a violation existed or did not exist.

19 We're not here to determine matters of law. The only
20 thing we are to consider is what the ethics

21 violations that have been submitted to us, the two
22 which you just mentioned, the 1-805(1) and 1-808(2).

23 That's the only two things that we are to consider.

24 Not any matter of constitutional law or anything else
25 or whether something's legal or illegal.

1 These two sections as a matter of the
2 Franklin Municipal Code make them legal from a
3 standpoint of ethics.

4 MR. MARTIN: Well, Mr. Sharber, I
5 understand the comments you're making, and I would
6 differ a little bit.

7 We have a complete record in front of us.
8 We have the complaints that have been admitted, we
9 have the statements that have been made by citizens,
10 we have the entire answer that has been submitted by
11 Ms. Hanson. So it's my judgment that when we make
12 our decision, we consider everything that's been
13 presented to us and the complete record.

14 Obviously, the primary focus initially is
15 certainly on the language of the code and the
16 language of the e-mail. But I would suggest that
17 whatever we do in terms of our decision should be
18 based on the entire record.

19 MS. THOMPSON: Mr. Chairman, I'd like to
20 make a comment as well.

21 MR. MARTIN: All right.

22 MS. THOMPSON: In Section 805, I wanted
23 to just point out it says, for any other person may
24 knowingly solicit. And so even though Alderman
25 Hanson is making a petition for an organization, it

1 is considered a person.

2 MR. MARTIN: Let me just say that I would
3 agree with that construction of the language in
4 805(1).

5 So if we begin our discussion by
6 examining the language of Section 1-805(1), it would
7 seem undisputed that Ms. Hanson is a public official.

8 MR. SHARBER: Correct.

9 MS. WILSON: Agreed.

10 MS. THOMPSON: Agreed.

11 MR. SHARBER: Yes. She's a duly elected
12 public official of the City of Franklin.

13 MR. MARTIN: Second, it says, no official
14 may knowingly. But there doesn't seem to be any
15 argument advanced on behalf of Ms. Hanson that this
16 was a mistake or she negligently acted. I think the
17 evidence here would support a finding that she
18 knowingly acted.

19 No official may knowingly solicit. So
20 the question then becomes: Is the content of the
21 June 5th, 2023, e-mail a solicitation? That's an
22 issue we need to decide.

23 Anything of value -- certainly a
24 contribution is something of value -- for any other
25 person. And it's just been pointed out the

1 not-for-profit organization of African American
2 Heritage Society is a person within the meaning of
3 our code.

4 So if we isolate those issues and focus
5 on the question of the language of the e-mail, it
6 looks like to me the threshold issue is: Was it a
7 solicitation?

8 MR. SHARBER: Mr. Chairman, is it your
9 intent that we look at 1-805 and deliberate on it,
10 and then look at 1-808(2) and deliberate on it, and
11 then come back and put them together, or should we
12 treat them individually, or does it really make any
13 difference?

14 MR. MARTIN: I think it's easier if we
15 treat them separately and determine
16 whether there's --

17 MR. SHARBER: I'm fine with that. I'm
18 fine with that.

19 MR. MARTIN: Right. And determine
20 whether there's been a violation of one or both or
21 neither.

22 MR. SHARBER: Well, I mean, I think,
23 clearly, the e-mail is from an official of the City
24 of Franklin, Alderman Hanson. I think, clearly, she
25 was soliciting funds for, I'll just say, a person,

1 the person being the African American Heritage
2 Society, and that she was doing it from -- the
3 solicitation was to the Nashville Airport Authority.
4 I mean, I think that all of that is clear.

5 MS. THOMPSON: I agree as the e-mail that
6 Alderman Hanson wrote, it says that -- write a check
7 to the African American Heritage Society. So I think
8 she is soliciting, in that statement, funds for that
9 organization.

10 MR. MARTIN: So to quote from her e-mail,
11 she says: As an elected official I am respectfully
12 requesting that you either withdraw the financial
13 support and public endorsement of FJEC, or write a
14 check to the African American Heritage Society and
15 allow them to advertise you as a sponsor, providing
16 the same level of financial funding that you have --
17 that you did to the Franklin Justice and Equity
18 Coalition.

19 MS. WILSON: Mr. Chairman, I also agree.
20 I read that as directly asking for money -- write a
21 check.

22 MR. SHARBER: Mr. Chairman, I have a
23 little bit of a question, I guess. In the term of
24 the solicitation, it's clear that she solicited funds
25 for the African American Society, but in the e-mail,

1 it was also withdrawal. Is the act of withdrawing
2 funds a component of the solicitation?

3 MR. MARTIN: Well, that's something we
4 need to consider but -- and if you read the e-mail,
5 it speaks in terms of past tense.

6 MR. SHARBER: Correct. Correct.

7 MR. MARTIN: And then the question
8 becomes: How does an organization like the airport
9 authority now withdraw money it's already paid?

10 See, it says the same financial level of
11 funding that you did to the FJEC.

12 MR. SHARBER: Correct.

13 MR. MARTIN: So the language would
14 connote a conclusion that the airport authority has
15 now made a contribution to FJEC.

16 MR. SHARBER: FJEC.

17 MR. MARTIN: And somehow she is
18 suggesting that it be withdrawn or, in the
19 alternative, an equivalent amount be given to the
20 African American Heritage Society.

21 That's kind of hard. How do you do that?

22 MR. SHARBER: Yeah.

23 MS. THOMPSON: So, Mr. Chairman, that
24 speaks to Section 1-808(2) when no officer shall
25 intimidate or threaten. I think when she said or --

1 you know, requesting that you either withdraw the
2 financial support or write a check hinges on
3 intimidation.

4 MR. SHARBER: I agree.

5 MS. WILSON: I agree.

6 MR. MARTIN: Well, and then the first
7 sentence of 808(2) also is worthy of examination.
8 That sentence, if you'll look at it, says, officials
9 may not use or attempt to use.

10 So whether she succeeded in getting money
11 back from the airport authority or whether she
12 succeeded in preventing the airport authority from
13 making a contribution, she's made an attempt under
14 the first sentence.

15 MR. SHARBER: Correct. And one of the
16 speakers -- I could look through my notes -- made
17 that point -- made that point that it's the
18 solicitation, not the action necessarily, whether
19 they receive funding. Someone made that point.

20 MS. WILSON: I believe, Mr. Chairman, it
21 was Ms. Jenkins.

22 MR. SHARBER: Ms. Jenkins?

23 MS. WILSON: Uh-huh.

24 MR. MARTIN: So that sentence, redacted,
25 reads: Officials may not use or attempt to use their

1 position to secure any privilege or exemption for
2 others. And then it goes on to read, just as my
3 colleague here has pointed out: No officer shall
4 intimidate, threaten, coerce, discriminate against,
5 or give the appearance of or attempt to intimidate,
6 threaten, coerce or discriminate against.

7 The problem I have with that second
8 sentence is this -- the word "employee" there. If it
9 had said other or was generic, it -- but when it
10 refers to the word "employee," I have difficulty
11 finding that the second sentence will apply. Does
12 that make sense?

13 MR. SHARBER: Well --

14 MR. MARTIN: But the first sentence of
15 Subsection (2) speaks in terms of others, and that's
16 a broad terminology that encompasses the African
17 American Heritage Society.

18 MR. SHARBER: Are you interpreting the
19 employee to be an employee of the City of Franklin?

20 MR. MARTIN: Well, yes, I am.

21 MR. SHARBER: Okay.

22 MR. MARTIN: Because this is the City of
23 Franklin's Ethics Code.

24 You know, you raise a good question,
25 Mr. Sharber. It says: Threaten, coerce or

1 discriminate against any employee for the purpose of
2 interfering with that person's freedom of choice in
3 the regular discharge of official duties.

4 MR. SHARBER: Yes. So, I mean, I think
5 you could even interpret that employee as being an
6 employee of the airport authority.

7 MR. MARTIN: Or some other organization.

8 MR. SHARBER: Yeah. Exactly.

9 MR. MARTIN: Yeah. I may be reading it
10 too narrowly.

11 MR. SHARBER: Yeah. I mean, I totally
12 agree with what you said. But having looked at it in
13 relationship to employee being -- and I'm sorry. I
14 don't remember the gentleman's name of the airport
15 authority that the e-mail went to --

16 MR. MARTIN: Kreulen. Doug Kreulen.

17 MR. SHARBER: Yeah. I mean, he's an
18 employee of the authority. And, yes, you're
19 interfering with that person's freedom of choice in
20 the regular discharge of their duties. It doesn't
21 say their duties, but official duties.

22 MR. MARTIN: But when you read the ethics
23 code, it consistently uses the words "officials or
24 employees," "officials or employees."

25 MR. SHARBER: Right. Right.

1 MR. MARTIN: Throughout the code.

2 MR. SHARBER: Exactly.

3 MR. MARTIN: So I think a fair reading of
4 the second sentence of Subsection (2) of
5 Section 1-808 really limits its application to the
6 City of Franklin employees.

7 MS. WILSON: Mr. Chairman, I agree with
8 that. And I think the way that I read this, it says
9 employees, but the intent is to not use position and
10 intimidate others in their decisions. That's how I
11 read that. The intention is that intimidation,
12 coercing is not how we do business.

13 MR. MARTIN: Oh, I agree. The problem I
14 have is that it all seems to modify the word
15 "employee." In other words: No officer shall
16 intimidate, threaten, coerce, discriminate against,
17 or give the appearance of attempting to do any of
18 those things against any employee.

19 And when you look at the ethics code, the
20 word "employee" is consistently used throughout the
21 code along with officials. So you see officials and
22 employees, officials and employees. So I think a
23 fair reading is that this second sentence of 1-808(2)
24 really applies to City of Franklin employees. So I
25 think the threatening, intimidation, coercion, and

1 discrimination has to be directed to a City of
2 Franklin employee as opposed to an employee of some
3 other entity.

4 But the first sentence is not limited.
5 In other words, if you look at the first sentence, it
6 says officials and employees. Well, we're talking
7 about a public official, not an employee. So you
8 redact that to read: Officials may not use or
9 attempt to use their position to secure any privilege
10 or exemption for others.

11 MS. WILSON: Uh-huh.

12 MR. SHARBER: Correct. Correct.

13 MS. THOMPSON: Agree.

14 MR. MARTIN: Yeah.

15 MR. SHARBER: Sounds like we've
16 deliberated on both of them.

17 MR. MARTIN: We are and that's okay. I
18 think getting a grasp on the language of the code
19 will help us know how to apply it to the facts of the
20 e-mail. So the fact that we're skipping back and
21 forth between 805 and 808 is fine.

22 So going back to 805, I think we have a
23 consensus that Ms. Hanson is, in fact, an official of
24 the City of Franklin -- clearly, an elected
25 official -- and she's presented herself in that

1 capacity in her June 5th, 2023, e-mail.

2 We have discussed the word "knowingly."
3 There's no evidence that she was mistaken, that she
4 was negligent, that she did anything other than
5 compose this e-mail with the intent with which it is
6 indicated. So she acted knowingly.

7 Did she then solicit anything of value
8 for any other person? And what she's soliciting
9 is arguably -- and that's for the Commission to
10 decide -- she's soliciting a contribution equivalent
11 to the contribution that has been made to the FJEC,
12 assuming that the language of her e-mail is accurate
13 that that contribution has already been made, and to,
14 quote, withdraw it, close quote, doesn't seem to be
15 feasible.

16 MS. WILSON: In addition to asking or
17 requesting -- respectfully requesting withdrawal of
18 the financial support or write a check -- so that's
19 writing a check, asking for money, and, and allow
20 them to advertise you as a sponsor providing the same
21 level of financial -- level of funding.

22 So something of value, there's money
23 involved, but also using the name as a sponsor,
24 there's value in using the name of a sponsor. That's
25 why we put things on shirts and...

1 MR. SHARBER: Right. Right. And to
2 include the fact that the solicitation was for
3 someone else. I mean, I'll say someone else. That's
4 not the term that's used, but it says any other
5 person is to receive benefit from it.

6 MS. WILSON: Uh-huh.

7 MR. SHARBER: Mr. Chairman?

8 MR. MARTIN: Yes.

9 MR. SHARBER: I'll make a motion that
10 this Commission find that Alderman Hanson violated
11 Section 1-805(1) with her e-mail signifying that she
12 was an official and that she was soliciting funds
13 from the airport authority for the African American
14 Historical Society [sic] to match what the airport
15 authority had decided on their own to donate to the
16 Franklin Justice Equity Coalition.

17 I'll make that a formal motion.

18 MR. MARTIN: Very well.

19 MS. WILSON: I second the motion.

20 MR. MARTIN: So we have a motion and
21 seconded. Do we have further discussion on that
22 motion?

23 So if we have no further discussion, all
24 in favor say aye.

25 MS. WILSON: Aye.

1 MS. THOMPSON: Aye.

2 MR. SHARBER: Aye.

3 MR. MARTIN: And the Chairman votes aye.

4 Let's turn our attention to

5 Section 1-808(2). Again, looking at that section in
6 redacted fashion: Officials -- clearly, Alderman
7 Hanson is a public official -- may not use or attempt
8 to use their position -- and she's identified herself
9 as an elected official of the City of Franklin -- to
10 secure any privilege or exemption for others.

11 MR. SHARBER: I think it's pretty clear,
12 Mr. Chairman, that that's exactly what Alderman
13 Hanson did.

14 MS. WILSON: I agree.

15 MR. MARTIN: So the finding of fact would
16 be that Alderman Hanson in her June the 5th, 2023,
17 e-mail is identifying herself as an elected official
18 and she is using her position, or attempting to use
19 her position in that regard, to secure a privilege or
20 exemption for the African American Heritage Society.

21 MR. SHARBER: And I'll put that in the
22 form of a motion.

23 MR. MARTIN: Do we have a second?

24 MS. THOMPSON: Second.

25 MR. MARTIN: Second.

1 Do we have any further discussion on
2 that?

3 There being no further discussion, do we
4 have a vote?

5 All in favor say aye.

6 MR. SHARBER: Aye.

7 MS. THOMPSON: Aye.

8 MS. WILSON: Aye.

9 MR. MARTIN: The Chair votes aye.

10 So we found that Alderman Hanson in her
11 conduct through the June the 5th, 2023, e-mail has
12 violated two provisions of the Franklin Municipal
13 Code. And we're making that finding based on the
14 entire record, Ms. Ashworth, that's been presented
15 here today.

16 The question, then, is: What should be
17 the next step or the sanction?

18 In Section 1-813 it says -- this is
19 entitled Violations. It says --

20 MR. SHARBER: Was that 813?

21 MR. MARTIN: Yeah. 1-813.

22 MR. SHARBER: Thank you.

23 MR. MARTIN: It says: An elected
24 official who violates any provision of this chapter
25 is subject to punishment as provided by the

1 municipality's charter and/or other applicable law
2 and in addition is subject to censure by the
3 governing body.

4 Now, the governing body is the Board of
5 Mayor and Aldermen.

6 MR. SHARBER: Right. It's not us.

7 MR. MARTIN: So this Commission does not
8 have the authority to censure Alderman Hanson unless
9 the charter of the City of Franklin grants that
10 authority. And I'm unaware of any provision in the
11 City charter that would do so, and I'm unaware of any
12 other applicable law that would grant that authority
13 to this Commission.

14 MS. ASHWORTH: Mr. Chair?

15 MR. MARTIN: Yes.

16 MS. ASHWORTH: Under Section 2-310 --

17 MR. MARTIN: I'm getting there. So this
18 is 2-310(7)? Yeah.

19 MS. ASHWORTH: Yes.

20 MR. MARTIN: So we have another code
21 provision that has been brought to our attention.

22 This is Section 2-310(7) and that reads:
23 Based upon specific, substantiated evidence from
24 credible sources to support a reasonable belief that
25 there has been a violation of the ethics code, it

1 shall -- let me read that.

2 It says: If the ethics commission
3 determines that specific, substantiated evidence from
4 credible sources exists to support a reasonable
5 belief that there has been a violation of the ethics
6 code, then it shall -- it's mandatory -- render a
7 written decision stating facts supporting that
8 finding, conclusions of law and censure, as
9 appropriate. Okay?

10 MS. ASHWORTH: Yes.

11 MR. SHARBER: May I ask that you go back
12 to 813 and make the point that you were going to
13 make, and then look at this 310(7) so we can sort of
14 see how they match up?

15 MR. MARTIN: So 813, redacted, reads: An
16 elected official who violates any provision of this
17 chapter is subject to punishment as provided in the
18 charter and/or the applicable law and in addition is
19 subject to censure by the governing body.

20 And then you're comparing that,
21 Mr. Sharber, with 2-310(7), which says that we shall
22 render our decision stating facts supporting our
23 conclusions of law and censure, as appropriate. You
24 know, I think that the last two words give this
25 Commission discretion to recommend to the Board of

1 Mayor and Aldermen that it censure Ms. Hanson, but it
2 doesn't mandate that we do that.

3 MR. SHARBER: It just says that we just
4 have to submit a written decision.

5 MR. MARTIN: We have to submit a written
6 decision, and then we can submit that to the Board of
7 Mayor and Aldermen with a finding that Ms. Hanson
8 should be censured, but we do not have the authority
9 to censure her.

10 But if you look at 813, it's a little
11 stronger in the sense that it says: The elected
12 official who violates any provision of this charter
13 and/or applicable law is subject to censure by the
14 Board of Mayor and Aldermen. So that's a little
15 stronger.

16 MR. SHARBER: Yeah. I agree. You're
17 subject to that.

18 MR. MARTIN: Yes.

19 MR. SHARBER: But in 310(7), I mean, it
20 mandates, shall --

21 MR. MARTIN: Right.

22 MR. SHARBER: -- that we make a decision.

23 MR. MARTIN: A written decision.

24 MR. SHARBER: Written decision based on
25 the facts and the finding, conclusions of law and

1 censure, as appropriate.

2 So if we simply relate our decision that
3 Alderman Hanson violated the ethics codes of the City
4 of Franklin, in Section 1-805(1) and 1-808(2), we
5 are -- we can render that as our written decision.

6 MR. MARTIN: That's correct. Or you can
7 go further and recommend to the Board that she be
8 censured.

9 MS. WILSON: And if we make a
10 recommendation like that, then the action of the
11 Board is as they deem appropriate.

12 MR. MARTIN: That's right. They're not
13 required to accept our recommendation, or at least
14 that's the way I read it.

15 Ms. Ashworth, what's your thought on it?

16 MS. ASHWORTH: It could also be read
17 under 1-813(1) that, subject to punishment as
18 provided by the municipality's charter and/or other
19 applicable law, which would be 2-310(7). So it could
20 also be read as the governing body has the ability to
21 censure, and the ethics commission under 310(7) also
22 has the ability to censure, as appropriate, because
23 2-310(7) is arguably other applicable law.

24 It does not take away the ability to
25 censure. It gives that to the ethics commission,

1 censure as appropriate. And, further, under
2 1-813(1), the governing body -- the person is subject
3 to censure by the governing body.

4 MS. THOMPSON: Mr. Chairman?

5 MR. MARTIN: Yes.

6 MS. THOMPSON: As the Commission, we have
7 the option to say that Alderman Hanson has violated
8 805(1), 808(2) and we recommend -- or refer her to
9 the Board of Mayor and Aldermen for appropriate
10 action?

11 MR. MARTIN: We could.

12 MR. SHARBER: We actually have several
13 options here available to us. Whatever we decide is
14 going to be public record and is going to be
15 available to anyone.

16 I'll make a motion that based on
17 Section 1-813(1) and 2-310(7) that we issue a written
18 decision supporting the facts of which we've already
19 stated in 1-805 and 1-808 as to our findings.

20 MR. MARTIN: And you're not suggesting
21 that we refer the matter to the Board of Mayor and
22 Aldermen for their consideration of censure?

23 MR. SHARBER: That's correct.

24 MR. MARTIN: Okay. Do we have a second?

25 MS. WILSON: I want to make sure I

1 understand the motion.

2 So the motion is that we are not sending
3 forward a recommendation to the Mayor and Board of
4 Aldermen to take another action? Is that what I'm
5 hearing?

6 MR. MARTIN: Yes. For the Board to
7 consider censure. That's what I understand.

8 MS. WILSON: Not to --

9 MR. SHARBER: That's not my motion. My
10 motion is, because we're required to render a written
11 decision stating our facts -- okay? -- that's part of
12 310(7).

13 MS. WILSON: Right.

14 MR. SHARBER: And I'm sort of dissecting
15 this -- that we render our decision with the written
16 facts that we've already talked about, that we
17 believe that she violated -- Alderman Hanson violated
18 the ethics code -- that our written decision is that
19 we render a decision -- stating the facts that we've
20 said, we render the decision and then we stop right
21 there.

22 I'm not saying we're not doing anything
23 else. I'm just saying that -- I'm sort of piecing it
24 in that our written decision will be based on (7) and
25 (1) out of 813. If I understand that we can do that.

1 MS. WILSON: And, Mr. Chairman, if we do
2 that, that ends our comments on this matter?

3 MR. MARTIN: It will. And then whether
4 the Board would ever consider it or not remains to be
5 seen.

6 MR. SHARBER: That's my intent of my
7 motion.

8 MS. WILSON: What's your intent?

9 MR. SHARBER: Is that we do that and we
10 just end it. But we don't send it to the Board. If
11 they want to pick it up from public record, that
12 would be up to the Board. Because there's nothing --

13 MS. WILSON: Can I make a comment?

14 MR. SHARBER: -- that says that we have
15 to send anything to the Board after we make a
16 decision. Am I correct in understanding that?

17 MR. MARTIN: That's correct.

18 MR. SHARBER: Should we ask our
19 counselor?

20 Are we obligated to send something to the
21 Board of Mayor and Aldermen?

22 MS. ASHWORTH: No. I think the confusion
23 that Commission Member Wilson has is regarding the
24 censure portion of your motion. Is there anything --
25 and also while I'm speaking, I would say that

1 whatever you decide to do needs to include the
2 language in (7) that the ethics commission determines
3 that specific, substantiated evidence from credible
4 sources exists to support a reasonable belief that
5 there has been a violation of the ethics code,
6 specifically those two codes.

7 MR. SHARBER: And I'm fine with that. I
8 think that should be --

9 MR. MARTIN: And Mr. Sharber said that.
10 I think if you --

11 MR. SHARBER: Yeah.

12 MS. ASHWORTH: I might have been writing.

13 MR. MARTIN: He's been very clear that he
14 wants our order to make it specific to say that's the
15 basis of our decision.

16 MS. ASHWORTH: All right.

17 MR. MARTIN: Our findings.

18 Well, we've got a motion.

19 MR. SHARBER: I'm not addressing censure.
20 That's what I'm not --

21 MR. MARTIN: What you're suggesting is we
22 simply find there's been a violation of two code
23 sections and leave it at that.

24 Is there a second to that motion?

25 MS. WILSON: I want to make a comment. I

1 don't want to second yet.

2 MR. MARTIN: Well, we can't discuss it
3 until we have a second.

4 MS. WILSON: Okay.

5 MR. MARTIN: If there's no second, it
6 will die for lack of a second.

7 And we have no second. It dies for lack
8 of a second.

9 Do we have any other motion?

10 MS. WILSON: I'll make a motion that as
11 we have noted, there has been an ethic violation of
12 our code in 805 and 808, as we have noted and
13 recorded, and that we make a recommendation -- so we
14 write our findings and send that to the Board. And
15 that we recommend that there is censure; that there
16 is accountability for the actions of Alderman Hanson.

17 MR. MARTIN: That's clear. Do we have a
18 second to that motion?

19 I second it. So further discussion?

20 MS. WILSON: I would be happy to make a
21 comment on this. As I listen -- as I read and we're
22 trying to apply the ethical code and looking at the
23 e-mail that we have -- and we've also heard witnesses
24 speak, and some of the things that I heard related to
25 integrity and respect for the ordinances. And the

1 impact of this one message are of great concern to
2 me, and they are of such concern to me that I just
3 don't want to ignore that.

4 So I'll stop there.

5 MR. MARTIN: Do we have any further
6 discussion on the motion that's on the floor?

7 MR. SHARBER: Your motion includes
8 sending it to the Board of Mayor and Aldermen with
9 the recommendation of censure?

10 MR. MARTIN: That's correct.

11 MS. WILSON: Yes.

12 MR. MARTIN: There being no further
13 discussion, then we'll take a vote.

14 All in favor say aye.

15 MS. THOMPSON: Aye.

16 MS. WILSON: Aye.

17 MR. SHARBER: Aye.

18 MR. MARTIN: Aye. We are unanimous.

19 So, Ms. Ashworth, will you please prepare
20 an order for our consideration that includes the
21 findings of fact and conclusions of law using the
22 standard that is set forth in (7) of Section 2-310,
23 and include in the order that the matter be referred
24 to the Board of Mayor and Aldermen with a
25 recommendation that Ms. Hanson be censured.

1 MS. ASHWORTH: Yes.

2 MR. MARTIN: Very well.

3 Is there any further business coming
4 before the Commission?

5 MS. JOHNSON: We did not vote on the
6 minutes from the last two meetings. Would you like
7 to do that?

8 MR. SHARBER: I'll make a motion that the
9 meeting minutes of June 27th and July 6th be
10 approved.

11 MS. WILSON: I second it.

12 MR. MARTIN: All in favor?

13 MS. THOMPSON: Aye.

14 MS. WILSON: Aye.

15 MR. SHARBER: Aye.

16 MR. MARTIN: Very good. Then there being
17 no further business, we are adjourned. Thank you
18 all.

19 MR. HORWITZ: Can I ask a clarifying
20 question?

21 MR. MARTIN: Yes, sir.

22 MR. HORWITZ: So the Post Hearing
23 provision speaks to the appeal provision, a writ of
24 certiorari within 30 days from the date the decision
25 is rendered. We're at Roman numeral VIII.1.

1 MR. MARTIN: What code section are you
2 looking at, Mr. Horwitz?

3 MR. HORWITZ: I'm sorry. I'm in
4 your Amended Bylaws and Procedures.

5 MR. MARTIN: Okay. You're in the bylaws
6 now. Let me look at those with you. And you're
7 under the Post Hearing section?

8 MR. HORWITZ: Yes.

9 MR. MARTIN: Yeah. I don't think that's
10 anything other than a restatement of our law.

11 MR. HORWITZ: No, no. I understand.
12 What I'm trying to figure out -- so 30 days from the
13 date of the decision. I just want to make sure that
14 there's not --

15 MR. MARTIN: Right.

16 MR. HORWITZ: -- disagreement as to when
17 the decision was rendered.

18 MR. MARTIN: Ms. Ashworth, I think that
19 the 30 days begins to run once we enter the order. I
20 don't know. I mean...

21 MS. ASHWORTH: It's date of decision, and
22 I believe you just decided.

23 MR. MARTIN: That's correct. But we have
24 to -- we've decided, but we're required to make the
25 decision in writing. So we have decided, but the

1 mandate is it be a written decision with findings of
2 fact and conclusions of law. And until we sign off
3 on the decision, I don't think that mandate will have
4 been met.

5 Ms. Billingsley?

6 MS. ASHWORTH: The problem is my
7 interpretation of that versus a judge hearing a writ,
8 what Mr. Horwitz is concerned about.

9 MS. BILLINGSLEY: Yeah. I mean,
10 historically, the way Boards work, when you make a
11 decision on the floor, that's the date of the
12 decision. It's a little different than courts of law
13 where you do wait on the order to be drafted and
14 signed by a judge.

15 You as a body made that decision just
16 now. We will write it up, but the decision has
17 already been made today.

18 MS. ASHWORTH: And the judicial review is
19 based on the record, and there's a full record. The
20 transcript will go in as well.

21 MS. BILLINGSLEY: It will, yes.

22 MR. MARTIN: What they're saying,
23 Mr. Horwitz, the safe course of action is to seek
24 certiorari within 30 days of today.

25 MS. BILLINGSLEY: Yes.

1 MR. HORWITZ: And I tend to agree with
2 that. I just don't know what the decision to be
3 appealed is without that written order, and I don't
4 know if you have to approve the minutes of this
5 meeting first.

6 MR. MARTIN: Well, Ms. Ashworth won't
7 delay. She'll get an order to us quickly.

8 MS. BILLINGSLEY: Yeah. And we'll call
9 the Board back together to approve the minutes,
10 probably with the next -- however long it takes to
11 get the transcript.

12 But with a planning commission, for
13 example, the day that the Board approves a planning
14 commission denial or approval is the decision.
15 Whether or not it makes it into the -- you know, a
16 document or not, it's that day.

