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LOUISVILLE METRO COUNCIL

COMMONWEALTH OF KENTUCKY
LOUISVILLE METRO GOVERNMENT
JEFFERSON COUNTY

IN THE MATTER OF CHARGES AGAINST
DISTRICT 21 COUNCILMAN DAN JOHNSON

COMPLAINT

Pursuant to Kentucky Constitution Section 160 granting Kentucky municipalities the power to remove officers of cities, and pursuant to KRS 67C.143 prescribing the method for removal of elected officers of Louisville Metro Government for misconduct, incapacity, or willful neglect in the performance of the duties of office by the legislative council, and in accordance with Resolution 219-11-13 of the Louisville Metro Council defining misconduct, incapacity, or willful neglect in the performance of the duties of office, we, the undersigned members of the Louisville Metro Council, respectfully seek the removal of Councilman Dan Johnson, as the District 21 council member, on charges of misconduct, incapacity and willful neglect in the performance of the duties of his office.

MISCONDUCT

1. Johnson has been verbally abusive and has leveled personal attacks on the character and motives of other members of the Council, the staff, and the public while failing to demonstrate respect for laws that protect citizens from harassment and to be truthful and deliberate in his public statements and actions.

2. On June 7, 2017 Councilmember Jessica Green reported to members of her staff that Councilman Dan Johnson had groped her while taking a photo during a press event at Wyandotte Park.

3. On June 7, 2017 Councilwoman Jessica Green delivered a private and confidential letter to Council President David Yates, Majority Caucus Chair Bill Hollander and Caucus Vice Chair Cheri Bryant Hamilton regarding the groping incident. After Green's letter was leaked to the media, Johnson characterized the allegations as "totally ridiculous" and accused Green of sexual harassment, stating: "Truth is, she touched me first when she nestled against my left side. I was harassed too."

4. On June 12, 2017, Councilmember Johnson issued a letter of apology to Councilmember Jessica Green stating, "sorry you felt I improperly touched you inappropriately on purpose."

5. In a letter sent to Councilwoman Green on June 14, Councilman Johnson's attorney, Thomas A. McAdam III, sent a cease and desist letter accusing Green of slander stating, "Councilman Johnson believes that you, with actual malice, have engaged in publishing and spreading false, destructive, and defamatory rumors about him."

6. In addition to the cease and desist letter sent to Green on June 14th, Johnson's attorney also sent the Courier Journal a letter that same day, demanding the retraction of at least three stories regarding the allegations that Johnson had sexually harassed several women, including Green.

7. Similarly, on July 12, 2017, in an interview on 840WHAS Radio, Councilmember Johnson apologized to Legislative Aide Erin Hinson for dropping his pants and exposing his bare

backside in a City Hall parking lot, admitting that he may have exposed himself to Hinson, but could not recall the incident and explained the exposure as accidental.

8. In a letter sent to Hinson on June 14, two days after Johnson's apology, Councilman Johnson's attorney, Thomas A. McAdam III, issued a cease and desist letter also accusing Hinson of slander stating, "Councilman Johnson believes that you, with actual malice, have engaged in publishing and spreading false, destructive, and defamatory rumors about him."

9. Johnson's accusations and threats of litigation against Green, Hinson and the Courier-Journal are part of an increasingly disturbing pattern of actions that create conflict and encourage hostility within the Council and the community at large, including past threats of legal action against a Council president regarding City Hall security, and threatening legal action against a Council member over the purchase of a piece of property that was under study for acquisition by Metro Government.

10. Johnson's pattern of threats and accusations are not limited to the Council and staff. Johnson publically accused the Director of the Kling Center of lying, when the director stated that Johnson's legislative aide had recently been terminated by the Kling Center Board for using racial slurs. Johnson claimed the termination was actually brought about by a Council member whom he would not identify.

11. Johnson made inappropriate remarks to a female chamber of commerce staffer while on a GLIDE trip to Austin, Texas last year. His misconduct led to a precedent setting banishment from all events sponsored by Greater Louisville Inc., the lead economic development agency for Metro Louisville and the region.

12. These failures of civility, respect for law, and truth are misconduct on Johnson's part.

INCAPACITY

13. Johnson has conducted himself in a manner that undermines the public's trust in his ability to perform his duties as a Councilmember, having displayed an inability to recall recent incidents, to accept responsibility for the consequences of his actions, and to avoid the appearance of impropriety in management of his public and private obligations.

