

IN THE LOUISVILLE/JEFFERSON COUNTY
METRO ETHICS COMMISSION
Cause No. 11-P-002

**IN RE: ETHICS COMPLAINT AGAINST
DR. JUDITH GREEN**

This matter was heard before the Louisville/Jefferson County Metro Ethics Commission on May 23, 2011. The Investigative Officer, Hon. James A. Earhart, was present with the Complainant, Ed Springston, the Respondent, Dr. Judith Green, was present with her counsel, Hon. Steven A. Reed and Hon. Kent Wicker. Judge Tom McDonald, retired, presided.

After Chairman Ricketts called the proceedings to order, Mr. Earhart presented his opening statement to the Commission, followed by Mr. Wicker. The taking of proof then commenced, with testimony offer from the following witnesses:

Dr. Judith Green
Monzella Wells
Dan Johnson

Three (3) additional witnesses were notified in writing of this Hearing and asked to appear: Charles Alexander III, Rob Jordan, and Andrea E. Jackson. All three failed to appear.

Mr. Reed then closed, followed by Mr. Earhart. Various exhibits were introduced and made part of the record.

FINDINGS OF FACT

Dr. Judith Green is currently a member of the Louisville Metro Council and has served as Councilwoman for the 1st District since January 2007. In 2009, Dr. Green was contracted by the community organization 100 Black Men of Louisville, Inc., a group

that mentors your African-American men. The purpose of this contact was to request a grant in the amount of \$1,900.00 to fund its mentoring program. Dr. Green was familiar with the President of this organization, Rob Jordan. She also knew the Treasurer of 100 Black Men, Charles Alexander III, as he had served as the treasurer for both of Dr. Green's political campaigns for the Metro Council.

Shortly after receiving this grant request, Dr. Green instructed the 100 Black Men organization to increase its proposal to \$7,500.00 as she intended to direct \$5,600.00 excess to other organizations. When asked about the reason for this increase, Dr. Green testified "I had intentions of other organizations receiving some of those funds." (Transcript p. 24, l. 8-9).

Dr. Green was a member of the Metro Council Appropriations Committee throughout calendar year 2009. On or about August 20, 2009, Dr. Green advocated on behalf of the 100 Black Men before the Appropriations Committee for approval of the \$7,500.00 grant proposal (Transcript p. 159, l.25, p. 160, l. 1-3). Although Dr. Green spoke in favor of the grant proposal, she did not inform the committee that she had increased the request from \$1,900.00 to \$7,500.00, nor did she tell the committee that she would be directing the disbursement of funds from this grant to other organizations (Transcript p. 106, l. 4-8). As a member of the Appropriations Committee Dr. Green voted in favor of the \$7,500.00 request on or about August 20, 2009. Eight days later, on or about August 28, 2009, a letter was sent to 100 Black Men of Louisville, Inc., from Councilwoman Green, informing the organization that the \$7,500.00 funding request had been approved, noting that "the purpose of the funds as stated in your proposal is for operating expenses: *Mentoring Programs*." (Exhibit 3)

Councilwoman Green then proceeded to direct 100 Black Men of Louisville, Inc., to write checks to other organizations.

In December 2009, Councilwoman Green sponsored a series of holiday luncheons for senior citizens in her district. Clarence Yancey, a political supporter, provided the

catering services for these luncheons and submitted an invoice a sum in the amount of \$2,785.00 to Dr. Green's office (exhibit 5). Dr. Green instructed 100 Black Men to pay this invoice, which it did via check number 1082. (Transcript p. 126, l. 17-25, Exhibit 5).

Councilwoman Green also sponsored the awards banquets for two youth football teams in her district in 2009. She directed 100 Black Men to pay one thousand (\$1,000.00) dollars each to the Rams and to the Cowboys football teams for their banquets. On November 19, 2009, 100 Black Men of Louisville, Inc., wrote check number 1079 in the amount of one thousand (\$1,000.00) dollars, payable to "Rams Football Banquet", and check number 1080 for the same amount to "Cowboys Football Banquet" (Exhibit 6). Dr. Green testified that she anticipated, at the time the 100 Black Men grant was approved by the Metro Council, that she would direct the organization to pay for these banquets from the "Mentoring Programs" grant funds. (Transcript p/ 44, l. 14-21).

