

LOUISVILLE/METRO
COUNCIL COURTCOMMONWEALTH OF KENTUCKY
LOUISVILLE/METRO GOVERNMENT
JEFFERSON COUNTY

OFFICE OF METRO COUNCIL CLERK

IN THE MATTER OF THE REMOVAL CHARGES
AGAINST DISTRICT ONE COUNCILWOMAN JUDITH GREENRECEIVED
DATE 8/19/11 TIME: 3:13
JT

RESPONSE TO MOTION FOR CONTINUANCE

INTRODUCTION

Respondent Councilwoman Judith “Judy” Green’s motion for a thirty-day continuance should be denied. Respondent Green has failed to support her motion with any evidence of what procedure she has undergone much less any evidence to show that her condition is so severe that she will be incapacitated for the next sixty days – which is the effective contention of her motion. Indeed, according to his statements made in an August 18, 2011 interview with the local Fox News network, her own counsel has acknowledged that even he has no understanding as to the specifics of Respondent Green’s condition. In short, there is no proof that shows any need for delay.

Additionally, a thirty-day continuance would push the removal hearing well beyond the sixty-day deadline contemplated by Rule 5 of the Removal Hearing Rules and Procedures. The hearing in this matter has already been continued once pursuant to Respondent Green’s request. That continuance moved the hearing twenty days beyond the sixty-day timeframe. Any additional, unnecessary delay would be a disservice to the Louisville Metro community whom the Council serves.

Further, Respondent Green’s suggestion that she needs additional time to prepare for the hearing is belied by the fact that the allegations which form the basis of the removal charges are

the same allegations that Respondent Green faced before the Ethics Committee of the Council. Respondent Green has had ample time to prepare to defend the charges already. In fact, in her own statements made before the Louisville Metro Council, Respondent Green complained that she had endured “7 to 10 dark months” of the same allegations already. As well, in order to ensure that her new counsel would have ample time to get caught up to speed, on July 20 and July 25, 2011, the documents which the Charging Committee had discovered at the time and on which it knew it intended to rely were hand delivered to Respondent Green’s counsel. Moreover, Respondent Green has already testified under oath in response to the allegations given that the same ones were before the Ethics Committee. Her testimony was subject to cross-examination. Presumably, her account of events will not change. Accordingly, if need be, her prior testimony may be submitted in lieu of live testimony at the removal hearing.

ARGUMENT

As grounds for her motion, Respondent states that she has been recently hospitalized “following a serious medical procedure/condition” and that it is “uncertain” when she will be released from her physician’s care “to return to work and prepare for the scheduled hearing.” Motion for Continuance at ¶ 1. These statements are not supported by any evidence of Respondent Green’s particular condition or the procedure she has undergone. Nor has Respondent Green provided any evidence that her condition is so serious that she will be incapable of preparing her defense over the next sixty days. Respondent filed her motion on August 17, 2011 – approximately one month before the proceedings are scheduled to begin on September 12, 2011. As such, the effect of her motion is to contend that her medical condition requires her to be absent from work for a sixty-day period. But she has failed to provide any evidence of her condition or needed treatment that would allow the Council Court to come to any

such conclusion. No affidavit has been filed. No medical records have been provided. No doctor's statement has been attached. In other words, there is no evidence upon which the Council Court may find that the removal proceedings must be postponed, much less postponed for an entire month. Indeed, by stating that the date of her return to work is "uncertain," Respondent Green's motion implies that she may be seeking an even longer delay. Yet her own counsel has publicly stated that even he has no understanding of her condition or any needed treatment. Simply put, there is no evidence to show that further delay – much less a thirty-day delay – is necessary here, and Respondent Green's motion should be denied as a result.

The motion should also be denied because granting it would delay these proceedings by for approximately sixty days beyond the original sixty-day deadline by which the Council was to convene a hearing pursuant to Rule 5 of the Removal Hearing Rules and Procedures. The Charging Committee filed its Complaint on or about June 24, 2011. The removal hearing was originally set for late August and within the sixty-day timeframe. Respondent Green moved for a continuance and the hearing was re-scheduled to begin on September 12, 2011, which is twenty days beyond the sixty-day timeframe within which the hearing on removal is set to begin under Rule 5. Plainly, an additional thirty days would move the hearing to nearly another sixty days beyond the original deadline. In the absence of any evidence on which to conclude that such an extension is necessary, rendering one would be a disservice to the members of the public whom the Louisville Metro Council serves. Respondent Green's motion should be denied for this reason as well.

