

Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd
Mt. Juliet, TN 37122



Agenda

Monday, November 3, 2025

3:00 PM

City Hall

City of Mt. Juliet Ethics Commission

1. **Public Hearing**
 - 1.A. Public Notice 10.22.2025 [1456](#)
Attachments: [Public Notice 10.22.25](#)
2. **Call to Order & Declare a Quorum Present**
3. **Set Agenda**
4. **Approval of Minutes**
 - 4.A. Meeting Minutes to be Approved - 2-21-2024 [1459](#)
Attachments: [Meeting Minutes to be Approved - 2-21-2024](#)
5. **Citizens Comments**
6. **Review and Consideration of Ethics Complaint**
 - 6.A. The Maleys v Luke Winchester [1457](#)
Attachments: [Maleys' Ethics Complaint](#)
[Maleys' Ethics Complaint ATTCH 1 \(email\)](#)
[Maleys' Ethics Complaint ATTCH 2 \(court docs\)](#)
[Maleys' Ethics Complaint ATTCH 3 \(Register of Deeds docs\)](#)
[Winchester's Ethics Complaint Response](#)
7. **Review of Code of Ethics**
 - 7.A. Code of Ethics - Proposed Revisions May 2024 [1458](#)
Attachments: [Code of Ethics - Proposed Revisions May 2024](#)
8. **Adjournment**



Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd
Mt. Juliet, TN 37122

Staff Report

File #: 1456

Agenda Date: 11/3/2025

Agenda #: 1.A.

Title:

Public Notice 10.22.2025

Cost of Publication

\$

24.98

PUBLIC NOTICE

The City of Mt. Juliet Ethics Commission will be meeting on November 3, 2025, at 3PM at the Mt. Juliet City Hall, 2425 N Mt. Juliet Rd, in the Commission Chambers to conduct a public hearing on an ethics complaint and discuss revisions to the Code of Ethics.

The public is invited to attend and comment.

STATE OF TENNESSEE County of Wilson

Personally appeared before me,

Shelley K. Satterfield

A Notary Public of Sumner County, Tennessee, Dave Gould, who being first duly sworn, made oath that he is President of *The Chronicle of Mt. Juliet*, and that the hereto attached publication appeared in the same on the following dates:

10-22-2025

Dave Gould

Dave Gould, President

Subscribed and sworn to before me
on the date of:

10-22-2025

Shelley K. Satterfield

OCTOBER 28 2028



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8:30 Traditional Worship
9:45 Sunday School
11:00 Modern Worship



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Public Notice

Sealed Bids for the construction of the N. MT. JULIET RD. (S.R. 171) AND CURD ROAD INTERSECTION IMPROVEMENTS project will be received by The City of Mt. Juliet, Tennessee, at the Finance offices at 2425 N. Mt. Juliet Road, Mt. Juliet, Tennessee 37122 until 10:00 A.M. local time on Friday, November 14th at which time the Bids received will be opened publicly immediately following. No bids will be accepted after this time and date. The project consists of constructing improvements to the intersection of N. Mt. Juliet Road (S.R. 171) and Curd Road and the installation of a new traffic signal at this location.

Bids will be received for a single prime Contract. Bids shall be on a lump sum and unit price basis, with additive alternate bid items as indicated in the Bid Form.

The Issuing Office for the Bidding Documents is Barge Design Solutions, 615 3rd Ave. South, Suite 700, Nashville, TN 37122. The primary contact is Dominic Stone, P.E. at 615-252-4436 and dominic.stone@bargedesign.com. Prospective Bidders may examine the Bidding Documents at the City of Mt. Juliet Public Works Department located at 115 Clemmons Road, Mt. Juliet, TN 37122 Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. local time.

Printed copies of the Bidding Documents may be obtained from the Issuing Office, during the hours indicated above, upon payment of a Non-Refundable deposit of \$50.00 for each set. Money Order or Cashier's Check ONLY. No personal checks will be accepted. Plan Deposits will be made payable to Barge Design Solutions. Upon request and receipt of the document deposit indicated above plus a non-refundable shipping charge, the Issuing Office will transmit the Bidding Documents via delivery service. The shipping charge amount will depend on the shipping method selected by the prospective Bidder. The date that the Bidding Documents are transmitted by the Issuing Office will be considered the Bidder's date of receipt of the Bidding Documents. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including Addenda if any, obtained from sources other than the Issuing Office.

Bid security shall be furnished in accordance with the Instructions to Bidders. All prospective bidders and subcontractors shall be pre-qualified and in good standing with the Tennessee Department of Transportation.

Owner: City of Mt. Juliet Public Works Department
By: Matt White, P.E.
Title: Public Works Director
Date: October 22, 2025

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Public Notice

The Board of Commissioners of the City of Mt. Juliet will conduct a public hearing and consider the following on October 27, 2025, at 6:15PM, at City Hall located at 2425 N. Mt. Juliet Road.

- An Ordinance to annex into the Corporate Boundaries of The City of Mt. Juliet Roadway and Associative Right-Of-Way on E. Division Street from the Existing City Limits, at the Northwestern Property Corner of Parcel 072.067.00, to a point, approximately 2,293 Linear Feet, East Along E. Division Street, being located within the City's Urban Growth Boundary
- An Ordinance to Rezone the Property Located At 43 E. Caldwell Street, approximately 0.57 Acres, Map 0721, Group A, Parcel 003.00 From RS-40 To CTC
- An Ordinance to Rezone the Property Located at 3336 N. Mt. Juliet Road, approximately 1.37 Acres, Map 054, Parcel 179.01 From RS-40 to CTC
- An Ordinance to amend the Land Use Plan for the property known as The Sutton located on Golden Bear Gateway, Map 072, Parcels 047.00, 047.01, 048.00 & 049.00, Map 077, Parcels 010.02, 011.01, & 012.02 From Mixed Use to Mixed Use and High Density Residential
- An Ordinance to rezone approximately 73.96 Acres of property known as The Sutton, located on Golden Bear Gateway, Map 072, Parcels 047.00, 047.01, 048.00 & 049.00, Map 077, Parcels 010.02, 011.01, & 012.02, From OPS-PUD, OPS AND RS-40 to CMU-PUD and RS-10-PUD and to adopt the preliminary master development plan for a mixed use development
- An Ordinance to rezone the property located at 47/47b E. Caldwell Street, approximately 1.2 Acres, Map 0721, Group A, Parcels 005.00 And 006.00 from RS-40 to CTC
- An Ordinance amending the Fiscal Year 2025/2026 Budget Ordinance 2025-35 to appropriate funds for The Town Center Trail, Phase 3 And Lebanon Road Sidewalks, Phase 3 Projects that were recently awarded additional grant funding
- An Ordinance amending the Fiscal Year 2025/2026 Budget Ordinance 2025-35 to transfer personnel funds from The Police Department to The Executive Department

The public is invited to attend and comment.

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5



Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd
Mt. Juliet, TN 37122

Staff Report

File #: 1459

Agenda Date: 11/3/2025

Agenda #: 4.A.

Title:

Meeting Minutes to be Approved - 2-21-2024

Mt. Juliet, Tennessee

*2425 North Mt. Juliet Rd
Mt. Juliet, TN 37122*



Meeting Minutes

Wednesday, February 21, 2024

3:00 PM

City Hall

City of Mt. Juliet Ethics Commission

1. Call to Order & Declare a Quorum Present

Mr. Bill Farmer, Special Counsel for the Ethics Commission called the Ethics Commission to order at 3:00 pm and declared a quorum present.

Present: Yancy Belcher, Andy Barlow, Georgina Hughes, Leslie Penny,

Mr. Farmer requested that each member introduce themselves and who had appointed them.

2. Election of Chairperson

Mr. Farmer asked for nominations for Chairperson.

Motion made by Georgina Hughes to nominate Yancy Belcher to serve as Chairperson,
2nd by Leslie Penny.

Mr. Farmer asked if there were any other nominations.

Andy Barlow nominated himself.

Mr. Farmer called for a vote on Yancy Belcher as Chairperson:

Yea: Belcher, Hughes, Penny

Mr. Farmer called for a vote on Andy Barlow as Chairperson.

Yea: Barlow

Yancy Belcher was nomintaed as Chairperson.

3. Set Agenda

Chairperson Yancy Belcher made comments and explained the frustrations with the current Ethics Ordinance, Open Meetings, Public Comments, etc.

Discussion was held on public comments.

Motion made by Andy Barlow to add public comments, limit to 3 minutes per speaker and that the comments should only be related to the items on the agenda, 2nd by Leslie Penny.

Discussion was held.

Vote: Yea: Unanimous

Public Comments were made from the following:

Vince King, 24 4th Avenue
Jennifer Milele, 217 Sunny Acre Drive
Karen Sweet 60 E. Caldwell
Darrin Cunningham, Fairview Drive
Steven Hoekendorf, 393 Page Drive
Sam English, 2337 Devonshire Drive:
Holly Long, 2200 Dina Court:

Chairperson Belcher commented on the Ethics Ordinance/Ethics Officer and explained the process. He stated the Ethics Commission would listen to all involved.
Discussion was held.

4. Review and Reconsideration of all actions and decisions taken at all previous Ethics Commission Meetings

Motion made by Andy Barlow to declare the previous meeting and findings of the three compliants Null & Void, 2nd by Georgina Hughes.

Vote Yea: Unanimous

4.A. Chris Sorey Ethics Complaint v City Attorney Gino Marchetti and Responses**0542****Attachments:**

Chairperson Belcher stated they would allow the complaintant to make their statement then the respondent, then the Ethics Commission member will be allowed to ask either person questions, Then a vote will be taken.

Mr. Farmer Swore in Chris Sorey.

Chris Sorey explained his complaint.

Questions were addressed to Mr. Sorey.

Mr. Farmer swore in Mr. Marchetti.

Mr. Marchetti explained his case.

Chris Sorey withdrew his complaint and returned to the podium at 3:58 and stated this meeting rectified his complaint.

Vote Yea: Unanimous to accept Mr. Sorey's withdrawal.

Mr. Marchetti thanked Mr. Sorey.

4.B. Mayor Maness Ethics Complaint v Commissioner Hefner and Responses**0526****Attachments:**

Casey Mallory, Attorney for Scott Hefner commented on documents filed by the Mayor and that his client should receive 30 days in writing to respond

Discussion was held.

Mr. Farmer swore in Mayor Maness.

Discussion was held.

Considering the Motion to Dismiss filed by Commissioner Hefner:

Motion made by Georgina Hughes to consider the Motion to Dismiss filed by Commissioner Hefner , 2nd by Chairperson Belcher.

Vote on motion to dismiss:

Yea: Belcher, Hughes

Nay: Barlow, Penny

Discussion was held.

Motion made by Georgina Hughes to go forward on th Motion to Dismiss, 2nd by Chairperson Belcher.

