

NOTICE OF ALLEGED VIOLATION OF CONDITIONS OF STAY OF REMOVAL

CONCERNING A STIPULATION AND AGREED ORDER ENTERED BY THE COUNCIL COURT ON NOVEMBER 1, 2017, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A.

TO: COUNCILMAN DAN JOHNSON, 21st DISTRICT
5621 Southland Blvd.
Louisville, Kentucky 40214
Via email and by hand delivery to the above address

Courtesy Copy to Thomas McAdam
2950 Breckenridge Lane, Suite 9
Louisville, Kentucky 40220
Via email only

FROM: LOUISVILLE METRO COUNCIL TRIUMVIRATE

BE ADVISED, pursuant to the Stipulation and Agreed Order referenced above, your agreed removal from office was stayed provided that you complied with the conditions enumerated within. It appearing that these conditions have not been met, you are hereby provided this Notice of Violation. The alleged violations consist of the following conduct:

VIOLATIONS

1. That on November 1, 2017, you were observed remaining on the premises of Old City Hall in violation of paragraph 6 of the Attached Exhibit A. Specifically, the Agreed Order only permits you to remain for twenty (20) minutes after the conclusion of proceedings. The proceedings on November 1, 2017 concluded at 6:45 p.m.; your presence was observed within Old City Hall beyond 7:05 p.m. that same day.

2. That on November 2, 2017, you challenged your admissions of wrongdoing made the night before in violation of paragraph 12 of the attached Exhibit A, which prohibits any conduct that brings scorn or disrepute upon your office, Metro Council, and the Louisville Metro Government. Specifically, in a November 2, 2017 WDRB interview, you appeared and uttered the following:

I still say I did nothing wrong, but actually some of those incidents happened just like they said they did. So if that's the case, I guess I did something wrong. But I didn't do it.

However, the evening before, in your Stipulation and Agreed Order at Paragraph 4, you fully and freely admitted to your transgressions and wrongdoings and stipulated to the sufficiency of the evidence against you. Your statement in the WDRB interview is believed to have brought scorn and disrepute upon your office, Metro Council, and the Louisville Metro Government.

3. That on November 2, 2017, you challenged your admissions of wrongdoing made the night before in violation of paragraph 12 of the attached Exhibit A, which prohibits any conduct that brings scorn or disrepute upon your office, Metro Council, and the Louisville Metro Government. Specifically, on November 2, 2017, you posted a Facebook Post that contained the following:

I hope everyone has a great Friday and a good weekend! I won my battle at the council with your help and I appreciate it so much. I will continue to serve my neighborhood in the way I always have. Thank you.

However, the evening before, in your Stipulation and Agreed Order at Paragraph 4, you fully and freely admitted to your transgressions and wrongdoings and stipulated to the sufficiency of the evidence against you. As

opposed to winning your battle, you had, in fact, stipulated and agreed to your removal. Your Facebook Post is believed to have brought scorn and disrepute upon your office, Metro Council, and the Louisville Metro Government.

OPPORTUNITY TO RESPOND

The Stipulation and Agreed Order you signed on November 1, 2017, which was entered by the Council Court Clerk that day, provided that you have waived any rights to hearing or appeal and have fully consented to the authority of the triumvirate identified in paragraph 13 to determine whether the conditions of the aforementioned Stipulation and Agreed Order were violated. While not required under the Stipulation and Agreed Order, the triumvirate hereby allows you the opportunity to provide a written response to the Notice of Violations expressed above. You may include any material you wish to be considered by the triumvirate together with this response. This written response will be due no later than Thursday, November 16, 2017, at 4:30 p.m. Any material received after this date will not be considered. Your written response may be delivered by email to stephen.ott@louisvilleky.gov or by making arrangements to physically deliver the same to him by calling him at 502-574-3085.

Dr. Barbara Shanklin
Co-Chair

Barbara Sexton-Smith
Co-Chair

Rick Blackwell
Member