



Knox County Sheriff's Office Merit System Council

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Gina Oster, Chairperson
Jim Jennings, Council Member
Jim Wright Jr., Council Member
Laschinski Emerson, Alternate Council Member

Paula M. Taylor
Executive Director

MERIT SYSTEM COUNCIL MEETING MINUTES Special Called Meeting-Martha Dooley Hearing March 3, 2021 at 9:00 A.M. Main Assembly Room City County Building

Chairman Oster called meeting to order at 9:00 a.m.

Present at this meeting: Gina Oster, Chairperson; Jim Jennings, Council Member; Jim Wright Jr., Council Member; Attorney Gary Prince, Counsel representing KCSO; Attorney John Valliant, Counsel representing Martha Dooley; Myers Morton, Knox County Law Director; Paula Taylor, Executive Director.

Chairman Oster opened the meeting confirming that both Counsel were present. stating that the Council would like to look at setting the continuance of the Marth Dooley hearing for May 4-5, 2021. After discussion and both Counsel checking their availability, both Counsel agreed to setting the hearing for May 4th-5th. Mr. Valliant stated that his calendar was full until after April 21st but that some of that could resolve, but that he would be available for May 4th-5th. Mr. Prince, while checking his calendar, stated that he was trying to remember the old joke of he who has a fifth on the fourth, just an old bad joke. Mr. Valliant stated that he could not hear Mr. Prince, Mr. Prince replied that it was a Mexican holiday, Cinco de Mayo and Ben Williamson's birthday. After the discussion and Counsel checking their availability, both Counsel agreed to setting the hearing for May 4th-5th.

Chairman Oster recognized Gary Prince. Mr. Prince stated he was a little perplexed and asked to be excused for his ignorance about the system and the procedures, but would like to ask at this time on behalf of the Knox County Sheriff's Office, that he respectfully move for a dismissal of this hearing based on the law, his statement, and the recent rulings and opinions given by the Law Director's Office, which he added basically say "look are they asking me, the Sheriff, to give this nice lady a car and a gas card". Mr. Prince stated if so, this is not a property interest she is entitled to nor is there a remedy available by the board (Council) to tell the Sheriff to do that. Mr. Prince asked that the Council take a moment to talk with the Law Director to see if he was out of bounds or if he was right and to give Mr. Valliant an opportunity to withdraw his petition before the taxpayers are going to have to spend a whole lot of money on outside counsel which is him, so he asked that the Council take a moment to stop this at this time.

Chairman Oster stated that the Council has already made the decision to hear the grievance request and allow for witnesses to explain themselves, including Sheriff Spangler and she feels as the Chair that this is the best course of action to take at this time. Chairman Oster asked Mr. Valliant if he had anything that he would like to

add. Mr. Valliant stated that he felt this needs to be heard and that he disagreed strenuously with what the Counsel (Prince) has to say. Mr. Valliant continued stating that the Law Department was there representing the Merit Council and they were also giving an opinion on behalf of the Sheriff, representing both sides, which disturbs him. He stated that he will be responding to the opinion given by David Buuck which he feels is in error in his legal conclusions and that he stated Ms. Dooley had said her salary wasn't involved but he felt that was one of the main points he stated in his pre-trial brief (pre-hearing statements) and he felt they needed to move ahead with the hearing and that he will be having a response to what the Law Department has said and what Counsel for the other side has to say.

Mr. Prince asked Chairman Oster to be recognized then stated that Ms. Dooley stated in her grievance request that for the wrong to be made right that she was requesting a newer car than the 2014 Impala she was assigned and be given a car that has less than 30,000 miles along with being given her gas card back. Mr. Prince continued with stating that if he understood, they were asking the Council to tell the Sheriff to give Ms. Dooley a car and asking the Council to give her a gas card and that he would like to ask Mr. Valliant if there was a particular color of car that he wants the board (Council) to give her because he thinks that will be very important to please so he feels like the Council needs to think about what kind of car and color to tell the Sheriff to give her.