Vote: Yea: Belcher, Hughes

Nay: Barlow, Penny

Mayor Maness called for a Point of Order.

Discussion was held.

Motion made by Andy Barlow to reconsider, 2nd by Chairperson Belcher.

Vote Yea: Unanimous

Motion made by Andy Barlow to consider the Motion to Dismiss, 2nd by Georgina Hughes.

Vote Yea: Barlow, Belcher, Hughes

Nay: Penny

Discussion was held on the Motion to Dismiss:

Motion made by Chairperson Belcher to dismiss for failure to meet requirements of the ordinance, 2nd by Georgina Hughes.

Vote Yea: Belcher, Hughes

Nay: Barlow, Penny

Discussion was held.

Casey Mallory, Attorney for Scott Hefner recommended an Executive Session and allow him to speak with his client.

Motion made by Georgina Hughes and 2nd by Chairper Belcher to recess until 5:30.

No objections voiced. Recess was held.

The Ethics Commission returned to session at 5:30 pm

Mayor Maness presented his complaint.

Casey Mallory Attorney for Scott Hefner presented Commissioner Hefner's complaint.

Mr. Farmer swore in Commissioner Hefner.

Discussion was held.

Motion to advance the complaint for discussion made by Leslie Penny, 2nd by Andy Barlow.

Vote Yea: Unanimous

Discussion was held.

Motion to dismiss the complaint against Commissioner Hefner made by Chairperson Belcher, 2nd by Georgina Hughes.

Discussion was held.

Vote to Dismiss: Vote Yea: Unanimous

4.C. Commissioner Milele Ethics Complaint v Commissioner Hefner and Responses 0527

Attachments:

Mr. Farmer swore in Commissioner Milele.

Commissioner Milele presented her complaint.

Discussion was held

Casey Mallory, Attorney for Scott Hefner spoke on behalf of Commissioner Hefner.

Motion to dismiss the complaint made by Georgina Hughes, 2nd by Chairperson Belcher.

Discussion was held.

Vote to Dismiss: Yea: Unanimous

4.D. Commissioner Hefner Ethics Complaint v Mayor Maness and Responses 0528

Attachments:

Casey Mallory Attorney for Commissioner Hefner stated that Commissioner Hefner was volunteering to dismiss his complaint.

Motion made by Georgina Hughes to consider the withdrawal of the complaint, 2nd by Andy Barlow.

Vote to approve the withdrawal of the complaint: Yea: Unanimous

- 4.E.** Commissioner Hefner Ethics Complaint v Commissioner Milele and Responses **0553**

Attachments:

Motion made by Chairperson Belcher to dismiss the complaint against Commissioner Milele, 2nd by Andy Barlow.

Vote to dismiss the complaint: Yea: Unanimous

- 4.F.** Vice Mayor Trivett Ethics Complaint v Commissioner Justice and Responses **0529**

Attachments:

Mr. Farmer swore in Vice Mayor Bill Trivett.

Vice Mayor Bill Trivett presented his complaint.

With no objections a break was taken and everyone was asked to return at 7:20 pm. The Ethics Commission reconvened at 7:20 pm

Mr. Farmer swore in Commissioner Ray Justice.

Commissioner Justice presented his complaint.

Vice Mayor Bill Trivett stated he was willing to drop his complaint.
Commissioner Justice stated he was willing to drop his complaint.

Motion made by Georgina Hughes to drop both complaints, 2nd by Andy Barlow.
Vote to drop both complaints: Yea: Unanimous

- 4.G.** Commissioner Justice Ethics Complaint v Vice Mayor Trivett and Responses **0530**

Attachments:

This complaint was dropped under item 4.G.

4.H. Mr. Bill Farmer Ethics Commission Report**0548****Attachments:**

Bill Farmer explained the Ethics Commission Report from the prior Ethics Commission. And stated they were trying to save embarrassment to all concerned. Chairperson Belcher asked for clarity with a new Ethics Ordinance. Chairperson Belcher asked if the Ethics Commission would like to work on recommendations for the new ordinance. All members responded yes.

5. Adjournment

Motion made by Andy Barlow to adjourn at 8:10 p.m., 2nd by Chairperson Belcher.

Chairperson Yancy Belcher

City Recorder Sheila S. Lockett, MMC



Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd
Mt. Juliet, TN 37122

Staff Report

File #: 1457

Agenda Date: 11/3/2025

Agenda #: 6.A.

Title:

The Maleys v Luke Winchester

Christopher Maley & Lee Ann Williams-Maley

9991 Central Pike
Mt. Juliet, TN 37122

September 16, 2025

Ms. Samantha Burnett, City Attorney
City of Mt. Juliet
2425 N. Mt. Juliet Road
Mt. Juliet, TN 37122

Dear Ms. Burnett:

This letter serves as a formal follow-up to the deficiencies outlined in your email of September 10, 2025, concerning our complaint dated August 28, 2025.

We have taken the following steps to address the noted items:

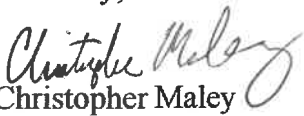
- Our original statement and this complaint have both been **duly notarized**.
- Our current address has been included on this letter and has been handwritten on the initial complaint for clarity.
- We affirm that the facts presented in our August 28 submission are based on our thorough research, a review of official documents and emails from the planning department, and the official video recording of the Mt. Juliet Planning Committee meeting on October 17, 2024.
- We have provided copies of three key documents as attachments:
 - The email from attorney Kathleen Robson Gordon to our attorney Ben Lewis, dated July 30, 2025
 - Court documents for Case CV-2025-77, including the temporary restraining order
 - The Plat, Deeds, and Deed Restrictions pertaining to Lot 5 of the Roy D. Rader Estates

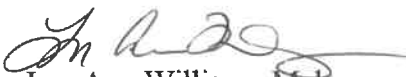
Additionally, a typographical error on the original complaint has been corrected and initialed. The date of Ms. Gordon's correspondence, previously listed as July 20, 2025, now accurately reflects July 30, 2025.

We understand that the City of Mt. Juliet will provide the Ethics Committee with access to the ordinances cited in our original complaintⁱ and the agendaⁱⁱ and videoⁱⁱⁱ from the October 17, 2024 Planning Committee Meeting.

We appreciate your consideration of this matter. Please do not hesitate to contact us should you or the committee require any further information.

Sincerely,

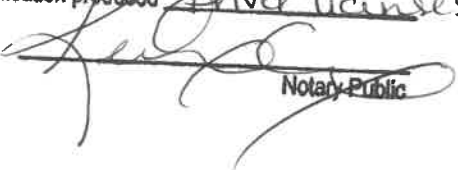

Christopher Maley

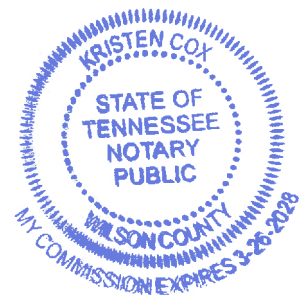

Lee Ann Williams-Maley

ⁱ https://library.municode.com/tn/mt._juliet/codes/land_development_code?nodeId=PTASURE_ARTIGEPR

ⁱⁱ <https://mtjuliet-tn.legistar.com/MeetingDetail.aspx?ID=1135310&GUID=19FB9B2E-14D7-4F35-B945-2D6FC9464ED8&Options=info%7C&Search=>

ⁱⁱⁱ https://mtjuliet-tn.granicus.com/player/clip/111?view_id=1&redirect=true

State of Tennessee
County of Wilson
Subscribed and sworn to (or affirmed) before me this
10th day of September 2025
By Christopher Maley + Lee Ann Williams-Maley
Personally known OR produced identification x
Type of identification produced Driver licenses

Notary Public



To: Yancy Belcher, Mt. Juliet Ethics Commission Chairman
CC: Kenny Martin, Mt. Juliet City Manager
 James Manness, Mt. Juliet Mayor
 Samantha Burnett, Mt. Juliet City Attorney
Subject: Ethics Complaint and Allegation of Official Misconduct Against Luke Winchester, Planning Commission Chairman
Date: August 28, 2025

This complaint is filed to allege multiple violations of public ethics and statutory law by Luke Winchester in his capacity as Chairman of the Mt. Juliet Planning Commission. The violations stem from a direct and undisclosed conflict of interest related to a property he owns through Mitchell-Winchester Asset Management LLC and subsequent actions that appear to constitute official misconduct and coercion.

1. Factual Summary and Allegations of Misconduct:

- Luke Winchester through his ownership interest in Mitchell-Winchester Asset Management, LLC is the owner of properties located at 9911 Central Pike and the adjacent Lot 5 of the Roy D. Rader Estate in Wilson County.
- On July 20, 2025, Mitchell-Winchester Asset Management LLC's attorney Kathleen Robson Gordon by email threatened us, adjacent property owners, stating that if we did not release a legal injunction on the development, the Defendants would seek to have the number of units on the property increased from 7 to 60. After reviewing the City of Mt. Juliet's Land Use Map, we cannot find that this claim is easily achieved, but it is still a threat by his legal representative and he is an appointed city official.
- While serving as Planning Commission Chairman, Luke Winchester presided over and participated in a meeting on October 17, 2024, where a vote was taken to approve the development of a 7-home subdivision on property he owns through his ownership interest in Mitchell-Winchester Asset Management, LLC.
- During this meeting, Mr. Winchester failed to publicly disclose his ownership interest in the property being voted upon, thereby concealing a clear conflict of interest. While we were aware that Mr. Winchester abstained from voting on the matter, *we were not aware until watching the Committee's video on August 20, 2025*, that he did not publicly disclose his ownership interests or recuse himself.
- The City of Mt. Juliet's Ordinances, 1-105.201 and 1-105.202,¹ are very clear when it comes to matters of items of deed restrictions. We wonder if this subdivision would have been approved if Mr. Winchester was not the Planning Commission Chairman?
- On April 14, 2025, our attorney Ben Lewis filed a lawsuit in Wilson County's Chancery Court. A temporary restraining order to stop the development was issued by Chancellor Smith on the same day. On April 29, 2025, we were in court for a hearing on our case. Chancellor Smith left the Injunction in place.

¹ 1-105.201. *Public provisions.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control, as determined by the enforcing officer.
 1-105.202. *Private provisions.* These regulations are not intended to abrogate any easement, covenant, or other private agreement or restriction; provided, that where these regulations are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where any private provision exceeds the standards set forth herein, such shall be considered a private contract between the parties of interest, and, as such, is beyond the jurisdiction of the Planning Commission.

State of Tennessee
County of Wilson

Maleys' Ethics Complaint

Subscribed and sworn to (or affirmed) before me this
14th day of September 2025
By Christopher Maley & Lee Ann Williams-Maley
Personally known _____ OR produced identification _____
Type of identification produced Driver Licenses

- A contempt order will be forthcoming.