17 MR. MARTIN: Very well.

18 MR. SHARBER: Do we want to go ahead and
19 select a date that you will call us back so that
20 Mr. Horwitz will know when we will be doing that?

21 MS. BILLINGSLEY: I think we're going to
22 need to meet with the court reporter to find out when
23 we can get the document. So I don't know if I can --
24 if we can do that right this second.

25 MR. SHARBER: Okay. Okay.

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MR. MARTIN: That will be fine.

Anything further?

All right. We are adjourned. Thank you.

(WHEREUPON, the foregoing meeting was
adjourned at 2:30 p.m. CST.)

1 REPORTER'S CERTIFICATE

2
3 STATE OF TENNESSEE

4 COUNTY OF WILLIAMSON

5 I, Tammy K. Benefield, Notary Public and
6 Court Reporter, with offices in Franklin, Tennessee,
7 hereby certify that I reported the foregoing meeting
8 of THE ETHICS COMMISSION by machine shorthand to the
9 best of my skills and abilities, and thereafter the
10 same was reduced to typewritten form by me. I am not
11 related to any of the parties named herein, nor
12 related to their counsel, and have no interest,
13 financial or otherwise, in the outcome of the
14 proceedings.

15 I further certify that in order for this
16 document to be considered a true and correct copy, it
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21 Tennessee Code Annotated 3-914-104, Theft of
22 Services.

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Tennessee LCR No. 479

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Notary commission expires: 5/23/2026



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**BEFORE THE ETHICS COMMISSION
CITY OF FRANKLIN, TENNESSEE**

JOSEPH J. JENSEN, et al.,	§	
	§	
<i>Complainants,</i>	§	
	§	
v.	§	File #: 21-04933
	§	
GABRIELLE HANSON,	§	
	§	
<i>Respondent.</i>	§	

RESPONDENT'S MOTION TO DISMISS COMPLAINTS

I. INTRODUCTION

COMES NOW the Respondent, Alderman Gabrielle Hanson, and respectfully moves to dismiss the Complainants' complaints against her due to both procedural and substantive deficiencies. As grounds, Alderman Hanson asserts as follows:

II. ARGUMENT

- A. The Complaints are not based on personal knowledge, do not set forth facts admissible in evidence, and do not show affirmatively that the Complainants are competent to testify to the matters stated therein.**

Pursuant to this body's May 17, 2023 Amended Bylaws and Procedures, Section V(3), any complaint:

[S]hall be based on personal knowledge, set forth such facts as would be admissible in evidence, and shall show affirmatively that the complainant is competent to testify to the matters stated therein. All documents referred to in the complaint shall be attached to the complaint.

Id.

Here, none of the seven Complaints asserted against Alderman Hanson satisfies these requirements. No Complaint is or purports to be based on personal knowledge. No

Complaint is sworn or otherwise verified in a manner that would render the facts asserted in it admissible in evidence. No Complainant personally purports to be able to authenticate the email giving rise to the Complaints. Thus, for all of these reasons, the Complaints all fail to comply with the mandatory requirements of Section V(3) and should be dismissed.

B. The Complaints fail to state a cognizable ethics violation as a matter of law.

The U.S. Supreme Court has held repeatedly and without ambiguity that “[t]he manifest function of the First Amendment in a representative government requires that legislators be given the widest latitude to express their views on issues of policy.” See *Bond v. Floyd*, 385 U.S. 116, 135–36 (1966). Put another way: “The role that elected officials play in our society makes it all the more imperative that they be allowed freely to express themselves on matters of current public importance.” See *Wood v. Georgia*, 370 U.S. 375, 395 (1962). Thus, the U.S. Supreme Court has explained that:

Whatever differences may exist about interpretations of the First Amendment, there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs. This of course includes discussions of candidates, structures and forms of government, the manner in which government is operated or should be operated, and all such matters relating to political processes. . . . Suppression of the right . . . to praise or criticize governmental agents and to clamor and contend for or against change . . . muzzles one of the very agencies the Framers of our Constitution thoughtfully and deliberately selected to improve our society and keep it free.

Mills v. Alabama, 384 U.S. 214, 218–19 (1966).

Given this context, “[r]estrictions on a public official’s participation necessarily affect that individual’s First Amendment associational rights and Fourteenth Amendment equal protection rights.” See *Peeper v. Callaway Cnty. Ambulance Dist.*, 122 F.3d 619, 623 (8th Cir. 1997); see also *Boquist v. Courtney*, 32 F.4th 764, 780 (9th Cir. 2022) (“In

light of '[t]he manifest function of the First Amendment in a representative government' and the 'require[ment] that legislators be given the widest latitude to express their views of policy,' we conclude that an elected official's speech is protected regardless whether the official is speaking 'as a citizen upon a matter of public concern'" (quoting *Bond*, 385 U.S. at 135–36).

Peacefully advocating for a coercive economic impact on another individual is expression protected by the First Amendment as well. As the U.S. Supreme Court explained in *Org. for a Better Austin v. Keefe*, 402 U.S. 415, 419, 91 S. Ct. 1575, 1577–78, 29 L. Ed. 2d 1 (1971):

This Court has often recognized that the activity of peaceful pamphleteering is a form of communication protected by the First Amendment. E.g., *Martin v. City of Struthers*, 319 U.S. 141, 63 S.Ct. 862, 87 L.Ed. 1313 (1943); *Schneider v. State*, 308 U.S. 147, 60 S.Ct. 146, 84 L.Ed. 155 (1939); *Lovell v. City of Griffin*, 303 U.S. 444, 58 S.Ct. 666, 82 L.Ed. 949 (1938). In sustaining the injunction, however, the Appellate Court was apparently of the view that petitioners' purpose in distributing **1578 their literature was not to inform the public, but to 'force' respondent to sign a no-solicitation agreement. **The claim that the expressions were intended to exercise a coercive impact on respondent does not remove them from the reach of the First Amendment. Petitioners plainly intended to influence respondent's conduct by their activities; this is not fundamentally different from the function of a newspaper.** See *Schneider v. State*, supra; *Thornhill v. Alabama*, 310 U.S. 88, 60 S.Ct. 736, 84 L.Ed. 1093 (1940). **Petitioners were engaged openly and vigorously in making the public aware of respondent's real estate practices. Those practices were offensive to them, as the views and practices of petitioners are no doubt offensive to others. But so long as the means are peaceful, the communication need not meet standards of acceptability.**

Id. (emphases added).

For these reasons, and for the additional reasons set forth in Alderman Hanson's July 14, 2023 Response to this Commission, which are expressly incorporated into this Motion by reference, the First Amendment fully protects the speech about which the

Complainants have complained, and no ethics provision identified by any Complainant would or could be interpreted to prohibit Alderman Hanson from engaging in constitutionally protected advocacy and constituent representation. Thus, the Complaints against her must be dismissed.

III. CONCLUSION

For the foregoing reasons, each Complaint against Alderman Hanson must be dismissed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this the 27th day of July, 2023, a copy of the foregoing was delivered via hand-delivery to the following:

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By: /s/ Daniel A. Horwitz
DANIEL A. HORWITZ, BPR #032176

**BEFORE THE ETHICS COMMISSION
CITY OF FRANKLIN, TENNESSEE**

JOSEPH J. JENSEN, *et al.*,

Complainants,

v.

GABRIELLE HANSON,

Respondent.

§
§
§
§
§
§
§
§

File #: 21-04933

**RESPONDENT’S MOTION FOR LEAVE TO CROSS-EXAMINE
COMPLAINANTS**

I. INTRODUCTION

COMES NOW the Respondent, Alderman Gabrielle Hanson, and respectfully moves for leave to cross-examine the Complainants in this matter. As grounds, Alderman Hanson asserts as follows:

II. ARGUMENT

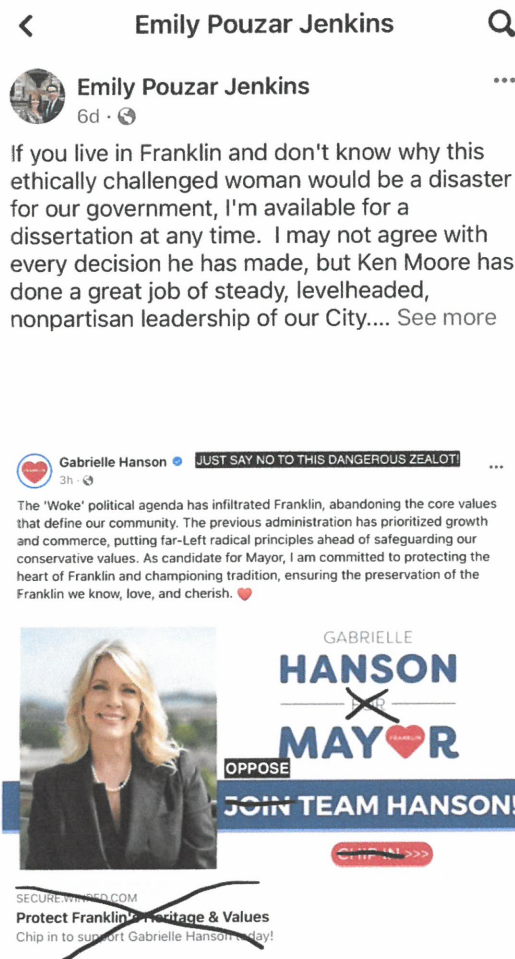
Cross-examination “is ‘the greatest legal engine ever invented’ for uncovering the truth.” *Doe v. Baum*, 903 F.3d 575, 581 (6th Cir. 2018) (quoting *Doe v. Univ. of Cincinnati*, 872 F.3d 393, 401–02 (6th Cir. 2017)). Thus, “[i]n almost every setting where important decisions turn on questions of fact, due process requires an opportunity to confront and cross-examine adverse witnesses.” *Goldberg v. Kelly*, 397 U.S. 254, 269, 90 S. Ct. 1011, 1021, 25 L. Ed. 2d 287 (1970). *Cf. Kaplan v. Univ. of Louisville*, 10 F.4th 569, 583 (6th Cir. 2021) (“the denial of procedures with great probative value, such as cross-examination, may help establish that due process was denied.”). A litigant’s right to cross-examine adverse witnesses is also regarded as “even more important where the evidence

consists of the testimony of . . . persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy.” *Greene v. McElroy*, 360 U.S. 474, 496, 79 S. Ct. 1400, 1413, 3 L. Ed. 2d 1377 (1959).

Section VII(2)(H) of this Commission’s May 17, 2023 Amended Bylaws and Procedures provides that “[c]ross examination of any party by another party shall generally not be permitted.” As detailed below, this provision should not be enforced here, and it cannot lawfully be enforced without violating Alderman Hanson’s due process rights.

The Complainants in this matter are partisans who have initiated ethics complaints due to their unhidden political opposition to Alderman Hanson arising from unrelated matters. For instance, Janet Shouse’s complaint asserts—unrelated to the ethics allegations that she maintains—that: “Alderman Hanson has been sowing division in our city, which makes me very sad.” Similarly, Damon Akin Rogers’s complaint asserts—unrelated to the ethics allegations that he maintains—that: “Like Dolly Parton sings, here we go again! . . . [Alderman Hanson] is a liability to the community I was born and raised! [sic].” Kate Osher’s complaint asserts—unrelated to the ethics allegations that she maintains—that: “Alderman Hanson continues to be a loose cannon, and her behavior cannot be excused. She is a liability to the City. She refuses to ever take responsibility for her behavior or lies. Our City and residents deserve so much better.” Rod Berger’s complaint asserts—unrelated to the ethics allegations that he maintains—that: “I am sure that I am not the first Franklin citizen calling for Alderman Hanson's removal. The link below and the 9-minute audio clip of Hanson discussing the tragedy at Covenant are horrible, inaccurate, and a terrible representation of Franklin and TN. I call on the media on this thread to seek official comment from the mayor of Franklin and fellow alderman

and inquire about the next steps to remove Hanson from her post. I would also encourage the media to look into Hanson's bigotry (Franklin Pride Permit issue and posting 'what ifs') along with her cozy affiliation with Mom's For Liberty.” Some of the Complainants in this action have also discussed their political opposition to Alderman Hanson on social media. *See, e.g.:*



Given this context, the Complainants are fairly characterized as adverse “persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy.” *Greene*, 360 U.S. at 496. As such, Alderman Hanson must be afforded the “opportunity to confront and cross-examine” them. *Goldberg*, 397 U.S. at 269.

III. CONCLUSION

For the foregoing reasons, Alderman Hanson should be granted leave to cross-examine the Complainants in this matter.

Respectfully submitted,

By: /s/ Daniel A. Horwitz
DANIEL A. HORWITZ, BPR #032176
LINDSAY SMITH, BPR #035937
MELISSA K. DIX, BPR #038535
HORWITZ LAW, PLLC
4016 WESTLAWN DR.
NASHVILLE, TN 37209
daniel@horwitz.law
lindsay@horwitz.law
melissa@horwitz.law
(615) 739-2888

Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on this the 27th day of July, 2023, a copy of the foregoing was delivered via hand-delivery to the following:

City of Franklin Ethics Commission
109 3rd Ave S
Franklin, TN 37064
(615) 791-3217

By: /s/ Daniel A. Horwitz
DANIEL A. HORWITZ, BPR #032176

From: Angie Johnson angie.johnson@franklin.tn.gov

Subject: Public Record Request - Action needed

Date: June 14, 2023 at 9:23 AM

To: Gabrielle Hanson gabrielle.hanson@franklin.tn.gov

Cc: Shauna Billingsley

/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=2770fa970f7a4794a759e363ad39615b-Shauna Bill,
Eric Stuckey

/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=896e6c8537184aa9aca3e39018effaf0-Eric Stucke

Alderman Hanson,

A public record request has been submitted for the items below. Staff will search your *franklin.tn.gov* email account for you. However, since you used other accounts in your role as alderman, those accounts must also be searched and results provided ASAP. This includes any email accounts or other communication methods that have ever been used in your role as alderman. Because we do not have access, you are required to provide any and all emails sent from your other emails accounts and any other communications as listed below that fit the parameters of the request. Please forward emails, text message and social media message screenshots and any other methods of communication outside of your city email account directly to Shauna as individual emails, screenshots or bring in printed versions, whatever works best for you. The Law department will then review all items provided by you and redact as necessary before we release to the requester.

Here is the body of the request:

*From January 1 to present, All communications, including **emails, text messages, social media messages, letters or communications in any form** whatsoever that are responsive to the following categories. Please specifically include any communications from Alderman Hanson's personal email accounts in which she identifies herself by her role as an Alderman.*

- 1. To or from Alderman Gabrielle Hanson to or from any person or entity regarding **Juneteenth***
- 2. From Alderman Hanson **to Alma McElmore***
- 3. To Alderman Hanson **from Alma McElmore***
- 4. To or From Alderman Hanson regarding the **Franklin Equal Justice Coalition***
- 5. Any calendar entries or other records of meetings between Alderman Hanson and any party regarding **Juneteenth and/or the Franklin Equal Justice Coalition***

Please let me know if you have any questions. Thank you.

Angie Johnson, PHR, CMC

City Recorder

City of Franklin

109 3rd Ave S. Franklin. TN 37064

P: 615.550.6707

C: 629.395.4179

www.franklin.tn.gov



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6/4/23 11:37 AM

I am about to make a huge financial ask for you and want your permission

A major group in Nashville needs to send you a large check

6/4/23 1:38 PM

Hi Gabrielle, thank you for thinking of AAHS. Who is the organization? I don't believe when people want to donate to AAHS, that we turn people down. Can you tell me a little about them. Again we appreciate your support to AAHS.

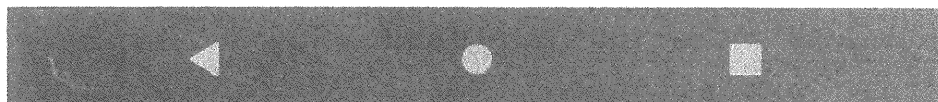
There's a little bit of a story behind it so call me. That's why I'm asking for permission

6/4/23 1:57 PM

Franklin Justice and Equity Coalition -
Franklin Justice and Equity Coalition
<https://fjecwilco.org/>

It's towards the bottom of the page

Sent



From: Gabrielle Hanson <info@gabrieleforalderman.com>

Date: Jun 8, 2023 at 10:26 PM

To: Doug Kreulen <doug.kreulen@flynashville.com>

Cc: Amclemore51 <amclemore51@yahoo.com>, Tara Blue (tblue1@comcast.net) <tblue1@comcast.net>, Matt Largen - Williamson County Chamber of Commerce (Matt@williamsonchamber.com) <matt@williamsonchamber.com>

Subject: Re: BNA Support of BLM in Franklin

I have shared that initiative with several who are concerned. I can go back to the people who said they have requested sponsorship but were declined and provide them with your contact. They were relieved to know that taxpayer dollars are not being used as contributions on the part of BNA. Your financial support of organizations comes at a time when non-profits are spread thin so I know funding is greatly appreciated.

The community considers the airport a service provider for travel and doesn't relate BNA to a philanthropic arm that does extensive community outreach in addition to running a rapidly expanding airport in our area.

Sincerely,
Gabrielle Hanson

2023-06-08 19:02, Kreulen, Doug wrote:

Ms. Hanson,

Now that you understand that no tax dollars are used by the airport authority for any charitable contributions, I hope that you will correct that false premise in the future.

Additionally, if you would provide me with a list of organizations that have been declined support by BNA, I will be glad to confirm your assertion. Thank you.

Respectfully,

Doug

Douglas E. Kreulen, A.A.E.

President & Chief Executive Officer

Metropolitan Nashville Airport Authority

Office: 615-275-1668

140 BNA Park Drive, Suite 520

Nashville, Tennessee 37214

FLYNASHVILLE.COM

From: Gabrielle Hanson <info@gabrielleforalderman.com>

Sent: Thursday, June 8, 2023 2:15 PM

To: Kreulen, Doug <Doug.Kreulen@flynashville.com>

Cc: amclemore51@yahoo.com; Tara Blue (tblue1@comcast.net) <tblue1@comcast.net>; Matt Largen - Williamson County Chamber of Commerce (Matt@williamsonchamber.com) <matt@williamsonchamber.com>

Subject: BNA Support of BLM in Franklin

CAUTION: This email originated from outside the Airport Authority's network. Exercise caution when opening attachments or clicking links, especially from unknown senders as it could be a phishing attack or contain malware.

Dear Mr. Kreulen:

Thank you for your response. I am delighted to know that you participate with minority initiatives in and around the Nashville area. Many of our citizens are concerned about the tax dollar allocation and some of the selections made with what appears to be, tax dollars.

We have many deserving organizations in our community that have been long established, and of which, have asked BNA for support in the past, but were declined. We appreciate your generosity to not-for-profits and hope that you will emphasize that BNA doesn't use taxpayer dollars when contributing to various organizations.

Sincerely,
Gabrielle Hanson

2023-06-08 07:36, Kreulen, Doug wrote:

Dear Alderman Gabrielle Hanson:

Thank you for your email concerning Nashville International Airport's charitable giving initiatives.

The Metropolitan Nashville Airport Authority regrets that you disagree with our decision to contribute to the Juneteenth Festival in Franklin. I would like to share more about BNA's giving initiatives.

BNA proudly supports a myriad of organizations that reflect our diverse and growing community throughout Middle Tennessee. The citizens and passengers we serve come from all different walks of life, including race and socioeconomic status. It's our goal to be an active and engaged airport that, as a community partner, enhances our region's quality of life. We are active members of, and contributors to, many different organizations – nonprofit, civic, and educational – throughout our community. In all cases, these are reputable organizations that benefit our diverse community and share our core values of Respect, Integrity, Service, and Excellence.

Juneteenth commemorates African American freedom and emphasizes education and achievement. It is a Federal Holiday that the Airport Authority observes as one of our eleven holidays celebrated by all employees throughout the year. We are proud to celebrate it through this contribution in 2023.

BNA receives no local tax dollars – this charitable donation is not linked to your taxpayer money in any way. This sponsorship is a part of our overall efforts to expand our Business Diversity Development (BDD) program – a program we are proud to develop and grow. In fact, our BDD program has grown from \$50 million to over \$300 million in successful business opportunities for Small, Minority, Women-owned, Business Enterprises in the past 5-years. As Chair of Williamson Inc. I could not be prouder of the support we have provided to the Black Business Coalition in Williamson County. I am thankful for the support that Matt Largen and Tara Blue have provided to me in this effort.

Thank you for the introduction to Ms. Alma McLemore and The African American Heritage Society. I will respond to Ms. McLemore in a separate email to learn more about her organization.

Respectfully,
Doug

Douglas E. Kreulen, A.A.E.

President & Chief Executive Officer

Metropolitan Nashville Airport Authority

Office: 615-275-1668

140 BNA Park Drive, Suite 520

Nashville, Tennessee 37214

<image001.png>

FLYNASHVILLE.COM

From: Gabrielle Hanson <info@gabrielleforalderman.com>

Sent: Monday, June 5, 2023 7:48 AM

To: Kreulen, Doug <Doug.Kreulen@flynashville.com>

Cc: amclemore51@yahoo.com

Subject: BNA Support of BLM in Franklin

CAUTION: This email originated from outside the Airport Authority's network. Exercise caution when opening attachments or clicking links, especially from unknown senders as it could be a phishing attack or contain malware.

Dear Mr. Kreulen and Board of BNA Airport:

Over the course of the weekend, I have had over 20 Franklin residents reach out to me with concern over BNA paying thousands of dollars in taxpayer money to support what is equivalent to Franklin's local BLM chapter, Franklin Justice and Equity Coalition. It is incomprehensible to think that an airport in Nashville would want to support an organization, in one of America's most revered small town's, that believes in defunding the police, reparations and other radical social justice platforms. Please see the link below that show your support dollars and approval of their agenda.

https://us01.z.antigena.com/I/UQSwpNnj644BKEw-OHq3c3UJk2u5j_ap6~Szg33G7u4keo-vi~iNqvyN3vrQ2-fHxuvqGGO6FvzZzHfmbIpc9R3_ONXObi5HXmEs4RmIqpnj6L9EokyJt2onIkM_qhJgA5YPhabfRyIoXIzi6DGbFSJ

Perhaps you aren't aware that this organization only came about during the heat of BLM rioting across America, as they say, in response to George Floyd, Breanna Taylor and others. Perhaps you aren't aware of the division they caused in our community last year when they asked the city to back them and take Juneteenth away from the African American Heritage Society, who had been our Juneteenth stalwart for decades. The African American Heritage Society has represented the achievements and successes, along with accurate black history in our community for decades. They have preserved the legendary McLemore House and provide annual scholarships to black youth in our community. Yet, they were targeted by the City of Franklin and FJEC and were asked for tens of thousands of dollars to move forward with Juneteenth BLM style or face not having Juneteenth at all. But because of many citizens in Franklin who became involved, AAHS was able to have their own Juneteenth without FJEC.

To put it mildly, our citizens are outraged and angry. I have to agree, I don't want my tax dollars or fees off of plane tickets going to radical agenda's either. I am floored that your board would approve of allocating money in this way. These citizens are prepared to post publicly and link this support to each and every board member, along with their business interests so that the public will know that the board of BNA is financially supporting, and in agreement with, radical social justice agenda's in towns where they literally should have no voice.

Is it the mission of BNA to support African American organizations? Is it the mission of BNA to support Juneteenth? Is it the mission of BNA to support radical agenda's that are dividing our country? That is the question our citizens would like answered.

As an elected official I am respectfully requesting that you either withdraw the financial support and public endorsement of FJEC, or write a check to the African American Heritage Society and allow them to advertise you as a sponsor, providing the same financial level of funding that you did to the Franklin Justice and Equity Coalition. It appears that you want to support African American causes in Franklin, and, particularly, Juneteenth. If you are going to support one entity, you need to support ALL entities providing the Juneteenth experience in our community, particularly those who don't veer off of the course of accurate black history and seek provide an uplifting message of hope and inspiration.

I have copied Alma McLemore, the head of the African American Heritage Society on this email.

Sincerely,

Gabrielle Hanson

City of Franklin

Alderman At-Large

615-946-4200

Dear Alderman Gabrielle Hanson:

Thank you for your email concerning Nashville International Airport's charitable giving initiatives.

The Metropolitan Nashville Airport Authority regrets that you disagree with our decision to contribute to the Juneteenth Festival in Franklin. I would like to share more about BNA's giving initiatives.

BNA proudly supports a myriad of organizations that reflect our diverse and growing community throughout Middle Tennessee. The citizens and passengers we serve come from all different walks of life, including race and socioeconomic status. It's our goal to be an active and engaged airport that, as a community partner, enhances our region's quality of life. We are active members of, and contributors to, many different organizations — nonprofit, civic and educational — throughout our community. In all cases, these are reputable organizations that benefit our diverse community and share our core values of Respect, Integrity, Service, and Excellence.

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BNA receives no local tax dollars — this charitable donation is not linked to your taxpayer money in any way. This sponsorship is a part of our overall efforts to expand our Business Diversity Development (BDD) program — a program we are proud to develop and grow. In fact, our BDD program has grown from \$50 million to over \$300 million in successful business opportunities for Small, Minority, Women-owned, Business Enterprises in the past five years. As chair of Williamson Inc., I could not be prouder of the support we have provided to the Black Business Coalition in Williamson County. I am thankful for the support that Matt Largen and Tara Blue have provided to me in this effort.

Thank you for the introduction to Ms. Alma McLemore and The African American Heritage Society. I will respond to Ms. McLemore in a separate email to learn more about her organization.

Respectfully, Doug Kreulen

Appropriations to Outside Agencies

Available Funding for Nonprofit Agencies from the City of Franklin

①

Nonprofit Funding Program

The City of Franklin values the work that our community nonprofit organizations provide and takes pride in our ability to remit funds to further increase their impact.

We encourage our local nonprofit organizations (501C3, 501C6, and 501c4) to apply for a funding allocation for their organization. Applications for the following fiscal year will be available on this page by February. In April/May of each year, our Board of Mayor and Aldermen will determine the amount of funds that they are able to distribute amongst all applicants. As this determination is after the collection period for applications, we strongly encourage organizations to apply for the fund level they feel they need. Actual organization funding allocations are at the discretion of the Board with some applicants receiving approval for full funding, some for partial funding, and some will not receive funding approval.

The Fiscal Year 2023-2024 application deadline is March 17, 2023. Applications submitted past this deadline will not be accepted.

Evaluation considerations

- How much of an impact does this organization have on the community as a whole?
- Are funds projected to be spent in accordance with State of Tennessee TCA 6-54-111?
- Does the City of Franklin provide any other support (financial or other) to the entity?
- Does the entity receive any other additional financial support?

How to Apply

Complete and sign a [City of Franklin Funding application](#) and all required attachments.

Electronic submission of the application and required attachments is the preferred method. They must be e-signed by Adobe digital signature, DocuSign, or a scanned printed copy with an original signature. Electronic submissions may be emailed to nonprofitfunding@franklin.tn.gov. Alternatively, mailed applications and all applicable attachments should be sent to the City of Franklin, Finance Department, Attn: Nonprofit Funding, PO Box 295, Franklin, TN 37065.

Only prior recipients with no changes may forgo submission of a new vendor form. Only entities providing an annual audit of their most recent fiscal year may forgo the State of Tennessee Annual Reporting Form.

Government entities wishing to seek funding from the City of Franklin may reach out to the Budget Division of Finance for government specific information and application materials.

Contact

For questions or assistance, please contact the Budget department at (615) 791-1457 or nonprofitfunding@franklinton.gov

LEGAL POLITICS

Metro sues state for taking control of airport authority

Nashville claims state violated Constitution with move to wrest authority from local government

BY: **SAM STOCKARD** - JUNE 13, 2023 6:02 AM



 The Tennessee General Assembly took control of the Metro Nashville Airport Authority from the city in 2023. (Photo: John Partipilo)

Metro Nashville government filed suit Monday against the state's top political leaders, claiming they violated the state Constitution with a move to shift control of the Metro Nashville Airport Authority.

Filed in Davidson County Chancery Court, the lawsuit contends the Nashville Airport Authority Transfer Act “fundamentally” changes the structure and control of the authority by vacating the board, removing the power of the mayor and Metro Council and transferring it to state officials. The lawsuit names Gov. Bill Lee, Lt. Gov. Randy McNally and House Speaker Cameron Sexton.

