

LOUISVILLE / METRO
COUNCIL COURT

COMMONWEALTH OF KENTUCKY
LOUISVILLE/METRO GOVERNMENT
JEFFERSON COUNTY



IN THE MATTER OF THE REMOVAL CHARGES AGAINST DISTRICT TWENTY-ONE COUNCILMAN
DAN JOHNSON

STIPULATION AND AGREED ORDER

Council Court
Comes the ~~Charging Committee~~, by counsel, and the Respondent, Dan Johnson, by counsel, and for their Stipulation and Agreed Order in the above referenced matter, they respectfully submit the following to the Council Court for review and approval:

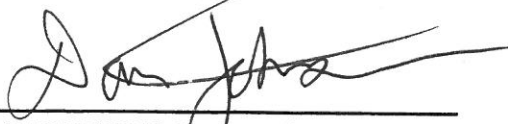
STIPULATIONS

1. Respondent, Dan Johnson, hereby waives all right to a full public hearing provided under KRS § 67C.143(2);
2. The Parties stipulate that KRS § 67C.143 does not allow for any discipline of its members short of removal;
3. The Parties further agree that questions arising because of the Kentucky General Assembly's recent amendments to KRS § 67C.143 jeopardize the swift and efficient administration of this removal hearing which will likely result in costly appeals borne by the taxpayers;
4. Respondent admits to both transgressions and wrongdoings and stipulates that there is sufficient evidence against him warranting removal; and
5. Respondent, Dan Johnson, stipulates that he is subject to removal in this matter, that his stipulations may be used against him, and agrees to consent to his removal under the below conditions.

Based upon these stipulations, the Parties agree that Dan Johnson's removal be stayed conditioned solely upon the following:

6. Dan Johnson will be permitted in Old City Hall only during the twenty minutes before, during, and the twenty minutes after regularly scheduled committee meetings and Council meetings and at all other times shall remain off the premises of Metro Council.

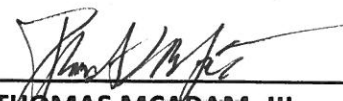
7. Dan Johnson shall be permitted to accomplish any other Metro Council business of which he has an interest from his home, including participating in council related meetings by conference call.
8. Dan Johnson shall be free to vote on any matter and engage in any public debate.
9. Dan Johnson shall not attend any ceremonial functions outside District Twenty-One, where it can be assumed he represents Louisville Metro Council.
10. Dan Johnson agrees that any intentional or accidental exposure of his genitals or buttock will result in review by the triumvirate established under paragraph thirteen.
11. Other than with his own personnel, Dan Johnson is not to initiate contact with any other Metro Council member or staffer except by phone or email. Nothing within this prohibition shall limit Dan Johnson's aforementioned rights to debate or to express an opinion on any matter in a forum or session of Metro Council.
12. Dan Johnson agrees to comply with the Louisville Metro Code of Ethics, Metro Council Rules, and Metro Council Policies and Procedures fully and shall comport himself in such a manner as to not bring scorn or disrepute on his office, Metro Council, the Louisville Metro Government, or the people whom he serves.
13. A Councilperson selected by the Charging Committee, a Councilperson selected by the Respondent (but not the Respondent), and a Councilperson selected by the Council President shall act as a triumvirate reviewing Dan Johnson's conduct and comportment for the balance of his term. Any finding by a 2/3 majority of this triumvirate that Dan Johnson has violated the letter or spirit of this agreement will result in his immediate and summary removal. The Respondent waives any right to appeal of this triumvirate's decision and will abide by any finding that they may issue. The Respondent hereby irrevocably waives its rights under KRS 67C.143 for a removal hearing or appeal in any Action or proceeding arising out of this agreement or the transactions relating to its subject matter. To be clear, there will be no trial or appeal of the decision by the triumvirate.
14. Dan Johnson agrees to obtain staff and volunteer approval from the triumvirate.
15. Dan Johnson agrees not to run for Louisville Metro Council.



DAN JOHNSON, Respondent

11/01/17

DATE



THOMAS MCADAM, III
Attorney for the Respondent

11/01/17

DATE

IT SO ORDERED.



President David Yates
Chair, Metro Council Court

11/1/2017
DATE

Copies to:

Chair Pro Tem, Bill Hollander
Members, Council Court

Matthew Golden, Assistant Jefferson County Attorney

Sarah Martin, Assistant Jefferson County Attorney

Jamie McKiernan, Assistant Jefferson County Attorney

Annale Renneker, Assistant Jefferson County Attorney

Deborah Kent, Counsel for Charging Committee

Thomas McAdam, Counsel for Respondent Dan Johnson