2. Violations of Law and Public Trust:

The actions of Luke Winchester constitute a direct violation of several ethical principles and statutes governing public officials in Tennessee:

- **Conflict of Interest:** By failing to disclose his ownership interest and by participating in a meeting concerning his own property, the Chairman violated his duty to act impartially and in the public interest. This creates a clear and unmitigated conflict of interest.
- **Official Misconduct:** The Chairman's alleged threat through his attorney to use his public office to harm us as adjacent property owners for personal gain constitutes an abuse of power. This action directly supports an allegation of **Official Misconduct** under T.C.A. § 39-16-402, as he is alleged to have used his official position to obtain a benefit or restrict the freedom of action of another person.
- **Extortion:** The specific threat to increase the density of a project to force the adjacent property owner to release a legal injunction directly aligns with the elements of **Extortion** under T.C.A. § 39-14-112, which prohibits using coercion to unlawfully restrict a person's freedom of action.

3. Supporting Information:

- This matter is currently the subject of a legal case, where subpoenas have been issued to the City Planning Department.
- On June 6, 2025, our attorney filed a subpoena to request "All emails, text messages, instant messages, and any other forms of electronic communication (including but not limited to messages sent via internal communication platforms, Slack, Microsoft Teams, etc.) related to the application, review, discussion, and approval of the subdivision known as MWAM Subdivision located at 9911 Central Pike and Lot S, Roy D. Rader Estate, Mt. Juliet, Tennessee 37122."
- The Department has allegedly engaged in deliberate acts of obstruction, including refusing to accept service from a process server in June 2025 and delaying the acceptance of certified mail related to this case until July 2025. This pattern of behavior is relevant as it appears to be an attempt to impede the legal process and protect the Chairman from investigation.
- Initially, the City of Mt. Juliet's Planning Department requested an extension on producing the requested documents. Our attorney's office contacted them to agree on a deadline and did not hear back. To date, the City of Mt. Juliet has failed to provide any of the information requested by our Legal Counsel through the Subpoena.

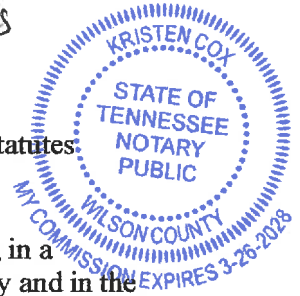
4. Request for Action:

I respectfully request that the Mt. Juliet Ethics Commission conduct a full investigation into these allegations of misconduct. The Chairman's actions are a serious breach of public trust and, if proven, warrant formal censure, removal from office, and potential referral for criminal prosecution. Corroborating evidence and documentation is available upon request. Please confirm receipt of this complaint. We can be reached at 615-773-4024.

Sincerely,


Lee Ann Williams-Maley


Christopher Maley



On Wed, Jul 30, 2025 at 5:56 PM Kathleen Robson <robson@robsonlopez.com> wrote:

CONFIDENTIAL SETTLEMENT OFFER- REQUIRED TO BE TENDERED BY YOU TO PLAINTIFFS UNDER TN STATUTES

Good evening,

I have drafted- and am filing- the attached motion on Friday.

The first available date for hearing in Lebanon is 8/18 which would cut short your 30 days to answer.

The next available date is on 10/31 in Trousdale County.

Please advise whether you agree to file a response prior to 8/18 (we will waive the right to reply) or whether you are agreeable to 10/31 in Trousdale County and I will send over an agreed order to attend Court there in front of our Judge.

In the alternative, I've been authorized to make the following settlement offer- which I thought we had already agreed upon.

We gave your clients a seat at the table to help pick out fences and be part of the conversation on the flora but you refuse to answer my emails on same.

You have now not responded to me for over 3 months on that settlement.

We are willing to extend that courtesy of the offer of settlement through the end of business tomorrow, Thursday July 31, 2025.

Our clients have tried to be gracious but that is now coming to an end.

If your clients continue to refuse to settle per the above- here is what is going to happen:

- 1) We're likely going to win this motion to dismiss and your clients will be paying our clients' legal fees and court costs per TN statute.
- 2) We also will be filing a motion to increase the bond as my clients have actual damages of between \$400/\$500 per day and the \$25,000 bond is insufficient.
- 3) Sewer is being extended by the city towards my clients' land. My clients are currently only building 7 single family homes on these lots. If this delay continues because of your clients' baseless complaint, my clients will rezone this project to connect to the city sewer and anticipate that instead of 7 single family homes on this property, they will put roughly 60 residential units on the property- 60 units of mixed use townhomes- and close on them in 2028 when the Deed Restrictions expire.

We do not understand why you will not respond to us. It is unprofessional at best. You proposed a settlement. We agreed and then you stopped responding to any communications.

We do not understand why your clients- who have been given everything they asked for- are still pursuing this. They are not going to win. They are costing themselves money and their best case scenario is that they confuse the Court and my clients put not 7 but 60 units on this property instead. I doubt that is something your clients want to happen.

Your clients are going to end up with a much less desirable outcome if they move forward in that either: 1) we win the motion to dismiss and they have to pay our fees (which are now at \$7,500) or 2) the court misunderstands our motion and my clients are forced to wait until 2028 in which case they will apply for re-zoning and put 60 units on this land.

We remain open to a firm settlement offer contract being produced by you for review by end of business tomorrow- Thursday July 31, 2025. Given your lack of responses, only a proposed settlement contract will be accepted by end of business tomorrow, we are done negotiating.

Else, I don't think this is going to end in any positive way for your clients.

Please convey this to them and advise.

Thank you,
Kathleen

Note: Robson & Lopez LLC will no longer be sending wire instructions. If you receive wire instructions from anyone at our firm, please notify us immediately. All wire instructions must be obtained by the buyer directly from the title company.

LEGAL NOTICE. If you are not the individual for whom this email was intended, notify the sender and then delete the email. Robson & Lopez LLC directed this communication to, and intended it for the sole use of, the individual or entity to which the sender intended to send it to. It may contain information that is confidential, protected by the attorney-client privilege, and/or exempt from disclosure under applicable law. If you are not the intended recipient, *you are hereby notified* that any distribution, dissemination, or copy of this communication is strictly prohibited. If you have received this communication in error, please contact the sender immediately, and then delete or destroy the material in its entirety.

--

Kathleen Robson Gordon

Attorney at Law- Licensed in Illinois and Tennessee

Office hours 6:30am- 3pm M-Th;

Friday by Appointment Only

2022 Distinguished Service Award- Chicago Volunteer Legal Services

2023 Attorney for Justice awarded by the TN Supreme Court

Robson & Lopez LLC

A CONSUMER PROTECTION LAW FIRM

[121 S. Western Avenue Unit 1](#)
[Chicago, IL 60612](#)

Office- Main Number: (312) 523-2166

www.robsonlopez.com

Note: Robson & Lopez LLC will no longer be sending wire instructions. If you receive wire instructions from anyone at our firm, please notify us immediately. All wire instructions must be obtained by the buyer directly from the title company.

LEGAL NOTICE. If you are not the individual for whom this email was intended, notify the sender and then delete the email. Robson & Lopez LLC directed this communication to, and intended it for the sole use of, the individual or entity to which the sender intended to send it to. It may contain information that is confidential, protected by the attorney-client privilege, and/or exempt from disclosure under applicable law. If you are not the intended recipient, *you are hereby notified* that any distribution, dissemination, or copy of this communication is strictly prohibited. If you have received this communication in error, please contact the sender immediately, and then delete or destroy the material in its entirety.

SUMMONS

STATE OF TENNESSEE

CHANCERY COURT OF WILSON COUNTY

Christopher Maley and
Lee Ann Williams-Maley Plaintiff

VS

Mitchell-Winchester Asset
Management, LLC Defendant

Defendant

Defendant

To the above named Defendant(s): Mitchell-Winchester Asset Management
305 Anchor Lane,
Old Hickory, TN 37138

You are hereby summoned and required to serve upon Ben Lewis

plaintiff's attorney, whose address is 316 W. Main Street, Murfreesboro, TN 37130

and answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint.

Witness, Millie Sloan, Clerk and Master of said court, issued at office the

14 of April A.D. 2025

Millie Sloan
Millie Sloan, Clerk and Master

By Debbie G. Wray
Deputy Clerk and Master

Received this _____ day of _____, 20____

 **ADA Coordinator**
615-444-2835

Deputy Sheriff

(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure.)

SUMMONS CIVIL ACTION CHANCERY COURT, WILSON COUNTY, TENNESSEE
RETURN ON SERVICE OF SUMMONS

Malays Ethics, Complaint ATTCH 2

I hereby certify and return, that on the 21 day of April, 2025

I served this summons together with the complaint herein as follows: Personal Service on
Anthony Mitchell on behalf of Mitchell-Winchester
Asset Management, LLC

Dennis Young Process Server
2820 Stewart CR Ad. M. Boro, TN.
Rutherford County

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return, that on the _____ day of _____, 20____,
I sent, postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the
complaint in case # _____ to the defendant, _____
on _____ day of _____, 20____. I received the return receipt, which had been
signed by _____ on the _____ day of _____,
20____. The return receipt is attached to this original summons to be filed by the Chancery Court Clerk and Master.
Sworn to and subscribed before me on this _____ day of _____, 20____.

Signature of: _____ Notary Public or _____ Deputy Clerk and Master

My commission expires: _____

Signature of plaintiff, plaintiff's attorney or other person
authorized by statute to serve process.

CERTIFICATION (IF APPLICABLE)

I, Millie Sloan, Clerk and Master of the Chancery Court in the State of Tennessee, Wilson County, do certify this to be a true and correct
copy of the original summons issued in this case.

Millie Sloan, Clerk and Master

by: _____ X
D.C. & M.

26-2-301 PROCEDURE FOR EXERCISING EXEMPTION
NOTICE

TO THE DEFENDANT (S):

Tennessee law provides a ten thousand dollar (\$10,000.00) personal property exemption from execution or seizure to satisfy a judgement. If
a judgement should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of
the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as
necessary; however, unless it is filed before the judgement becomes final, it will not be effective as to any execution or garnishment issued
prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary
wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits,
the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand
your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

IN THE CHANCERY COURT FOR WILSON COUNTY, TENNESSEE
AT LEBANON

CHRISTOPHER MALEY and)
LEE ANN WILLIAMS-MALEY,)
)
Petitioners,)
)
v.)
)
MITCHELL-WINCHESTER ASSET)
MANAGEMENT, LLC, a Tennessee)
limited liability company,)
)
Respondent.)