“This action violates the Tennessee Constitution’s home rule and equal protection clauses,” the lawsuit says, calling for the court to declare the law unconstitutional and stop it from taking effect. It notes the state did not target other airports in the state’s large cities.

Tennessee’s home rule amendment is designed to stop the state Legislature from targeting one or two local governments without a referendum or a vote by its government body.

After the Metro Council refused to enter a contract last year to lure the 2024 Republican presidential convention to Nashville, the Legislature passed several measures seen by critics as punishment, including a move to cut the Metro Council to 20 from 40 members, take over appointments to the airport and sports authorities and lower the number of votes needed to renovate at the Metro Fairgrounds race track in advance of plan to bring in NASCAR.

A lawsuit brought by Metro Nashville against state leaders charges a new law changing the composition of the Metro Nashville Airport Authority violates Tennessee’s home rule amendment, which is designed to keep the legislature from targeting one or two local governments.

The airport law allows the governor, lieutenant governor and House speaker to appoint six of eight seats on the airport board, taking away most of the authority of the mayor, who appoints all seven current board members.

Metro contends state law passed in 1969 gives local government “sole discretion” to set up a metro airport authority and full control over appointments to a board of commissioners.

Republican lawmakers argued this session the appointment process should be changed because the Metro Nashville airport has become a “regional” facility funded by the entire state. Metro, which points out the airport consists of more than 1 million square feet with 380 flights daily, calls that a gross “generalization.”

McNally spokesman Adam Kleinheider said Monday the lieutenant governor is confident the law will survive the legal challenge.

“The Greater Nashville area and its airport have grown significantly. BNA is now a regional airport and should be governed like one. Metro will not be without influence. But it will need

to share power as BNA fully transitions from a small municipal airport to large regional international airport. This is reasonable, legal and fair,” Kleinheider said in a statement.

Sexton issued a statement Monday saying, “I do appreciate Metro recognizing the significant investments made by the state to help transform BNA into a world-class, international airport. We are all aware of BNA’s significant growth and the vast majority of users being from outside of Davidson County. Additionally, over the last decade, the state of Tennessee has provided over \$200 million in funding to BNA to aid in growth and show our commitment and mutual interest. This isn’t just about the number of travelers or visitors; it’s also for economic recruitment interest for all of Middle Tennessee. BNA is a great asset for our state, and the sharing of appointments will only enhance it.”

In contrast, Metro says the airport isn’t funded by the state of Tennessee but is “self-supporting,” deriving most revenue from sources such as landing and terminal fees, concessions, parking and various other sources, which goes to pay debt. The airport’s total operating revenue was \$210 million in fiscal 2022, with \$29 million coming from the state and \$26 million from the federal government, according to the filing.

Metro contends members of the airport authority, an “instrument” of the local government, can be removed only by a two-thirds vote of the Metro Council after a public hearing. Under the new law, which Lee signed May 19, airport authority members can be removed any time without “cause.”

“In other words, the act takes control of the Nashville Airport Authority away from Metro Nashville and gives it to the state,” the lawsuit says.

Because the state would appoint a majority of board members and hold “unfettered dismissal powers,” the act shifts financial control to the state government and prohibits it from spending money without state oversight, which it calls “clearly a fundamental transfer in the authority’s governance.”

The lawsuit also claims the law poses “significant risk of disrupting federal airport funding,” noting the Federal Aviation Administration won’t take action on proposed changes in operations as long as Metro disputes the changes.

The FAA sent a letter in early April questioning the state’s transfer of power, but Nashville Airport CEO Douglas Kreulen said at the time the federal government failed to show what type of impact the new law would make.



Rep. Johnny Garrett, R-Goodlettsville, at right, pictured with Rep. Chris Todd, R-Jackson. Garrett sponsored legislation to allow the state to appoint members to the Metro Nashville Airport Authority. (Photo: John Partipilo)

In addition, Metro contends that statements by the bill's sponsor, Rep. Johnny Garrett, were incorrect because appointment of a new board would be a "change of governance" with the power to adopt new bylaws and hire new staff.

Garrett, R-Goodlettsville, is quoted in the lawsuit as saying during House floor debate, "There is no change in ownership. There is no change in governance. Even though the new members may be on the board, they're still governed by the same bylaws, they still have the same staff. The only thing that's changing is who gets to appoint members of the board, so this does not trigger FAA issues."

Garrett, nevertheless, conceded in House debate that the act applies only to the Metro Nashville airport.

In a statement today, Garrett called the lawsuit "deeply disappointing" and noted he's "not surprised" that Mayor John Cooper would rather "litigate than work with the General Assembly."

"We believe Tennessee taxpayers deserve fair representation, transparency, and oversight of their investment. Nashville is clearly not interested in the long-term success of one of our most valuable assets," Garrett said in a statement.

Likewise, Sen. Paul Bailey, who sponsored the Senate version of the bill, indicated he designed the measure around the Nashville airport but "offered promises" he would bring similar bills targeting other airports in the state's largest cities, according to the filing.

State Rep. John Ray Clemmons of Nashville, chairman of the House Democratic Caucus, pointed out the lawsuit shows Metro has no choice but to depend on the judiciary to act as a "check" on the Legislature and governor.

“In their clumsy haste to dance for donors and grab more power, Gov. Lee and his legislative conspirators in this unconstitutional endeavor once again failed to get their legal ducks in a row and stay on message, creating a clear legislative record and strengthening Metro’s lawsuit,” Clemmons said in a statement.

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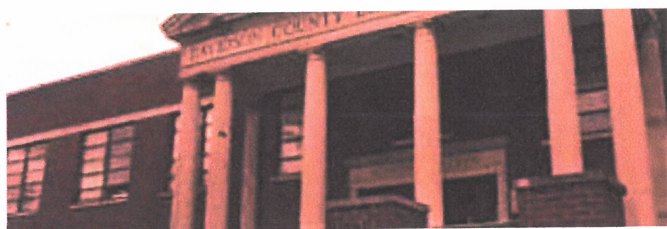
SAM STOCKARD



Sam Stockard is a veteran Tennessee reporter and editor, having written for the Daily News Journal in Murfreesboro, where he served as lead editor when the paper won an award for being the state's best Sunday newspaper two years in a row. He has led the Capitol Hill bureau for The Daily Memphian. His awards include Best Single Editorial from the Tennessee Press Association.

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BY **DULCE TORRES GUZMAN**

July 28, 2022



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BY **DULCE TORRES GUZMAN**

July 18, 2022

KEEPING OUR EYES ON THE VOLUNTEER STATE

DEMOCRACY TOOLKIT





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THE TENNESSEAN

POLITICS

Will the real Metro Nashville Airport Authority please stand up?

Sandy Mazza and Josh Keefe Nashville Tennessean

Published 5:02 a.m. CT July 19, 2023 | Updated 3:49 p.m. CT July 19, 2023

The planes are taking off, travelers are buying last-minute coffees, and construction is humming along.

But a behind-the-scenes battle between state and city leaders over control of Nashville International Airport is boiling.

On Wednesday, the Metro Nashville Airport Authority met for its regularly scheduled 1 p.m. board meeting on BNA's campus. Six newly seated, state-appointed board members reviewed the airport's new leasing agreement with its airlines, construction and renovation progress, and strategic 2024 goals.

The new members are downtown Nashville high-rise developer Tony Giarratana; Tennessee Economic and Community Development Commissioner Stuart McWhorter; Senate Majority Leader Jack Johnson, R-Franklin; Masami Tyson, a global business attorney at Womble Bond Dickinson's Nashville office; reappointed board member Jimmy Granbery, chairman and CEO of Nashville-based HG Hill Realty Co.; and reappointed business owner and pilot Bobby Joslin.

A state law that took effect last month reworked the board, which was appointed by the mayor of Nashville, and gave most appointments to the state. Nashville is suing state leaders to block the law, which it calls a "ripper bill" designed to usurp local power in violation of the state constitution, according to court documents.

Meanwhile, across town at the same time in the Historic Metro Courthouse's Media Room, a second Metro Nashville Airport Authority board met. This panel consists of five Mayor John Cooper-appointed members who were ousted when the new board took office on June 30. Cooper has not made any appointments under the new law.

Four original members agreed to hire outside counsel to help fight the state law. Those members are TVV Capital executive Andrew Byrd; Bill Freeman, chairman of Freeman Webb and a local publisher; Tennessee State University President Glenda Glover; and Triad Environmental principal Nancy Sullivan. The fifth member, Tennessee attorney Joycelyn Stephenson, was out of town.

Metro Nashville Law Director Wallace Dietz recommended Metro hire outside counsel on behalf of the board. He told the board that he has a person in mind and was awaiting completion of a conflict check to share the name.

A resolution authorizing Dietz to make the hire was unanimously approved so that the person may attend the next scheduled meeting.

Also at the meeting, Cooper said the Federal Aviation Authority still considers the city's board in charge of the airport and thanked the gathered commissioners for continuing to serve.

"It's important we follow federal regulatory authority," Cooper said.

FAA Associate Administrator of Airports Shannetta R. Griffin sent a letter, in response from a request from Dietz, saying that the agency has no stake in the lawsuit. But she said they would continue to recognize Cooper's appointees until the court decides.

"The FAA is also concerned about the uncertainty the legislation may have on the MNAA board governance during the pendency of the litigation," Griffin wrote. "To avoid this uncertainty, please be advised that the FAA will continue to recognize the existing board until such time as the Chancery Court rules on the issue."

A July 28 court hearing is scheduled to decide on Metro's request for a temporary injunction. The lawsuit names Gov. Bill Lee, Lt. Gov. Randy McNally, R-Oak Ridge, and House Speaker Cameron Sexton, R-Crossville. The three state officials and the mayor of Nashville each have two votes each on the eight-member board, per state law.

"As an agency and instrumentality of Metro, the Nashville airport has consistently performed well and expanded," Dietz said. "The state this year chose to upend 50 years of successful local management."

Who's in charge?

Metro leaders dispute the state law and are seeking a court injunction to block it. They say the state is overreaching unconstitutionally into a local jurisdiction.

"This hostile takeover only affects one local government and violates the Tennessee constitution," Dietz said. "We have filed suit seeking to declare the law unconstitutional and ensure BNA's future success."

The constitutional statute at issue states, in part, "The General Assembly shall have no power to pass a special, local or private act having the effect of removing the incumbent from any municipal or county office."

State and airport attorneys said this rule doesn't apply to MNAA because it is an independent entity.

"The (state law) does not remove any Metro Nashville officer from office, because MNAA commissioners are not Metro Nashville officers," state attorneys argue in court documents. "Because the act is not local in form or effect, it does not require local approval. Metro Nashville's claims are not likely to succeed on the merits because it cannot meet its heavy burden to show that the Act is unconstitutional, especially in view of the strong legal presumption of constitutionality afforded the Act."

The lawsuit also accuses MNAA CEO Doug Kreulen of siding with the state and welcoming the board change. He has issued statements that the board is following the guidance of their attorneys, who say he must follow state law.

"As an airport authority, we do not take political positions," Kreulen wrote, in a recent open letter to the community. "We recognize that the current situation has caused frustration and confusion, but our responsibility is to remain legally compliant so that our airports can operate as essential hubs of transportation for our vibrant community."



File #: 21-05039

DATE: August 7, 2023
TO: Ethics Commission

SUBJECT:

Consideration Of Approval Of Findings of Fact And Conclusions of Law Relating to the Ethics Hearing Regarding Alderman Gabrielle Hanson Held On July 27, 2023

PURPOSE:

The purpose of this memorandum is to present to the Franklin Ethics Commission for approval the required Findings of Fact and Conclusions of Law Regarding Alderman Gabrielle Hanson.

BACKGROUND/STAFF COMMENTS:

On July 27, 2023, the Ethics Commission met to hold a public hearing regarding 7 complaints filed against Alderman Gabrielle Hanson relating to an email she sent to Mr. Kruelen and the BNA Board. After hearing from three of the complainants, counsel for Alderman Hanson, and the public, the Ethics Commission found Alderman Hanson in violation of Franklin Municipal Code 1-805(1) and 1-808 (2) with a recommendation of censure to the Board of Mayor and Aldermen. Franklin Municipal Code 2-310 (7) requires the Ethics Commission to render a written decision stating facts supporting the findings and conclusions of law and censure.

**CITY OF FRANKLIN
ETHICS COMMISSION**

In Re: Alderman Gabrielle Hanson)
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**WRITTEN DECISION OF CITY OF FRANKLIN ETHICS COMMISSION
REGARDING ALDERMAN GABRIELLE HANSON**

This matter was heard at a Public Hearing before the City of Franklin Ethics Commission (“Ethics Commission”) on July 27, 2023 at the City of Franklin City Hall, pursuant to Franklin Municipal Code 2-310(6), to consider complaints received concerning City of Franklin Alderman Gabrielle Hanson. Present at the hearing were members of the Ethics Commission, including Chairperson Jim Martin, Commissioner Jerry Sharber, Commissioner Reverend Vona Wilson, and Commissioner Machel Thompson. The Ethics Commission was counseled by Gail Vaughn Ashworth, Esq. Alderman Gabrielle Hanson was not present at the hearing, but she was represented by her counsel, Daniel Horwitz, Esq.

Mr. Horwitz made a preliminary Motion to Dismiss the complaints asserting the complaints did not satisfy Amended Bylaws Section 5, Item 3 and failed to state a cognizable ethics violation as a matter of law. Chairperson Martin denied Ms. Hanson’s Motion to Dismiss. Mr. Horwitz also made a preliminary Motion for Leave to Cross-Examine Complainants. Commissioner Martin took Mr. Horwitz’s Motion for Leave to Cross-Examine Complainants under advisement.

The Ethics Commission considered complaints presented at the hearing against Alderman Hanson from Emily Jenkins, Peggy Kingsbury, and Joseph J. Jensen. Emily Jenkins called Pastor Walter Simmons as a witness and Pastor Simmons testified at the hearing. Kate Osher, Damon Rogers, and Rod Berger were not present and their complaints were stricken by Chairperson Martin. Janet Shouse was present but did not present her complaint, and her complaint was stricken by Chairperson Martin.

The public members who spoke at the hearing were as follows: Bryant Herbert; Ashley Webster; Tara Blue; and Reverend Dr. Chris Williamson.

After consideration of the complaints presented by Emily Jenkins, Peggy Kingsbury, and Joseph J. Jensen, testimony and statements by witnesses and members of the public, argument by Mr. Horwitz, and the record as a whole, the Ethics Commission finds as follows:

FINDINGS OF FACT

1. Alderman Gabrielle Hanson is a duly elected public official for the City of Franklin.
2. On June 5, 2023, Alderman Hanson authored and sent an email to Doug Kreulen and the Board of BNA Airport, whereby Alderman Hanson directly asked and intimidated the BNA Board to withdraw the financial support for the Franklin Justice and Equity Coalition (hereinafter the “FJEC”) and instead write a check to the African American Heritage Society. The text of the email is as follows:

Dear Mr. Kreulen and Board of BNA Airport:

Over the course of the weekend, I have had over 20 Franklin residents reach out to me with concern over BNA paying thousands of dollars in taxpayer money to support what is equivalent to Franklin's local BLM chapter, Franklin Justice and Equity Coalition. It is incomprehensible to think that an airport in Nashville would want to support an organization, in one of America's most revered small town's, that believes in defunding the police, reparations and other radical social

justice platforms. Please see the link below that show your support dollars and approval of their agenda.

https://us01.z.antigena.com/l/UQSwpNnj644BKEw-OHq3c3UJk2u5j_ap6~Szg33G7u4keo-vi~iNqvyN3vrQ2-fHxuvqGGO6FvzZzHfmbLpc9R3_ONXObi5HXmEs4RmIqpnj6L9EokyJt2onlkM_qhJgA5YPhabfRyIoXIzi6DGBFSJ

Perhaps you aren't aware that this organization only came about during the heat of BLM rioting across America, as they say, in response to George Floyd, Breanna Taylor and others. Perhaps you aren't aware of the division they caused in our community last year when they asked the city to back them and take Juneteenth away from the African American Heritage Society, who had been our Juneteenth stalwart for decades. The African American Heritage Society has represented the achievements and successes, along with accurate black history in our community for decades. They have preserved the legendary Mclemore House and provide annual scholarships to black youth in our community. Yet, they were targeted by the City of Franklin and FJEC and were asked for tens of thousands of dollars to move forward with Juneteenth BLM style or face not having Juneteenth at all. But because of many citizens in Franklin who became involved, AAHS was able to have their own Juneteenth without FJEC.

To put it mildly, our citizens are outraged and angry. I have to agree, I don't want my tax dollars or fees off of plane tickets going to radical agenda's either. I am floored that your board would approve of allocating money in this way. These citizens are prepared to post publicly and link this support to each and every board member, along with their business interests so that the public will know that the board of BNA is financially supporting, and in agreement with, radical social justice agenda's in towns where they literally should have no voice.

Is it the mission of BNA to support African American organizations? Is it the mission of BNA to support Juneteenth? Is it the mission of BNA to support radical agenda's that are dividing our country? That is the question our citizens would like answered. As an elected official I am respectfully requesting that you either withdraw the financial support and public endorsement of FJEC, or write a check to the African American Heritage Society and allow them to advertise you as a sponsor, providing the same financial level of funding that you did to the Franklin Justice and Equity Coalition. It appears that you want to support African American causes in Franklin, and, particularly, Juneteenth. If you are going to support one entity, you need to support ALL entities providing the Juneteenth experience in our community, particularly those who don't veer off of the course of accurate black history and seek provide an uplifting message of hope and inspiration.

I have copied Alma Mclemore, the head of the African American Heritage Society on this email.

Sincerely,

Gabrielle Hanson

City of Franklin

Alderman At-Large

615-946-4200

3. Alderman Hanson knowingly acted and knowingly solicited funds from the BNA Airport Foundation to the African American Heritage Society.
4. In the June 5, 2023 email to Doug Kreulen and the Board of BNA Airport, Alderman Hanson used her authority as an Alderman for the City of Franklin to secure a privilege to the African American Heritage Society that was not authorized by a charter, general law, or ordinance or policy of the City of Franklin.
5. Alderman Hanson threatened Doug Kreulen and the BNA Board that “citizens are prepared to post publicly and link this support to each and every board member, along with their business interests so that the public will know that the board of BNA is financially supporting, and in agreement with, radical social justice agenda’s in towns where they literally should have no voice” if they did not comply with her directives in the June 5, 2023 email.
6. Alderman Hanson made derogatory statements in her June 5, 2023 email about FJEC for the purpose of soliciting a donation for the African American Heritage Society.
7. Pastor Walter Simmons, Bryant Herbert, and Tara Blue with the FJEC spoke of the harm to FJEC by Alderman Hanson because sponsors withdrew support from FJEC after Alderman Hanson’s June 5, 2023 email. They further spoke about personal harm as members of FJEC due to Alderman Hanson’s actions about and against FJEC in the June

5, 2023 email to Doug Kreulen and the BNA Board. Bryant Herbert stated that Alderman Hanson's June 5, 2023 email to Doug Kreulen and the BNA Board also put his family in danger.

8. The African American Heritage Society and FJEC are both Tennessee nonprofit corporations.
9. A Tennessee nonprofit corporation is a "person" as defined in Franklin Municipal Code 1-805(1).
10. A Tennessee nonprofit corporation is included in the term "others" as defined in Franklin Municipal Code 1-808(2).
11. The first sentence of Franklin Municipal Code 1-808(2) applies to City of Franklin employees and not employees of the BNA Airport.

CONCLUSIONS OF LAW

The facts as found in the "Findings of Fact" section of this Written Decision are sufficient to establish violations by Alderman Hanson of the following Franklin Municipal Codes for which a written decision is authorized:

12. The facts as found in paragraphs 1 to 11 of this Written Decision constitute a violation of Franklin Municipal Code 1-805(1):

Except as provided in this section, no officials or employees, either for themselves or for their immediate family, or for any other person, may knowingly solicit, receive benefit from, accept or agree to accept any gratuity, gift, honoraria, loan, favor, promise or any thing of value for themselves, any other person or any member of the immediate family of such official. In addition, it shall also be a

violation of this ethics code for any gift as defined in this chapter to be received by any such person as specified in this section if:

- (a) It tends to influence the official or employee in the discharge of official duties or gives a reasonable basis for the impression of improper influence over the discharge of official duties; or
- (b) The official or employee has financial interest which may be substantially and materially affected, by performance or nonperformance of official duties.

13. The facts as found in paragraphs 1 to 11 of this Written Decision constitute a violation of Franklin Municipal Code 1-808(2):

Officials or employees may not use or attempt to use their position to secure any privilege or exemption for themselves or others that is not authorized by the charter, general law, or ordinance or policy of the municipality...

14. The facts as found in paragraphs 1 to 11 of this Written Decision support censure of Alderman Hanson for her violations of the Franklin Municipal Code as authorized in Franklin Municipal Code 1-310(7).

REASONS FOR DECISION

15. Pursuant to Franklin Municipal Code 2-310(7), the Ethics Commission finds that specific, substantiated evidence from credible sources exist to support a reasonable belief that there have been violations of the ethics code by Alderman Hanson and the harm and impact of Alderman Hanson's actions and message are of great concern to the Ethics Commission. A transcript of the proceedings is attached to this written decision.

RECOMMENDATION

16. Alderman Hanson has violated provisions of the Franklin Municipal Code 1-805(1) and 1-808(2), the Ethics Commission finds CENSURE is appropriate and further makes a recommendation to the City of Franklin Board of Mayor and Alderman that appropriate CENSURE of Alderman Hanson for her actions be determined by the Franklin Board of Mayor and Aldermen.

SO ORDERED AND ENTERED

This __ day of _____, 2023, by the City of Franklin Ethics Commission.

Jim Martin, Chairperson
City of Franklin
Ethics Commission

PREPARED FOR ENTRY:

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JUDICIAL REVIEW

Franklin Municipal Code 2-311 states:

- (1) Any party against whom a decision of the ethics commission is rendered may obtain judicial review of the decision by writ of certiorari. The application for the writ must be filed within 30 days from the date of the decision. Judicial review shall be based upon the record. No party shall be entitled to a de novo appeal.
- (2) Upon failure to timely request judicial review of the decision by writ of certiorari as provided in this section, the decision shall be binding and final upon all parties.

ETHICS COMMISSION MEETING

TRANSCRIPT OF PROCEEDINGS

July 27, 2023



Tammy K. Benefield, RPR, CLR, LCR

Chattanooga (423)266-2332 Jackson (731)425-1222
Knoxville (865)329-9919 Nashville (615)595-0073 Memphis (901)522-4477
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**CITY OF FRANKLIN
ETHICS COMMISSION MEETING**

JULY 27, 2023

12:00 p.m. CST

**109 3rd Avenue South
Franklin, TN 37064**

TRANSCRIPT OF PROCEEDINGS

**Elite-Brentwood Reporting Services
www.elitereportingservices.com
Tammy K. Benefield, RPR, CLR, LCR
555 Marriott Drive
Nashville, Tennessee 37214
(615)595-0073**

A P P E A R A N C E S

BOARD MEMBERS:

MR. JIM MARTIN, CHAIR

MR. JERRY SHARBER

MS. VONA WILSON, REVEREND

MS. MACHELLE THOMPSON

ALSO PRESENT:

MS. SHAUNA BILLINGSLEY, ATTORNEY AT LAW

MS. GAIL VAUGHN ASHWORTH, ATTORNEY AT LAW

MS. KAITLIN PARHAM, ATTORNEY AT LAW

MR. DANIEL A. HORWITZ, ATTORNEY AT LAW

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* * *

MR. MARTIN: Good afternoon, everyone.

This is a special called meeting of the City of Franklin Ethics Commission. Today is July the 27th of 2023.

The members of the Commission are Vona Wilson to my right, Machel Thompson to my immediate left, Jerry Sharber on the other side of Ms. Thompson. I am Jim Martin, and I am the Chair of the Commission. Our attorney, Gail Ashworth, is here seated at counsel table just ahead of me.

The purpose of this meeting is to consider the merits of complaints that were filed with the City of Franklin alleging that Alderman Gabrielle Hanson has violated the City of Franklin's ethics code when she sent an e-mail to Mr. Doug Kreulen and the Board of the Nashville Airport Authority on June the 5th of 2023.

On June the 27th of 2023, the Commission considered the complaints and found that there was a colorable claim that Sections 1-805, 807, and 808 of the ethics code were violated and set the matter for hearing today to hear from the complainants and also to hear from Ms. Hanson and, in addition, members of the public. If we have members of the public that

1 want to address the Commission, I would ask that you
2 sign up. Right now I only have four individuals that
3 want to address the Commission.

4 The order that we will consider is,
5 first, we'll hear from the complainants, and there
6 are seven of them potentially. Then we will hear
7 from Ms. Hanson or her lawyer, either one. And then
8 we'll hear from members of the public. But I need to
9 know how many folks want to address us so that I'll
10 be able to know what time limitation, if any, we
11 should be placing on the comments from the public
12 members.

13 The Commission afforded Ms. Hanson an
14 opportunity to file an answer to the complaints, and
15 she did. On July the 13th of 2023, the Commission
16 received Ms. Hanson's answer through her lawyer,
17 Mr. Daniel Horwitz, and he is seated to my left over
18 here, as I understand.

19 MR. HORWITZ: That's correct.

20 MR. MARTIN: Good to see you this
21 afternoon.

22 Has the answer been filed as part of our
23 record?

24 I'm informed it has. So our record now
25 consists of the complaints as well as the answer and

1 the minutes from the June 27th proceeding. Is that
2 correct?

3 (Inaudible.)

4 All right. Thank you.

5 The persons who address the Commission
6 are respectfully requested to limit your statements
7 and comments to the issues that are here to be
8 decided by the Commission, which are the facts and
9 matters contained in Ms. Hanson's e-mail of June
10 the 5th, 2023, and the provisions that are set forth
11 in the Franklin Municipal Code of Ethics.

12 We do not want personalities to play into
13 this or comments about personalities and things of
14 that nature, unrelated matters that have nothing to
15 do with the responsibilities of the Commission. We
16 do have a Public Meeting Code of Conduct that I was
17 furnished, and I read it and I thought it was well
18 done and I'll share it with you.

19 The City of Franklin has this code of
20 conduct, and it says that the policy is to focus on
21 the subject matter, never the person. We are to
22 follow the following rules: that the comments will
23 be directed through the chairperson; time limits may
24 be established; no person will approach the Board or
25 Commission without permission of the chairperson; the

1 chairperson can stop comments after time is expired
2 or if the commenter violates the public meeting
3 guidelines and rules of decorum; and the chairperson
4 can remove a commenter from the meeting if violation
5 occurs.

6 And those are well-written rules that I
7 thought were worth sharing with everyone in the room
8 today, and I expect that they will be followed.

9 The bylaws of the Commission specify that
10 at the beginning, we will have a brief explanation of
11 why we're here, and I've done that. We do have the
12 authority to place time limits on comments. And
13 right now I only have four requests for public
14 comment, so right now I would ask that any presenter
15 be reasonable in time. Otherwise I don't see any
16 reason to put time limits at this point on it.

17 When you do speak to the Commission, if
18 you would, state your name so that we have in our
19 record who you are, and then address the comments
20 that you want to share with us to me.

21 I have been handed a paper. This is from
22 Kate Osher, and it's dated July the 27th, and she
23 submits a statement that she hopes to be considered.
24 She is one of the complainants, as I understand it.
25 And is Ms. Osher here today?

1 UNIDENTIFIED SPEAKER: She is not. She
2 was unable to appear.

3 MR. MARTIN: She is not. Okay.

4 The complaints need to be presented in
5 person. And so if Ms. Osher is unable to be with us,
6 we will not consider her complaint.

7 Do any members of the Commission have
8 anything you want to add to the remarks that I have
9 made at this point?

10 Ms. Wilson?

11 MS. WILSON: No.

12 MR. MARTIN: Ms. Thompson?

13 MS. THOMPSON: No.

14 MR. MARTIN: Mr. Sharber?

15 MR. SHARBER: You've done well,
16 Mr. Chairman.

17 MR. MARTIN: All right. Very good.

18 Then let us at this time hear from Emily
19 Jenkins.

20 MR. HORWITZ: Commissioner, if I may, I
21 have two preliminary motions that I would like the
22 Commission to consider before we open the hearing.

23 MR. MARTIN: Sure. And if you don't
24 mind -- I'm hard of hearing, so pull that mic close
25 to you if you don't mind.