14. Johnson revealed that a head injury in 1976 "could be the cause of some problems I may have been having recently. I'm just doing the best I can" in an interview on 840WHAS Radio.

15. In responding to public reports that he behaved unprofessionally with a female employee of Greater Louisville Inc. in an interview, Johnson said he had no memory of the incident. However, on two separate occasions offered two additional explanations including the ban being politically motivated and later suggesting that it was after his hosts "force fed us beer."

16. In an interview questioning Johnson about reports that his pants fell down exposing his bare backside and more to a female legislative aide, Johnson said he "had no memory of the incident," but offered an excuse that his belt was too loose and "that sometimes my pants fall down. I've had a thin waist and a full waist and it depends on where I was at as to what might've happened but I sure don't remember it,"

17. Johnson's inability to recall these recent incidents limits his capacity to be accountable for his actions and to avoid the appearance of impropriety in management of his public and private obligations.

18. This inability to avoid the appearance of impropriety led Johnson to write bad checks to the Metro Finance Department for the costs of the personal use of his city-issued cell phone August 14, 2014. The Finance Department, in an unprecedented action, withdrew funds from the District 21 office accounts.

19. As with the incident with Metro Finance, Johnson appeared to be involved in improprieties by issuing bad checks to at least two local business that were only paid after the businesses filed suit against him in the Jefferson County Courts. Recently Johnson has been charged with Theft by Deception in Madison County, Kentucky.

20. These failures of memory, accountability and propriety demonstrate Johnson's incapacity.

**WILLFUL NEGLIGENCE IN THE PERFORMANCE
OF THE DUTIES OF THE OFFICE**

21. Johnson has failed in his duty to the public and the Council, bringing shame on the Metro Council by defying and diminishing the office of the President of the Metro Council, and by failing to properly vet his legislative aide Bryan Matthews.

22. Johnson intentionally disregarded his duty to the Council and his constituents by hiring an aid that had been fired for mismanagement and using racial slurs, and had a constitutional conflict, as Matthews was serving as Jefferson County Judge/Executive.

23. Johnson also intentionally disregarded his duty to the Council when the Council President directed him to stay off the second floor of City Hall and further directed Johnson to send an email to him an hour before entering the building because some employees were fearful and

intimidated by his physical presence. The President's action was a result of Johnson's legal actions against Erin Hinson, described in paragraph 7.

24. Johnson did not respond to the President directly and instead stated in an interview on 840WHAS Radio, "I'll never do that, because I am a councilman and I'm able to go to my office if I feel like it."

25. Johnson dismissed the President's request and intentionally visited the second floor in an act of defiance and disrespect.

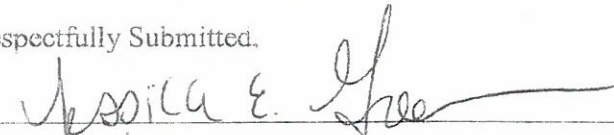
26. By his disrespect of the Council's elected leader, and his disregard for the qualifications of his legislative aide, Johnson has been willfully negligent in performing his duties as 21st District Councilmember.

REQUEST FOR RELIEF


The members of the Charging Committee believe these acts have exposed the Metro Council to scorn and embarrassment; have created unnecessary and destructive conflict with members of the Council and other community leaders and citizens and have created a perception that Council members are exempt from standards of common civility and decency; and have created a hostile work environment.

Therefore we request that the Louisville Metro Council convene a hearing on the preceding charges that Councilmember Dan Johnson has demonstrated misconduct, incapacity and willful neglect in the performance of his duties. We respectfully request that this hearing be set at the earliest date convenient to the Council so that the Council may decide whether to remove him from office under KRS 67C.143.

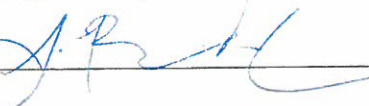
Respectfully Submitted,

1)  _____


Jessica E. Green, District 1

2)  _____


Angela Leet, District 7

3)  _____

S. Brandon Coan, District 8

4)  _____

Rick Blackwell, District 12

5)  _____

Robin Engel, District 22