Moreover, Respondent Green's suggestion that she needs such an additional amount of time to prepare is belied by the statements she made before the council on June 24, 2011. Indeed, at that time, Respondent Green made certain to emphasize that she had been dealing with

the charges alleged in support of her removal for 7 to 10 months already: “You know there’s been 7 to 10 months of dark days for my family and for me. There’s been 7 to 8 to 10 months of dark days for my District 1 constituents.” *See* Comments at 1 (attached at Tab 1). *See also id.* at 4 (“This process that I went through for six months . . .”). It is incredible to suggest at this juncture, as her motion does, that she has not had ample time to prepare with respect to meeting the charges against her. Additionally, because the Ethics Committee proceedings concerned the same allegations that have been charged in support of her removal, Respondent Green has already responded to them under oath. She was subject to cross examination as well. Presumably, given that her prior testimony was under oath, there will be no change to her account of events. Accordingly, if there is truly a need for it, her counsel may introduce that testimony in lieu of any live testimony from Respondent Green.

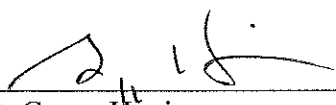
As for her counsel’s ability and time to prepare, the Charging Committee hand delivered all of the documents it had discovered and on which it knew it intended to rely on during the hearing and did so no later than July 25, 2011. *See* 07/20/11 Letter from Hovious to Webb and 07/25/11 Letter from Hovious to Webb (attached at Tab 2). As a result, Respondent Green’s counsel will have had ample opportunity to review the documents by September 12, 2011 as he will have had them in his possession for nearly two months. To the extent any new documents are discovered those too will be supplied to her counsel. Simply put, contrary to Respondent Green’s suggestion, there is no basis on which to suggest that she is without sufficient time to prepare her defense to the removal charges.

CONCLUSION

The Council Court should deny Respondent Green’s motion for a continuance. She has failed to provide any evidence to support the conclusion that the hearing should be postponed by

an additional thirty days. Having filed her motion on August 17, 2011, her request for an additional thirty days' time requires the conclusion that her condition and treatment will incapacitate her for the next sixty days. Yet, she has failed to submit a single piece of objective evidence to support such a contention. A thirty-day extension of time would also push the hearing of this matter well beyond the sixty-day timeframe contemplated by Rule 5 of the Removal Hearing Rules and Procedures that govern this matter. Respondent Green has already provided her testimony as to allegations, and that testimony was subject to cross-examination. It can be submitted in lieu of live testimony if need be. Finally, by September 12, 2011, according to her own statements, Respondent Green will have been working to meet and defend the charges against her for nearly one year. She has had ample time to prepare and so has her counsel. For these reasons, the Charging Committee respectfully requests that Respondent Green's motion for a thirty-day continuance be denied.

Respectfully submitted,



R. Gregg Hovious
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101 S. Fifth Street, 27th Floor
Louisville, Kentucky 40202
(502) 588-2000
(502) 588-2020 (facsimile)
Counsel for the Charging Committee

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2011, I served a copy of the forgoing Response to Motion for Continuance by first class, United States Mail, postage pre-paid, upon the following:

Derwin L. Webb
WEBB LAW OFFICES
455 South 4th Street, Suite 382
Louisville, Kentucky 40202
(502) 583-6978
(502) 583-6977 (facsimile)
Counsel for Councilwoman Judith "Judy" Green



Counsel for the Charging Committee

COUNCILWOMAN GREEN: Thank you. I appreciate this opportunity to provide a brief response to the charges that have been read. And I want to say that I actually did not receive this hearing of a procedural that would be going on tonight until 2:45 today. I was told that it was e-mailed to my office this morning. I did not come into this office this morning. And when someone called me on the phone, we called the clerk and she did e-mail it to my private dental office. So, I'd like to just go on record saying that. And I do certainly want to reserve the right to provide a written response prior to the next meeting. You know, there's been approximately 7 to 10 months of dark days for my family and for me. There's been 7 to 8 to 10 months of dark days for my District 1 constituents. There's been the equal amount of dark days for West Louisville. My response to the charges that were read is simply this: I would like for each and every one of you to read the transcript in its entirety. That transcript shows that my involvement in the Green Clean Team was an overly concerned Metro Council person for District 1 who had the best interest of the children and the community. I vividly remember the day that the tragic accident happened with the youth alive program, approximately eight months prior to when the Green Clean Team convened in 2009. I have vivid memories of the four boys that were killed. As a result of those vivid memories, I did not want a similar situation to happen with the Green Clean Team. I had approached someone about running the Green Clean Team and was told that they did have the capacity. I found out that that was not necessarily the case. And when I see 20, 25 children piled on a van, or when I see children out in the parking lot doing things that they shouldn't be doing and not getting the proper experience, I had concerns. I was overzealous in my concerns. I talked to the people that were supposed to be running the program, to no avail. The supervisors had been placed by this organization, and the supervisors were not showing up for work. I'm not going to