1 MR. HORWITZ: Yes, sir.

2 MR. MARTIN: Is it live?

3 MR. HORWITZ: Can you hear me?

4 MR. MARTIN: I'm not sure it's live.

5 MR. HORWITZ: I'll start over.

6 MR. MARTIN: And you're Mr. Horwitz?

7 MR. HORWITZ: Yes.

8 MR. MARTIN: All right. Very well,
9 Mr. Horwitz.

10 MR. HORWITZ: I have two preliminary
11 motions that I would like the Commission to consider
12 before the hearing opens. I've handed copies to the
13 Commission's counsel.

14 The first is the respondent's motion to
15 dismiss these complaints. That would be based on the
16 May 17th, 2023, Amended Bylaws and Procedures.
17 Section V.3 provides that any complaint shall be
18 based on personal knowledge, set forth such facts as
19 would be admissible in evidence, and shall show
20 affirmatively that the complainant is competent to
21 testify to the matters stated therein. All documents
22 referred to in the complaint shall be attached to the
23 complaint.

24 Commissioners, none of the seven
25 complaints asserted against Alderman Hanson satisfies

1 these requirements. No complaint is or purports to
2 be based on any personal knowledge. No complaint is
3 sworn or otherwise verified in a manner that would
4 render the facts asserted in them admissible in
5 evidence. No complainant personally purports to be
6 able to authenticate any exhibit in their complaints.
7 For those reasons, they all fail to comply with the
8 mandatory requirements of Section V.3, and they
9 should all be dismissed.

10 MR. MARTIN: And you're reading from our
11 bylaws, what section?

12 MR. HORWITZ: V.3.

13 MR. MARTIN: Roman numeral V.3?

14 MR. HORWITZ: Yes, Commissioner.

15 MR. MARTIN okay.

16 UNIDENTIFIED SPEAKER: We cannot hear.

17 UNIDENTIFIED SPEAKER: We can't hear.

18 UNIDENTIFIED SPEAKER: We're working on
19 it.

20 UNIDENTIFIED SPEAKER: We're getting the
21 mics turned up.

22 MR. MARTIN: So do we need to give you a
23 minute to work on our sound?

24 UNIDENTIFIED SPEAKER: Yes.

25 MS. ASHWORTH: Mr. Chair?

1 MR. MARTIN: Yes.

2 MS. ASHWORTH: The ethics hearing
3 procedures does not contemplate such motions.

4 MR. MARTIN: All right.

5 MS. ASHWORTH: Preliminary motions.

6 MR. MARTIN: Let me see if -- let me test
7 your mic again. Let me see if you're up.

8 MR. HORWITZ: Can you hear me?

9 MR. MARTIN: I can hear you. Can the
10 folks in the audience hear him now?

11 Very good.

12 (Inaudible.)

13 MR. HORWITZ: Let me finish the motion.
14 I'd like the Commission to vote on it, even if to
15 deny it, so that we can preserve this for the record.

16 MR. MARTIN: That's fine. Go ahead,
17 Mr. Horwitz.

18 MR. HORWITZ: The second is substantive.
19 The complaints fail to state a cognizable ethics
20 violation as a matter of the law. The reasons were
21 set forth in the answer that we filed. I'd like
22 those reasons incorporated.

23 To summarize, the United States Supreme
24 Court has held repeatedly and without ambiguity: The
25 manifest function of the First Amendment in a

1 representative government requires that legislators
2 be given the widest latitude to express their views
3 on issues of policy. That includes expressing
4 statements on behalf of their constituents and
5 advocating for how public expenditures should be
6 made, rescinded, redirected. How public money should
7 be spent is a quintessential legislative function.

8 All of these complaints assert that the
9 Alderman was not permitted to express a point of view
10 on behalf of her constituents regarding how public
11 expenditures should be made. As a result, they all
12 fail to state an ethics violation as a matter of law.

13 Ms. Ashworth, if you don't mind, I'd like
14 to make the motion just a part of the record.

15 MR. MARTIN: That's fine. It will be
16 marked as part of our record.

17 (WHEREUPON, a document was marked as an
18 exhibit.)

19 MR. MARTIN: While our bylaws don't
20 contemplate prehearing motions as we have been
21 advised by counsel, when I read the response from
22 Ms. Hanson on July the 13th of 2023, she does not
23 deny sending the e-mail in question. She doesn't
24 contest any of the content contained in the e-mail.
25 The focus of the Commission is to examine the content

1 in light of the provisions of the Franklin Municipal
2 Code Ethics section and determine whether, in fact,
3 there's been a violation.

4 So the court -- I started to say the
5 court. I'm not the court anymore. The Commission
6 Chair finds that the motion to dismiss should be
7 denied, both because there's no procedure for it and
8 also because of the substance.

9 The constitutional argument that
10 Mr. Horwitz has advanced is contained in the answer,
11 and so it will be part of what is considered today.

12 Thank you.

13 MR. HORWITZ: Thank you.

14 The second motion, Commissioner, is a
15 motion for leave to cross-examine the complainants
16 and witnesses here. The Commission's rules do not
17 generally provide for it.

18 MR. MARTIN: Right.

19 MR. HORWITZ: I would insist on the right
20 to do so as a matter of due process for the reasons
21 stated in the written motion. And for that reason, I
22 would request leave --

23 MR. MARTIN: Well, yeah. Our bylaws
24 provide: Cross-examination of any party by another
25 party shall generally not be permitted. All such

1 comments shall be addressed to the Commission.

2 Mr. Horwitz, what is the reason why your
3 client would wish to cross-examine anyone that's
4 presenting to the Commission?

5 MR. HORWITZ: It's a matter of due
6 process, Commissioner.

7 MR. MARTIN: You're going to have to
8 speak up. I apologize.

9 MR. HORWITZ: It is a matter of due
10 process.

11 MR. MARTIN: Due process?

12 MR. HORWITZ: Yes.

13 MR. MARTIN: Okay.

14 Ms. Ashworth, what is your thought on
15 that?

16 MS. ASHWORTH: I think absent exceptional
17 circumstances, you should follow the bylaws. And
18 unless there's a compelling need for
19 cross-examination of the complainants, at this time I
20 would not advise granting such a motion.

21 MR. MARTIN: We'll take the motion under
22 advisement. If there's something you can't establish
23 through your own proof, then I'd reconsider. But,
24 generally, this is not a court. And we do have
25 members of the public here that want to present and

1 cross-examination might chill that, and I'm not
2 interested in having that chilled.

3 Anything further as a preliminary matter?

4 MR. HORWITZ: I'd just like to make the
5 second motion part of the record as well, please.

6 MR. MARTIN: All right. Very good.

7 (WHEREUPON, a document was marked as an
8 exhibit.)

9 MR. MARTIN: Any other preliminary
10 matter, Mr. Horwitz?

11 MR. HORWITZ: Not at this time.

12 MR. MARTIN: Very good.

13 With that, then, the Chair is ready to
14 move into the substance of the complaints.

15 Are the other Commission members ready as
16 well?

17 MR. SHARBER: Yes.

18 MR. MARTIN: Okay. Very good.

19 Is Ms. Emily Jenkins present?

20 So, Ms. Jenkins, give me just one minute,
21 if you would, to get my papers organized.

22 Very good. And you are Ms. Emily
23 Jenkins. Is that correct?

24 MS. JENKINS: I am.

25 MR. MARTIN: Very good. The floor is

1 yours.

2 MS. JENKINS: Okay. I'm Emily Jenkins, a
3 resident of Franklin. I wanted to thank you for the
4 opportunity to speak, as well as your willingness to
5 serve in this crucial oversight role for ensuring
6 ethical conduct for our elected officials.

7 After reading the response from
8 Ms. Hanson to the complaint, in which she threatened
9 to sue both the City as well as the members of this
10 Commission individually, I think it's important that
11 we preserve an accurate record of this proceeding as
12 well as her response.

13 Accordingly, as provided in the operating
14 rules of this Commission, I would like to request to
15 be placed under oath for my presentation as well as
16 for the statement of my witness.

17 MR. MARTIN: Mr. Horwitz, any objection?

18 MR. HORWITZ: No.

19 MR. MARTIN: Do we have anybody that can
20 administer an oath?

21 UNIDENTIFIED SPEAKER: The court
22 reporter.

23 MR. MARTIN: Our court reporter.

24 Very well.

25 (Ms. Jenkins was sworn.)

1 MS. JENKINS: Thank you.

2 This complaint arises from an e-mail that
3 Alderman Hanson sent to the Metropolitan Nashville
4 Airport Authority, in which she had made a demand on
5 behalf of the City of Franklin in her role as
6 alderman. She made slanderous statements about the
7 Franklin Justice and Equity Coalition and attempted
8 to interfere with the contract between the FJEC and
9 the airport, demanding funding to the nonprofit of
10 her choice.

11 Some background to these events is
12 necessary. We are blessed in Franklin to have two
13 organizations advancing the cause of the African
14 American population here. Their missions are
15 different but not in opposition to one other. The
16 African American Heritage Society's mission is to
17 collect, preserve, and interpret artifacts from
18 African American history.

19 Contrary to Ms. Hanson's derogatory and
20 defamatory characterization of the organization, the
21 Franklin Justice and Equity Coalition's mission is to
22 ensure justice in Franklin across the pillars of
23 education, law enforcement, housing, business, and
24 mentoring.

25 The FJEC has hosted prayer vigils,

1 college fairs for minority students, school supply
2 giveaways, worship services, given scholarships to
3 minority students, and been blessed to bring a
4 Juneteenth event to downtown Franklin for multiple
5 years.

6 I would challenge Ms. Hanson to present a
7 scintilla of evidence that the faith leaders and
8 community servants doing the work of FJEC have
9 advanced a radical social agenda as she claimed. If
10 praying and lifting people up struggling in the
11 community is radical, then I'm as radical as they
12 come and I hope we all are.

13 Before getting into the e-mail that's the
14 crux of the issue, I have provided a copy of the
15 public records request that I sent the City, in which
16 I requested public documents relevant to Ms. Hanson's
17 ethical breach. You will see in the packet that I
18 provided, a copy of an e-mail that Angie Johnson with
19 the City sent to Ms. Hanson, in which she instructed
20 Ms. Hanson that because she used her personal e-mail
21 for conducting business as an alderman, she would
22 need to produce any responsive documents from her
23 personal e-mail and text message accounts.
24 Ms. Hanson has refused to produce any responsive
25 documents.

1 As a result, I filed a request for
2 assistance with the State Open Records Council, which
3 should also be in your packet. On July 14th, 2023,
4 the Office of Open Records Council contacted me by
5 phone and confirmed that Ms. Hanson is in violation
6 of open records law and stated that they would
7 contact her to inform her of her duty to produce
8 documents.

9 Nonetheless, Ms. Hanson has refused to
10 produce anything from her personal accounts, even
11 when she's using them to purportedly conduct public
12 business on behalf of the City and utilizing her City
13 title. I would like to state that I have a standing
14 objection to anything being produced in her defense
15 that was responsive to the public records request but
16 she refused to provide in response to a legitimate
17 request.

18 The events at issue began on June 4th,
19 2023, when Ms. Hanson sent a text message to Alma
20 McLemore, the head of the African American Heritage
21 Society. A copy of that text exchange is provided in
22 your packet. In the text she stated: I am about to
23 make a huge financial ask for you and want your
24 permission. A major group in Nashville needs to send
25 you a large check.

1 I would like you to note that although
2 Ms. Hanson has characterized her letter as
3 representing constituent concerns about taxpayer
4 funds, when she texted Ms. McLemore, she did not
5 reference any constituent complaints or taxpayer
6 funds. She just said that she was making a demand
7 for money.

8 Ms. Hanson sent the e-mail to the airport
9 authority, in which she demanded that they take funds
10 from the FJEC and/or give the same amount to the
11 African American Heritage Society. She threatened
12 that if they did not comply, she would unleash a
13 public campaign against the board and the members
14 individually.

15 In regards to the e-mail Ms. Hanson sent,
16 I believe there are at least two clear violations of
17 the City of Franklin ethics policy. Section 1-805 of
18 the code governs acceptance of gifts and honoraria
19 and states: Except as provided in this section, no
20 officials or employees, either for themselves or for
21 their immediate family, or for any other person, may
22 knowingly solicit, receive benefit from, accept or
23 agree to accept any gratuity, gift, honoraria, loan,
24 favor, promise or any thing of value for themselves,
25 any other person or any member of the immediate

1 family of such official.

2 Hanson's e-mail is a direct solicitation
3 of funds for the African American Heritage Society.
4 In her text to Ms. McLemore, she described her plan
5 to solicit a large donation before she sent the
6 e-mail, and it's clear that her e-mail itself had
7 three goals. First, to defame the reputation of FJEC
8 with a major donor. Second, to interfere with the
9 contract between FJEC and the airport. And most
10 importantly, to demand money for her preferred
11 nonprofit under threat of retaliation against the
12 airport authority if they refused her demand as an
13 elected official representing the City of Franklin.

14 It's clear that her letter was soliciting
15 a donation to an organization she is closely enough
16 related to that she even requested their permission
17 before making the ask, and that she claimed her
18 solicitation was made in her official capacity as an
19 alderman.

20 In her response to the complaint,
21 Ms. Hanson's counsel noted that her scheme does not
22 appear to have succeeded, a fact which is irrelevant
23 because the ethics code does not require that she be
24 successful in her solicitation scheme. It merely
25 prohibits the act of soliciting funds.

1 The second violation pertains to
2 Section 108 [sic] of the ethics policy which governs
3 use of position or authority and states: Officials
4 or employees may not use or attempt to use their
5 position to secure any privilege or exemption for
6 themselves or others that is not authorized by the
7 charter, general law, or ordinance or policy of the
8 municipality.

9 Ms. Hanson sent this letter and
10 specifically stated that she was donating a --
11 demanding a donation, quote, as an elected official,
12 and she signed it with her official title of
13 alderman. There is no charter, general law,
14 ordinance, or policy of the City of Franklin to
15 demand donations to local nonprofits under threat of
16 a public smear campaign if a respondent were to
17 refuse.

18 Threatening public harm to the
19 reputations of volunteer board members of an
20 organization in another jurisdiction is not generally
21 what one thinks of as legitimate action on behalf of
22 the City. It is difficult to imagine a more clear
23 case of using your position to secure a privilege or
24 exemption than shaking down an organization for money
25 while threatening them with public retaliation.

1 Before I address Ms. Hanson's response to
2 the complaint, I would like to call Pastor Walter
3 Simmons from the FJEC to come forward, be sworn in,
4 and to address the Commission about the impact
5 Ms. Hanson's actions had on the work and reputation
6 of the FJEC.

7 MR. MARTIN: If you would state your name
8 for us, sir.

9 MR. SIMMONS: Walter Simmons.

10 (Pastor Simmons was sworn.)

11 MR. SIMMONS: Good afternoon. This is a
12 bad day to have to be here under these circumstances,
13 but one that we have to deal with.

14 What is the harm that has happened to the
15 e-mail that was sent to BNA on behalf of the African
16 American Heritage Society by Alderman Hanson?
17 Speaking on behalf of the Franklin Justice and Equity
18 Coalition, we want to make clear that this is just
19 not an over time overstepping. This is a part of a
20 pattern from Alderman Hanson.

21 In 2022 when we were here for the
22 nonconsent vote, Alderman Hanson pulled Juneteenth
23 festival off the consent agenda and then made her
24 demand that there be a committee picked by the City
25 of Franklin that will take over Juneteenth, that the

1 Franklin Justice and Equity Coalition had led for two
2 years.

3 In her demand, a sitting board member of
4 the African American Heritage Society did second that
5 motion. Thankfully, the City of Franklin did not see
6 that was right, and we continue to do Juneteenth as
7 we've done it.

8 Conversely in 2023 during a work session
9 meeting, Alderman Hanson then openly asked for our
10 sponsors to not only the city administrator, our
11 permit director, who was Monique McCullough, and Tara
12 Blue, who was our coordinator for the Juneteenth
13 event; she did that in April and then wrote that same
14 e-mail to BNA later. This is clearly an issue that
15 must be dealt with.

16 When we put in a permit for Juneteenth,
17 we come in doing exactly what the City of Franklin
18 has asked us to do. And if we have to come in under
19 this kind of banter and trust -- mistrust with a
20 sitting alderman, it creates an issue for us to even
21 want to come into the City of Franklin, because
22 Alderman Hanson said that we want to defund the
23 police, which is untrue.

24 If you can ask any alderman here, after
25 White Lives Matter showed up to Juneteenth of 2022, I

1 personally wrote a letter on behalf of my board to
2 Chief Faulkner thanking her for how her police
3 responded to White Lives Matter at Juneteenth. That
4 letter ended up in every hand of every City of
5 Franklin employee because we thanked Chief Faulkner.

6 Conversely in 2023 when Tyre Nichols was
7 murdered, Chief Faulkner e-mailed me and asked me
8 what can we do. And if you search the archives of
9 the Williamson Herald, you'll see that myself, Chief
10 Faulkner, Dr. Chris Williamson, who is an advisor to
11 the FJEC, and Anthony Pickett, who is also an
12 advisor, met with Chief Faulkner not to defund the
13 police, but to talk about how we can create an
14 opportunity for community and police to be together,
15 especially finding affordable living spaces for
16 police officers to be able to afford to live in
17 Franklin, but not defund the police.

18 When she said we wanted to talk about
19 reparations, no, we want to talk about equity. There
20 is not an African American business in downtown, and
21 we want to make sure that all people have an
22 opportunity to be a part of this. Alderman Hanson
23 said we came about behind George Floyd, Ahmaud
24 Arbery, and Breonna Taylor.

25 We did but, no, we really came about -- I

1 live in Fieldstone Farms, and I was out walking one
2 day, and I was racially profiled at least four to
3 five times a week just walking in my neighborhood
4 attempting to lose weight. On this day I happened to
5 be on my phone recording the interaction between
6 myself and the police, and I was reached out to say
7 what could we do.

8 We had a prayer vigil, and we then moved
9 on with the Franklin Justice and Equity Coalition. I
10 serve as the president and founder. We believe in
11 justice and equity, but what we don't believe in is
12 allowing people who are not on our board and sitting
13 official -- City officials to write in their capacity
14 when the African American Heritage Society has
15 capable members on their board to be able to ask for
16 finances.

17 For us, it is a liability to continue to
18 do Juneteenth in downtown Franklin if Alderman Hanson
19 is on this Board because Alderman Hanson has a vote.
20 In 2022 when she pulled it, Alderman Hanson voted yes
21 for the Juneteenth festival. In 2023 when she pulled
22 it and did what -- asked the questions, she still
23 voted yes. Why would Alderman Hanson have these
24 things written privately, but publicly vote for that
25 event?

1 Two years that she's been a sitting
2 alderman when she said we're Black Lives Matter,
3 we're defunding the police, we're creating a division
4 in our community, Alderman Hanson even voted yes.
5 And I must say that two years we've had a unanimous
6 vote of yes for Juneteenth in downtown Franklin
7 because we are here to engage, educate, and empower
8 our community.

9 Alderman Hanson is pitting two
10 organizations involved in supporting African American
11 presence here in Franklin at each other's. We know
12 for a fact that Alderman Hanson had -- this isn't the
13 first time she has sent troubling e-mails to our
14 sponsors. In her e-mail to BNA, she actually sent a
15 picture to BNA about sponsors at the time. My
16 question would be today, why did she only send that
17 to BNA?

18 Mars Petcare has been one of our title
19 sponsors for two years. The Urban League of Middle
20 Tennessee was our title sponsor. They gave us more
21 money than anyone. She did not send a message to the
22 Urban League. She did not send a message to Mars
23 Petcare. Why BNA?

24 Openly, I've had to meet with sponsors
25 who walked away from our Juneteenth festival because

1 of Alderman Hanson's e-mail. And I just want to say
2 I don't appreciate Alderman Hanson being the savior
3 for the African American community. I think we're
4 intelligent enough to handle ourselves. I think
5 we're gifted enough to handle our own Juneteenth
6 festivities. I think we're gifted enough to be able
7 to handle what we need to do and best represent our
8 City without a sitting City official coming, because
9 no other City official has done it.

10 In retrospect, when one of our sponsors
11 decided in 2023 they would not support us, I have a
12 witness who can tell you that I told them, if you
13 would not support us, then you need to go give your
14 money to the African American Heritage Society
15 because you should be supporting Juneteenth.

16 As I noted, she already sent the letter
17 asking for our sponsors. Alderman Hanson has a
18 history of acting in favor of the African American
19 Heritage Society against the Franklin Justice and
20 Equity Coalition. She clearly has a conflict of
21 interest and has misused her office by trying to act
22 in favor of one organization over the other. She has
23 on multiple occasions met in private with the
24 leadership of the African American Heritage Society
25 to discuss the Juneteenth festival and the Franklin

1 Justice and Equity Coalition.

2 Alderman Hanson's letter upset a major
3 sponsor of Juneteenth and caused serious damage to
4 the relationship between the Franklin Justice and
5 Equity Coalition and the airport. Her actions have
6 been widely covered nationally by her comments. It
7 is clear that she has a pattern of specific malice
8 against the FJEC and will not hesitate to harm the
9 organization anytime she has a chance.

10 Alderman Hanson has stated that the City
11 of Franklin has been part of taking away Juneteenth,
12 which is not true. That is not the truth. The City
13 of Franklin has been with us. In 2022 the City of
14 Franklin asked our organization to have one event so
15 we would not stretch our police department. We
16 agreed.

17 In an open agreement, it was agreed that
18 the Franklin Justice and Equity Coalition would lead
19 Juneteenth and that was later rescinded by the other
20 organization. And even in response to that, I met
21 with the City of Franklin and I called Ms. Monique
22 McCullough. Well, she can tell you that I asked what
23 should we do. Every offer that we made to the other
24 organization was denied by them. So when Alderman
25 Hanson says that we took this and bullied them, that

1 is not the truth.

2 The City of Franklin even reached out to
3 the other organization and asked them, and they
4 denied doing what the City of Franklin offered them.
5 We don't own the space in downtown. As a matter of
6 fact, I even told the City of Franklin, we will move
7 our event and allow the African American Heritage
8 Society to do it in downtown Franklin.

9 I don't think Alderman Hanson should be
10 removed. This is against my board's wishes. I just
11 want to say this in closing. Her constituents voted
12 for her. What she's caused financially, she can't
13 say ethically. What she wrote to BNA was counter to
14 what she does publicly.

15 But what she has caused for the City of
16 Franklin, it's not my duty on today. My duty is to
17 say, to say that we are defunding the police is not
18 true. To say that we are against every other, that
19 is not true.

20 We work with every nonprofit in the City
21 of Franklin to do major events every year all year.
22 But we won't be silenced by one day. Our Juneteenth
23 is only one day of celebration that we put into a
24 month, but we will not stop doing Juneteenth because
25 of Alderman Hanson.

1 I think Alderman Hanson should stay --
2 remain the alderman because her constituents voted
3 for her. If this ethics committee finds that she has
4 done something in malice, then she should be put off.
5 It should not be under the public discourse of what
6 she's done. If she should have been put off, she
7 should have been put off the last time.

8 But this time, you all know who the
9 alderman is. And it's your responsibility and you
10 have a great responsibility today to figure it out.
11 Alderman Hanson has caused our sponsors to walk away,
12 but she has not caused our fight to stop. Is it a
13 fight? No, it's not. It is only us doing what God
14 has called us to do, and that is to engage, educate,
15 and empower. It is up to you to make that decision.

16 Last, thank you for even considering it,
17 to even have us here to speak openly about it.
18 Because this is an important time in our city where
19 two organizations are trying to empower not only
20 African Americans, but empower our total community,
21 that we have to stand here today and have this
22 discussion. Although important, it is not the most
23 important thing, and I think we could be doing a lot
24 better things than here on today.

25 Alderman Hanson's words are hurtful,

1 bothersome, and it should not have been done. But
2 this ethics committee, you have a hard chance and a
3 hard time today as you listen to your community.
4 Thank you so much.

5 MR. SHARBER: Mr. Chairman, I have a
6 question of Mr. Simmons. Would you like me to do
7 that now or later?

8 MR. MARTIN: No. You go ahead.

9 MR. SHARBER: Mr. Simmons.

10 MR. SIMMONS: Yes, sir.

11 MR. SHARBER: Is the Justice and Equity
12 Coalition a nonprofit organization?

13 MR. SIMMONS: Yes, sir. We are a
14 nonprofit organization recognized by the Internal
15 Revenue Service by Code 501(3)(c).

16 MR. SHARBER: Thank you.

17 MR. MARTIN: Ms. Jenkins.

18 MS. JENKINS: Thank you, Pastor Simmons.

19 Before I conclude, while I know that in
20 addition to the City attorneys, the City has engaged
21 outside counsel to advise you of the legal issues at
22 stake, I would like to briefly address a few things
23 from the lengthy response provided by Ms. Hanson's
24 counsel to the complaints.

25 First, I want to note for the public

1 record and the benefit of all citizens watching that
2 in response to legitimate public oversight of her
3 actions as alderman, Ms. Hanson has continued her
4 pattern of believing that her position is above
5 reproach. She has refused to produce public
6 documents of correspondence she's sent or received in
7 her official capacity from her personal accounts.

8 Frankly, that should be alarming to
9 anyone in City leadership because the City has no
10 idea what else she may have done, money she may have
11 secured, or who else she may have threatened while
12 claiming to act in her official capacity. It's more
13 than a little suspicious that when she took the
14 action in question that she claims was legitimate
15 advocacy as an alderman, she chose not to do it from
16 her official account that's subject to immediate
17 oversight by the City. Instead she used her personal
18 e-mail account for her, what she claims to be,
19 legitimate advocacy.

20 The Commission has to ask why she felt
21 the need to hide her actions. When you as the ethics
22 commission conducted your initial review and
23 determined that there were legitimate questions
24 regarding whether her behavior constituted an ethics
25 breach, you scheduled this hearing. Ms. Hanson's

1 response to having the activity she's conducting in
2 secret from her personal accounts questioned is that
3 by and through her counsel, she has demanded that
4 this hearing be canceled, has threatened to sue the
5 City, and has threatened to sue every member of the
6 ethics committee individually.

7 I appreciate that like the airport
8 authority, the ethics committee has refused to be
9 cowed by threats of retaliation from Ms. Hanson. For
10 a public official to abuse her authority and threaten
11 litigation against the very city she is supposed to
12 be serving, as well as to make personal threats
13 against volunteers performing their duties of ethical
14 oversight, is beyond the pale.

15 Second, in her response, Ms. Hanson
16 repeatedly claimed that her actions were, quote,
17 expressing her constituent concerns about an
18 expenditure of public funds. What is notable is that
19 nowhere in the public records produced was there a
20 single e-mail or text message to or from Ms. Hanson
21 and a constituent regarding concerns about the
22 airport, Juneteenth, or FJEC. This leads to only
23 three possible conclusions.

24 The first is either that over the course
25 of one weekend, Ms. Hanson was contacted in person by

1 20 different constituents that she never followed up
2 with in writing. Second, that she was contacted in
3 writing and is refusing to comply with her
4 obligations as a public official to produce those
5 documents. Or, third, that she has fabricated these
6 constituents, and this concern with the FJEC is hers
7 alone.

8 Additionally, as to her claims that this
9 is legitimate oversight of tax dollars, on June 8th
10 the airport board sent an e-mail in which they
11 informed Ms. Hanson that they received no tax dollars
12 and that the donation was not from taxpayer funds. A
13 copy of that e-mail exchange is in your packet.

14 You will also find a follow-up e-mail in
15 which the airport authority stated, quote, now that
16 you have understanding that no tax dollars are used
17 by the airport authority for any charitable
18 contributions, I hope that you will correct that
19 false premise in the future.

20 Unfortunately, their hope was in vain as
21 not only has Ms. Hanson not corrected that false
22 premise, through her counsel she has submitted a
23 response to the ethics complaint that repeats that
24 false allegation that these were taxpayer funds over
25 a dozen times.

1 Ms. Hanson's response is focused on her
2 First Amendment rights to express concerns of how
3 taxpayer funds are being used. No one is claiming
4 that she doesn't haven't a right to express her
5 opinion. However, the First Amendment is not a
6 defense to clear violations of ethics provisions
7 prohibiting utilizing official capacity to wrongfully
8 secure financial gain for herself or others.

9 Taken at face value, Ms. Hanson's defense
10 is that as long as her wrongdoing aligns with her
11 constituents' belief system -- these imaginary
12 constituents I discussed earlier -- she's free to
13 abuse her position for any purpose she deems to
14 advance that cause.