Case No.:

FILED
APR 24 2025
9:48 P.M.
MILLIE SLOAN, CLERK & MASTER
CHANCERY COURT WILSON CO., TN

FILED
APR 14 2025
3:53 P.M.
MILLIE SLOAN, CLERK & MASTER
CHANCERY COURT WILSON CO., TN

EX PARTE TEMPORARY RESTRAINING ORDER

This cause came to be decided on the 14th day of April, 2025, before the Honorable CK SMITH sitting for the Chancery Court for Wilson County, Tennessee, at Lebanon, based upon the Petition for Declaratory Judgment, Violatin of Restrictive Covenants, and Request for *Ex Parte* Restraining Order and Permanent Restraining Order, Affidavit, and the record as a whole, the Court finds that the request for an *Ex Parte* Temporary Restraining Order pursuant to Rule 65 of the *Tennessee Rules of Civil Procedure* is well taken.

IT IS HEREBY ORDERED that the Respondent, MITCHELL-WINCHESTER ASSET MANAGEMENT, LLC, a Tennessee limited liability company, shall be immediately restrained and prohibited from any continuing development or construction of the MWAM Subdivision located upon Lot 5 of the Roy D. Rader Estate.

IT IS FURTHER ORDERED that this Restraining Order shall remain in effect pending further orders of this Court.

This order expires on the _____ day of _____, 2025, at _____ a./p.m.,

unless extended by further Court order.

IT IS SO ORDERED, this the 14th day of April, 2025, at 3:20 PM

cks
JUDGE

MCCARTER | EAST, PLLC

STATE OF TENNESSEE, COUNTY OF WILSON
I hereby certify the foregoing to be a true and perfect copy of the original instrument on file in this case.

day of April, 2025
MILLIE SLOAN, CLERK & MASTER

D. C&M



BENJAMIN LEWIS, BPR #35227

Attorneys for Petitioners

316 West Main Street

Murfreesboro, Tennessee 37130

(615) 893-9255

(615) 893-9258 fax

benlewis@mcclaw.com

NOTICE OF HEARING

THE RESTRAINING ORDER IS SET TO BE HEARD ON THE 29th DAY OF April, 2025, AT 9:00 A.M. BEFORE THE HONORABLE C.K. SMITH AT THE WILSON COUNTY JUDICIAL BUILDING.

EXECUTED AS COMMANDED

BY SERVING THE WITHIN

ON Mitchell - Winchester Asset Mgmt.

AND LEAVING A COPY WITH

Anthony Mitchell

THIS 21 DAY OF April, 2025

Kenneth Young

DEPUTY SHERIFF

IN THE CHANCERY COURT FOR WILSON COUNTY, TENNESSEE
AT LEBANON

CHRISTOPHER MALEY and
LEE ANN WILLIAMS-MALEY,

Petitioners,

v.

MITCHELL-WINCHESTER ASSET
MANAGEMENT, LLC, a Tennessee
limited liability company,

Respondent.

Case No.: 2025CV-77

FILED
A.M. APR 15 2025 P.M.
MILLIE SLOAN, CLERK & MASTER
CHANCERY COURT WILSON CO., TN

INJUNCTION BOND

COME NOW the Petitioners, CHRISTOPHER MALEY and LEE ANN WILLIAMS-MALEY, submits as surety this bond for the Petitioner pending their Ex Parte Restraining Order in the above-captioned case.

1. Undersigned counsel shall be surety in this matter in the amount of \$25,000.00.
2. All further matters are herby reserved.

Respectfully submitted,

Lee Ann Williams-Maley

Christopher Maley

LEE ANN WILLIAMS-MALEY

CHRISTOPHER MALEY

Petitioners

CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was served with the petition upon the Respondent.

Ben Lewis w/ permission #30809
BENJAMIN LEWIS

04/24/2003 - 08:00 AM

4 PGS : AL - DEED	
JEWEL BATCH: 6777	
TEST RUN: 03189048	
VALUE	68000.00
MORTGAGE TAX	0.00
TRANSFER TAX	251.60
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	274.60
STATE OF TENNESSEE, COUNTY OF WILSON	

JOHN B SPICKARD
REGISTER OF DEEDS

THIS INSTRUMENT PREPARED BY:
DEAN ROBINSON, ATTORNEY
3125 North Mt. Juliet Road
P. O. Box 425
Mt. Juliet, TN 37122

ADDRESS NEW OWNER:
Donna Graves
206 Bettis Road
Lebanon, Tennessee 37090

MORTGAGEE:
None

SEND TAX BILLS:
New Owner

MAP-PARCEL:
Map 99
Parcel 9.06

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of TEN (\$10.00) DOLLARS, cash in hand paid by the hereinafter named Grantees, and other good and valuable considerations, the receipt of which is hereby acknowledged, we, **Willard W. Rader, Thelma Graves Crawford, Marie White, and Margaret Whitely, Heirs of the Estate of Roy D. Rader and Elvis Wayne Hunt, Sharon Hunt Day and Sheila Hunt King, Heirs of Nannie Mai Hunt, a Deceased Heir of the Estate of Roy D. Rader**, hereinafter called the Grantors, have bargained and sold, and by these presents do transfer and convey unto **Donna Graves**, hereinafter called the Grantees, their heirs and assigns, a certain tract or parcel of land in Wilson County, State of Tennessee, described as follows, to wit:

Land in the 24th Civil District of Wilson County, Tennessee, being Lot No. 5 of the Subdivision of the Roy D. Rader Estate of record in Plat Book 23, page 385, Register's Office for Wilson County, Tennessee, to which reference is hereby made for a more complete description of said property.

Being a part of the same property conveyed to Roy D. Rader and wife, May Belle Rader, by deed from Carey R. Shipley and wife, Gladys V. Shipley, as of record in Deed Book 146, page 340, and to Roy D. Rader by deed from May Belle Rader of record in Deed Book 150, page 516, Register's Office for Wilson County, Tennessee. The said Roy D. Rader is deceased and the Grantors are all the heirs of Roy D. Rader under his Last Will and Testament as of record in the Probate Clerk's Office for Wilson County, Tennessee.

This is unimproved property known as Lot No. 5 of the Roy D. Rader Estate, Central Pike, Mt. Juliet, Tennessee 37122.

This conveyance is made subject to all restrictions and easements of record, or which a visual inspection of the property would reveal, including easements, covenants and conditions as shown on the plan of record in Plat Book 23, page 385, all of record in the Register's Office for Wilson County, Tennessee.

Grantors convey the property to Grantees subject to the restrictions imposed upon said property as shown on Exhibit "A" attached hereto and made a part hereof, which shall be covenants running with the land and binding upon the Grantees, their heirs, successors, and assigns for a period of twenty-five (25) years from date hereof.

Property taxes for the current year have been settled between the parties and will be paid by the Grantors.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantees, their heirs and assigns, forever; and we do covenant with the said Grantees that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it, and the same is unencumbered unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said Grantees, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness our hands this 21st day of April, 2003.

Willard W. Rader
WILLARD W. RADER

Thelma Graves Crawford
THELMA GRAVES CRAWFORD

Margaret Whitely

Elvis Wayne Hunt

Willard W. Rader
MARGARET WHITELY
BY WILLARD W. RADER,
ATTY-IN-FACT

Willard W. Rader
ELVIS WAYNE HUNT
BY WILLARD W. RADER,
ATTY-IN-FACT

Sheila Hunt King

Sharon Hunt Day

Willard W. Rader
SHEILA HUNT KING
BY WILLARD W. RADER,
ATTY-IN-FACT

Willard W. Rader
SHARON HUNT DAY
BY WILLARD W. RADER,
ATTY-IN-FACT

Marie White

Willard W. Rader
MARIE WHITE
BY WILLARD W. RADER,
ATTY-IN-FACT

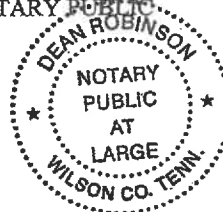
STATE OF TENNESSEE)
COUNTY OF WILSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named **WILLARD W. RADER** and **THELMA G. CRAWFORD**, the bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within Warranty Deed for the purposes therein contained.

Witness my hand and official seal at Mt. Juliet, Tennessee, this 21st day of April, 2003.

Dean Robinson
NOTARY PUBLIC

My Commission Expires: 10-26-03



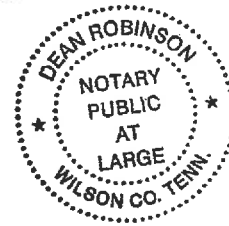
STATE OF TENNESSEE)
COUNTY OF WILSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State the within named **WILLARD W. RADER**, the bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), to be the person who executed the within Warranty Deed for the purpose therein contained on behalf of **Margaret Whitely, Marie White, Elvis Wayne Hunt, Sharon Hunt Day, and Sheila Hunt King**, and who acknowledged that he executed the same as the free act and deed of **Marie White, Elvis Wayne Hunt, Sharon Hunt Day, and Sheila Hunt King**.

Witness my hand and official seal at Mt. Juliet, Tennessee, this 21st day of April, 2003.


NOTARY PUBLIC

My Commission Expires: 10.26.03



STATE OF TENNESSEE)
COUNTY OF WILSON)

The actual consideration or value, whichever is greater for this transfer is \$68,000.00.


AFFIANT

Subscribed and sworn to before me
this 21st day of April, 2003.


NOTARY PUBLIC

My Commission Expires: 10.26.03

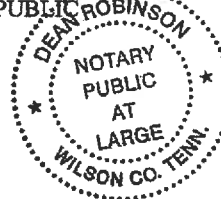


Exhibit "A"

DEED RESTRICTIONS

RADER ESTATE TRACTS

1. No lot shall be used except for residential purposes. Only one residential structure shall be constructed on any one lot, and no such residential structure shall be designated, constructed, or used for more than one family. No duplexes or multi-unit buildings or structures shall be allowed on any lot.
2. Commercial enterprises relating to livestock or other animals is strictly prohibited. The raising of swine for any purpose is also strictly prohibited.
3. No commercial enterprise of any sort shall be allowed on any lot. No noxious or offensive operations shall be conducted or maintained on any lot, and nothing shall be done or allowed to be done or maintained on any lot, which may constitute a nuisance or unreasonable annoyance to the neighborhood or to owners of other lots in the subdivision.
4. No dwelling shall be erected on any lot having a habitable square foot living area, excluding porches, garages, carports, and terraces, of less than 1,800 square feet.
5. No trailer, mobile home or pre-manufactured home shall be erected or placed upon any lot. No temporary structure, shack, or partially completed building shall be erected or place on any lot. Any structure erected upon any lot must be completed within twelve (12) months from the date that construction begins.
6. No lot shall be used as a dumping ground for rubbish, trash, and other waste material nor shall same be allowed to accumulate on any lot.