Monzella Wells is affiliated with the Cowboys football program. She testified that Councilwoman Green donated one thousand (\$1,000.00) dollars to fund the Cowboys Youth Football Banquet; that she picked up the check from Dr. Green's office; and that Dr. Green attended the banquet and was recognized for her donation and support (Transcript p. 142-144, 150). Ms. Wells also testified that she did not solicit this contribution from the 100 Black Men organization, nothing that "It came from Ms. Green." (Transcript p. 143, l. 18-23)

Subsequently, Dr. Green purchased a table for her self and nine of her constituents to attend a Derby Brunch sponsored by the Hortense Perry Foundation. An invoice for this brunch, in the amount of \$400.00, dated February 22, 2010, was sent to "Judith Green, Council District 1, 601 West Jefferson Street, Louisville, KY 40202" (Exhibit7). Three months prior to the date of this invoice, on November 24, 2009, 100 Black Men of Louisville, Inc., wrote check number 1083 to the Hortense Perry

Foundation in the amount of \$400.00, at the direction of Dr. Green (Exhibit 7, Transcript p. 50-51).

Similarly, Councilwoman Green received an invoice, dated December 2, 2009, from St. Stephen Church, in the amount of \$140.00 (Exhibit 10). Dr. Green testified that this was for the purchase of two tables at a holiday tea at the church, attended by herself and District 1 constituents (Transcript p. 56, l. 16-21). 100 Black Men of Louisville, Inc., paid this invoice via check number 1085, dated December 7, 2009 (Exhibit 10). It is noted on this check that it is for "Metro Council (2 tables)" (Exhibit 10).

At the conclusion of this investigation \$175.00 of the grant funds remains unaccounted for.

CONCLUSIONS OF LAW

The following sections of the Louisville Metro Ethics Ordinance 52, Series 2010, are relevant to this inquiry:

Code of Ethics Section 21.02 (A): No Metro Officer or member of his/her family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in conflict with the proper discharge of such officer's duties in the public interest.

Code of Ethics Section 21.02 (B): No Metro Officer shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself, members of his/her family or other persons.

Code of Ethics Section 21.02 (C): No Metro Officer shall act in his/her official capacity in any matter where such officer, a member of his/her family, or business organization in which such officer has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her objectivity or independence of judgment.

Code of Ethics Section 21.02 (E): No Metro Officer, member of his/her family, or business organization, nonprofit entity, or labor organization on which such officer has an interest, shall solicit or accept any gift, favor, loan, political contribution, or service, economic opportunity, promise of future employment, or other things of value based upon an understanding, or under circumstances from which it could reasonably be inferred, that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered:

(1) For the purpose of influencing such officer, directly or indirectly, in the discharge of his/her duties; or

(2) For the purpose of granting access to the Metro Officer.

Initially, it should be noted, as a member of the Metro Council, Dr. Green meets the definition of "Metro Officer", thus rendering her subject to the provisions of the Louisville Metro Code of Ethics, Ordinance 52, Series 2010.

The preceding recitation of facts may be succinctly summarized: A well known and highly respected community organization, 100 Black Men, asked Councilwoman Green for help in obtaining a grant for \$1,900.00. Dr. Green had them increase the request to \$7,500.00, intending to disburse the \$5,600.00 excess as she saw fit. Dr. Green then deliberately deceived her colleagues on the Metro Council and thereby the citizens of Metro Louisville by speaking on behalf of this \$7,500.00 grant proposal, leading them to believe that all funds were to be used by the 100 Black Men, while knowing that only \$1,900.00 would actually be utilized by them for its mentoring program. Councilwoman Green testified that she knew from the beginning she would be controlling the expenditure of the excess funds, but she concealed or willfully omitted this fact from her fellow council members. After the grant approval, Dr. Green then instructed 100 Black Men of Louisville, Inc., to take money from funds intended and voted on by the Metro Council for the mentoring of young African American men, and pay for Councilwoman Green to: host holiday lunches for constituents; attend a Derby brunch with constituents; attend a church-sponsored holiday tea with constituents; and, sponsor two football banquets.

Such conduct was a premeditated and deliberate attempt to covertly circumvent the grant approval process to channel taxpayer dollars as she alone saw fit, for her own advantages. Dr. Green deliberately misled her fellow Council Members, allowing them to believe that the entire grant would be spent on mentoring disadvantaged youth, while knowing from the outset that more than two-thirds of these funds would be spent for other purposes, at her direction and for her own personal benefit. Dr. Green clearly had conflict of interest in this matter. She approved a funding request after substantially increasing its amount, sponsored the request before the Metro Council and voted in favor of the funding request, all the while concealing or willfully omitting its true purpose.