15 I do have to note that it's interesting
16 that Ms. Hanson has developed an affinity for the
17 First Amendment, when she as an elected official has
18 violated a plethora of case law that states that
19 elected officials cannot block their constituents
20 from interacting on social media. It would seem that
21 her views of the First Amendment are that it is a
22 shield built just for her.

23 Beyond her false claims that the First
24 Amendment gives her carte blanche to shake down
25 organizations for money in her official capacity, she

1 has also made claims that the petition clause of the
2 Federal and Tennessee constitution provides
3 protection for her advocacy as a citizen, quote,
4 instructing their representative.

5 Ms. Hanson is playing fast and loose with
6 her identity in her response, switching from it being
7 part of her legitimate advocacy as a representative
8 to it being a petition she as a citizen is making to
9 instruct her representative.

10 This argument fails for multiple reasons;
11 most notably that the airport board is a volunteer
12 oversight board and not a representative form of
13 government, as well as the fact that the only
14 government entity it bears any connection to is that
15 of Metropolitan Nashville.

16 Ms. Hanson may be confused as to where we
17 reside, but the City of Franklin does not, in fact,
18 fall under the control of the Metropolitan Nashville
19 government. Her response has thrown many things at
20 the wall to justify her actions, but none of them
21 stick.

22 I want to thank you again for your
23 service to our community and for giving me the
24 opportunity to present the reasons why Ms. Hanson's
25 abuse of her powers as an alderman cannot be allowed

1 to go unchecked. Allowing an official to use their
2 position to threaten public retaliation against a
3 nonprofit board, both as a board and individually, if
4 they do not give, as she described it, a big check to
5 her pet charity is simply not a choice this
6 Commission can make. The FJEC deserves better. The
7 African American Heritage Society deserves better.
8 The airport authority deserved better, and all of the
9 citizens of Franklin deserve better.

10 I believe, contrary to Pastor Simmons,
11 that this Commission has no appropriate action to
12 choose other than her removal from office. She is a
13 danger to our nonprofits, the reputation of the city
14 and the community, and any lesser response would
15 continue to place our city at substantial risk of
16 reputational damage at her hands.

17 Thank you.

18 MR. MARTIN: The packet you've handed us
19 will be made part of the record.

20 MR. HORWITZ: Let me interpose an
21 objection to that.

22 MR. MARTIN: I'm sorry?

23 MR. SHARBER: Mr. Chairman, I have a
24 question for Ms. Jenkins.

25 MS. JENKINS: Yes.

1 MR. MARTIN: Fine. Hold on just a
2 minute.

3 Mr. Horwitz?

4 MR. HORWITZ: I object to the packet
5 being included in the record. None of these
6 documents are authenticated. Nobody with personal
7 knowledge has attempted to authenticate them. They
8 were not part of the complaint. They cannot be
9 admitted.

10 UNIDENTIFIED SPEAKER: We can't hear you.

11 MS. JENKINS: If I may respond, all of
12 the documents were provided pursuant to a public
13 records request from the City of Franklin.

14 MR. HORWITZ: The witness has no personal
15 knowledge of the authenticity of these documents.

16 MR. MARTIN: Very well. Your objection
17 is noted. They'll still be made part of the record.

18 (WHEREUPON, a document was marked as an
19 exhibit.)

20 MR. MARTIN: Mr. Sharber.

21 MR. SHARBER: I have two questions,
22 Ms. Jenkins. First of all, very simply, are you a
23 resident of the city of Franklin?

24 MS. JENKINS: I am, yes.

25 MR. SHARBER: Thank you.

1 Secondly, the sections of our ethics code
2 that I heard you quote, I only heard you quote
3 Section 1-805. Is that the only section that you're
4 laying claim was a violation of the ethics?

5 MS. JENKINS: Section 108 and -- 1-808.

6 MR. SHARBER: 5. 805.

7 MS. JENKINS: And 1-805 both.

8 MR. SHARBER: Which ones?

9 MS. JENKINS: 805, which governs gifts
10 and honoraria. And I believe it's 808 which governs
11 use of your position or authority.

12 MR. SHARBER: Oh, authority. Okay.

13 MS. JENKINS: Correct.

14 MR. SHARBER: Thank you very much.

15 MS. JENKINS: I had originally stated a
16 claim under the misuse of public equipment.

17 MR. SHARBER: 807?

18 MS. JENKINS: Yes. When we thought that
19 it was sent from her public account, but we didn't
20 know that she was using her private account to hide
21 the e-mails.

22 MR. SHARBER: But you're only laying
23 claim today to 805 and 808?

24 MS. JENKINS: Correct.

25 MR. SHARBER: Thank you.

1 MR. MARTIN: Any questions, Ms. Wilson?

2 MS. WILSON: No.

3 MR. MARTIN: Ms. Thompson?

4 MS. THOMPSON: No.

5 MR. HORWITZ: Mr. Commissioner, one thing
6 I just want to interpose for the record. Had I been
7 able to cross-examine the witness here, I would have
8 done so based on a Facebook post that the witness
9 made some -- about a week and a half ago, which
10 simply states:

11 If you live in Franklin and don't know
12 why this ethically challenged woman would be a
13 disaster for our government, I'm available for a
14 dissertation at any time.

15 I may not agree with every decision he
16 has made, but Ken Moore has done a great job of
17 steady, level-headed, nonpartisan leadership of our
18 city. I will gladly support his re-election. When
19 someone is so far right that they think the City of
20 Franklin is woke, that is terrifying.

21 Also not for nothing, the Franklin we
22 know is coming from someone who moved here recently
23 from Chicago and whose husband was still registered
24 to vote in Chicago and running for office up there
25 while she was trying to get elected here.

1 The purpose of this examination would be
2 to show that this complainant has political
3 opposition to the respondent that is completely
4 unrelated to this ethics complaint that has been the
5 subject of this hearing, and that opposition is
6 fair --

7 MR. MARTIN: Well, Mr. Horwitz, that's
8 the very issue that the court addressed -- or that I
9 addressed earlier. I want to keep the comments and
10 the responses focused on the e-mail that was sent by
11 your client to the airport authority and the
12 provisions of the ethics code.

13 This post that you've referenced and
14 allegedly made by Ms. Jenkins goes far beyond that.
15 And that's what I do not want to allow this
16 proceeding to delve into.

17 MR. HORWITZ: And that's fair, Your
18 Honor -- or Commissioner.

19 MR. MARTIN: That's all right.

20 MR. HORWITZ: I need to get this into the
21 record especially if this Commission is relying on --

22 MR. MARTIN: And you've done it and it's
23 there. But I really want to focus precisely on the
24 June 5th e-mail and the terms and provisions of our
25 ethics committee.

1 MR. HORWITZ: Which is fair. But to the
2 extent that this Commission is going to rely on her
3 claims of authenticity regarding e-mails that she was
4 not privy to, credibility matters here. I just want
5 to get the objection in because -- well, for all the
6 reasons I need to.

7 MR. MARTIN: And I understand your
8 position. Thank you.

9 MS. JENKINS: And if I may -- I know that
10 I don't represent the City.

11 MR. MARTIN: No.

12 MS. JENKINS: I just want to remind the
13 Commission that I did also place an objection to
14 Ms. Hanson bringing in evidence related to any
15 documents she should have produced from my records
16 request, which would have authenticated the
17 documents.

18 MR. MARTIN: Thank you.

19 All right. So next I have Peggy
20 Kingsbury.

21 MS. KINGSBURY: Thank you. I have no
22 formal legal training.

23 MR. SHARBER: Neither do I.

24 MS. KINGSBURY: We're in school today
25 apparently, both of us.

1 Thank you for this opportunity to speak.
2 I'm Peggy Kinsbury. I do live in the city of
3 Franklin, also in Fieldstone Farms.

4 This first section of my complaint
5 focuses on Section 1-805 of the ethics policy.
6 Specifically this section states -- and I'm
7 paraphrasing; you have a copy of the policy: No
8 official may knowingly solicit any gift for any other
9 person. Alderman Hanson clearly solicited a gift for
10 the African American Heritage Society.

11 My complaint also holds that Alderman
12 Hanson violated Section 1-808, which deals with use
13 of position or authority and states in part that
14 officials may not use their position to secure any
15 privilege that is not authorized by the charter.

16 Alderman Hanson did attempt to use her
17 position, clearly evidenced by her letter which notes
18 her position of alderman on more than one occasion,
19 to secure the privilege of a donation for her
20 favorite charity.

21 I also had included in my original
22 complaint 1-807, but as Ms. Jenkins stated, we did
23 not know where the original e-mail had come from, so
24 I am removing that part of my complaint.

25 With all this said, I would like to take

1 a minute to address Attorney Horwitz's response to
2 the complaints. Again, I have no formal legal
3 training. Attorney Horwitz bases much of his
4 response on what he calls Hanson's advocacy for the
5 expenditure of taxpayer funds.

6 As noted in the response to Hanson's
7 letter from Doug Kreulen, president and CEO of
8 Metropolitan Nashville Airport Authority, BNA, which
9 I have provided for you, quoting, BNA receives no
10 local tax dollars. This charitable donation is not
11 linked to your taxpayer money in any way, unquote.

12 Of note is that Mr. Kreulen is also chair
13 of Williamson, Inc., our version of the chamber of
14 commerce, and, thus, his knowledge of local finances
15 is notable.

16 Also notable is that Attorney Horwitz
17 claims in the footnote on page 5 of his response
18 that, and I quote, nobody whom the complainant's
19 claim was extorted has even complained, unquote.

20 I assert that the letter from Mr. Kreulen
21 is, in fact, a complaint. Attorney Horwitz is
22 asserting that Alderman Hanson feels that she is the
23 gatekeeper for all tax money spent anywhere by anyone
24 and, thus, she is allowed to make financial demands
25 of private entities.

1 He asserts that her letter to BNA was due
2 to her advocacy for her constituents. His response
3 includes the words "advocate" and "taxpayer money" on
4 at least 16 occasions and seems to be one of the
5 bases for her defense. Advocating for your
6 constituents is a good thing. Violating ethics
7 policies to do so is not.

8 I also note many references to Hanson's
9 First Amendment rights. These are the same rights
10 Hanson's letter refers to when she writes, quote, so
11 that the public will know that the board of BNA is
12 financially supporting and in agreement with radical
13 social justice agendas in towns where they literally
14 should have no voice, unquote.

15 The poor sentence structure makes it
16 unclear whether those she feels should have no voice
17 are BNA or FJEC. Either way, Alderman Hanson
18 seemingly has no problem limiting the freedom of
19 speech of those with whom she disagrees.

20 I work for a large organization, and I
21 have clients whom I advocate for often. However, our
22 ethics policies do not allow me to break company
23 rules to do so. For example, I cannot disclose
24 company confidential information in my quest to
25 advocate for my customers. I cannot tell a business

1 to provide something for my customer or else I will
2 retaliate. These are violations of my company ethic
3 rules.

4 Franklin's Code of Ethics is designed to
5 regulate behavior actions of City employees and
6 elected officials. Sometimes that behavior is
7 undertaken in written or oral communication. Had
8 Alderman Hanson sat in on a podcast, which she likes
9 to do, and disparage BNA for their donation or posted
10 on social media her displeasure, these words would
11 have been protected under the First Amendment. Had
12 she written to Mr. Kreulen or called him on the phone
13 and discussed her displeasure with the donation, this
14 too would have been permitted under the First
15 Amendment.

16 However, when she made demands of a
17 private party -- an entity, BNA -- she undertook the
18 actions our Code of Ethics is designed to prohibit,
19 the action of using her position to solicit a gift
20 for another person. In layman's terms, Hanson told
21 BNA to pay up or else. This threatening behavior is
22 exactly what the code is designed to prohibit.

23 Again, I want to thank you for your
24 attention and time to this matter and for fostering
25 the exercise of democracy in the city of Franklin.

1 MR. MARTIN: This paper from Doug Kreulen
2 to Gabrielle Hanson is to be admitted?

3 MS. KINGSBURY: Yes.

4 MR. MARTIN: Let me mark --

5 MR. HORWITZ: Let me interpose an
6 objection. It is not authenticated. The witness
7 does not have personal knowledge of it.

8 MR. MARTIN: Very well.

9 MS. KINGSBURY: She wrote it.

10 MR. MARTIN: That's all right.

11 MS. KINGSBURY: Okay. That's personal
12 knowledge.

13 MR. MARTIN: That's fine.

14 MR. HORWITZ: Secondly --

15 MR. MARTIN: It's part of our record, and
16 I don't want dialogue between you and Mr. Horwitz.

17 (WHEREUPON, a document was marked as an
18 exhibit.)

19 MR. HORWITZ: Let me move to strike the
20 testimony as unsworn.

21 MR. MARTIN: Okay. All right.

22 Let's see. Next we would have Damon
23 Rogers.

24 MR. HORWITZ: Was that motion --

25 MR. MARTIN: Is Damon Rogers here?

1 UNIDENTIFIED SPEAKER: No, she's not.

2 MR. MARTIN: Then we'll strike her
3 complaint.

4 Janet Shouse?

5 MS. SHOUSE: I'm here, but I don't wish
6 to speak. I think the points I made have been
7 clearly illuminated by the two previous speakers, so
8 I don't feel a need to add my voice.

9 MR. MARTIN: Then your complaint will be
10 stricken.

11 Kate Osher, we've addressed that earlier.
12 Ms. Osher is not here. Her complaint will be
13 stricken.

14 Rod Berger.

15 MR. HORWITZ: Commissioner, may I just
16 clarify. Stricken, we're -- I'm moving to dismiss
17 the complaints by Kate Osher and anyone else --

18 MR. MARTIN: Well, we're not considering
19 it. That's what I --

20 MR. HORWITZ: Okay.

21 MR. MARTIN: That's what I mean by --

22 MR. HORWITZ: Okay. But not that they
23 will be reconsidered at another time. They are gone?

24 MR. MARTIN: Well, there's a time
25 limitation in our code on when we can hear the

1 complaints.

2 MR. HORWITZ: But the hearing is today.

3 MR. MARTIN: That's right. And we're
4 right up against the time limitation.

5 MR. HORWITZ: So I will move to dismiss
6 them to the extent I need to.

7 MR. MARTIN: Well, I'm striking them.
8 Rod Berger here?

9 UNIDENTIFIED SPEAKER: No.

10 MR. MARTIN: Okay. Mr. Berger's
11 complaint is stricken.

12 MR. HORWITZ: Move to dismiss that.

13 MR. MARTIN: And Mr. Joe Jensen, is he
14 here?

15 Mr. Jensen.

16 MR. JENSEN: Good afternoon,
17 Mr. Chairman, Members of the Commission, Counsel.

18 MR. MARTIN: Give me a minute, if you
19 would, Mr. Jensen. Let me get some papers organized.

20 Thank you. The floor is yours.

21 MR. JENSEN: I'm Joe Jensen. I both live
22 in Franklin and work in Franklin.

23 I'd like to begin clarifying three points
24 that were included in Ms. Hanson's response to the
25 complaints that were filed.

1 First, it's asserted that each of the
2 seven people that have filed the complaints are
3 people who have, quote, repeatedly disclosed their
4 political opposition to Ms. Hanson regarding
5 unrelated matters. For the record, I have never done
6 that.

7 She also asserts in her response that
8 each of the seven complaints at issue literally
9 claims that it was illegal for Ms. Hanson to send the
10 e-mail that she sent. I've read the seven
11 complaints. I don't believe anybody, and I know that
12 I did not, assert it was illegal for her to send that
13 complaint -- or send that e-mail. Rather, it's an
14 ethical violation.

15 Similarly, in what I do as a profession,
16 if I don't communicate with a client in a timely
17 manner, that's an ethical violation. It's not an
18 illegal activity. And so we're not asserting and I'm
19 not asserting an illegal activity on her part. I
20 think if we were, we might be in front of a different
21 tribunal today.

22 The other point is it is alleged that all
23 of the people that have filed complaints are admitted
24 political opponents who have initiated these
25 complaints. I'm not her political opponent. I have

1 no political aspirations. I'm not running for
2 office. I might run from office, but I'm not running
3 for office.

4 Section 1-808(2) is the only section that
5 I am addressing. The section provides --

6 MR. SHARBER: Would you repeat that
7 again?

8 MR. JENSEN: Yes, sir. 1-808(2).

9 MR. SHARBER: Thank you.

10 MR. JENSEN: That section of the code
11 provides in pertinent part: Officials or employees
12 may not use or attempt to use their position to
13 secure any privilege or exemption for themselves or
14 others that is not authorized by the charter, general
15 law, ordinance or policy of the municipality.

16 In the e-mail which Ms. Hanson has sent,
17 she identifies herself, quote, as an elected
18 official. So, clearly, she is an official under
19 808(2).

20 Her e-mail says: I am respectfully
21 requesting that you either withdraw the financial
22 support and public endorsement of FJEC, or write a
23 check to the African American Heritage Society and
24 allow them to advertise you as a sponsor, providing
25 the same financial level of funding that you did to

1 the Franklin Justice and Equity Coalition.

2 She is attempting to secure a
3 privilege -- a financial contribution -- for the
4 African American Heritage Society or so it appears.
5 What I don't really know is is she asking the airport
6 authority to withdraw their financial support of one,
7 or is she asking them to make a contribution to the
8 other? But her intent doesn't matter. What matters
9 is: Did the e-mail she send violate this code?

10 She's an official. She used it in an
11 attempt -- she used her official capacity in an
12 attempt to secure a privilege or exemption for an
13 other. And I submit to you that the African American
14 Heritage Society would fit the definition of "an
15 other."

16 Similarly, she does not in her e-mail
17 include -- and I think it's very clear -- but her
18 e-mail does not make any reference or any suggestion
19 that the relief she is requesting has been authorized
20 by the charter, general law, ordinance, or policy of
21 the municipality, i.e., the City of Franklin. So the
22 content of her message fits squarely within 808(2)
23 and, therefore, it is -- in and of itself, it is a
24 violation of the ethics code.

25 Section 2-308 of the ethics code, which

1 is also referenced in this Commission's Amended
2 Bylaws and Procedures, says: The ethics commission
3 shall have the following duties and powers: (2) To
4 receive and hear complaints of violations of
5 standards required by the ethics code; (3) To make
6 investigations as it deems necessary to determine
7 whether any person has violated the ethics code, but
8 only after the affirmative vote of majority of the
9 ethics commission have voted to conduct the
10 investigation; and (4) To take such action as
11 provided in the ethics code as deemed appropriate
12 because of any violation of this...code.

13 The City of Franklin code has been
14 adopted by a legislative body -- i.e., the Board of
15 Mayor and Aldermen -- and it remains the code of
16 Franklin until the Board either amends it or revokes
17 it or until an appellate body reviews it and deems it
18 as unenforceable or unconstitutional.

19 The ethics commission -- this
20 Commission -- unlike an appellate court is empowered
21 with determining whether a violation has occurred,
22 not whether any provision of the ethics code is
23 unenforceable or unconstitutional. I want you to all
24 remember your charge: Did an ethics violation occur?

25 The response that has been filed by

1 Ms. Hanson argues repeatedly that the content of her
2 e-mail is constitutionally protected free speech,
3 that the City of Franklin is unable to restrict an
4 elected official -- an elected official's free speech
5 rights, and that the attempt to find and your
6 potential finding of an ethics violation by her will
7 result in a lawsuit against the City of Franklin
8 and/or any of you individually. But I again remind
9 you, your charge is limited to determine whether she
10 violated the ethics code.

11 Code Section 2-310 provides in pertinent
12 part, and this is subpart (7): If the ethics
13 commission determines that specific, substantiated
14 evidence from a credible source exists to support a
15 reasonable belief that there has been a violation of
16 the ethics code, then it shall render a written
17 decision stating facts supporting that finding,
18 conclusions of law and censure, as appropriate.

19 The e-mail at issue today violated the
20 ethics code. You should make that finding and you
21 should censure Ms. Hanson as appropriate. It is not
22 my job -- as Mr. Simmons and his counsel and
23 Ms. Jenkins commented, it's not up to me to decide
24 what that censure should be. That's your charge.
25 But your first charge is to determine that an ethics

1 code violation occurred, and it clearly did.

2 Thank you. And unless the Commission has
3 any questions for me, may I be excused? I need to
4 get someplace.

5 MR. MARTIN: Mr. Sharber, anything?

6 MR. SHARBER: No.

7 MR. MARTIN: Ms. Thompson?

8 MS. THOMPSON: No.

9 MR. MARTIN: Ms. Wilson?

10 MS. WILSON: No.

11 MR. MARTIN: Thank you.

12 MR. JENSEN: Thank you.

13 MR. MARTIN: Those are the complaints
14 that we've had.

15 Mr. Horwitz --

16 MR. HORWITZ: I apologize. I don't mean
17 to keep interrupting you. I just need to interpose
18 an objection to strike that testimony for lack of
19 personal knowledge and on the basis that it was not
20 sworn.

21 MR. MARTIN: Well, I understand your
22 motion. The court denies -- the Chair denies your
23 motion. The e-mail is undisputed. It's not disputed
24 that she sent the e-mail. Mr. Jensen is focusing on
25 the content of the e-mail and on the provisions of

1 the ethics code. There can be no basis for any
2 complaint about what Mr. Jensen had to say,
3 respectfully.

4 Does Ms. Hanson want to offer remarks on
5 her own, or are you going to represent her?

6 MR. HORWITZ: I will represent her.

7 MR. MARTIN: Then the podium is yours.

8 MR. HORWITZ: I believe there's a public
9 hearing that has to happen first.

10 MR. MARTIN: Excuse me. We had a hand go
11 up back there. Come up, if you would.

12 And this is Ms. Kingsbury?

13 MS. KINGSBURY: Yes. If it is necessary
14 for me to be put under oath, I will go through what I
15 said again.

16 MR. MARTIN: No. You're not -- it's not
17 necessary that you be under oath, and you don't have
18 to go through it again. We have it. Thank you.

19 MR. HORWITZ: We interpose the objection.

20 MR. MARTIN: I can't hear you.

21 MR. HORWITZ: I just want to note the
22 objection for the record.

23 MR. MARTIN: Do you want her under oath?
24 Do you?

25 MR. HORWITZ: I believe her testimony is

1 closed. We have moved to strike it on the basis that
2 it was unsworn. I am permitted to make these
3 objections --

4 MR. MARTIN: Raise your right hand,
5 please.

6 Do you solemnly swear or affirm the facts
7 and matters to which you have already testified were
8 accurate to the best of your knowledge?

9 MS. KINGSBURY: Yes, I do so, under God.

10 MR. MARTIN: Thank you. You may have a
11 seat.

12 All right. Mr. Horwitz, the floor is
13 yours.

14 MR. HORWITZ: I believe there's a public
15 hearing first, is there not?

16 MR. MARTIN: No. I'll hear from the
17 complainant, I'll hear from the respondent, and then
18 I'll open it up for public comment.

19 MR. HORWITZ: I only have four exhibits I
20 just want to make part of the record, and then I will
21 simply renew my motion to dismiss.

22 First is the City of Franklin's
23 Appropriations to Outside Agencies program.

24 UNIDENTIFIED SPEAKERS: We can't hear
25 you --

1 (Overlapping speech/inaudible.)

2 UNIDENTIFIED SPEAKER: Go to the
3 podium --

4 MR. MARTIN: It might be better if you
5 work from the podium, if that's okay.

6 MR. HORWITZ: I only have four exhibits
7 that I want to make part of the record.

8 MR. MARTIN: Okay.

9 MR. HORWITZ: First is the City of
10 Franklin's Appropriations to Outside Agencies
11 program, which concerns available funding for
12 nonprofit agencies from the City of Franklin, from
13 the City of Franklin's website. I just want to make
14 that an exhibit.

15 MR. MARTIN: And how is that
16 authenticated?

17 MR. HORWITZ: By me.

18 MR. MARTIN: We'll admit it.

19 MR. HORWITZ: I will swear based on
20 personal knowledge that is a true and exact copy of
21 the Appropriations to Outside Agencies.

22 MR. MARTIN: Very well. It will be
23 marked. And do you have a bench copy by chance for
24 us?

25 MR. HORWITZ: You can have mine.

1 MS. ASHWORTH: Would you like to see it
2 before?

3 MR. MARTIN: Well, we're going -- I'm
4 going to admit it, but I'd like to see it.

5 Thank you.

6 MR. SHARBER: And this came from the City
7 of Franklin's website?

8 MR. HORWITZ: Yes, Commissioner.

9 MR. SHARBER: Thank you.

10 MR. MARTIN: So in summary, what this
11 document does is, as I understand it, explain to the
12 public how you go about applying for nonprofit
13 funding. Is that it?

14 MR. HORWITZ: That's correct.

15 MR. MARTIN: All right. Does anyone else
16 need to glance over it?

17 MS. THOMPSON: I do.

18 (Reviewing document.)

19 MR. MARTIN: Ms. Wilson?

20 MR. HORWITZ: The only two other
21 exhibits are two news articles --

22 MR. MARTIN: Hold on just one minute.

23 MR. HORWITZ: I apologize.

24 MR. MARTIN: Let Ms. Wilson glance at it
25 first.

1 MS. WILSON: (Reviewing document.)

2 Thank you.

3 MR. MARTIN: So I'll just put a little 1
4 here in the upper right-hand corner.

5 MR. HORWITZ: Thank you.

6 The next two exhibits are typically two
7 news articles, one titled "Metro sues State for
8 taking control of airport authority"; the other from
9 the Tennessean, "Will the real Metro Nashville
10 Airport Authority please stand up?" I will
11 authenticate these personally. And I will also tell
12 the Commission the reason why I'm introducing them
13 into the record.

14 The first makes reference to the
15 \$29 million from the State and \$26 million from the
16 Federal government that the airport authority
17 received in 2022.

18 The second is -- contains a statement
19 from Metro's law director referring to the agency as
20 an -- or referring to the airport authority as an
21 agency and instrumentality of Metro government.

22 MR. MARTIN: Do any of the members of the
23 Commission want to glance at these?

24 MR. SHARBER: These are news articles
25 about, I'll just say, BNA?

1 MR. HORWITZ: The airport authority, yes.

2 MR. SHARBER: Airport authority.

3 And the article -- the news article says
4 they get State funds. And what else did you say they
5 get?

6 MR. HORWITZ: That it is a government
7 entity.

8 MR. SHARBER: That it is a government?

9 MR. HORWITZ: Yes. That it's an
10 instrumentality of the Metropolitan government.

11 MR. SHARBER: Okay. I understand that.

12 MR. HORWITZ: And also that generally
13 this is a matter of public concern involving a
14 conflict between Nashville and the State.

15 MR. SHARBER: And that's what both
16 articles say?

17 MR. HORWITZ: The first refers to the
18 funding that it's received from the State and the
19 Federal government. The second refers -- contains
20 that statement from Metro's legal director referring
21 to it as an instrumentality of Metro government.

22 MR. SHARBER: Okay.

23 MR. MARTIN: So the first article --

24 MR. SHARBER: Referring to the airport
25 authority as an instrument?

1 MR. HORWITZ: Correct.

2 MR. MARTIN: Yeah. If you'll just mark
3 number 2 in the upper right-hand of the first
4 article, and put the number 3 in the upper right-hand
5 corner of the second article.

6 MR. HORWITZ: And that's it.

7 MR. MARTIN: All right. So let me --
8 Ms. Ashworth, let me pass back the first document
9 that was presented and marked.

10 Very well. Those three papers will be
11 made part of our record.

12 MR. HORWITZ: Thank you, Commissioner.
13 (WHEREUPON, documents were marked as
14 exhibits.)

15 MR. MARTIN: All right.

16 MR. HORWITZ: At this time, we renew the
17 motion to dismiss these complaints.

18 MR. MARTIN: Very well. It's denied.
19 Go ahead.

20 MR. HORWITZ: That's it.

21 MR. MARTIN: Then beyond the three papers
22 that have been marked and your motion, your client
23 would stand on the answer that was filed?

24 MR. HORWITZ: The legal argument in the
25 answer, yes.

1 MR. MARTIN: Yes. That's fine. All
2 right. Very good.

3 Let's see. I have a note here that a
4 Bryant Herbert wishes to address the Commission.

5 Good afternoon.

6 MR. HERBERT: Good afternoon. My name is
7 Pastor Bryant Herbert. I'm a cofounder of FJEC and
8 also vice president.

9 I would like to -- I wanted to start off
10 by introducing myself to Ms. Gabrielle Hanson because
11 I don't know her, never met her, never held a
12 conversation. She's never attended my church. But I
13 would just like to say that Alderman Hanson, she's
14 dangerous. And when I say dangerous, I want to
15 explain it this way.