get into all of the stipulations of the hearing that I went through with the Metro Ethics Committee, but I will say this. That Dr. Eddie Woods, the investigative attorney's star witness stated, "Dr. Green does not have a malicious bone in her body. Dr. Green did not do anything wrong except to help children. Dr. Green gave more than she ever received," meaning, I did give an advance for payments after the fourth week that the Metro Louisville check had not come in. You would have to know these children. They were waiting eagerly for their paychecks. I didn't have to do it. I didn't think I was doing anything incorrect by advancing the money for these children to get paid after four weeks. I'm confident that the evidence that's been presented and that you all will hear will bear witness to the fact that the Green Clean Team provided a great service, not only to District 1, but to children in this community. And I say "children." I didn't say District 1 children. These children came from all over Metro Louisville. If I'm being removed from this Council for making sure I had the best interest at heart for these children and I wanted them to be paid in a timely fashion, then I'm guilty. I'm guilty as charged. But again, after four weeks and the Metro check had not come in, these children and their parents were a little bit antsy. You know, someone very high up in government said to me, Judy, the problem is and the reason you're here is because you're too independent and you did not make friends with the right persons on the Metro Council. That's very disturbing to me, because I was elected by District 1 constituents and those are the only people that I was interested in making friends with. I love each and every one of you in here, and I think that I have shown myself to be a friend. I've not always agreed, just like you all have not always agreed with me. But if I'm here because I'm not in the right clique, then again I'm guilty as charged. But the clique I'm in is District 1 constituents clique, and I'm in God's clique. That's the only clique that I'm concerned about being in. You know, all of my colleagues, y'all know me, whether you

like me, whether you don't like me, whether you're indifferent. You know that I have never exhibited a dishonest bone ever in my body. I don't have one. I'm a mother of 16 children. Didn't have to take in 13 children that I didn't give birth to. That speaks to my character, and it really hurts when my character and integrity has been impugned. It really hurts. Now, if I made mistakes about concerning the Green Clean Team and being overzealous, I own up to those mistakes. Have I willfully exhibited some misconduct or something unethical? No, ma'am; no, sir, I have not. And I know that there are reasonable minded people on this Metro Council, that after hearing this, because, you know, people keep saying, Judy, why are you going to go through this? Because I have not done anything unethical, criminal, or even wrong. Nothing. Nothing. And again, you all in here know me. I might be a loud mouth, but I'm not unethical. I'm not a criminal. I'm not dishonest. So, I just say to my colleagues, this is a dark period in the life of the Metro Council. I'm really ashamed that we are at this point, actually. I'm ashamed. I'm ashamed that there was someone who wanted my job so badly that they decided to bring this forth. And I'm ashamed of the improprieties and the unethical behaviors of the Ethics Commission. And there were witnesses there. But I am here tonight to say to you, I am going to go through this Council court hearing. And I want you all to decide if Judy Green has done something that deems her being removed from her Council seat. The Council seat where almost 7,000 people voted me in. The same Council seat, even after the debacle with the life institute last summer not being in a position to even run the program because they were being investigated and I didn't know anything about it. I still got over 6,000 votes by my constituents. There's been a lot written about me, and it's been tough. But, again, when you know that you know that you haven't done anything wrong, I'll walk through fire and brimstone. I've been told, and you all have been told, to not to talk to me. Some are

avoiding me like the plague. That's fine. I wish, though, however, that there had been a mandate to not talk about this before the ethics hearing. There were meetings in this very chamber before the first ethics hearing to discuss how to get rid of Judy Green. We watched them. There was an attorney appointed to the Council President before the very first hearing ever occurred. This same attorney tried to bully me by having a meeting with me two days prior to the Ethics hearing. He sat on the side of the complaining party. Notes, papers, documents were passed throughout the entire hearing. Not only to the investigative officer, but to members of the Ethics hearing. Councilman Kramer, I know you love process. You talk about the process. This process that I went through for six months, first of all, nobody else's process has ever been open in public. But this process I went through from January up to just not long ago was totally tainted and unfair. And I asked you all to please read the transcript. I asked you all to please listen to members that were there every time there was an Ethics hearing. And saw the people and even took photographs of people passing notes and documents and information. I wouldn't wish this on my worst enemy. I wouldn't wish it on my worst enemy. And again, whether you like me, whether you don't like me, you need to understand that you all wouldn't want to go through an unfair, tainted process that has been spiraling around and negative things being said for six to eight months. Unprecedented was the fact that the complaining person was given an attorney. There's people right on this Council that's gone through an ethics hearing. The complaining person had to get their own attorney. But there was someone on the Ethics Commission that thought for this person to have an attorney given to him. Oh, yeah, there's a lot more that I could say, but I'm not going to say it right now. This is the response to the charges. I'm a little concerned also that I'm being charged count 2 in connection with the hidden sub-grants to 100 black men. Well, those ethical charges