Wilson (095)

Tax Year 2025 | Reappraisal 2021

Jan 1 Owner
MITCHELL-WINCHESTER ASSET MANAGEMENT LLC
305 ANCHOR DR
OLD HICKORY TN 37138

Current Owner

CENTRAL PK

Ctr Map: 099 Group: 009.06 Parcel: Pl: Sl: 000

Value Information

Land Market Value: \$202,500
Improvement Value: \$0
Total Market Appraisal: \$202,500
Assessment Percentage: 25%
Assessment: \$50,625

Subdivision Data

Subdivision:
ROY RADER ESTATE
Plat Book: 385 Plat Page: 241 Block: Lot: 5

Additional Information

General Information
Class: 00 - Residential
City #:
Special Service District 1: 950
District: 24
Number of Buildings: 0
Utilities - Water/Sewer: 03 - PUBLIC / INDIVIDUAL
Utilities - Gas/Gas Type: 00 - NONE
Outbuildings & Yard Items

Building #	Type	Description	Area/Units
------------	------	-------------	------------

Sale Information

Long Sale Information list on subsequent pages

Land Information

Deed Acres: 5.22 Calculated Acres: 0 Total Land Units: 5.22

Land Code	Soil Class	Units
-----------	------------	-------

03 - SMALL TRACT		5.22
------------------	--	------

Sale Date	Price	Book	Page	Vacant/Improved	Type Instrument	Qualification
7/27/2023	\$850,000	2263	2229	I - IMPROVED	WD - WARRANTY DEED	P - MULTIPLE PARCELS
2/28/2023	\$0	2240	618		QC - QUITCLAIM DEED	-
#21/2003	\$68,000	973	1384	V - VACANT	WD - WARRANTY DEED	A - ACCEPTED
#4/1904	\$0	150	516		-	-

QUITCLAIM DEED

THIS INSTRUMENT PREPARED BY: Lawyer's Escrow Service, Inc.; 2055 N. Mt. Juliet Road, Suite 202; Mt. Juliet, TN 37122 (Prepared Upon Information Furnished by the Parties; No Title Search Performed; No Tax Advice Given)																										
STATE OF TENNESSEE COUNTY OF WILSON THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$0.00. SUBSCRIBED AND SWORN TO before me, this 16 day of March, 2023. <i>Donna Graves</i> NOTARY PUBLIC COMMISSION EXPIRES: March 07, 2026	BK/PG: 2240/618-619 23105104 2 PGS : QUITCLAIM DEED HANNAH DENNY 536368 - 23105104 03/20/2023 - 02:08 PM VALUE <table border="1"> <tr><td>MORTGAGE TAX</td><td>0.00</td></tr> <tr><td>TRANSFER TAX</td><td>0.00</td></tr> <tr><td>RECORDING FEE</td><td>10.00</td></tr> <tr><td>DP FEE</td><td>2.00</td></tr> <tr><td>REGISTER'S FEE</td><td>0.00</td></tr> <tr><td>TOTAL AMOUNT</td><td>12.00</td></tr> </table> STATE of TENNESSEE, WILSON COUNTY JACKIE MURPHY	MORTGAGE TAX	0.00	TRANSFER TAX	0.00	RECORDING FEE	10.00	DP FEE	2.00	REGISTER'S FEE	0.00	TOTAL AMOUNT	12.00	2 PGS : QUITCLAIM DEED HANNAH DENNY 536368 - 23105104 03/20/2023 - 02:08 PM VALUE <table border="1"> <tr><td>MORTGAGE TAX</td><td>0.00</td></tr> <tr><td>TRANSFER TAX</td><td>0.00</td></tr> <tr><td>RECORDING FEE</td><td>10.00</td></tr> <tr><td>DP FEE</td><td>2.00</td></tr> <tr><td>REGISTER'S FEE</td><td>0.00</td></tr> <tr><td>TOTAL AMOUNT</td><td>12.00</td></tr> </table> STATE of TENNESSEE, WILSON COUNTY JACKIE MURPHY	MORTGAGE TAX	0.00	TRANSFER TAX	0.00	RECORDING FEE	10.00	DP FEE	2.00	REGISTER'S FEE	0.00	TOTAL AMOUNT	12.00
MORTGAGE TAX	0.00																									
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MORTGAGE TAX	0.00																									
TRANSFER TAX	0.00																									
RECORDING FEE	10.00																									
DP FEE	2.00																									
REGISTER'S FEE	0.00																									
TOTAL AMOUNT	12.00																									
Name and Address of New Owner Donna Graves Sara K. Bailey Jacky Graves 407 Riceland Road Lebanon, Tennessee 37090	Name and Address of Persons or of Entity Responsible for Payment of Property Taxes Same as New Owner	Map - Parcel Number(s) 099-009.06																								

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, cash in hand paid, the receipt of which is hereby acknowledged, I, **DONNA GRAVES**, owning a one hundred percent (100.00%) undivided interest in a certain tract of land in Wilson County, Tennessee, as hereinafter described, have bargained and sold and do hereby remise, release and forever quitclaim such of my right, title and interest in said tract of land unto **SARA K. BAILEY** and **JACKY GRAVES**, their respective heirs and assigns, in such a manner that each named grantee shall acquire by means of this conveyance a one-third (1/3) undivided interest therein as a tenant in common with each other and with me as the owner of the remaining one-third (1/3) undivided interest. Said tract of land being quitclaimed hereunder in Wilson County, Tennessee is described as follows to wit:

Land in the 24th Civil District of Wilson County, Tennessee, being Lot No. 5 of the Subdivision of the Roy D. Rader Estate of record in Plat Book 23, page 385, Register's Office for Wilson County, Tennessee, to which reference is hereby made for a more complete description of said property.

Being a part of the same property conveyed to Roy D. Rader and wife, May Belle Rader, by deed from Carey R. Shipley and wife, Gladys V. Shipley, as of record in Deed Book 146, page 340, and to Roy D. Rader by deed from May Belle Rader of record in Deed Book 150, page 516, Register's Office for Wilson County, Tennessee.

Being the same property conveyed to Donna Graves by Warranty Deed from Willard W. Rader, Thelma Graves Crawford, Marie White, and Margaret Whitely, Heirs of the Estate of Roy D. Rader and Elvis Wayne Hunt, Sharon Hunt Day and Sheila Hunt King, Heirs of Nannie Mai Hunt, a Deceased Heir of the Estate of Roy D. Rader of record in Book 973, Page 1384, Register's Office for Wilson County, Tennessee. The said Roy D. Rader is deceased and the Grantors in said instrument are all the heirs of Roy D. Rader under his Last Will and Testament as of record in the Probate Clerk's Office for Wilson County, Tennessee.

This is unimproved property known as Lot No. 5 of the Roy D. Rader Estate, Central Pike, Mt. Juliet, Tennessee 37122.

Grantor conveys the interests in the property to Grantees subject to the restrictions imposed upon said property as shown on Exhibit "A" attached to the instrument of record in Book 973, Page 1384, Register's Office for Wilson County, Tennessee which shall be covenants running with the land and binding upon the Grantees, their heirs, successors, and assigns.

This conveyance is further made subject to all restrictions and easements of record, or which a visual inspection of the property would reveal, including easements, covenants and conditions as shown of the plan of record in Plat Book 23, page 385, all of record in the Register's Office for Wilson County, Tennessee and any encroachment, encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land and not shown by the Public Records.

DULY EXECUTED this 28th day of February, 2023.

Donna Graves
Donna Graves, Grantor

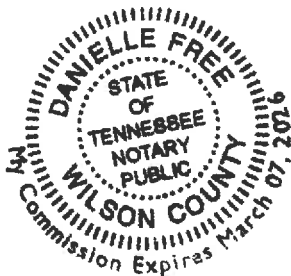
STATE OF TENNESSEE)
COUNTY OF WILSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named **Donna Graves**, the within named bargainor, with whom I am personally acquainted or proved upon satisfactory evidence, and who in my presence affixed her signature to the within instrument, and further upon oath acknowledged that she did so freely and voluntarily, for the purposes therein contained.

WITNESS my hand and seal this 28 day of February, 2023.

Commission Expires: 03/07/2026

Danielle Free
Notary Public



Certificate of Authenticity

I, Ernest D. Bennett, III, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on the 20th day of March, 2023.

Ernest D. Bennett III 03/20/2023
Ernest D. Bennett, III, Affiant Date

State of Tennessee)
County of Davidson)

Sworn to and subscribed before me this 20th day of March, 2023

Commission Expires: 09/02/2024

Anthony N. Greco
Notary Public



Name and Address of New Owner:
Mitchell-Winchester Asset Management, LLC

**305 Anchor Dr
Mt Juliet TN 37122**

Send Tax Bills To:
New Owner

Map & Parcel No: 099-010.00 and 099-009.06

This Instrument Prepared By:
Monarch Title, LLC
252 Jackson Meadows Drive
Suite 301
Hermitage, TN 37076

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby irrevocably acknowledged, **Kathy Bailey (AKA Sara K. Bailey), Jacky Graves, and Donna Graves, each an undivided one-third interest as tenants in common, "the Grantor,"** has this day bargained and sold and by these presents does hereby sell, give, transfer and convey unto **Mitchell-Winchester Asset Management, LLC, a Limited Liability Company, "the Grantee,"** the following described real estate in Wilson County, Tennessee:

Tract 1

A vacant lot situated in the 24th Civil District of Wilson County, Tennessee, and more particularly described as follows: a parcel of land lying on and facing on the North side of the Central Pike 432' and running back north between parallel lines. This east line being 218'8 in. and being the West line of the property this day deeded to Marie White and husband George White. Thence west 432'; thence south 210' to the Central Pike.

Being the same property conveyed to Kathy Bailey, Jacky Graves, and Donna Graves, each an undivided one-third interest as tenants in common, from Carl F. Crawford, relinquishing is previously established life-estate interest, by Quitclaim Deed dated December 9, 2021 and recorded December 13, 2021 in Book 2140, page 1670, said Register's Office.

Being the same property conveyed to Thelma Graves Crawford and husband, Carl F. Crawford, as to a life-estate, and Kathy Bailey, Jacky Graves, and Donna Graves, from Thelma Graves; John T. Gwin, Trustee, by Quitclaim Deed dated November 4, 2005 and recorded November 9, 2005 in Book 1147, page 317, said Register's Office. The said Thelma Graves Crawford having since died on or about January 19, 2021, leaving Carl F. Crawford as the sole life tenant in said property.

Tract 2

Land in Wilson County, Tennessee, being Lot No. 5 on the Plan of Subdivision of the Roy D. Rader Estate, of record in Plat Book 23, page 385, Register's Office for said County, to which reference is hereby made for a more complete and accurate description.

Being the same property conveyed to Sara K. Bailey and Jacky Graves, as to a one-third undivided interest each, as tenants in common with each other, with Donna Graves retaining the remaining one-third interest, from Donna Graves by Quitclaim Deed dated March 20, 2023 and recorded March 20, 2023 in Book 2240, page 618, said Register's Office. The said Sara K. Bailey is also known as Kathy Bailey.