16 On January 6th, 2020, then-President
17 Trump held a rally, and let's say there was 20,000
18 people there.

19 MR. MARTIN: Mr. Herbert, let me stop
20 you. With great respect for what you would like to
21 present, I want to focus the work of the Commission
22 on the content of that e-mail of June the 5th and the
23 language of the provisions of the City of Franklin
24 Ethics Code.

25 MR. HERBERT: I'm getting there. Can I

1 have a just a little bit of latitude because as --

2 MR. MARTIN: Well, I'll give you a little
3 latitude, but I don't want too much. Okay?

4 MR. HERBERT: It's just because with me
5 being directly impacted, I have to use this
6 illustration before you can understand it.

7 MR. MARTIN: We'll take it only as an
8 illustration, but be brief. Okay?

9 MR. HERBERT: Yeah. I only have a minute
10 and a half. I was almost done.

11 MR. MARTIN: All right. Go ahead.

12 MR. HERBERT: Now I got to start back
13 over. No. I'm just messing with you.

14 On January 6th, 2020, then-President
15 Trump held a rally with 20,000 people, got them riled
16 up with misleading information, and later on that
17 day, those 20,000 people stormed the Capitol. People
18 who were working were accosted, assaulted, and some
19 even lost their lives because of misleading
20 information.

21 During 2022, Juneteenth in our downtown
22 celebration we had, let's say, ten White Lives Matter
23 show up at Juneteenth celebration downtown while
24 myself and other City officials were on the stage.
25 Then an hour later, we had another group of armed

1 militia that came to confront those White Lives
2 Matter people.

3 I intervened. I interceded. I worked
4 with the police that day and gave them all the
5 information, the pictures that I took. I put myself
6 in harm's way. Why or who sent both of the groups, I
7 don't know. Later I found out that I had private
8 security watching me on detail after these threats
9 were made, unbeknownst to me.

10 Ms. Hanson's e-mail stated she had
11 20 citizens who are prepared to post publicly about
12 her false claims about the FJEC and myself as a
13 radical divisive organization to be feared. But what
14 if one person actually believed what she had in that
15 e-mail? What if one person believed what she said --
16 something about me who she's never met, never had a
17 conversation with -- believes it, acts on it, and
18 goes further?

19 As a pastor I work in this community and
20 other communities, and her words have put a target on
21 my back as if I'm someone to be feared. Her e-mail
22 put me, my colleagues, my family, and many innocent
23 bystanders in danger because all it takes is one.
24 That's why Ms. Hanson is dangerous.

25 In Matthew -- I'm closing. This is my

1 pastoral close right here. In Matthew 7 it says,
2 Judge not lest you be judged. So I won't judge
3 because I don't know her. We've never held a
4 conversation. But it also says you'll know them by
5 their fruit. And, quite frankly, Alderman Hanson's
6 fruit is dangerous.

7 So whether you keep her, whether you
8 remove her does not bother me one bit. All I know,
9 based upon her comments and her e-mails, she's a
10 dangerous person, and anyone who works with her
11 should distance themselves.

12 Thank you for your time.

13 MR. MARTIN: Then I have Ashley Webster.

14 MS. WEBSTER: Hi there. I'm Ashley
15 Webster, and I live in Franklin and have since 1998.

16 And it's already been proven here today
17 that the ethics code was violated, so what I'm going
18 to appeal to you about is the leeway that you have as
19 a body as to whether Ms. Alderman is censured or
20 removed from the Board.

21 And I know you said to focus on the
22 behavior, but she is a person. And I have personal
23 knowledge of a lot of these people here in the
24 audience today and personal knowledge of that e-mail.
25 I saw a direct copy. So I'm speaking from personal

1 experience.

2 A person who follows the ethics code of
3 the office to which they were elected could be said
4 to have integrity, and the definition of integrity is
5 the quality of being honest and having strong moral
6 principle, moral uprightness. And I would posit that
7 Ms. Hanson has not shown integrity in her behavior
8 surrounding this issue.

9 She's not here today. She hasn't
10 apologized. She hasn't admitted that the things she
11 said were untrue in several other instances that this
12 audience is aware of. I won't go into those details.
13 She has used -- she's doubled down, she's made
14 demands, and she's made threats. So consider that
15 when you decide whether to censure her or remove her
16 from the Board.

17 The freedom of speech does not relieve
18 you of the consequences of your words. It does not
19 relieve a public official from their duty to uphold
20 the policies and codes of the body to which they are
21 elected. She has clearly violated the ethics code.

22 And your action today is especially
23 important because she is running for mayor, but she
24 only filed to run for mayor after she disregarded the
25 requirements to file with the City before beginning

1 fund-raising activity and appointing a treasurer. So
2 your action today can actually affect future problems
3 for the City.

4 She has shown no regard for ordinances,
5 laws, or policies, and when called to the carpet on
6 violating them, she doubles down, makes threats,
7 denies, dismisses.

8 Thank you.

9 MR. MARTIN: We now have Tara Blue.

10 Are you Ms. Tara Blue?

11 MS. BLUE: I am.

12 MR. MARTIN: You have the floor.

13 MS. BLUE: Okay. I am. My name is Tara
14 Blue, and I need to give you a little history of why
15 I'm here and why it's important for me to speak
16 today.

17 I am one of the organizers of the FJEC
18 Juneteenth celebration for the past three years. I'm
19 a board member of FJEC, also cochair of the Black
20 Business Coalition that falls under the umbrella of
21 the chamber of commerce. My job is to make sure that
22 the underserved minority businesses are given the
23 opportunity to be spotlighted every Juneteenth
24 festival and beyond.

25 In 2021 I came before the BOMA work

1 session to answer any questions concerning the
2 Juneteenth festival. There were no questions asked,
3 and during the BOMA meeting, we received a unanimous
4 vote.

5 In 2022 I came before the BOMA work
6 session, and again there were no questions asked of
7 me. But on the night of the BOMA meeting, Ms. Hanson
8 felt it necessary to suggest that the City of
9 Franklin should select individuals to work together
10 for Juneteenth events, and she had the audacity to
11 give us a history lesson on what Juneteenth means.
12 We felt humiliated and embarrassed, and I personally
13 sent Ms. Hanson an e-mail addressing this issue. No
14 other organization has been forced to work together.
15 We will not and cannot be boxed in.

16 In 2023 during the BOMA work session,
17 Ms. Hanson asked if we were working with another
18 group this year, and she was informed that that was a
19 request, not a requirement. Ms. Hanson then
20 proceeded to ask me who our sponsors were. This
21 question is not typically asked of organizations, but
22 I see why she asked the question. No. We received
23 another unanimous vote.

24 On June the 5th, 2023, Ms. Hanson
25 e-mailed Doug Kreulen, the CEO of BNA, requesting

1 that we -- that they withdraw funds for our
2 Juneteenth festivities. She belittled our
3 organization and gave nothing but negative remarks
4 about FJEC.

5 Ms. Hanson, we're not a radical group.
6 We are a newly founded group that has made great
7 contributions in the City of Franklin and abroad.
8 There is more room for more than one black,
9 nonprofit-led group.

10 We provide scholarships for high school
11 students. We assist families with household bills,
12 and in a few weeks, we are partnering with other
13 organizations to hold a back-to-school bash where we
14 will offer free haircuts, food, school supplies, and
15 gift cards. You may have a group that you would like
16 to support, but you do not have the right to tell any
17 organization who they can and cannot financially
18 support.

19 Doug Kreulen, a dear colleague of mine,
20 as we both serve on the board of directors for the
21 chamber, knows that I am a woman of integrity, what I
22 stand for, and he and the BNA believe supporting all
23 ethnicities and trusts me as an individual and the
24 work that I have done with promoting the black
25 businesses in Williamson County.

1 So I have a lot to say about your remarks
2 because I personally asked for the sponsorship, BNA,
3 because I know what these festivals do for the black
4 businesses and the City of Franklin. Ms. Hanson, you
5 have missed a great time. Every year we continue to
6 grow. And to see the officers and the City workers,
7 who are very helpful, and to see the community come
8 together is a beautiful sight.

9 Your remarks also affected our
10 sponsorships this year as you have tainted our name
11 in the community, and unfortunately others have
12 listened to your rants. I ask that you not use your
13 political stance to try to persuade others to not
14 support one group, but another.

15 Yes, we are a new organization, but
16 whether we are three years in existence or thirty, we
17 are doing great work. And, yes, our vision and
18 mission is unique, but we are not looters and we are
19 not unreasonable. We have board members from
20 different walks of life who believe that an
21 organization such as this is needed in Williamson
22 County.

23 We appreciate all the support that we
24 have received, and we hope that Ms. Hanson will
25 become more familiar with groups for herself before

1 passing judgment and blocking financial blessings
2 that cannot be stopped.

3 Thank you.

4 MR. MARTIN: And then --

5 MR. SHARBER: Mr. Chairman, I have a
6 question of Ms. Blue, and it's purely clarification
7 for me.

8 Is the name of the organization the
9 acronym FJEC?

10 MS. BLUE: Yes.

11 MR. SHARBER: Or just JEC?

12 MS. BLUE: FJEC.

13 MR. SHARBER: Franklin Justice Equity
14 Coalition.

15 MS. BLUE: Franklin Justice Equity
16 Coalition.

17 MR. SHARBER: Thank you.

18 MR. MARTIN: Any other questions?

19 Thank you, ma'am.

20 Let's see, Reverend Chris Williamson.

21 Good afternoon.

22 MR. WILLIAMSON: Good afternoon.

23 MR. MARTIN: And are you Chris
24 Williamson?

25 MR. WILLIAMSON: My name is Reverend

1 Dr. Chris Williamson. My wife and our four children
2 have lived in the city of Franklin for 30 years.
3 28 years ago, I started a multiracial church in
4 Franklin called Strong Tower Bible Church. I am also
5 one of the architects of the Fuller Story here in
6 Franklin, and I serve as an advisor for the Franklin
7 Justice and Equity Coalition.

8 Over the years I've seen a lot transpire
9 in our city that has been mostly positive and
10 uplifting. But the reasons that require my presence
11 here today are extremely concerning. When I was made
12 aware of the e-mail Alderman Gabrielle Hanson sent to
13 BNA on behalf of Alma McLemore and the African
14 American Heritage Society, I was puzzled and
15 saddened, but unfortunately not surprised.

16 The fact that Alderman Hanson had
17 absolutely nothing positive to say about the FJEC in
18 her e-mail was astounding, especially when you
19 consider she voted yes in 2022 and yes in 2023 to
20 approve our downtown Juneteenth festival.

21 My question is, if the FJEC, as she
22 attested in her e-mail, has a, quote/unquote, radical
23 agenda and is, quote/unquote, equivalent to a BLM or
24 Black Lives Matter chapter, why did the alderman vote
25 yes for us to have our festival two years in a row?

1 At no time during work session meetings or consent
2 votes did Alderman Hanson raise the so-called
3 concerns she wrote about in her e-mail to BNA.

4 Here are some of the other lies Alderman
5 Hanson mentioned in her e-mail. She said the FJEC
6 seeks to defund the police. That is a lie. The
7 truth is the FJEC has regularly worked with Chief
8 Faulkner, Sheriff Rhoades, and the local police to
9 serve our community.

10 She said the FJEC was founded in the heat
11 of BLM rioting in America. Just another dog whistle.
12 We know that is a lie. The truth is the FJEC was
13 founded after an outdoor community prayer vigil
14 following the murders of George Floyd, Breonna
15 Taylor, and Ahmaud Arbery, as well as Walter Simmons
16 being profiled in his neighborhood. The local news
17 media captured how thousands of people from Franklin
18 attended this sacred moment in the history of our
19 city that brought us together.

20 She said that FJEC asked the City to take
21 Juneteenth away from the African American Heritage
22 Society. That is a lie. The truth is that FJEC and
23 the City of Franklin sought to develop a partnership
24 with the African American Heritage Society
25 surrounding the celebration of Juneteenth, but Alma

1 McLemore declined that offer.

2 Gabrielle Hanson said the City and the
3 FJEC targeted the African American Heritage Society
4 and asked for tens of thousands of dollars. Not only
5 is that a lie, that is ludicrous. The truth is
6 Alderman Hanson asked for the donor list of the FJEC,
7 and now we know why.

8 She said that African American Heritage
9 Society has been the stalwart of celebrating
10 Juneteenth in Franklin for decades. That is a lie.
11 The truth is the African American Heritage Society
12 had held Juneteenth festivities in Hard Bargain for
13 approximately 16 years when the FJEC had its first
14 Juneteenth celebration in 2020. The FJEC has stated
15 repeatedly that the black community, just like the
16 white community, is not a monolith, and with the
17 accelerated growth and diversity of our city,
18 multiple expressions of celebrating Juneteenth should
19 be welcome.

20 Alderman Hanson, it's time for you to
21 admit you made false statements again. It's time for
22 you to admit that you've never once sought to reach
23 out and have a conversation with the FJEC to gain a
24 better understanding. You formed your conclusions
25 about the FJEC based on hearsay, slander, and lies

1 presented by envious cowards. Your e-mail to BNA was
2 not only inexcusable, it was dastardly and divisive.

3 I dare you to prove that you are a leader
4 by taking responsibility for your errors. You can no
5 longer expect others to operate under accountability
6 while you refuse to do so yourself. The ethics code
7 is in place to guarantee that those who are in
8 authority never forget that they are also under
9 authority.

10 Prove that you are a Christian as you
11 profess by repenting publicly of your lies and
12 incendiary ways. Prove that you are a true public
13 servant who cares about the well-being of the
14 residents of Franklin than you do your own personal
15 agendas by refusing to create any more foolish
16 controversies.

17 I hope that one day you will join the
18 rest of us who seek the greater good of our beloved
19 city.

20 Thank you.

21 MR. MARTIN: Thank you. I appreciate the
22 audience refraining from clapping or otherwise
23 demonstrating.

24 Jeff Stewart.

25 Good afternoon.

1 MR. STEWART: Thank you. Good afternoon.

2 My name is Jeff Stewart, and I feel I
3 better swear something in to make sure it's not
4 challenged after the fact.

5 MR. MARTIN: That's not necessary.

6 MR. STEWART: Are we okay?

7 All right. I came today as a concerned
8 resident of Franklin, as a dear personal friend of
9 Pastor Walter, Pastor Bryant, and also as a leader of
10 a nonprofit here in Williamson County, One WillCo,
11 vice president and board member, a registered
12 501(c)(3) whose mission is to ensure the public
13 schools here in Williamson County are a place where
14 children from all racial and ethnic backgrounds can
15 thrive; and concerned about one of our elected
16 officials who seems to be intentionally sowing
17 discord and dissension between organizations who seek
18 to lift up people of color in our community.

19 I wasn't actually intending to speak and
20 particularly did not want to follow my good friend
21 Reverend Dr. Chris Williamson. But I spoke in case
22 it is relevant or helpful to corroborate something
23 that my friend Pastor Walter said, as I was the
24 unnamed witness that he referenced in his testimony.
25 And really just speaking to this specific attempt to

1 sow discord, as I said.

2 I was in the meeting with Pastor Walter
3 and a leader from a local organization who had
4 historically supported Juneteenth, but who had pulled
5 their support over some of these concerns that were
6 raised. And I personally witnessed Pastor Walter
7 saying to this leader, this individual, that you need
8 to be supporting something for Juneteenth here in our
9 community. You need to be supporting African
10 American-led nonprofits, and I'm very happy for you
11 to support the African American Heritage Society.

12 He was not sort of fighting to maintain
13 the support that had previously been there, but we
14 had an open and frank discussion, and he made it very
15 clear that the African American Heritage Society was
16 doing good work in the community for black people
17 here in Franklin and encouraged that support if, for
18 whatever reason, they did not feel comfortable
19 supporting the FJEC's efforts.

20 So I wanted to speak just to again
21 corroborate -- not under oath, as it turns out --
22 that statement as I was a witness there in that
23 meeting.

24 Thank you.

25 MR. MARTIN: Any questions from any

1 member?

2 Thank you, sir.

3 MR. STEWART: Thank you.

4 MR. MARTIN: Those are all of the notices
5 that the Chair has received that individuals want to
6 address the Commission. Is there anyone else that
7 I'm overlooking?

8 Very well. Then the public hearing
9 portion is closed, and the hearing itself in terms of
10 evidence is closed. It will now be up to the
11 Commission to deliberate and decide what we should
12 do.

13 Do y'all all want to take a short break
14 before we do?

15 MR. SHARBER: Yeah. Mother Nature would
16 appreciate that.

17 MR. MARTIN: Then we'll take ten minutes.
18 Thank you.

19 (Short break.)

20 MR. MARTIN: Very well. At this time,
21 ladies and gentlemen, it's the responsibility of the
22 Commission members to deliberate and determine
23 whether there has been a violation of the Franklin
24 Ethics Code or not, and if there has, what remedy is
25 appropriate.

1 Let me suggest to the members of the
2 Commission that the two code sections that are
3 implicated are 1-805(1) which, redacted, I think
4 reads: No official may knowingly solicit anything of
5 value for any other person. And then 1-808(2) which,
6 redacted, reads: Officials may not use or attempt to
7 use their position to secure any privilege or
8 exemption for others.

9 Now, y'all may want to correct me if you
10 think there should be a different summary of those
11 provisions, but when I went through it and tried to
12 redact it to fit the issues today, that's what I came
13 up with.

14 So 808(1): No official may knowingly
15 solicit anything of value for any other person.
16 That's -- I'm sorry. It's 805(1). And then 808(2):
17 Officials may not use or attempt to use their
18 position to secure any privilege or exemption for
19 others. So then the question becomes whether
20 Alderman Hanson in the e-mail that was sent to
21 Mr. Doug Kreulen and the Board of Nashville Metro
22 Airport violated either one or the other or both of
23 those provisions.

24 The allegations that were made regarding
25 Section 1-807(2) that connotes the use of facilities,

1 that's been withdrawn.

2 MR. SHARBER: Yes.

3 MR. MARTIN: So that's not before us.

4 The e-mail, by the way, is a part of the
5 complaint that was submitted by Ms. Jenkins, and it's
6 also a part of the complaint, as I recall...

7 MR. SHARBER: By Ms. Kingsbury.

8 MR. MARTIN: I think by Mr. Jensen.

9 It's -- yes. So you've got the text of the e-mail in
10 two different complaints: one from Mr. Jensen and
11 one from Ms. Jenkins.

12 MR. SHARBER: Correct.

13 MR. MARTIN: So do we have discussion
14 from anyone?

15 MR. SHARBER: I just want to make a point
16 here, Mr. Chairman.

17 We are here to determine ethics violation
18 or whether a violation existed or did not exist.

19 We're not here to determine matters of law. The only
20 thing we are to consider is what the ethics

21 violations that have been submitted to us, the two
22 which you just mentioned, the 1-805(1) and 1-808(2).

23 That's the only two things that we are to consider.

24 Not any matter of constitutional law or anything else
25 or whether something's legal or illegal.

1 These two sections as a matter of the
2 Franklin Municipal Code make them legal from a
3 standpoint of ethics.

4 MR. MARTIN: Well, Mr. Sharber, I
5 understand the comments you're making, and I would
6 differ a little bit.

7 We have a complete record in front of us.
8 We have the complaints that have been admitted, we
9 have the statements that have been made by citizens,
10 we have the entire answer that has been submitted by
11 Ms. Hanson. So it's my judgment that when we make
12 our decision, we consider everything that's been
13 presented to us and the complete record.

14 Obviously, the primary focus initially is
15 certainly on the language of the code and the
16 language of the e-mail. But I would suggest that
17 whatever we do in terms of our decision should be
18 based on the entire record.

19 MS. THOMPSON: Mr. Chairman, I'd like to
20 make a comment as well.

21 MR. MARTIN: All right.

22 MS. THOMPSON: In Section 805, I wanted
23 to just point out it says, for any other person may
24 knowingly solicit. And so even though Alderman
25 Hanson is making a petition for an organization, it

1 is considered a person.

2 MR. MARTIN: Let me just say that I would
3 agree with that construction of the language in
4 805(1).

5 So if we begin our discussion by
6 examining the language of Section 1-805(1), it would
7 seem undisputed that Ms. Hanson is a public official.

8 MR. SHARBER: Correct.

9 MS. WILSON: Agreed.

10 MS. THOMPSON: Agreed.

11 MR. SHARBER: Yes. She's a duly elected
12 public official of the City of Franklin.

13 MR. MARTIN: Second, it says, no official
14 may knowingly. But there doesn't seem to be any
15 argument advanced on behalf of Ms. Hanson that this
16 was a mistake or she negligently acted. I think the
17 evidence here would support a finding that she
18 knowingly acted.

19 No official may knowingly solicit. So
20 the question then becomes: Is the content of the
21 June 5th, 2023, e-mail a solicitation? That's an
22 issue we need to decide.

23 Anything of value -- certainly a
24 contribution is something of value -- for any other
25 person. And it's just been pointed out the

1 not-for-profit organization of African American
2 Heritage Society is a person within the meaning of
3 our code.

4 So if we isolate those issues and focus
5 on the question of the language of the e-mail, it
6 looks like to me the threshold issue is: Was it a
7 solicitation?

8 MR. SHARBER: Mr. Chairman, is it your
9 intent that we look at 1-805 and deliberate on it,
10 and then look at 1-808(2) and deliberate on it, and
11 then come back and put them together, or should we
12 treat them individually, or does it really make any
13 difference?

14 MR. MARTIN: I think it's easier if we
15 treat them separately and determine
16 whether there's --

17 MR. SHARBER: I'm fine with that. I'm
18 fine with that.

19 MR. MARTIN: Right. And determine
20 whether there's been a violation of one or both or
21 neither.

22 MR. SHARBER: Well, I mean, I think,
23 clearly, the e-mail is from an official of the City
24 of Franklin, Alderman Hanson. I think, clearly, she
25 was soliciting funds for, I'll just say, a person,

1 the person being the African American Heritage
2 Society, and that she was doing it from -- the
3 solicitation was to the Nashville Airport Authority.
4 I mean, I think that all of that is clear.

5 MS. THOMPSON: I agree as the e-mail that
6 Alderman Hanson wrote, it says that -- write a check
7 to the African American Heritage Society. So I think
8 she is soliciting, in that statement, funds for that
9 organization.

10 MR. MARTIN: So to quote from her e-mail,
11 she says: As an elected official I am respectfully
12 requesting that you either withdraw the financial
13 support and public endorsement of FJEC, or write a
14 check to the African American Heritage Society and
15 allow them to advertise you as a sponsor, providing
16 the same level of financial funding that you have --
17 that you did to the Franklin Justice and Equity
18 Coalition.

19 MS. WILSON: Mr. Chairman, I also agree.
20 I read that as directly asking for money -- write a
21 check.

22 MR. SHARBER: Mr. Chairman, I have a
23 little bit of a question, I guess. In the term of
24 the solicitation, it's clear that she solicited funds
25 for the African American Society, but in the e-mail,

1 it was also withdrawal. Is the act of withdrawing
2 funds a component of the solicitation?

3 MR. MARTIN: Well, that's something we
4 need to consider but -- and if you read the e-mail,
5 it speaks in terms of past tense.

6 MR. SHARBER: Correct. Correct.

7 MR. MARTIN: And then the question
8 becomes: How does an organization like the airport
9 authority now withdraw money it's already paid?

10 See, it says the same financial level of
11 funding that you did to the FJEC.

12 MR. SHARBER: Correct.

13 MR. MARTIN: So the language would
14 connote a conclusion that the airport authority has
15 now made a contribution to FJEC.

16 MR. SHARBER: FJEC.

17 MR. MARTIN: And somehow she is
18 suggesting that it be withdrawn or, in the
19 alternative, an equivalent amount be given to the
20 African American Heritage Society.

21 That's kind of hard. How do you do that?

22 MR. SHARBER: Yeah.

23 MS. THOMPSON: So, Mr. Chairman, that
24 speaks to Section 1-808(2) when no officer shall
25 intimidate or threaten. I think when she said or --

1 you know, requesting that you either withdraw the
2 financial support or write a check hinges on
3 intimidation.

4 MR. SHARBER: I agree.

5 MS. WILSON: I agree.

6 MR. MARTIN: Well, and then the first
7 sentence of 808(2) also is worthy of examination.
8 That sentence, if you'll look at it, says, officials
9 may not use or attempt to use.

10 So whether she succeeded in getting money
11 back from the airport authority or whether she
12 succeeded in preventing the airport authority from
13 making a contribution, she's made an attempt under
14 the first sentence.

15 MR. SHARBER: Correct. And one of the
16 speakers -- I could look through my notes -- made
17 that point -- made that point that it's the
18 solicitation, not the action necessarily, whether
19 they receive funding. Someone made that point.

20 MS. WILSON: I believe, Mr. Chairman, it
21 was Ms. Jenkins.

22 MR. SHARBER: Ms. Jenkins?

23 MS. WILSON: Uh-huh.

24 MR. MARTIN: So that sentence, redacted,
25 reads: Officials may not use or attempt to use their

1 position to secure any privilege or exemption for
2 others. And then it goes on to read, just as my
3 colleague here has pointed out: No officer shall
4 intimidate, threaten, coerce, discriminate against,
5 or give the appearance of or attempt to intimidate,
6 threaten, coerce or discriminate against.

7 The problem I have with that second
8 sentence is this -- the word "employee" there. If it
9 had said other or was generic, it -- but when it
10 refers to the word "employee," I have difficulty
11 finding that the second sentence will apply. Does
12 that make sense?

13 MR. SHARBER: Well --

14 MR. MARTIN: But the first sentence of
15 Subsection (2) speaks in terms of others, and that's
16 a broad terminology that encompasses the African
17 American Heritage Society.

18 MR. SHARBER: Are you interpreting the
19 employee to be an employee of the City of Franklin?

20 MR. MARTIN: Well, yes, I am.

21 MR. SHARBER: Okay.

22 MR. MARTIN: Because this is the City of
23 Franklin's Ethics Code.

24 You know, you raise a good question,
25 Mr. Sharber. It says: Threaten, coerce or

1 discriminate against any employee for the purpose of
2 interfering with that person's freedom of choice in
3 the regular discharge of official duties.

4 MR. SHARBER: Yes. So, I mean, I think
5 you could even interpret that employee as being an
6 employee of the airport authority.

7 MR. MARTIN: Or some other organization.

8 MR. SHARBER: Yeah. Exactly.

9 MR. MARTIN: Yeah. I may be reading it
10 too narrowly.

11 MR. SHARBER: Yeah. I mean, I totally
12 agree with what you said. But having looked at it in
13 relationship to employee being -- and I'm sorry. I
14 don't remember the gentleman's name of the airport
15 authority that the e-mail went to --

16 MR. MARTIN: Kreulen. Doug Kreulen.

17 MR. SHARBER: Yeah. I mean, he's an
18 employee of the authority. And, yes, you're
19 interfering with that person's freedom of choice in
20 the regular discharge of their duties. It doesn't
21 say their duties, but official duties.

22 MR. MARTIN: But when you read the ethics
23 code, it consistently uses the words "officials or
24 employees," "officials or employees."

25 MR. SHARBER: Right. Right.

1 MR. MARTIN: Throughout the code.

2 MR. SHARBER: Exactly.

3 MR. MARTIN: So I think a fair reading of
4 the second sentence of Subsection (2) of
5 Section 1-808 really limits its application to the
6 City of Franklin employees.

7 MS. WILSON: Mr. Chairman, I agree with
8 that. And I think the way that I read this, it says
9 employees, but the intent is to not use position and
10 intimidate others in their decisions. That's how I
11 read that. The intention is that intimidation,
12 coercing is not how we do business.

13 MR. MARTIN: Oh, I agree. The problem I
14 have is that it all seems to modify the word
15 "employee." In other words: No officer shall
16 intimidate, threaten, coerce, discriminate against,
17 or give the appearance of attempting to do any of
18 those things against any employee.

19 And when you look at the ethics code, the
20 word "employee" is consistently used throughout the
21 code along with officials. So you see officials and
22 employees, officials and employees. So I think a
23 fair reading is that this second sentence of 1-808(2)
24 really applies to City of Franklin employees. So I
25 think the threatening, intimidation, coercion, and

1 discrimination has to be directed to a City of
2 Franklin employee as opposed to an employee of some
3 other entity.