Chairman Oster recognized Mr. Jennings. Mr. Jennings stated that the Council was not here today to hear the merits of the case, Mr. Prince spoke up stating that he could not hear Mr. Jennings, telling him to speak up. Mr. Jennings continued to state that the Council was not here to hear the merits of the case today but here to decide what day they were going to hear the case. Mr. Prince interrupted by stating that he was well aware of how Mr. Jennings made his decisions and that his record speaks for itself but to go ahead. Mr. Jennings stated that this was not a laughing matter on the color of car and that he recommended that Mr. Prince not knock the funny stuff around that this was a serious matter, and he should treat this board (Council) with respect. Mr. Prince replied, "so we don't talk about our war conduct, we don't talk about not letting lawyers talk, we don't talk about wearing hats which you did before this board which is an ethical violation, and you want to preach to me, let's go".

Mr. Jennings stated that they were going to hear the case that they have already decided that and that making motions to dismiss and taking this light when you are dealing with someone's livelihood, that this board is authorized to hear the case when demotions are political and you lose pay and she lost pay in opinion of the board and if the 4th and 5th were good with Mr. Prince then he was going to make a motion that they hold the hearing then. Mr. Prince interjected that Mr. Jennings was not authorized to make that motion and that he had no remedy under the law under the Fowler decision. Mr. Jennings stated that he felt Mr. Prince was trying to blow up smoke screens to keep this going longer than it needed; Mr. Prince stated "I thought she was the Chairman, are you the Chairman? Point of order, point of order." Mr. Jennings stated that he believed he had the floor, that Chairman Oster had given him the floor and that Mr. Prince could be argumentative all he wanted to be but that he could make the motion and that the discussion today was only about holding the hearing on the 4th and the 5th and if Mr. Prince was able to do that he would make a motion that the Council hear this on continuance on May 4th -5th; Chairman Oster seconded; motion passed.

Chairman Oster stated for everyone to mark their calendars for the 4th and 5th and that the Council would let everyone know what room the meeting would be held in. She stated that she would like to take a personal moment and stated, "that when this hearing begins on May 4th and 5th, I expect it to be professional and I don't expect that this Council or any of the members will be attacked by that and I will not tolerate that". Mr. Prince interjected and said, "will hats be worn by the Merit Board as they have in the past?" Mr. Jennings stated, "a hat is always worn on this bald head sir". Mr. Prince stated, "supporting another candidate while serving on this board, is that what you are telling me". Mr. Jennings stated that he did have friends just like Mr. Prince is friends with judges but that doesn't cloud them just because he may have lunch with a judge, and he thinks the

judge will rule in his favor. Mr. Jennings continued to state that Mr. Prince did not know him, and he has questioned his integrity and was trying to make a mockery of this hearing when he was being paid a nice sum of money to demean and belittle this Council with jokes and lack of seriousness about these hearings and that he would not do that in front of a judge and to come in here and try to intimidate people that volunteer to do this to protect the employees of the Knox County Sheriff's department and this Council is not about the Sheriff, it is about the employees and he wished that someone would eventually recognize that. He continued to state that the Council was not here to cater to the Sheriff that they were here to protect the employees and that there was a motion and vote to continue the hearing on May 4th and 5th. Mr. Prince interjected and asked Mr. Jennings if he was denying to the citizens of Knox County and this board that he didn't sit on the Merit board with a hat supporting a candidate and if he as not admonished for that action, that he could not be biased.

Mr. Valliant stated that all of this was irrelevant and that if they wanted to take this all up at a later date that this was ridiculous, there was a motion and they voted to adjourn and as far as he was concerned it was adjourned to which Mr. Prince stated, "so be it".

OLD BUSINESS:

NEW BUSINESS:

STAFF BUSINESS:

ADJOURNMENT:

There being no further business, the Council adjourned at 9:14 A.M..

Respectfully Submitted:

Approved:

Paula M. Taylor
Executive Director

Gina Oster
Chairperson

ADDENDUM

Mr. Jennings stated that they were going to hear the case that they have already decided that and that making motions to dismiss and taking this light when you are dealing with someone's livelihood, that this board is authorized to hear the case when demotions are political and you lose pay and she lost pay in opinion of the board and if the 4th and 5th were good with Mr. Prince then he was going to make a motion that they hold the hearing then.

Jim Jennings made a correction to the minutes by stating that he misspoke when stating that Martha Dooley lost pay in the opinion of the Council and that the hearing has not been held and the issue of whether she lost pay has not been decided yet and he was misspeaking when he made the statement, misspeaking while under duress. The Council only had decided to have a hearing on Martha Dooley's grievance and no other decision has been made.