Being the same property conveyed to Donna Graves from Willard W. Rader, Thelma Graves Crawford, Marie White, and Margaret Whitely, Heirs of the Estate of Roy D. Rader, and Elvis Wayne Hunt, Sharon Hunt Day, and Sheila Hunt King, Heirs of Nannie Mai Hunt, a Deceased Heir of the Estate of Roy D. Rader, by Warranty Deed dated April 21, 2003 and recorded April 24, 2003 in Book 973, page 1384, said Register's Office.

Property more commonly known as 9911 Central Pike, Mont Juliet, TN 37122.

TO HAVE AND TO HOLD said real estate unto the Grantee, and the Grantee's successors, heirs and assigns, forever in fee simple.

Grantor covenants that it is lawfully seized and possessed of said real estate, has good right and lawful authority to convey the same, that the title thereto is clear, free and unencumbered (except as hereinbefore specifically set out), and will forever warrant and defend said title against any and all lawful claims of all persons.

IN WITNESS WHEREOF, Grantor has caused this Warranty Deed to be executed on the 27 day of July, 2023.

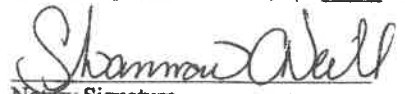
 (SEAL)
Donna Graves

Kathy Bailey AKA Sara K. Bailey

STATE OF TENNESSEE
COUNTY OF Davidson

On this 27 day of July, 2023, before me personally appeared Donna Graves and Kathy Bailey AKA Sara K. Bailey, to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that such person (or persons) executed the same as such person's (or persons') free act and deed.

Witness my hand, at office, this 27 day of July, 2023.


Notary Signature
My commission expires: 11/16/2024



BK/PG: 2263/2229-2232
23114997

4 PGS : DEED	
JILL COFFMAN 543831 - 23114997	
07/31/2023 - 12:02 PM	
VALUE	850000.00
MORTGAGE TAX	0.00
TRANSFER TAX	3145.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	3168.00

STATE OF TENNESSEE, WILSON COUNTY
JACKIE MURPHY

AFFIDAVIT OF VALUE

The undersigned hereby offers this instrument for recording within the meaning of the statutes of the State of Tennessee under Tenn. Code Ann. Section 67-4-409, and hereby swears and affirms that the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$850,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Donna Van Hise
Affiant

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Sworn to and subscribed before me this 31st day of July, 2023.

Shannon O'Neill
Notary Signature
My commission expires: 11/16/2024



IN WITNESS WHEREOF, Grantor has caused this Warranty Deed to be executed on the ____ day of July, 2023.

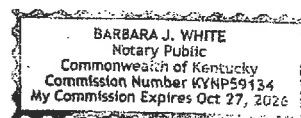
Jacky Graves (SEAL)
Jacky Graves

STATE OF Ky
COUNTY OF Morgan

On this 27 day of July, 2023, before me personally appeared Jacky Graves to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that such person (or persons) executed the same as such person's (or persons') free act and deed.

Witness my hand, at office, this 27 day of July, 2023.

Barbara J. White
Notary Signature
My commission expires:



TRUE COPY CERTIFICATION

I, Shannon O'Neill, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 7/27/2023 (date of document).



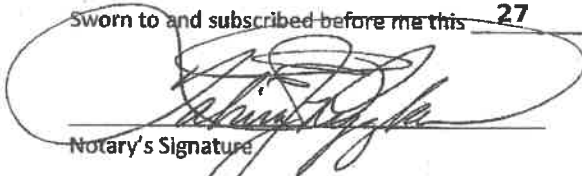
Shannon O'Neill

7/27/2023

Date

State of Tennessee
County of **Davidson**

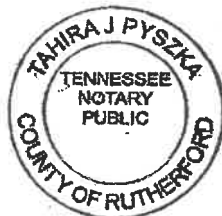
Sworn to and subscribed before me this 27 day of July, 2023.



Notary's Signature

My Commission Expires: 11-22-2025

Notary's Seal



October 28, 2025

Samantha A. Burnett,
City Attorney
2425 N. Mt. Juliet Road
Mt. Juliet, TN 37122

RE: Ethics Complaint

Dear Mrs. Burnett,

Thank you for brining to my attention the ethics complaint filed against myself and for the opportunity to be heard against this allegation. It is my belief that the alleged violations were not committed and it will be found that I have and always will act under the highest ethics. Below is a statement of facts:

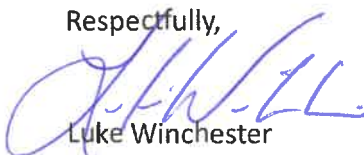
1. I am a minority partner in Mitchell Winchester Asset Management, LLC (known as MWAM) which is a real estate holding company established in the State of Tennessee
2. MWAM purchased 9911 Central Pike on July 27, 2023 with the intent to develop within the jurisdiction of Wilson County Codes
3. Due to a recent ordinance passed within the City of Mt. Juliet, it was required of MWAM that we make application to the City for sewer access. In order to process the application and remain in compliance, we also had to submit a Plat of said subdivision
4. We received a negative recommendation for out-of-city sewer service from the City of Mt. Juliet Staff and BOC due to no access to sewer via this property
5. Upon submitting for preliminary plat and final plat, we received approval from The City of Mt. Juliet meeting all requirements set forth by the subdivision regulations
6. MWAM submitted to Wilson County Planning and Zoning its application for Wright Branch subdivision where it was approved and a letter sent back to the City of Mt. Juliet
7. My only personal communication with City of Mt. Juliet staff was to better understand the process of the new out-of-city sewer ordinance which required all of the said submittals
8. MWAM is unfortunately defending itself in a current lawsuit from Christopher and Lee Ann Williams-Maley. We are under current litigation so I do not wish to make comment on that at this time but to only say we have filed an order of relief under Judge CK Smith's court and cannot be heard until March of 2026. At which time, we believe, the motion of relief will be accepted
9. At no time, did I speak to other members of the Mt. Juliet Planning Commission about MWAM's submittal or attempt to influence any votes
10. At no time, did I make any attempt to speak to or attempt to influence the City of Mt. Juliets staff. Our intent was always to develop within Wilson County Planning and Zoning and not The City of Mt. Juliet
11. MWAM's project came before The Mt. Juliet Planning commission three times. First was on 9/21/23 to request out of city sewer service. I removed myself from the table and

turned the meeting over to the Vice Chair. During this meeting, I did speak as a representative to the project and requested denial. Second was on 10/19/23 where the request was for Preliminary Plat. Due to the absence of the Vice Chair at this meeting, I remained in leadership of the meeting in an attempt to not conduct the election of a Vice Chair to further conduct the meeting. This item, along with others, was on the consent agenda. Other than tabling the consent agenda and asking for a vote on these items, I did not speak about any item on the consent agenda. Furthermore, I abstained. Third was on 10/17/24 where the request was for Final Plat. Again, this was on consent agenda. I did table the consent agenda and I did request a vote. I did not make any comments about any items on the consent agenda and I abstained from the vote.

12. During the three public meetings conducted above, there were no citizen comments and that includes any comments from The Malley's expressing concerns about the submittal.
13. I have served as a member of the Mt. Juliet Planning Commission since 2005 and under the service of now three different Mayors. I have abstained from votes well over 50 times during my tenure. I have never explained my abstention at any one of these times. It was not until these allegations were made that it was explained to me that I should have said "why" I abstained from these votes. I felt that by not making comments and by abstaining from voting that this would suffice as and not be in violation of any ordinances or laws.
14. The attorney for MWAM, Kathleen Robson Gordon, did send an email to the plaintiffs council where she stated the financial burden that is present on this development and that if it should be held up, MWAM could proceed with a re-submittal back to The City of Mt. Juliet where we would apply for sewer, annexation, plan of service and additional density in an attempt to recoup financial losses caused by the lawsuit. In no way was this a threat but simply stating that it would be an available option and one most likely that would be sought after due to the above circumstances

In summary, I respectfully request relief from the allegations of conflict of interest, official misconduct and extortion as none of this occurred. I have lived in the City of Mt. Juliet since 1982. I have worked in the City of Mt. Juliet since 1998. I have served the City of Mt. Juliet as a member of its Planning Commission since 2005. I have served on countless community boards and non-profit organizations within the City of Mt. Juliet and Wilson County during this time. My reputation and continued requests to be involved speak for themselves. At no time have I been anything other than ethical, honest and forthcoming in all that I do. I take pride in all that I do and carry myself as such. I am proud to call myself from Mt. Juliet and proud of what I have been able to do in the community to make it a better place to live. Again, at no time would I have committed such violations especially when we were not even seeking to develop and build within The City of Mt. Juliet. Thank you for hearing me out and thank you for allowing my voice to be heard.

Respectfully,



Luke Winchester



Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd
Mt. Juliet, TN 37122

Staff Report

File #: 1458

Agenda Date: 11/3/2025

Agenda #: 7.A.

Title:

Code of Ethics - Proposed Revisions May 2024

ARTICLE XII. CODE OF ETHICS

Sec. 2-343. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Censure means an expression of severe criticism or reproach.

Complaint means an allegation lodged against an employee or official for possible noncompliance with the Code of Ethics.

Employment interest means a situation in which an official or employee or a designated family member is negotiating possible employment or has applied for employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

Ethics commission means the city's ethics commission, as established herein.

Firsthand knowledge refers to something which the complainant actually saw or heard, as distinguished from something he or she learned from some other person or source. It is also a knowledge that is gained through firsthand observation or experience, as distinguished from a belief based on what someone else has said.

Gift means the transfer of anything of economic value, regardless of form, without reasonable consideration given in exchange. The term "gift" may include a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, whether conveyed or transferred. The term "gift" does not include political campaign contributions which are solicited or accepted in accordance with applicable laws and regulations.

Inquiry means a question about appropriate ethical behavior, but not an actual complaint.

Official means the members of the board of commissioners, as well as members appointed thereby to city boards, commissions, committees, authorities or instrumentalities established by law or this article. The term "official" also includes the city judge.

Personal interest means:

- (1) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests;
- (2) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
- (3) Any such financial, ownership, or employment interest of the official's or the employee's:
 - a. Spouse;
 - b. Parents, including natural, step, or adoptive, as well as in-laws;
 - c. Grandparents;
 - d. Siblings, including natural, step, or adoptive;
 - e. Children, including natural, step or adoptive;
 - f. Grandchildren;
 - g. In-laws; and

-
- h. Any other individual residing within the employee's household who is the legal dependent of the employee or official for income tax purposes.

In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this article.