4 But the first sentence is not limited.
5 In other words, if you look at the first sentence, it
6 says officials and employees. Well, we're talking
7 about a public official, not an employee. So you
8 redact that to read: Officials may not use or
9 attempt to use their position to secure any privilege
10 or exemption for others.

11 MS. WILSON: Uh-huh.

12 MR. SHARBER: Correct. Correct.

13 MS. THOMPSON: Agree.

14 MR. MARTIN: Yeah.

15 MR. SHARBER: Sounds like we've
16 deliberated on both of them.

17 MR. MARTIN: We are and that's okay. I
18 think getting a grasp on the language of the code
19 will help us know how to apply it to the facts of the
20 e-mail. So the fact that we're skipping back and
21 forth between 805 and 808 is fine.

22 So going back to 805, I think we have a
23 consensus that Ms. Hanson is, in fact, an official of
24 the City of Franklin -- clearly, an elected
25 official -- and she's presented herself in that

1 capacity in her June 5th, 2023, e-mail.

2 We have discussed the word "knowingly."
3 There's no evidence that she was mistaken, that she
4 was negligent, that she did anything other than
5 compose this e-mail with the intent with which it is
6 indicated. So she acted knowingly.

7 Did she then solicit anything of value
8 for any other person? And what she's soliciting
9 is arguably -- and that's for the Commission to
10 decide -- she's soliciting a contribution equivalent
11 to the contribution that has been made to the FJEC,
12 assuming that the language of her e-mail is accurate
13 that that contribution has already been made, and to,
14 quote, withdraw it, close quote, doesn't seem to be
15 feasible.

16 MS. WILSON: In addition to asking or
17 requesting -- respectfully requesting withdrawal of
18 the financial support or write a check -- so that's
19 writing a check, asking for money, and, and allow
20 them to advertise you as a sponsor providing the same
21 level of financial -- level of funding.

22 So something of value, there's money
23 involved, but also using the name as a sponsor,
24 there's value in using the name of a sponsor. That's
25 why we put things on shirts and...

1 MR. SHARBER: Right. Right. And to
2 include the fact that the solicitation was for
3 someone else. I mean, I'll say someone else. That's
4 not the term that's used, but it says any other
5 person is to receive benefit from it.

6 MS. WILSON: Uh-huh.

7 MR. SHARBER: Mr. Chairman?

8 MR. MARTIN: Yes.

9 MR. SHARBER: I'll make a motion that
10 this Commission find that Alderman Hanson violated
11 Section 1-805(1) with her e-mail signifying that she
12 was an official and that she was soliciting funds
13 from the airport authority for the African American
14 Historical Society [sic] to match what the airport
15 authority had decided on their own to donate to the
16 Franklin Justice Equity Coalition.

17 I'll make that a formal motion.

18 MR. MARTIN: Very well.

19 MS. WILSON: I second the motion.

20 MR. MARTIN: So we have a motion and
21 seconded. Do we have further discussion on that
22 motion?

23 So if we have no further discussion, all
24 in favor say aye.

25 MS. WILSON: Aye.

1 MS. THOMPSON: Aye.

2 MR. SHARBER: Aye.

3 MR. MARTIN: And the Chairman votes aye.

4 Let's turn our attention to

5 Section 1-808(2). Again, looking at that section in
6 redacted fashion: Officials -- clearly, Alderman
7 Hanson is a public official -- may not use or attempt
8 to use their position -- and she's identified herself
9 as an elected official of the City of Franklin -- to
10 secure any privilege or exemption for others.

11 MR. SHARBER: I think it's pretty clear,
12 Mr. Chairman, that that's exactly what Alderman
13 Hanson did.

14 MS. WILSON: I agree.

15 MR. MARTIN: So the finding of fact would
16 be that Alderman Hanson in her June the 5th, 2023,
17 e-mail is identifying herself as an elected official
18 and she is using her position, or attempting to use
19 her position in that regard, to secure a privilege or
20 exemption for the African American Heritage Society.

21 MR. SHARBER: And I'll put that in the
22 form of a motion.

23 MR. MARTIN: Do we have a second?

24 MS. THOMPSON: Second.

25 MR. MARTIN: Second.

1 Do we have any further discussion on
2 that?

3 There being no further discussion, do we
4 have a vote?

5 All in favor say aye.

6 MR. SHARBER: Aye.

7 MS. THOMPSON: Aye.

8 MS. WILSON: Aye.

9 MR. MARTIN: The Chair votes aye.

10 So we found that Alderman Hanson in her
11 conduct through the June the 5th, 2023, e-mail has
12 violated two provisions of the Franklin Municipal
13 Code. And we're making that finding based on the
14 entire record, Ms. Ashworth, that's been presented
15 here today.

16 The question, then, is: What should be
17 the next step or the sanction?

18 In Section 1-813 it says -- this is
19 entitled Violations. It says --

20 MR. SHARBER: Was that 813?

21 MR. MARTIN: Yeah. 1-813.

22 MR. SHARBER: Thank you.

23 MR. MARTIN: It says: An elected
24 official who violates any provision of this chapter
25 is subject to punishment as provided by the

1 municipality's charter and/or other applicable law
2 and in addition is subject to censure by the
3 governing body.

4 Now, the governing body is the Board of
5 Mayor and Aldermen.

6 MR. SHARBER: Right. It's not us.

7 MR. MARTIN: So this Commission does not
8 have the authority to censure Alderman Hanson unless
9 the charter of the City of Franklin grants that
10 authority. And I'm unaware of any provision in the
11 City charter that would do so, and I'm unaware of any
12 other applicable law that would grant that authority
13 to this Commission.

14 MS. ASHWORTH: Mr. Chair?

15 MR. MARTIN: Yes.

16 MS. ASHWORTH: Under Section 2-310 --

17 MR. MARTIN: I'm getting there. So this
18 is 2-310(7)? Yeah.

19 MS. ASHWORTH: Yes.

20 MR. MARTIN: So we have another code
21 provision that has been brought to our attention.

22 This is Section 2-310(7) and that reads:
23 Based upon specific, substantiated evidence from
24 credible sources to support a reasonable belief that
25 there has been a violation of the ethics code, it

1 shall -- let me read that.

2 It says: If the ethics commission
3 determines that specific, substantiated evidence from
4 credible sources exists to support a reasonable
5 belief that there has been a violation of the ethics
6 code, then it shall -- it's mandatory -- render a
7 written decision stating facts supporting that
8 finding, conclusions of law and censure, as
9 appropriate. Okay?

10 MS. ASHWORTH: Yes.

11 MR. SHARBER: May I ask that you go back
12 to 813 and make the point that you were going to
13 make, and then look at this 310(7) so we can sort of
14 see how they match up?

15 MR. MARTIN: So 813, redacted, reads: An
16 elected official who violates any provision of this
17 chapter is subject to punishment as provided in the
18 charter and/or the applicable law and in addition is
19 subject to censure by the governing body.

20 And then you're comparing that,
21 Mr. Sharber, with 2-310(7), which says that we shall
22 render our decision stating facts supporting our
23 conclusions of law and censure, as appropriate. You
24 know, I think that the last two words give this
25 Commission discretion to recommend to the Board of

1 Mayor and Aldermen that it censure Ms. Hanson, but it
2 doesn't mandate that we do that.

3 MR. SHARBER: It just says that we just
4 have to submit a written decision.

5 MR. MARTIN: We have to submit a written
6 decision, and then we can submit that to the Board of
7 Mayor and Aldermen with a finding that Ms. Hanson
8 should be censured, but we do not have the authority
9 to censure her.

10 But if you look at 813, it's a little
11 stronger in the sense that it says: The elected
12 official who violates any provision of this charter
13 and/or applicable law is subject to censure by the
14 Board of Mayor and Aldermen. So that's a little
15 stronger.

16 MR. SHARBER: Yeah. I agree. You're
17 subject to that.

18 MR. MARTIN: Yes.

19 MR. SHARBER: But in 310(7), I mean, it
20 mandates, shall --

21 MR. MARTIN: Right.

22 MR. SHARBER: -- that we make a decision.

23 MR. MARTIN: A written decision.

24 MR. SHARBER: Written decision based on
25 the facts and the finding, conclusions of law and

1 censure, as appropriate.

2 So if we simply relate our decision that
3 Alderman Hanson violated the ethics codes of the City
4 of Franklin, in Section 1-805(1) and 1-808(2), we
5 are -- we can render that as our written decision.

6 MR. MARTIN: That's correct. Or you can
7 go further and recommend to the Board that she be
8 censured.

9 MS. WILSON: And if we make a
10 recommendation like that, then the action of the
11 Board is as they deem appropriate.

12 MR. MARTIN: That's right. They're not
13 required to accept our recommendation, or at least
14 that's the way I read it.

15 Ms. Ashworth, what's your thought on it?

16 MS. ASHWORTH: It could also be read
17 under 1-813(1) that, subject to punishment as
18 provided by the municipality's charter and/or other
19 applicable law, which would be 2-310(7). So it could
20 also be read as the governing body has the ability to
21 censure, and the ethics commission under 310(7) also
22 has the ability to censure, as appropriate, because
23 2-310(7) is arguably other applicable law.

24 It does not take away the ability to
25 censure. It gives that to the ethics commission,

1 censure as appropriate. And, further, under
2 1-813(1), the governing body -- the person is subject
3 to censure by the governing body.

4 MS. THOMPSON: Mr. Chairman?

5 MR. MARTIN: Yes.

6 MS. THOMPSON: As the Commission, we have
7 the option to say that Alderman Hanson has violated
8 805(1), 808(2) and we recommend -- or refer her to
9 the Board of Mayor and Aldermen for appropriate
10 action?

11 MR. MARTIN: We could.

12 MR. SHARBER: We actually have several
13 options here available to us. Whatever we decide is
14 going to be public record and is going to be
15 available to anyone.

16 I'll make a motion that based on
17 Section 1-813(1) and 2-310(7) that we issue a written
18 decision supporting the facts of which we've already
19 stated in 1-805 and 1-808 as to our findings.

20 MR. MARTIN: And you're not suggesting
21 that we refer the matter to the Board of Mayor and
22 Aldermen for their consideration of censure?

23 MR. SHARBER: That's correct.

24 MR. MARTIN: Okay. Do we have a second?

25 MS. WILSON: I want to make sure I

1 understand the motion.

2 So the motion is that we are not sending
3 forward a recommendation to the Mayor and Board of
4 Aldermen to take another action? Is that what I'm
5 hearing?

6 MR. MARTIN: Yes. For the Board to
7 consider censure. That's what I understand.

8 MS. WILSON: Not to --

9 MR. SHARBER: That's not my motion. My
10 motion is, because we're required to render a written
11 decision stating our facts -- okay? -- that's part of
12 310(7).

13 MS. WILSON: Right.

14 MR. SHARBER: And I'm sort of dissecting
15 this -- that we render our decision with the written
16 facts that we've already talked about, that we
17 believe that she violated -- Alderman Hanson violated
18 the ethics code -- that our written decision is that
19 we render a decision -- stating the facts that we've
20 said, we render the decision and then we stop right
21 there.

22 I'm not saying we're not doing anything
23 else. I'm just saying that -- I'm sort of piecing it
24 in that our written decision will be based on (7) and
25 (1) out of 813. If I understand that we can do that.

1 MS. WILSON: And, Mr. Chairman, if we do
2 that, that ends our comments on this matter?

3 MR. MARTIN: It will. And then whether
4 the Board would ever consider it or not remains to be
5 seen.

6 MR. SHARBER: That's my intent of my
7 motion.

8 MS. WILSON: What's your intent?

9 MR. SHARBER: Is that we do that and we
10 just end it. But we don't send it to the Board. If
11 they want to pick it up from public record, that
12 would be up to the Board. Because there's nothing --

13 MS. WILSON: Can I make a comment?

14 MR. SHARBER: -- that says that we have
15 to send anything to the Board after we make a
16 decision. Am I correct in understanding that?

17 MR. MARTIN: That's correct.

18 MR. SHARBER: Should we ask our
19 counselor?

20 Are we obligated to send something to the
21 Board of Mayor and Aldermen?

22 MS. ASHWORTH: No. I think the confusion
23 that Commission Member Wilson has is regarding the
24 censure portion of your motion. Is there anything --
25 and also while I'm speaking, I would say that

1 whatever you decide to do needs to include the
2 language in (7) that the ethics commission determines
3 that specific, substantiated evidence from credible
4 sources exists to support a reasonable belief that
5 there has been a violation of the ethics code,
6 specifically those two codes.

7 MR. SHARBER: And I'm fine with that. I
8 think that should be --

9 MR. MARTIN: And Mr. Sharber said that.
10 I think if you --

11 MR. SHARBER: Yeah.

12 MS. ASHWORTH: I might have been writing.

13 MR. MARTIN: He's been very clear that he
14 wants our order to make it specific to say that's the
15 basis of our decision.

16 MS. ASHWORTH: All right.

17 MR. MARTIN: Our findings.

18 Well, we've got a motion.

19 MR. SHARBER: I'm not addressing censure.
20 That's what I'm not --

21 MR. MARTIN: What you're suggesting is we
22 simply find there's been a violation of two code
23 sections and leave it at that.

24 Is there a second to that motion?

25 MS. WILSON: I want to make a comment. I

1 don't want to second yet.

2 MR. MARTIN: Well, we can't discuss it
3 until we have a second.

4 MS. WILSON: Okay.

5 MR. MARTIN: If there's no second, it
6 will die for lack of a second.

7 And we have no second. It dies for lack
8 of a second.

9 Do we have any other motion?

10 MS. WILSON: I'll make a motion that as
11 we have noted, there has been an ethic violation of
12 our code in 805 and 808, as we have noted and
13 recorded, and that we make a recommendation -- so we
14 write our findings and send that to the Board. And
15 that we recommend that there is censure; that there
16 is accountability for the actions of Alderman Hanson.

17 MR. MARTIN: That's clear. Do we have a
18 second to that motion?

19 I second it. So further discussion?

20 MS. WILSON: I would be happy to make a
21 comment on this. As I listen -- as I read and we're
22 trying to apply the ethical code and looking at the
23 e-mail that we have -- and we've also heard witnesses
24 speak, and some of the things that I heard related to
25 integrity and respect for the ordinances. And the

1 impact of this one message are of great concern to
2 me, and they are of such concern to me that I just
3 don't want to ignore that.

4 So I'll stop there.

5 MR. MARTIN: Do we have any further
6 discussion on the motion that's on the floor?

7 MR. SHARBER: Your motion includes
8 sending it to the Board of Mayor and Aldermen with
9 the recommendation of censure?

10 MR. MARTIN: That's correct.

11 MS. WILSON: Yes.

12 MR. MARTIN: There being no further
13 discussion, then we'll take a vote.

14 All in favor say aye.

15 MS. THOMPSON: Aye.

16 MS. WILSON: Aye.

17 MR. SHARBER: Aye.

18 MR. MARTIN: Aye. We are unanimous.

19 So, Ms. Ashworth, will you please prepare
20 an order for our consideration that includes the
21 findings of fact and conclusions of law using the
22 standard that is set forth in (7) of Section 2-310,
23 and include in the order that the matter be referred
24 to the Board of Mayor and Aldermen with a
25 recommendation that Ms. Hanson be censured.

1 MS. ASHWORTH: Yes.

2 MR. MARTIN: Very well.

3 Is there any further business coming
4 before the Commission?

5 MS. JOHNSON: We did not vote on the
6 minutes from the last two meetings. Would you like
7 to do that?

8 MR. SHARBER: I'll make a motion that the
9 meeting minutes of June 27th and July 6th be
10 approved.

11 MS. WILSON: I second it.

12 MR. MARTIN: All in favor?

13 MS. THOMPSON: Aye.

14 MS. WILSON: Aye.

15 MR. SHARBER: Aye.

16 MR. MARTIN: Very good. Then there being
17 no further business, we are adjourned. Thank you
18 all.

19 MR. HORWITZ: Can I ask a clarifying
20 question?

21 MR. MARTIN: Yes, sir.

22 MR. HORWITZ: So the Post Hearing
23 provision speaks to the appeal provision, a writ of
24 certiorari within 30 days from the date the decision
25 is rendered. We're at Roman numeral VIII.1.

1 MR. MARTIN: What code section are you
2 looking at, Mr. Horwitz?

3 MR. HORWITZ: I'm sorry. I'm in
4 your Amended Bylaws and Procedures.

5 MR. MARTIN: Okay. You're in the bylaws
6 now. Let me look at those with you. And you're
7 under the Post Hearing section?

8 MR. HORWITZ: Yes.

9 MR. MARTIN: Yeah. I don't think that's
10 anything other than a restatement of our law.

11 MR. HORWITZ: No, no. I understand.
12 What I'm trying to figure out -- so 30 days from the
13 date of the decision. I just want to make sure that
14 there's not --

15 MR. MARTIN: Right.

16 MR. HORWITZ: -- disagreement as to when
17 the decision was rendered.

18 MR. MARTIN: Ms. Ashworth, I think that
19 the 30 days begins to run once we enter the order. I
20 don't know. I mean...

21 MS. ASHWORTH: It's date of decision, and
22 I believe you just decided.

23 MR. MARTIN: That's correct. But we have
24 to -- we've decided, but we're required to make the
25 decision in writing. So we have decided, but the

1 mandate is it be a written decision with findings of
2 fact and conclusions of law. And until we sign off
3 on the decision, I don't think that mandate will have
4 been met.

5 Ms. Billingsley?

6 MS. ASHWORTH: The problem is my
7 interpretation of that versus a judge hearing a writ,
8 what Mr. Horwitz is concerned about.

9 MS. BILLINGSLEY: Yeah. I mean,
10 historically, the way Boards work, when you make a
11 decision on the floor, that's the date of the
12 decision. It's a little different than courts of law
13 where you do wait on the order to be drafted and
14 signed by a judge.

15 You as a body made that decision just
16 now. We will write it up, but the decision has
17 already been made today.

18 MS. ASHWORTH: And the judicial review is
19 based on the record, and there's a full record. The
20 transcript will go in as well.

21 MS. BILLINGSLEY: It will, yes.

22 MR. MARTIN: What they're saying,
23 Mr. Horwitz, the safe course of action is to seek
24 certiorari within 30 days of today.

25 MS. BILLINGSLEY: Yes.

1 MR. HORWITZ: And I tend to agree with
2 that. I just don't know what the decision to be
3 appealed is without that written order, and I don't
4 know if you have to approve the minutes of this
5 meeting first.

6 MR. MARTIN: Well, Ms. Ashworth won't
7 delay. She'll get an order to us quickly.

8 MS. BILLINGSLEY: Yeah. And we'll call
9 the Board back together to approve the minutes,
10 probably with the next -- however long it takes to
11 get the transcript.

12 But with a planning commission, for
13 example, the day that the Board approves a planning
14 commission denial or approval is the decision.
15 Whether or not it makes it into the -- you know, a
16 document or not, it's that day.

17 MR. MARTIN: Very well.

18 MR. SHARBER: Do we want to go ahead and
19 select a date that you will call us back so that
20 Mr. Horwitz will know when we will be doing that?

21 MS. BILLINGSLEY: I think we're going to
22 need to meet with the court reporter to find out when
23 we can get the document. So I don't know if I can --
24 if we can do that right this second.

25 MR. SHARBER: Okay. Okay.

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MR. MARTIN: That will be fine.

Anything further?

All right. We are adjourned. Thank you.

(WHEREUPON, the foregoing meeting was
adjourned at 2:30 p.m. CST.)

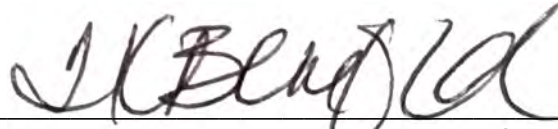
1 REPORTER'S CERTIFICATE

2
3 STATE OF TENNESSEE

4 COUNTY OF WILLIAMSON

5 I, Tammy K. Benefield, Notary Public and
6 Court Reporter, with offices in Franklin, Tennessee,
7 hereby certify that I reported the foregoing meeting
8 of THE ETHICS COMMISSION by machine shorthand to the
9 best of my skills and abilities, and thereafter the
10 same was reduced to typewritten form by me. I am not
11 related to any of the parties named herein, nor
12 related to their counsel, and have no interest,
13 financial or otherwise, in the outcome of the
14 proceedings.

15 I further certify that in order for this
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22 Services.

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TAMMY K. BENEFIELD, RPR, CLR, LCR
Tennessee LCR No. 479

Expires: 6/30/2024

Notary commission expires: 5/23/2026



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**BEFORE THE ETHICS COMMISSION
CITY OF FRANKLIN, TENNESSEE**

JOSEPH J. JENSEN, et al.,	§	
	§	
<i>Complainants,</i>	§	
	§	
v.	§	File #: 21-04933
	§	
GABRIELLE HANSON,	§	
	§	
<i>Respondent.</i>	§	

RESPONDENT'S MOTION TO DISMISS COMPLAINTS

I. INTRODUCTION

COMES NOW the Respondent, Alderman Gabrielle Hanson, and respectfully moves to dismiss the Complainants' complaints against her due to both procedural and substantive deficiencies. As grounds, Alderman Hanson asserts as follows:

II. ARGUMENT

- A. The Complaints are not based on personal knowledge, do not set forth facts admissible in evidence, and do not show affirmatively that the Complainants are competent to testify to the matters stated therein.**

Pursuant to this body's May 17, 2023 Amended Bylaws and Procedures, Section V(3), any complaint:

[S]hall be based on personal knowledge, set forth such facts as would be admissible in evidence, and shall show affirmatively that the complainant is competent to testify to the matters stated therein. All documents referred to in the complaint shall be attached to the complaint.

Id.

Here, none of the seven Complaints asserted against Alderman Hanson satisfies these requirements. No Complaint is or purports to be based on personal knowledge. No

Complaint is sworn or otherwise verified in a manner that would render the facts asserted in it admissible in evidence. No Complainant personally purports to be able to authenticate the email giving rise to the Complaints. Thus, for all of these reasons, the Complaints all fail to comply with the mandatory requirements of Section V(3) and should be dismissed.

B. The Complaints fail to state a cognizable ethics violation as a matter of law.

The U.S. Supreme Court has held repeatedly and without ambiguity that “[t]he manifest function of the First Amendment in a representative government requires that legislators be given the widest latitude to express their views on issues of policy.” *See Bond v. Floyd*, 385 U.S. 116, 135–36 (1966). Put another way: “The role that elected officials play in our society makes it all the more imperative that they be allowed freely to express themselves on matters of current public importance.” *See Wood v. Georgia*, 370 U.S. 375, 395 (1962). Thus, the U.S. Supreme Court has explained that:

Whatever differences may exist about interpretations of the First Amendment, there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs. This of course includes discussions of candidates, structures and forms of government, the manner in which government is operated or should be operated, and all such matters relating to political processes. . . . Suppression of the right . . . to praise or criticize governmental agents and to clamor and contend for or against change . . . muzzles one of the very agencies the Framers of our Constitution thoughtfully and deliberately selected to improve our society and keep it free.

Mills v. Alabama, 384 U.S. 214, 218–19 (1966).

Given this context, “[r]estrictions on a public official’s participation necessarily affect that individual’s First Amendment associational rights and Fourteenth Amendment equal protection rights.” *See Peeper v. Callaway Cnty. Ambulance Dist.*, 122 F.3d 619, 623 (8th Cir. 1997); *see also Boquist v. Courtney*, 32 F.4th 764, 780 (9th Cir. 2022) (“In

light of '[t]he manifest function of the First Amendment in a representative government' and the 'require[ment] that legislators be given the widest latitude to express their views of policy,' we conclude that an elected official's speech is protected regardless whether the official is speaking 'as a citizen upon a matter of public concern'" (quoting *Bond*, 385 U.S. at 135-36).

Peacefully advocating for a coercive economic impact on another individual is expression protected by the First Amendment as well. As the U.S. Supreme Court explained in *Org. for a Better Austin v. Keefe*, 402 U.S. 415, 419, 91 S. Ct. 1575, 1577-78, 29 L. Ed. 2d 1 (1971):

This Court has often recognized that the activity of peaceful pamphleteering is a form of communication protected by the First Amendment. E.g., *Martin v. City of Struthers*, 319 U.S. 141, 63 S.Ct. 862, 87 L.Ed. 1313 (1943); *Schneider v. State*, 308 U.S. 147, 60 S.Ct. 146, 84 L.Ed. 155 (1939); *Lovell v. City of Griffin*, 303 U.S. 444, 58 S.Ct. 666, 82 L.Ed. 949 (1938). In sustaining the injunction, however, the Appellate Court was apparently of the view that petitioners' purpose in distributing **1578 their literature was not to inform the public, but to 'force' respondent to sign a no-solicitation agreement. **The claim that the expressions were intended to exercise a coercive impact on respondent does not remove them from the reach of the First Amendment. Petitioners plainly intended to influence respondent's conduct by their activities; this is not fundamentally different from the function of a newspaper.** See *Schneider v. State*, supra; *Thornhill v. Alabama*, 310 U.S. 88, 60 S.Ct. 736, 84 L.Ed. 1093 (1940). **Petitioners were engaged openly and vigorously in making the public aware of respondent's real estate practices. Those practices were offensive to them, as the views and practices of petitioners are no doubt offensive to others. But so long as the means are peaceful, the communication need not meet standards of acceptability.**

Id. (emphases added).

For these reasons, and for the additional reasons set forth in Alderman Hanson's July 14, 2023 Response to this Commission, which are expressly incorporated into this Motion by reference, the First Amendment fully protects the speech about which the

Complainants have complained, and no ethics provision identified by any Complainant would or could be interpreted to prohibit Alderman Hanson from engaging in constitutionally protected advocacy and constituent representation. Thus, the Complaints against her must be dismissed.

III. CONCLUSION

For the foregoing reasons, each Complaint against Alderman Hanson must be dismissed.

Respectfully submitted,

By: /s/ Daniel A. Horwitz
DANIEL A. HORWITZ, BPR #032176
LINDSAY SMITH, BPR #035937
MELISSA K. DIX, BPR #038535
HORWITZ LAW, PLLC
4016 WESTLAWN DR.
NASHVILLE, TN 37209
daniel@horwitz.law
lindsav@horwitz.law
melissa@horwitz.law
(615) 739-2888

Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on this the 27th day of July, 2023, a copy of the foregoing was delivered via hand-delivery to the following:

City of Franklin Ethics Commission
109 3rd Ave S
Franklin, TN 37064
(615) 791-3217

By: /s/ Daniel A. Horwitz
DANIEL A. HORWITZ, BPR #032176

**BEFORE THE ETHICS COMMISSION
CITY OF FRANKLIN, TENNESSEE**

JOSEPH J. JENSEN, *et al.*,

Complainants,

v.

GABRIELLE HANSON,

Respondent.

§
§
§
§
§
§
§
§
§

File #: 21-04933

**RESPONDENT'S MOTION FOR LEAVE TO CROSS-EXAMINE
COMPLAINANTS**

I. INTRODUCTION

COMES NOW the Respondent, Alderman Gabrielle Hanson, and respectfully moves for leave to cross-examine the Complainants in this matter. As grounds, Alderman Hanson asserts as follows:

II. ARGUMENT

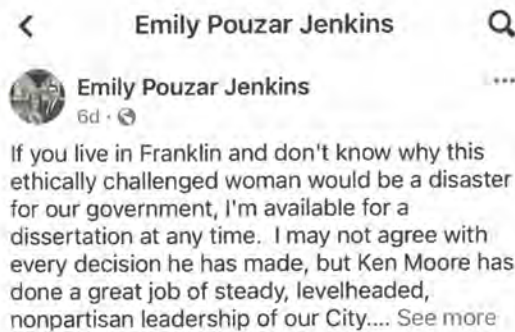
Cross-examination “is ‘the greatest legal engine ever invented’ for uncovering the truth.” *Doe v. Baum*, 903 F.3d 575, 581 (6th Cir. 2018) (quoting *Doe v. Univ. of Cincinnati*, 872 F.3d 393, 401–02 (6th Cir. 2017)). Thus, “[i]n almost every setting where important decisions turn on questions of fact, due process requires an opportunity to confront and cross-examine adverse witnesses.” *Goldberg v. Kelly*, 397 U.S. 254, 269, 90 S. Ct. 1011, 1021, 25 L. Ed. 2d 287 (1970). *Cf. Kaplan v. Univ. of Louisville*, 10 F.4th 569, 583 (6th Cir. 2021) (“the denial of procedures with great probative value, such as cross-examination, may help establish that due process was denied.”). A litigant’s right to cross-examine adverse witnesses is also regarded as “even more important where the evidence

consists of the testimony of . . . persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy.” *Greene v. McElroy*, 360 U.S. 474, 496, 79 S. Ct. 1400, 1413, 3 L. Ed. 2d 1377 (1959).

