

LOUISVILLE METRO COUNCIL

COMMONWEALTH OF KENTUCKY
LOUISVILLE METRO GOVERNMENT
JEFFERSON COUNTY KENTUCKY

IN THE MATTER OF CHARGES AGAINST
DISTRICT 21 COUNCILMAN DAN JOHNSON

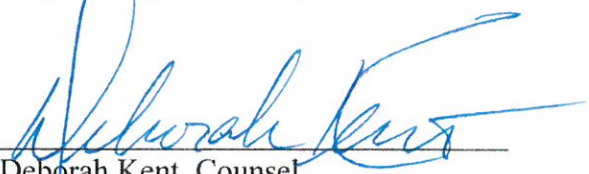
CHARGING COMMITTEE'S RESPONSE TO RESPONDENT'S
MOTION TO LIMIT INCOMPETENT AND IMMATERIAL
TESTIMONY AND EXHIBITS

Comes the Charging Committee, by counsel, and objects to the Respondent's Motion to Limit Incompetent and Immaterial Testimony and Exhibits. The Motion is devoid of any substance, and does not identify the specific "incompetent and immaterial testimony and exhibits," thus the Council Court has not been presented with the specific evidence or legal basis to decide this Motion.

The Motion inexplicably and absurdly requests a wholesale prohibition against the Charging Committee introduction of any and all witness and exhibits without stating which items are objectionable and the legal basis of the objection. Respondent raises the issue of hearsay, yet hearsay is admissible evidence in administrative hearings. *Myers v Sec'y Health and Human Services*, 893 F.2d 840 (6th Cir. 1990). Respondent objects to a radio interview transcript, certified by counsel, and accompanied by the website as verification, but uncertified records are frequently used in administrative hearings. (See, eg. *Perkins v Stewart*, 799 S.W.2d 48 (Ky. App 1990)).

It is the Respondent's burden to provide and demonstrate the legal sufficiency of his objections. The Council Court can only permit and rule on objections that are based in law, not speculation. When Respondent provides the Court with specific objections and the basis in law the Charging Committee will respond.

Respectfully submitted,


Deborah Kent, Counsel
Charging Committee

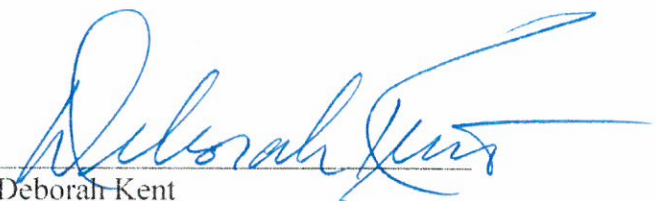
CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was emailed to the following on October 26, 2017:

Hon. Stephen Ott
Metro Council Clerk
601 W. Jefferson St.
Louisville, Ky. 40202

Hon. Thomas McAdam
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Deborah Kent