haven't even been rendered, haven't come back. How could I be charged with that and their opinion on that hasn't come back? However, I suspect I know how it's going to read. I suspect I do. But someone in this room, the attorney, Mr. Ackerson, Mr. Yates, Mr. Jon Ackerson, tell me how I can be charged on a count before the ethics committee comes back. My husband is standing up because he doesn't want me to get too lengthy. But I would like to know how can I be charged and be removed for something before the Ethics Committee even comes back with their findings. The process, Mr. Kramer. The process, Mr. Kramer. This process is wrong, dead wrong. And I'm asking my colleagues to be fair, to be impartial. I know some of you got your minds made up already. I hear the news. I hear it through the grapevine. I know the people that some of you all are planning on taking my place. But I ask, yes, James Peden, not you, but there are some, yeah, there are some. I hear it. West Louisville is a small, small area of town. I just ask you for a fair and impartial hearing. Just a fair and not if a witness says, Dr. Green didn't do this, then Dr. Green didn't do it. If a witness says, no, she gave more than she ever received, how, then, can I be charged with doing something unethical? Their star witness, they presented people to say that I wouldn't give anybody else a job. You know who that witness was talking about, that woman? Project 1. Wasn't even talking about the Green Clean Team. And here they brought this woman in under a signed affidavit, and she testified that she didn't, her son didn't get a job. And on further testimonies, they were talking about Project 1. Everyone that came to interview with the Green Clean Team got a job. Everybody, everybody. There are so many inconsistencies in that Ethics hearing. And, again, I wouldn't want any one of you all to go through that. I'm going to stop now. I appreciate my supporters. I appreciate all of the Churches that have been behind me in this, the ones and the people that know Judy Green. And you all in here know Judy Green. Y'all know me. I've not asked you

all for anything. Y'all know me. Now, why would I wait five years to be on the Council to become unethical? To become a criminal? Thank you, Mr. President.

July 20, 2011

BY HAND-DELIVERY

Derwin L. Webb
Webb Law Offices
The Starks Building
455 S. 4th Street, Suite 382
Louisville, Kentucky 40202

Re: In Re Judy Green

Dear Derwin:

As I promised Monday, I enclose with a few noted exceptions, the following documents upon which I intend to rely upon at the hearing:

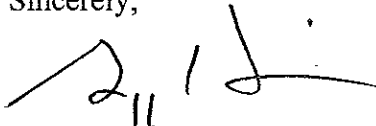
1. LMPD Public Integrity Unit investigation highlights;
2. Summary and full report of Internal Auditor's Clean Team Report;
3. Louisville Metro Code of Ethics;
4. Financial / Tax Information Summary and Documents;
5. President King Letter to GAE Committee/Memo to Ethics Commission;
6. Email from Dr. Eddie Woods (Life Institute);
7. Minutes from Special Metro Council Meeting 3/21/2005;
8. News articles / media reports;
9. Summary and full report of Office of Internal Audit of Ethics Program
10. Public Integrity Unit Report (on disk);
11. Hearing Transcript – Green Clean Team (on disk);
12. Hearing Transcript – 100 Black Men (on disk);
13. Metro Council Meeting Minutes – 3/11/10;

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14. Appropriations Minutes when Ms. Green was on Committee (attached are 11/10/10, 11/11/10, 10/27/10, 10/28/10 and 8/20/09);
15. Rules and Regulations of the Louisville/Jefferson County Metro Ethics Commission;
16. Emails of 5/2-3/11, 4/26/11 and 4/25/11;
17. Judy Green remarks at Council Meeting;
18. Metro v. Woods file, Jefferson Circuit Court – 11-CI-2797;
19. 5/9/11 Woods correspondence;
20. 6/16/11 Hoffman email;
21. NDF Requests for 100 Black Men;
22. NDF Request for Green Clean Team (to be forwarded shortly);
23. Melody Hill Unemployment file;
24. Ethics Commission Findings – Green Clean Team;
25. Ethics Commission Findings – 100 Black Men.

Please accept this list as our initial compliance with Rule 8 of the LMC's Removal Hearing Rules and Procedures.

Sincerely,



R. Gregg Hovious

Enclosures

cc: Mike O'Connell (w/out enclosures)

July 25, 2011

BY HAND-DELIVERY

Derwin L. Webb
Webb Law Offices
The Starks Building
455 S. 4th Street, Suite 382
Louisville, Kentucky 40202


Re: In Re Judy Green

Dear Derwin:

I enclose the Green Clean Team Grant Agreement 2009 documents to be added to the previously forwarded documents which I intend to rely upon at the hearing.

Thank you.

Sincerely,



R. Gregg Hovious

Enclosures

cc: Mike O'Connell (w/out enclosures)

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