(Code 1997, § 13-1-102; Ord. No. 2006-41, § 1(13-1-102), 9-25-2006; Ord. No. 2007-43, § 1(13-1-102), 9-24-2007; Ord. No. 2008-21, § 1(13-1-102), 5-12-2008)

State law reference(s)—Similar definitions, T.C.A. § 8-17-102.

Sec. 2-344. Violations.

When a violation of this article by an employee also constitutes a violation of the city's personnel ordinance or personnel policy, rule, or regulation, the violation may be dealt with as a violation of the personnel ordinance. Any employee who violates any provision of this article is subject to disciplinary action including, but not limited to, termination. No employee is entitled to an appeal hearing except as may be set forth in the charter or personnel ordinance. An official who violates any provision of this article is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this article.

(Code 1997, § 13-1-113; Ord. No. 2007-43, § 1(13-1-113), 9-24-2007; Ord. No. 2008-21, § 1(13-1-113), 5-12-2008)

State law reference(s)—Ethics violations and penalties, T.C.A. § 8-17-106.

Sec. 2-345. Applicability.

This article is the code of ethics for personnel of the city. It applies to fulltime and parttime elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city.

(Code 1997, § 13-1-101; Ord. No. 2006-41, § 1(13-1-101), 9-25-2006; Ord. No. 2007-43, § 1(13-1-101), 9-24-2007; Ord. No. 2008-21, § 1(13-1-101), 5-12-2008)

State law reference(s)—Adoption of ethical standards required, T.C.A. § 8-17-103.

Sec. 2-346. Abstentions by officials and disclosure of personal interest by official with vote.

- (a) An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.
- (b) The city shall not be prohibited from doing business with an entity that employs an immediate relative of an official or employee, provided that such business relationship does not violate this article or any other law or ordinance and is disclosed fully in writing.

(Code 1997, § 13-1-103; Ord. No. 2006-41, § 1(13-1-103), 9-25-2006; Ord. No. 2007-43, § 1(13-1-103), 9-24-2007; Ord. No. 2008-21, § 1(13-1-103), 5-12-2008)

Sec. 2-347. Disclosure of personal interest by employees.

An employee who must exercise discretion relative to any matter, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion, shall disclose before the exercise of the discretion when possible the interest on a form provided by and filed with the city recorder. Copies of such forms filed with the city recorder shall be provided to the city manager and filed in the employee's personnel file. In addition, the employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

(Code 1997, § 13-1-104; Ord. No. 2006-41, § 1(13-1-104), 9-25-2006; Ord. No. 2007-43, § 1(13-1-104), 9-24-2007; Ord. No. 2008-21, § 1(13-1-104), 5-12-2008)

Sec. 2-348. Acceptance of gratuities, consideration or favors.

- (a) No official or employee may knowingly solicit, receive benefit from, accept or agree to accept any gratuity, gift, honoraria, loan, favor, promise, or anything of value, either directly or indirectly:
 - (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
 - (2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.
- (b) Notwithstanding any other provision of this article, employees and officials may accept meals, gifts, promotional items or mementos that are unsolicited and of a de minimis value or are otherwise authorized by state law. For the purposes of this section, the term "de minimis value" means deemed to be a value, on a per occurrence or per event basis, of \$25.00 or less.

(Code 1997, § 13-1-105; Ord. No. 2006-41, § 1(13-1-105), 9-25-2006; Ord. No. 2007-43, § 1(13-1-105), 9-24-2007; Ord. No. 2008-21, § 1(13-1-105), 5-12-2008)

Sec. 2-349. Use of information.

- (a) An official or employee **shall** not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
- (b) An official or employee **shall** not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

(Code 1997, § 13-1-106; Ord. No. 2006-41, § 1(13-1-106), 9-25-2006; Ord. No. 2007-43, § 1(13-1-106), 9-24-2007; Ord. No. 2008-21, § 1(13-1-106), 5-12-2008)

Sec. 2-350. Use of municipal time, facilities, equipment or supplies.

- (a) An official or employee **shall** not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.
- (b) An official or employee **shall** not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the board of commissioners or city manager to be in the best interests of the municipality.

(Code 1997, § 13-1-107; Ord. No. 2006-41, § 1(13-1-107), 9-25-2006; Ord. No. 2007-43, § 1(13-1-107), 9-24-2007; Ord. No. 2008-21, § 1(13-1-107), 5-12-2008)

Sec. 2-351. Use of position or authority.

- (a) An official or employee **shall** not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.
- (b) An official or employee **shall** not use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality.
- (c) Nothing in this article shall be interpreted to prevent an official from making inquiry, or discussing with, an employee the applicable laws, codes, or policies affecting any matter before, within, or under consideration by, the city.
- (d) No official or employee shall provide commercial or advertising endorsements in such a manner as to convey the city's approval of any private for-profit enterprise; provided, however, that an official or employee may respond to inquiries seeking information as to the city's experience with a vendor or other private enterprise.

(Code 1997, § 13-1-108; Ord. No. 2006-41, § 1(13-1-108), 9-25-2006; Ord. No. 2007-43, § 1(13-1-108), 9-24-2007; Ord. No. 2008-21, § 1(13-1-108), 5-12-2008)

Sec. 2-352. Outside employment.

An official or employee **shall** not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. No official's outside employment shall be considered to unreasonably inhibit the performance of an affirmative duty if such official has the option or duty to refrain from voting on issues involving such employer.

(Code 1997, § 13-1-109; Ord. No. 2006-41, § 1(13-1-109), 9-25-2006; Ord. No. 2007-43, § 1(13-1-109), 9-24-2007; Ord. No. 2008-21, § 1(13-1-109), 5-12-2008)

Sec. 2-353. Ethics officer.

The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this article, the city attorney **shall** render an oral or written advisory ethics opinion based upon this article and other applicable law. **Unless directly involved, the ethics officer/city attorney shall not recuse himself from rendering a decision and shall make a decision to determine merit based on the merits of the complaint or inquiry. See Sec. 2-354 (f).**

(Code 1997, § 13-1-110; Ord. No. 2006-41, § 1(13-1-110), 9-25-2006; Ord. No. 2007-43, § 1(13-1-110), 9-24-2007; Ord. No. 2008-21, § 1(13-1-110), 5-12-2008)

Sec. 2-354. Ethics complaints and inquiries.

Inquiry procedures.

- (a) Any individual real person may submit an ethics inquiry in writing via email or postal letter to the city attorney inquiring whether one or more city officials, whether elected or appointed, or an employee, may have violated the code of ethics. The inquiry shall include the inquirer's name, address, and contact information.

- (b) The city attorney shall review the inquiry. If the city attorney determines there has been no ethical violation, the city attorney shall issue an opinion in writing stating there has been no violation. If the city attorney determines that there is a possible ethical violation, the city attorney shall forward the inquiry to the city manager to be investigated by a third party.
- (c) After a third-party investigation, if it is determined that there is a possible ethical violation, the investigator shall file a formal complaint as set out below. If it is determined that there has been no ethical violation, the city attorney shall issue a written opinion including the findings of the investigation.

Complaint procedures.

- (a) Any individual real person may submit an ethics complaint alleging that any one or more city officials, whether elected or appointed, or an employee, have violated the code of ethics.
- (b) Any complaint alleging violation of any of the provisions of this article must be filed with the city recorder. Upon receipt, the city recorder shall annotate the date and time of receipt on the ethics complaint, and log the receipt of the complaint into a running journal kept for the purpose of keeping track of the receipt of ethics complaints and showing the name of the person making the complaint, the date and time of receipt of the ethics complaint, and the name(s) of the person or persons against whom the complaint is made, and any other information that will enable the city recorder to keep accurate records pertaining to ethics complaints. The city recorder shall then forward the complaint to the city attorney.

If such complaint alleges violation by an employee other than the city manager, the city attorney shall forward a copy of such complaint to the city manager **within ten (10) business days**. If such complaint alleges violation by an official, a copy of such complaint shall be forwarded by the city attorney **within ten (10) business days** to the ethics commission and by registered mail or hand delivery to the official against whom the complaint was filed.

- (c) Unless a complaint complies with the requirements of this **section**, such complaint is not valid for consideration, and no action may be taken to investigate or determine the disposition of such a complaint.
- (d) Complaints alleging violation of any provisions of this article must satisfy all of the following requirements:
 - (1) Complaints must:
 - a. Be filed in writing **on the Sworn Ethics Complaint Form**;
 - b. Be made under oath that all statements contained in the complaint are true; and
 - c. Bear the original signature, name, address, and telephone number of the person filing the complaint;
 - (2) Complaints must identify the person who committed the alleged violation, present facts which give rise to the complaint, and explain why those facts constitute a violation of this article. Complaints must be based on personal **firsthand** knowledge of the facts presented in the complaint, must affirmatively state that the complainant has personal **firsthand** knowledge of the facts presented in the complaint, shall set forth such facts as would be admissible in evidence in a court of law, and shall show affirmatively that the complainant is competent to testify as to the facts set forth. **The firsthand knowledge requirement shall be waived for any complaint filed by the third-party investigator.** Any documents referred to in the complaint must be attached to the complaint;
 - (3) Complaints must be filed within **180** days of the date the alleged violation is said to have occurred, or in case of concealment or nondisclosure of personal interests by the employee or official who is the subject of the complaint, within **1 year** of the date the alleged violation should have been discovered after due diligence by the complainant. **Any complaint that does not comply with the time constraints in this paragraph shall be dismissed**; and
 - (4) In the event that the city attorney makes an initial determination that a complaint filed is

technically deficient or incomplete, the city attorney shall submit a copy of this article to the complainant and offer the complainant the opportunity to correct the deficiencies and resubmit the complaint within seven days prior to any review or investigation of the complaint. A complaint that is deficient or incomplete shall not be considered.