Section VII(2)(H) of this Commission’s May 17, 2023 Amended Bylaws and Procedures provides that “[c]ross examination of any party by another party shall generally not be permitted.” As detailed below, this provision should not be enforced here, and it cannot lawfully be enforced without violating Alderman Hanson’s due process rights.

The Complainants in this matter are partisans who have initiated ethics complaints due to their unhidden political opposition to Alderman Hanson arising from unrelated matters. For instance, Janet Shouse’s complaint asserts—unrelated to the ethics allegations that she maintains—that: “Alderman Hanson has been sowing division in our city, which makes me very sad.” Similarly, Damon Akin Rogers’s complaint asserts—unrelated to the ethics allegations that he maintains—that: “Like Dolly Parton sings, here we go again! . . . [Alderman Hanson] is a liability to the community I was born and raised! [sic].” Kate Osher’s complaint asserts—unrelated to the ethics allegations that she maintains—that: “Alderman Hanson continues to be a loose cannon, and her behavior cannot be excused. She is a liability to the City. She refuses to ever take responsibility for her behavior or lies. Our City and residents deserve so much better.” Rod Berger’s complaint asserts—unrelated to the ethics allegations that he maintains—that: “I am sure that I am not the first Franklin citizen calling for Alderman Hanson’s removal. The link below and the 9-minute audio clip of Hanson discussing the tragedy at Covenant are horrible, inaccurate, and a terrible representation of Franklin and TN. I call on the media on this thread to seek official comment from the mayor of Franklin and fellow alderman

and inquire about the next steps to remove Hanson from her post. I would also encourage the media to look into Hanson's bigotry (Franklin Pride Permit issue and posting 'what ifs') along with her cozy affiliation with Mom's For Liberty.” Some of the Complainants in this action have also discussed their political opposition to Alderman Hanson on social media. *See, e.g.:*



Given this context, the Complainants are fairly characterized as adverse “persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy.” *Greene*, 360 U.S. at 496. As such, Alderman Hanson must be afforded the “opportunity to confront and cross-examine” them. *Goldberg*, 397 U.S. at 269.

III. CONCLUSION

For the foregoing reasons, Alderman Hanson should be granted leave to cross-examine the Complainants in this matter.

Respectfully submitted,

By: /s/ Daniel A. Horwitz
DANIEL A. HORWITZ, BPR #032176
LINDSAY SMITH, BPR #035937
MELISSA K. DIX, BPR #038535
HORWITZ LAW, PLLC
4016 WESTLAWN DR.
NASHVILLE, TN 37209
daniel@horwitz.law
lindsay@horwitz.law
melissa@horwitz.law
(615) 739-2888

Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on this the 27th day of July, 2023, a copy of the foregoing was delivered via hand-delivery to the following:

City of Franklin Ethics Commission
109 3rd Ave S
Franklin, TN 37064
(615) 791-3217

By: /s/ Daniel A. Horwitz
DANIEL A. HORWITZ, BPR #032176

From: Angie Johnson angie.johnson@franklin.tn.gov

Subject: Public Record Request - Action needed

Date: June 14, 2023 at 9:23 AM

To: Gabrielle Hanson gabrielle.hanson@franklin.tn.gov

Cc: Shauna Billingsley

/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=2770fa970f7a4794a759e363ad39615b-Shauna Bill,
Eric Stuckey

/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=896e6c8537184aa9aca3e39018effaf0-Eric Stucke

Alderman Hanson,

A public record request has been submitted for the items below. Staff will search your *franklin.tn.gov* email account for you. However, since you used other accounts in your role as alderman, those accounts must also be searched and results provided ASAP. This includes any email accounts or other communication methods that have ever been used in your role as alderman. Because we do not have access, you are required to provide any and all emails sent from your other emails accounts and any other communications as listed below that fit the parameters of the request. Please forward emails, text message and social media message screenshots and any other methods of communication outside of your city email account directly to Shauna as individual emails, screenshots or bring in printed versions, whatever works best for you. The Law department will then review all items provided by you and redact as necessary before we release to the requester.

Here is the body of the request:

*From January 1 to present, All communications, including **emails, text messages, social media messages, letters or communications in any form** whatsoever that are responsive to the following categories. Please specifically include any communications from Alderman Hanson's personal email accounts in which she identifies herself by her role as an Alderman.*

- 1. To or from Alderman Gabrielle Hanson to or from any person or entity regarding **Juneteenth***
- 2. From Alderman Hanson **to Alma McElmore***
- 3. To Alderman Hanson **from Alma McElmore***
- 4. To or From Alderman Hanson regarding the **Franklin Equal Justice Coalition***
- 5. Any calendar entries or other records of meetings between Alderman Hanson and any party regarding **Juneteenth and/or the Franklin Equal Justice Coalition***

Please let me know if you have any questions. Thank you.

Angie Johnson, PHR, CMC

City Recorder

City of Franklin

109 3rd Ave S. Franklin. TN 37064

P: 615.550.6707

C: 629.395.4179

www.franklin.tn.gov



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6/4/23 11:37 AM

I am about to make a huge financial ask for you and want your permission

A major group in Nashville needs to send you a large check

6/4/23 1:38 PM

Hi Gabrielle, thank you for thinking of AAHS. Who is the organization? I don't believe when people want to donate to AAHS, that we turn people down. Can you tell me a little about them. Again we appreciate your support to AAHS.

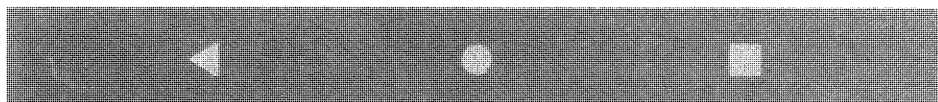
There's a little bit of a story behind it so call me. That's why I'm asking for permission

6/4/23 1:57 PM

Franklin Justice and Equity Coalition -
Franklin Justice and Equity Coalition
<https://fjecwilco.org/>

It's towards the bottom of the page

Sent



From: Gabrielle Hanson <info@gabrielleforalderman.com>

Date: Jun 8, 2023 at 10:26 PM

To: Doug Kreulen <doug.kreulen@flynashville.com>

Cc: Amclemore51 <amclemore51@yahoo.com>, Tara Blue (tblue1@comcast.net) <tblue1@comcast.net>, Matt Largen - Williamson County Chamber of Commerce (Matt@williamsonchamber.com) <matt@williamsonchamber.com>

Subject: Re: BNA Support of BLM in Franklin

I have shared that initiative with several who are concerned. I can go back to the people who said they have requested sponsorship but were declined and provide them with your contact. They were relieved to know that taxpayer dollars are not being used as contributions on the part of BNA. Your financial support of organizations comes at a time when non-profits are spread thin so I know funding is greatly appreciated.

The community considers the airport a service provider for travel and doesn't relate BNA to a philanthropic arm that does extensive community outreach in addition to running a rapidly expanding airport in our area.

Sincerely,
Gabrielle Hanson

2023-06-08 19:02, Kreulen, Doug wrote:

Ms. Hanson,

Now that you understand that no tax dollars are used by the airport authority for any charitable contributions, I hope that you will correct that false premise in the future.

Additionally, if you would provide me with a list of organizations that have been declined support by BNA, I will be glad to confirm your assertion. Thank you.

Respectfully,

Doug

Douglas E. Kreulen, A.A.E.

President & Chief Executive Officer

Metropolitan Nashville Airport Authority

Office: 615-275-1668

140 BNA Park Drive, Suite 520

Nashville, Tennessee 37214

FLYNASHVILLE.COM

From: Gabrielle Hanson <info@gabrielleforalderman.com>

Sent: Thursday, June 8, 2023 2:15 PM

To: Kreulen, Doug <Doug.Kreulen@flynashville.com>

Cc: amclemore51@yahoo.com; Tara Blue (tblue1@comcast.net) <tblue1@comcast.net>; Matt Largen - Williamson County Chamber of Commerce (Matt@williamsonchamber.com) <matt@williamsonchamber.com>

Subject: BNA Support of BLM in Franklin

CAUTION: This email originated from outside the Airport Authority's network. Exercise caution when opening attachments or clicking links, especially from unknown senders as it could be a phishing attack or contain malware.

Dear Mr. Kreulen:

Thank you for your response. I am delighted to know that you participate with minority initiatives in and around the Nashville area. Many of our citizens are concerned about the tax dollar allocation and some of the selections made with what appears to be, tax dollars.

We have many deserving organizations in our community that have been long established, and of which, have asked BNA for support in the past, but were declined. We appreciate your generosity to not-for-profits and hope that you will emphasize that BNA doesn't use taxpayer dollars when contributing to various organizations.

Sincerely,
Gabrielle Hanson

2023-06-08 07:36, Kreulen, Doug wrote:

Dear Alderman Gabrielle Hanson:

Thank you for your email concerning Nashville International Airport's charitable giving initiatives.

The Metropolitan Nashville Airport Authority regrets that you disagree with our decision to contribute to the Juneteenth Festival in Franklin. I would like to share more about BNA's giving initiatives.

BNA proudly supports a myriad of organizations that reflect our diverse and growing community throughout Middle Tennessee. The citizens and passengers we serve come from all different walks of life, including race and socioeconomic status. It's our goal to be an active and engaged airport that, as a community partner, enhances our region's quality of life. We are active members of, and contributors to, many different organizations – nonprofit, civic, and educational – throughout our community. In all cases, these are reputable organizations that benefit our diverse community and share our core values of Respect, Integrity, Service, and Excellence.

Juneteenth commemorates African American freedom and emphasizes education and achievement. It is a Federal Holiday that the Airport Authority observes as one of our eleven holidays celebrated by all employees throughout the year. We are proud to celebrate it through this contribution in 2023.

BNA receives no local tax dollars – this charitable donation is not linked to your taxpayer money in any way. This sponsorship is a part of our overall efforts to expand our Business Diversity Development (BDD) program – a program we are proud to develop and grow. In fact, our BDD program has grown from \$50 million to over \$300 million in successful business opportunities for Small, Minority, Women-owned, Business Enterprises in the past 5-years. As Chair of Williamson Inc. I could not be prouder of the support we have provided to the Black Business Coalition in Williamson County. I am thankful for the support that Matt Largen and Tara Blue have provided to me in this effort.

Thank you for the introduction to Ms. Alma McLemore and The African American Heritage Society. I will respond to Ms. McLemore in a separate email to learn more about her organization.

Respectfully,
Doug

Douglas E. Kreulen, A.A.E.

President & Chief Executive Officer

Metropolitan Nashville Airport Authority

Office: 615-275-1668

140 BNA Park Drive, Suite 520

Nashville, Tennessee 37214

<image001.png>

FLYNASHVILLE.COM

From: Gabrielle Hanson <info@gabrielleforalderman.com>

Sent: Monday, June 5, 2023 7:48 AM

To: Kreulen, Doug <Doug.Kreulen@flynashville.com>

Cc: amclemore51@yahoo.com

Subject: BNA Support of BLM in Franklin

CAUTION: This email originated from outside the Airport Authority's network. Exercise caution when opening attachments or clicking links, especially from unknown senders as it could be a phishing attack or contain malware.

Dear Mr. Kreulen and Board of BNA Airport:

Over the course of the weekend, I have had over 20 Franklin residents reach out to me with concern over BNA paying thousands of dollars in taxpayer money to support what is equivalent to Franklin's local BLM chapter, Franklin Justice and Equity Coalition. It is incomprehensible to think that an airport in Nashville would want to support an organization, in one of America's most revered small town's, that believes in defunding the police, reparations and other radical social justice platforms. Please see the link below that show your support dollars and approval of their agenda.

https://us01.z.antigena.com/I/UQSwpNnj644BKEw-OHq3c3UJk2u5j_ap6~Szg33G7u4keo-vi~iNqvyN3vrQ2-fHxuvqGGO6FvzZzHfmbIpc9R3_ONXObi5HXmEs4RmIqpnj6L9EokyJt2onIkM_qhJgA5YPhabfRyIoXIzi6DGbFSJ

Perhaps you aren't aware that this organization only came about during the heat of BLM rioting across America, as they say, in response to George Floyd, Breanna Taylor and others. Perhaps you aren't aware of the division they caused in our community last year when they asked the city to back them and take Juneteenth away from the African American Heritage Society, who had been our Juneteenth stalwart for decades. The African American Heritage Society has represented the achievements and successes, along with accurate black history in our community for decades. They have preserved the legendary McLemore House and provide annual scholarships to black youth in our community. Yet, they were targeted by the City of Franklin and FJEC and were asked for tens of thousands of dollars to move forward with Juneteenth BLM style or face not having Juneteenth at all. But because of many citizens in Franklin who became involved, AAHS was able to have their own Juneteenth without FJEC.

To put it mildly, our citizens are outraged and angry. I have to agree, I don't want my tax dollars or fees off of plane tickets going to radical agenda's either. I am floored that your board would approve of allocating money in this way. These citizens are prepared to post publicly and link this support to each and every board member, along with their business interests so that the public will know that the board of BNA is financially supporting, and in agreement with, radical social justice agenda's in towns where they literally should have no voice.

Is it the mission of BNA to support African American organizations? Is it the mission of BNA to support Juneteenth? Is it the mission of BNA to support radical agenda's that are dividing our country? That is the question our citizens would like answered.

As an elected official I am respectfully requesting that you either withdraw the financial support and public endorsement of FJEC, or write a check to the African American Heritage Society and allow them to advertise you as a sponsor, providing the same financial level of funding that you did to the Franklin Justice and Equity Coalition. It appears that you want to support African American causes in Franklin, and, particularly, Juneteenth. If you are going to support one entity, you need to support ALL entities providing the Juneteenth experience in our community, particularly those who don't veer off of the course of accurate black history and seek provide an uplifting message of hope and inspiration.

I have copied Alma McLemore, the head of the African American Heritage Society on this email.

Sincerely,

Gabrielle Hanson

City of Franklin

Alderman At-Large

615-946-4200

Dear Alderman Gabrielle Hanson:

Thank you for your email concerning Nashville International Airport's charitable giving initiatives.

The Metropolitan Nashville Airport Authority regrets that you disagree with our decision to contribute to the Juneteenth Festival in Franklin. I would like to share more about BNA's giving initiatives.

BNA proudly supports a myriad of organizations that reflect our diverse and growing community throughout Middle Tennessee. The citizens and passengers we serve come from all different walks of life, including race and socioeconomic status. It's our goal to be an active and engaged airport that, as a community partner, enhances our region's quality of life. We are active members of, and contributors to, many different organizations — nonprofit, civic and educational — throughout our community. In all cases, these are reputable organizations that benefit our diverse community and share our core values of Respect, Integrity, Service, and Excellence.

Juneteenth commemorates African American freedom and emphasizes education and achievement. It is a federal holiday that the Airport Authority observes as one of our 11 holidays celebrated by all employees throughout the year. We are proud to celebrate it through this contribution in 2023.

BNA receives no local tax dollars — this charitable donation is not linked to your taxpayer money in any way. This sponsorship is a part of our overall efforts to expand our Business Diversity Development (BDD) program — a program we are proud to develop and grow. In fact, our BDD program has grown from \$50 million to over \$300 million in successful business opportunities for Small, Minority, Women-owned, Business Enterprises in the past five years. As chair of Williamson Inc., I could not be prouder of the support we have provided to the Black Business Coalition in Williamson County. I am thankful for the support that Matt Largen and Tara Blue have provided to me in this effort.

Thank you for the introduction to Ms. Alma McLemore and The African American Heritage Society. I will respond to Ms. McLemore in a separate email to learn more about her organization.

Respectfully, Doug Kreulen

Appropriations to Outside Agencies

Available Funding for Nonprofit Agencies from the City of Franklin

①

Nonprofit Funding Program

The City of Franklin values the work that our community nonprofit organizations provide and takes pride in our ability to remit funds to further increase their impact.

We encourage our local nonprofit organizations (501C3, 501C6, and 501c4) to apply for a funding allocation for their organization. Applications for the following fiscal year will be available on this page by February. In April/May of each year, our Board of Mayor and Aldermen will determine the amount of funds that they are able to distribute amongst all applicants. As this determination is after the collection period for applications, we strongly encourage organizations to apply for the fund level they feel they need. Actual organization funding allocations are at the discretion of the Board with some applicants receiving approval for full funding, some for partial funding, and some will not receive funding approval.

The Fiscal Year 2023-2024 application deadline is March 17, 2023. Applications submitted past this deadline will not be accepted.

Evaluation considerations

- How much of an impact does this organization have on the community as a whole?
- Are funds projected to be spent in accordance with State of Tennessee TCA 6-54-111?
- Does the City of Franklin provide any other support (financial or other) to the entity?
- Does the entity receive any other additional financial support?

How to Apply

Complete and sign a [City of Franklin Funding application](#) and all required attachments.

Electronic submission of the application and required attachments is the preferred method. They must be e-signed by Adobe digital signature, DocuSign, or a scanned printed copy with an original signature. Electronic submissions may be emailed to nonprofitfunding@franklin.tn.gov. Alternatively, mailed applications and all applicable attachments should be sent to the City of Franklin, Finance Department, Attn: Nonprofit Funding, PO Box 295, Franklin, TN 37065.

Only prior recipients with no changes may forgo submission of a new vendor form. Only entities providing an annual audit of their most recent fiscal year may forgo the State of Tennessee Annual Reporting Form.

Government entities wishing to seek funding from the City of Franklin may reach out to the Budget Division of Finance for government specific information and application materials.

Contact

For questions or assistance, please contact the Budget department at (615) 791-1457 or nonprofitfunding@franklinton.gov

LEGAL POLITICS

Metro sues state for taking control of airport authority

Nashville claims state violated Constitution with move to wrest authority from local government

BY: **SAM STOCKARD** - JUNE 13, 2023 6:02 AM



 The Tennessee General Assembly took control of the Metro Nashville Airport Authority from the city in 2023. (Photo: John Partipilo)

Metro Nashville government filed suit Monday against the state's top political leaders, claiming they violated the state Constitution with a move to shift control of the Metro Nashville Airport Authority.

Filed in Davidson County Chancery Court, the lawsuit contends the Nashville Airport Authority Transfer Act “fundamentally” changes the structure and control of the authority by vacating the board, removing the power of the mayor and Metro Council and transferring it to state officials. The lawsuit names Gov. Bill Lee, Lt. Gov. Randy McNally and House Speaker Cameron Sexton.

“This action violates the Tennessee Constitution’s home rule and equal protection clauses,” the lawsuit says, calling for the court to declare the law unconstitutional and stop it from taking effect. It notes the state did not target other airports in the state’s large cities.

Tennessee’s home rule amendment is designed to stop the state Legislature from targeting one or two local governments without a referendum or a vote by its government body.

After the Metro Council refused to enter a contract last year to lure the 2024 Republican presidential convention to Nashville, the Legislature passed several measures seen by critics as punishment, including a move to cut the Metro Council to 20 from 40 members, take over appointments to the airport and sports authorities and lower the number of votes needed to renovate at the Metro Fairgrounds race track in advance of plan to bring in NASCAR.

A lawsuit brought by Metro Nashville against state leaders charges a new law changing the composition of the Metro Nashville Airport Authority violates Tennessee’s home rule amendment, which is designed to keep the legislature from targeting one or two local governments.

The airport law allows the governor, lieutenant governor and House speaker to appoint six of eight seats on the airport board, taking away most of the authority of the mayor, who appoints all seven current board members.

Metro contends state law passed in 1969 gives local government “sole discretion” to set up a metro airport authority and full control over appointments to a board of commissioners.

Republican lawmakers argued this session the appointment process should be changed because the Metro Nashville airport has become a “regional” facility funded by the entire state. Metro, which points out the airport consists of more than 1 million square feet with 380 flights daily, calls that a gross “generalization.”

McNally spokesman Adam Kleinheider said Monday the lieutenant governor is confident the law will survive the legal challenge.

“The Greater Nashville area and its airport have grown significantly. BNA is now a regional airport and should be governed like one. Metro will not be without influence. But it will need

to share power as BNA fully transitions from a small municipal airport to large regional international airport. This is reasonable, legal and fair,” Kleinheider said in a statement.

Sexton issued a statement Monday saying, “I do appreciate Metro recognizing the significant investments made by the state to help transform BNA into a world-class, international airport. We are all aware of BNA’s significant growth and the vast majority of users being from outside of Davidson County. Additionally, over the last decade, the state of Tennessee has provided over \$200 million in funding to BNA to aid in growth and show our commitment and mutual interest. This isn’t just about the number of travelers or visitors; it’s also for economic recruitment interest for all of Middle Tennessee. BNA is a great asset for our state, and the sharing of appointments will only enhance it.”

In contrast, Metro says the airport isn’t funded by the state of Tennessee but is “self-supporting,” deriving most revenue from sources such as landing and terminal fees, concessions, parking and various other sources, which goes to pay debt. The airport’s total operating revenue was \$210 million in fiscal 2022, with \$29 million coming from the state and \$26 million from the federal government, according to the filing.

Metro contends members of the airport authority, an “instrument” of the local government, can be removed only by a two-thirds vote of the Metro Council after a public hearing. Under the new law, which Lee signed May 19, airport authority members can be removed any time without “cause.”

“In other words, the act takes control of the Nashville Airport Authority away from Metro Nashville and gives it to the state,” the lawsuit says.

Because the state would appoint a majority of board members and hold “unfettered dismissal powers,” the act shifts financial control to the state government and prohibits it from spending money without state oversight, which it calls “clearly a fundamental transfer in the authority’s governance.”

The lawsuit also claims the law poses “significant risk of disrupting federal airport funding,” noting the Federal Aviation Administration won’t take action on proposed changes in operations as long as Metro disputes the changes.

The FAA sent a letter in early April questioning the state’s transfer of power, but Nashville Airport CEO Douglas Kreulen said at the time the federal government failed to show what type of impact the new law would make.



Rep. Johnny Garrett, R-Goodlettsville, at right, pictured with Rep. Chris Todd, R-Jackson. Garrett sponsored legislation to allow the state to appoint members to the Metro Nashville Airport Authority. (Photo: John Partipilo)

In addition, Metro contends that statements by the bill's sponsor, Rep. Johnny Garrett, were incorrect because appointment of a new board would be a "change of governance" with the power to adopt new bylaws and hire new staff.

Garrett, R-Goodlettsville, is quoted in the lawsuit as saying during House floor debate, "There is no change in ownership. There is no change in governance. Even though the new members may be on the board, they're still governed by the same bylaws, they still have the same staff. The only thing that's changing is who gets to appoint members of the board, so this does not trigger FAA issues."

Garrett, nevertheless, conceded in House debate that the act applies only to the Metro Nashville airport.

In a statement today, Garrett called the lawsuit "deeply disappointing" and noted he's "not surprised" that Mayor John Cooper would rather "litigate than work with the General Assembly."

"We believe Tennessee taxpayers deserve fair representation, transparency, and oversight of their investment. Nashville is clearly not interested in the long-term success of one of our most valuable assets," Garrett said in a statement.

Likewise, Sen. Paul Bailey, who sponsored the Senate version of the bill, indicated he designed the measure around the Nashville airport but "offered promises" he would bring similar bills targeting other airports in the state's largest cities, according to the filing.

State Rep. John Ray Clemmons of Nashville, chairman of the House Democratic Caucus, pointed out the lawsuit shows Metro has no choice but to depend on the judiciary to act as a "check" on the Legislature and governor.

“In their clumsy haste to dance for donors and grab more power, Gov. Lee and his legislative conspirators in this unconstitutional endeavor once again failed to get their legal ducks in a row and stay on message, creating a clear legislative record and strengthening Metro’s lawsuit,” Clemmons said in a statement.

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THE TENNESSEAN

POLITICS

Will the real Metro Nashville Airport Authority please stand up?

Sandy Mazza and Josh Keefe Nashville Tennessean

Published 5:02 a.m. CT July 19, 2023 | Updated 3:49 p.m. CT July 19, 2023

The planes are taking off, travelers are buying last-minute coffees, and construction is humming along.

But a behind-the-scenes battle between state and city leaders over control of Nashville International Airport is boiling.

On Wednesday, the Metro Nashville Airport Authority met for its regularly scheduled 1 p.m. board meeting on BNA's campus. Six newly seated, state-appointed board members reviewed the airport's new leasing agreement with its airlines, construction and renovation progress, and strategic 2024 goals.

The new members are downtown Nashville high-rise developer Tony Giarratana; Tennessee Economic and Community Development Commissioner Stuart McWhorter; Senate Majority Leader Jack Johnson, R-Franklin; Masami Tyson, a global business attorney at Womble Bond Dickinson's Nashville office; reappointed board member Jimmy Granbery, chairman and CEO of Nashville-based HG Hill Realty Co.; and reappointed business owner and pilot Bobby Joslin.

A state law that took effect last month reworked the board, which was appointed by the mayor of Nashville, and gave most appointments to the state. Nashville is suing state leaders to block the law, which it calls a "ripper bill" designed to usurp local power in violation of the state constitution, according to court documents.

Meanwhile, across town at the same time in the Historic Metro Courthouse's Media Room, a second Metro Nashville Airport Authority board met. This panel consists of five Mayor John Cooper-appointed members who were ousted when the new board took office on June 30. Cooper has not made any appointments under the new law.

Four original members agreed to hire outside counsel to help fight the state law. Those members are TVV Capital executive Andrew Byrd; Bill Freeman, chairman of Freeman Webb and a local publisher; Tennessee State University President Glenda Glover; and Triad Environmental principal Nancy Sullivan. The fifth member, Tennessee attorney Joycelyn Stephenson, was out of town.

Metro Nashville Law Director Wallace Dietz recommended Metro hire outside counsel on behalf of the board. He told the board that he has a person in mind and was awaiting completion of a conflict check to share the name.

A resolution authorizing Dietz to make the hire was unanimously approved so that the person may attend the next scheduled meeting.

Also at the meeting, Cooper said the Federal Aviation Authority still considers the city's board in charge of the airport and thanked the gathered commissioners for continuing to serve.

"It's important we follow federal regulatory authority," Cooper said.

FAA Associate Administrator of Airports Shannetta R. Griffin sent a letter, in response from a request from Dietz, saying that the agency has no stake in the lawsuit. But she said they would continue to recognize Cooper's appointees until the court decides.

"The FAA is also concerned about the uncertainty the legislation may have on the MNAA board governance during the pendency of the litigation," Griffin wrote. "To avoid this uncertainty, please be advised that the FAA will continue to recognize the existing board until such time as the Chancery Court rules on the issue."

A July 28 court hearing is scheduled to decide on Metro's request for a temporary injunction. The lawsuit names Gov. Bill Lee, Lt. Gov. Randy McNally, R-Oak Ridge, and House Speaker Cameron Sexton, R-Crossville. The three state officials and the mayor of Nashville each have two votes each on the eight-member board, per state law.

"As an agency and instrumentality of Metro, the Nashville airport has consistently performed well and expanded," Dietz said. "The state this year chose to upend 50 years of successful local management."

Who's in charge?

Metro leaders dispute the state law and are seeking a court injunction to block it. They say the state is overreaching unconstitutionally into a local jurisdiction.

"This hostile takeover only affects one local government and violates the Tennessee constitution," Dietz said. "We have filed suit seeking to declare the law unconstitutional and ensure BNA's future success."

The constitutional statute at issue states, in part, "The General Assembly shall have no power to pass a special, local or private act having the effect of removing the incumbent from any municipal or county office."

State and airport attorneys said this rule doesn't apply to MNAA because it is an independent entity.

"The (state law) does not remove any Metro Nashville officer from office, because MNAA commissioners are not Metro Nashville officers," state attorneys argue in court documents. "Because the act is not local in form or effect, it does not require local approval. Metro Nashville's claims are not likely to succeed on the merits because it cannot meet its heavy burden to show that the Act is unconstitutional, especially in view of the strong legal presumption of constitutionality afforded the Act."

The lawsuit also accuses MNAA CEO Doug Kreulen of siding with the state and welcoming the board change. He has issued statements that the board is following the guidance of their attorneys, who say he must follow state law.

"As an airport authority, we do not take political positions," Kreulen wrote, in a recent open letter to the community. "We recognize that the current situation has caused frustration and confusion, but our responsibility is to remain legally compliant so that our airports can operate as essential hubs of transportation for our vibrant community."