The intent to personally utilize these funds by Dr. Green clearly comprised her objectivity in the grant review and approval process, contrary to the proper discharge and duties of her office. The "proper discharge" of a Metro Council member's "duties in the public interest" is violated when that member originates, promotes and succeeds in obtaining a grant and then diverts those funds for her own unregulated use of them. The obvious benefit to Dr. Green was to gain name recognition and favor from those entities that she supported with the misapplication of public fund intended to be used by 100 Black Men, as well as from the constituents she took to those events, free of charge. To conclude otherwise would be naive, or willfully unaware or blindly loyal.

In addition, the award of public funds available to other worthy applicants was compromised by this inherent conflict of interest. The "arrangement" between Councilwoman Green and 100 Black Men guaranteed her support for its funding request. The fact that Charles Alexander III served as treasurer of that organization AND as treasurer of Dr. Green's election campaign can only have helped to facilitate that "arrangement".

While 100 Black Men of Louisville, Inc., was clearly placed at a competitive advantage over all other applicants as a result of this relationship, it really has little choice but to accede to Dr. Green's instruction to increase its request from \$1,900.00 to

\$7,500.00, fearing loss of support if it did not. Placing a potential grantee in such an untenable position is unquestionably inappropriate. It is also in conflict with the previously noted provisions of the Ethics Ordinance, the proper discharge of Dr. Green's duties as a member of the Metro council and the public interest.

Dr. Green engaged in a partnership or joint venture with 100 Black Men of Louisville, Inc., for the purpose of securing funds from the Metro Government. In doing so, she plainly violated the previously enumerated sections of the Ethics Ordinance. Councilwoman Green's concealment or willful omission of the apportionment of the funds between herself and 100 Black Men compounds the seriousness of this violation. Without knowledge of the Metro Council, the majority of the grant money went to Dr. Green's personal programs. She used her office to gain access to the funding for an organization with which she was secretly associated. In other words, Dr. Green used her public office for the purpose of securing financial gain for both benefit to herself and for a business organization with which she was closely associated.

Dr. Green's conduct, from the conception of this grant request through the expenditure of its funds, was a willful violation of Section 21.02 (A) (B) and (C) of the Ethics Ordinance. The Ethics Commission finds by clear and convincing evidence that Dr. Green had an interest in a business organization or engaged in a transaction which was in conflict with the proper discharge of her duties, that Dr. Green used her position on the Metro Council to secure unwarranted privileges for herself, and that Dr. Green acted in her official capacity in a matter which might reasonably be expected to have impaired her objectivity and independence of judgment.

Sufficient evidence was not presented to find by clean and convincing evidence that Dr. Green violated Section 21.02 (E).


ORDER

After a thorough and exhaustive review of the testimony, evidence and arguments of counsel, the Louisville/Jefferson County Metro Ethics Commission unanimously finds by clear and convincing evidence that Respondent, Dr. Judith Green, intentionally engaged in conduct in violation of Ordinance 52, Series 2010, Section 21.02, subsections (A), (B) and (C). The Commission hereby dismisses the charge related to subsection (E).

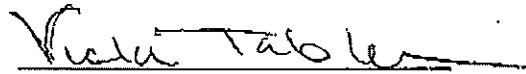
Pursuant to Ethics Ordinance 52, Series 2010, Sections 21.99, a Letter of Reprimand and a Letter of Formal Censure shall be entered at a later date. The Ethics Commission is cognizant of the fact the Metro Council has commenced proceedings to remove Dr. Green from her elected office, and the basis for those proceedings include the violations found to have occurred in this opinion. The Ethics Commission did not consider the actions of the Metro Council in its deliberations today. As the Metro Council has included these facts as part of its removal proceedings, the Commission believes a recommendation for removal is moot.

This Ruling shall be delivered forthwith to the Metro Council, pursuant to Ethics Ordinance 52, Series 2010, Section 21.99 (A) (3) (b) and (c) , for further actions, if any, it may deem appropriate. Entered, unanimously, this 5th day of July, 2011, by the following members of the Louisville/Jefferson County Metro Ethics Commission:

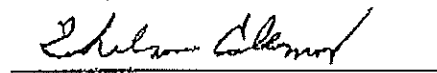

JONATHAN RICKETTS, CHAIR


TERRY CONWAY, MEMBER

TERRI TODD, MEMBER


VICKI TABLER, MEMBER


SKIP DALÆURE, MEMBER


THELMA CLEMONS, MEMBER