- (e) Any person who files a false complaint will be subject to the penalties of perjury, in accordance with T.C.A. § 39-16-702 et seq.
- (f) Except as otherwise provided in this subsection, the city attorney shall investigate, or request a third party to investigate, any credible complaint against an employee, or official, charging any violation of this article, or may undertake an investigation on his own initiative to acquire information indicating a possible violation, and make recommendations to the city manager for action to end or seek remedies for any activity that, in the attorney's judgment, constitutes a violation of this article. The city attorney shall forward to the Ethics Commission any complaint filed against a city official or city manager if the city attorney determines the complaint complies with this section.
- (g) The board of commissioners may hire another attorney, or the city attorney may ask that the city commission hire another attorney, individual, or entity to act as ethics officer or to provide general counsel to the ethics commission after an affirmative vote of the majority of the city commission. This action may occur after cause has been found to believe that a conflict may exist, or another section of this article may find the city attorney is not the proper person to conduct the investigation.
- (h) Upon receipt of a complaint which satisfies the requirements of this article and alleges that an official has violated this article, the official against whom the complaint was filed may reply in writing to the complaint within 30 days, unless such time for reply is shortened or extended by the ethics commission. The official's response must be based on personal firsthand knowledge, must set forth such facts as would be admissible in evidence in a court of law, and must show affirmatively that the official is competent to testify to the matters stated therein. All documents referred to in the response should be attached to the response. However, in order to ensure the right to a fair trial and the right of the accused against self-incrimination, the ethics commission shall not schedule a hearing for the violation of this article while criminal investigation is in progress or while criminal charges are pending.
- (i) Within 60 days of the ethics commission receiving a complaint which satisfies the requirements of this article, the ethics commission shall conduct a formal public hearing, upon proper public notice of such hearing.
- (j) After reviewing the complaint, conducting such investigation as properly authorized under this article, and conducting a public hearing, the ethics commission must determine, by majority vote whether no specific, substantiated evidence from a credible source exists to support a reasonable belief that there has been a violation of this article. If the ethics commission so determines that such evidence does not exist, the ethics commission shall dismiss the complaint. If the ethics commission so determines that such evidence does exist, then the ethics commission shall render a written decision stating facts supporting that finding, conclusions of law, and censure as appropriate. Upon the affirmative finding by four of the five members of the ethics commission that a violation of this article has occurred, and upon the issuance of its written decision, the ethics commission may make referral for removal of an official found to have violated this article to the appointing authority, or for removal or ouster of a member of the board of commissioners pursuant to T.C.A. §§ 6-20- 220 and/or 8-47-102 or for dismissal of the city manager to the board of commissioners.
- (k) The parties may, but are not required to, submit evidentiary material to the commission. If a party does wish to submit such evidentiary material to the commission, the party must file the material with the city recorder, with a copy to the city attorney, and provide a copy of the same to the other parties, at least seven (7) calendar days prior to the hearing, unless, for good cause shown, the commission amends the time requirement. The city recorder shall provide a copy of all evidentiary materials to the commission members no later than

(3) calendar days prior to the hearing.

- (l) Each party shall have the right to represent themselves, and to have the assistance of legal counsel at their own expense, but may not be represented by non-attorneys. If the ethics commission determines that an ethics violation has not occurred with respect to any alleged violation, the board of commissioners may, upon request of the city employee or official, reimburse such employee or official for such person's legal and other related expenses.
- (m) Any official 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 of the issuance of the written decision by the ethics commission. Judicial review shall be based upon the record before the ethics commission. No party shall be entitled to a de novo appeal.

(Code 1997, § 13-1-111; Ord. No. 2006-41, § 1(13-1-111), 9-25-2006; Ord. No. 2007-43, § 1(13-1-110), 9-24-2007; Ord. No. 2008-21, § 1(13-1-111), 5-12-2008)

State law reference(s)—Ethics violations and penalties, T.C.A. § 8-17-106.

Sec. 2-355. Ethics commission.

- (a) There is hereby created a five-member ethics commission to be approved by the board of commissioners. Each commissioner shall nominate a member for appointment to the ethics commission who is a resident of his district, and the mayor shall nominate a member for appointment to the ethics commission who is a resident of the city **for not less than two (2) years prior to any vote of the board of commissioners on their appointment**. Such appointments shall be confirmed by a majority vote of the board of commissioners.
- (b) Members of the ethics commission shall each serve a term of three years or until their successors are appointed, whichever is later. Members of the ethics commission shall serve without compensation. Should any vacancies occur, the nominating member of the board of commissioners shall nominate a replacement, and the board of commissioners shall appoint a replacement member. **Following the placement of all members of the ethics commission, a meeting shall take place and a chairperson nominated and voted on by a majority of the ethics commission.**
- (c) A person is eligible to serve as a member of the ethics commission if the person has never been convicted of a felony, resides in the city while serving as specified in subsection (a) of this section and is a registered voter in the county, is not an employee of city government, does not hold any elected or appointed office in county government or in city government, does not hold any elected office in state government or the government of the United States, and is not a candidate for any elected office in county government, city government, state government, or the government of the United States. A person is not eligible to serve as a member of the ethics commission if that person has a personal interest as defined in this article.
- (d) The board of commissioners may remove a member of the ethics commission on the grounds of neglect of duty, misconduct in office, a disability rendering the member unable to discharge the duties of the office as specified in this article, or engagement in political activity as defined in this article. Before initiating the removal of a member from the ethics commission, the board of commissioners shall give the member written notice of the reason for the intended action, and the member shall have an opportunity to reply within ten days of receipt of such notice. Thereafter, the board of commissioners shall afford such member, upon written request, an opportunity for a hearing.
- (e) There shall be no regularly scheduled meetings of the ethics commission. By majority vote, or by call of the chairperson, the ethics commission may call a special meeting, if necessary.
- (f) When a complaint of a violation of any provision of this article is lodged against an official, **and after the city attorney has forwarded the complaint(s) to the ethics commission, the ethics commission, properly constituted, shall convene to determine the disposition of such complaint(s) as set out in the Ethics Commission Bylaws and Procedures.**

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- (g) The conduct of all meetings of the ethics commission shall be conducted in accordance with the **Ethics Commission Bylaws and Procedures**. The **Bylaws and Procedures** is subject to the approval by the board of commissioners. Robert's Rules of Order, tenth edition shall govern matters of parliamentary procedure.
 - (h) No member of the ethics commission shall comment on, discuss, or engage in conversation about pending complaints and investigations, except during the commission's meetings.
 - (i) Officials shall not participate in the investigation of pending complaints, except as requested by the ethics commission or attorney charged with investigation of complaints.
 - (j) The ethics commission shall be governed by and subject to this article. Members of the ethics commission who have a personal interest as defined by this article must disqualify themselves under this ethics code. Members of the ethics commission shall not take part in any matter in which a judge, similarly situated, would have to recuse himself.
 - (k) A member of the ethics commission shall not take an active part in political management or in a political campaign for office in the county or the city during the period of their term of appointment to the ethics commission.

Permissible activities. All members of the ethics commission are free to engage in political activity to the widest extent consistent with the restrictions imposed in this chapter. Each member of the ethics commission retains the right to:

- 1) Register and vote in any election;
- 2) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization or of a similar organization;
- 3) Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;
- 4) Attend a political convention, rally, fundraising function or other political gathering;
- 5) Sign a political petition as an individual;
- 6) Make a financial contribution to a political party or organization;
- 7) Take an active part in support of a candidate;
- 8) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a governmental ordinance or any other question or issue of a similar character;
- 9) Otherwise participate fully in public affairs in a manner which does not materially compromise his efficiency or integrity as a member of the ethics commission or the neutrality, efficiency or integrity of the ethics commission; and
- 10) Display of campaign signs.

Prohibited activities. A member of the ethics commission may not take an active part in political management or in a political campaign, except as permitted above. A member of the ethics commission shall not take part in or be permitted to do any of the following activities:

- 1) Serve as an officer of a political party, a member of a national, state or local committee of

a political party, an officer or member of a committee of a partisan political club, or be a candidate for any of these positions;

- 2) Organize or reorganize a political party organization or political club or political action committee operating in the city;
- 3) Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a candidate for city office;
- 4) Organize, sell tickets to, promote or actively participate in a fundraising activity of a candidate in a city election;
- 5) Take an active part in managing the political campaign of a candidate for city office;
- 6) Become a candidate for, or campaign for, a city election;
- 7) Solicit votes in support of or in opposition to a candidate for city office in a city election;
- 8) Drive voters to the polls on behalf of any candidate in a city election;
- 9) Endorse or oppose a candidate for city office in an election or a candidate for city office in a political advertisement, broadcast, campaign literature, or similar material;
- 10) Address a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a candidate for a city office.

Sec. 2-356. Duties and Powers of Ethics Commission.

The ethics commission shall have the following duties and powers:

- (a) To establish any procedures, rules and regulations governing its internal organization and conduct of its affairs, subject to the approval of the board of commissioners.
- (b) To receive and hear complaints of violations of this article by an official or the city manager.
- (c) To make investigation as it deems necessary to determine whether any person has violated this ethics code upon the affirmative vote of a majority of the ethics commission to conduct such investigation.
- (d) To subpoena and swear witnesses.
- (e) To receive and review ethics reports and may request and receive legal advice from the city attorney regarding any provision of this article.
- (f) To authorize the city attorney or an approved third-party, to investigate a complaint which meets the requirements of this article or may hire another attorney or approved third-party to complete such investigation, or the city attorney may ask that the ethics commission hire another attorney, individual, or entity to act as ethics officer or to provide general counsel to the ethics commission with city manager's approval. The ethics commission is authorized to incur expenses in connection with investigations in an amount not to exceed \$10,000.00 annually. The ethics commission must request from the board of commissioners a budget amendment to appropriate additional monies to fund the expense of investigations exceeding this annual limit.

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- (g) The ethics commission may make recommendations to the board of commissioners or city manager for the adoption of any revisions of amendments to this article. The board of commissioners may adopt revisions or amendments to the ordinance from which this article is derived without a recommendation by the ethics commission.
 - (h) The ethics commission shall render an advisory opinion when requested in writing by any member of the board of commissioners. Such advisory opinion shall be rendered pursuant only to a written request, fully setting forth the factual circumstances to be reviewed by the ethics commission.
 - (i) The proceedings of the ethics commission pursuant to this article shall be held in public, and all records of the ethics commission, excluding those protected by law, shall be a public record.
 - (j) To take such action as provided in the ethics code as deemed appropriate because of any violation of this ethics code.
 - (k) To perform any other function authorized by this ethics code.

(Code 1997, § 13-1-112; Ord. No. 2007-43, § 1(13-1-112), 9-24-2007; Ord. No. 2008-21, § 1(13-1-112), 5-12-2008)

Sec. 2-357. Reporting; whistleblower protection; abuse of process; complicity.

- (a) It is the intent of this article to encourage employees and officials to report suspected ethical violations to the city attorney.
- (b) No officer or employee shall use or threaten to use any official authority or influence to discourage, restrain, or interfere with any other person for the purpose of preventing such person from acting in good faith to report information relating to an ethics violation of investigation.
- (c) No official or employee shall file a complaint with the city attorney absent a good faith basis for their allegations based on firsthand knowledge. *If a complainant is found to have filed a complaint for purposes that do not qualify as good faith, based on fact per majority vote of the ethics commission, a further disposition may be made to censure the complainant for abuse of public policy.*
- (d) No official or employee shall falsely accuse another official or employee of failing to comply with this article.
- (e) No official or employee may knowingly induce, encourage, or aid anyone to violate any provision of this article.
- (f) Any violation of this subsection shall be subject to investigation and action in accordance with this article.

(Code 1997, § 13-1-114; Ord. No. 2007-43, § 1(13-1-114), 9-24-2007; Ord. No. 2008-21, § 1(13-1-114), 5-12-2008)

Secs. 2-358—2-387. Reserved.