

**LOUISVILLE METRO
COUNCIL COURT**

**COMMONWEALTH OF KENTUCKY
LOUISVILLE/METRO GOVERNMENT
JEFFERSON COUNTY**

**IN THE MATTER OF THE REMOVAL CHARGES AGAINST
DISTRICT NINETEEN COUNCILMAN ANTHONY PIAGENTINI**

ORDER ON SUBPOENAS AND SEPARATION OF WITNESSES

Both parties filed witness lists with, and requested multiple subpoenas from, the Council Court. Respondent, Council Member Piagentini,, listed among his witnesses the six members of the Charging Committee – Council Members Fowler, Mulvihill, McCraney, Chappell, and Owen – and sought subpoenas for each of them. The Charging Committee listed among its witnesses Kevin Fields, and sought a subpoena for him. The Charging Committee filed a motion to strike its members as witnesses. At the February 21, 2024 pre-hearing conference, the Council Court heard oral arguments on this motion, as well as the Respondent’s oral objections to Mr. Fields’ as a witness. At the hearing, the Court, through its presiding officer, advised that subpoenas would be issued forthwith for all identified witnesses except these seven individuals; these would be taken under advisement. On February 22, the Respondent withdrew his request for subpoenas for Council Members Chappell, Ruhe, and Owen. This matter is now properly before the Court.

SUBPOENAS

In their witness lists and/or in their applications for subpoenas, the parties set forth their reasons for requesting this Court to command attendance at the removal hearing.¹ In accordance with the ruling from the bench, subpoenas have been issued for the following:

- Gerard Coleman
- Tammy York Day
- Margaret Handmaker
- William Hollander
- Jim Griffin

¹ The Charging Committee’s subpoena application did not include a statement of need, but that information is included in their witness list.

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- David James
- Ken Hillebrand
- Anthony Piagentini
- Grace Simrall
- Markus Winkler
- Rob Beaven
- Nate Kibby
- Angie Nenni
- Kendrick Norris
- Barry Brauch
- Joshua Williams
- Rick Remmers
- Tim Corrigan

These subpoenas have been returned to the requesting party's counsel for them to serve on the witness or his or her representative.

Regarding the four remaining potential witnesses, the Court begins by reiterating its comments on the record at the prehearing conference: evidence presented at the hearing must be relevant to the issues before the Council Court. The questions before the Court are whether the Respondent engaged in the conduct alleged in the Complaint, and, if so, whether that conduct warrants his removal from office.

With respect to Mr. Fields, the Charging Committee has not made a showing that his expected testimony would be relevant to the issues before the Court. According to the description offered in the Charging Committee's Witness List, Mr. Fields would testify:

... regarding his organization's response to the Request for Applications, his concerns about the process for awarding the workforce development funds, and his reasons for bringing a complaint in the Ethics Commission. He will further testify regarding the subjects discussed in his interview in the Ethics Commission proceeding.

Testimony from an unsuccessful applicant on his attempt to secure funding or why he decided to pursue a complaint with the Ethics Commission would not shed light upon whether Council Member Piagentini committed the acts with which he is charged or whether those acts amount to misconduct that might warrant removal from Metro Council. For these reasons, the Court declines to issue a subpoena for Mr. Fields, and would disallow any testimony from him unless relevant to the questions before the Court.

With respect to the remaining three members of the Charging Committee, Respondent states that each of them may be called to testify "regarding [their] knowledge of the factual

allegations set for the in the Complaint.” Council Member Fowler might also be asked about “matters that were the subject of her testimony at the [Ethics Commission Hearing].” All three of these individuals were members of Metro Council at the time the events that are the subject of the complaint occurred, and therefore could offer testimony that is relevant to the issues to be decided by the Court. For these reasons, the Court will grant the request for subpoenas for Council Members Fowler, McCraney and Mulvihill.

The Court’s decision to issue any subpoena should not be read as carte blanche for all lines of inquiry to that witness. The Court reiterates that testimony from **any** witness must be relevant to the issues before the Council Court.

At the pre-trial conference, counsel requested separation of witnesses, and this Court agreed with the request. No designated witness who is not a member of the Council Court or a party to the proceedings shall observe the proceedings, either in person or virtually, before he or she testifies. KRS 67C.143 requires Council Court members to decide the matter and the Council Removal Proceeding Rules envision full participation of Council Members in a removal proceeding. Counsel are instructed to advise their witnesses of the rule of separation.

ORDER

Therefore, the Council Court, by its Chair, having considered the matter before it and being sufficiently advised, **DENIES AS MOOT** the subpoena requests for Council Members Chappell, Ruhe and Owen; **DENIES** the subpoena request for Kevin Fields; **GRANTS** the subpoena requests for Council Members Fowler, McCraney, and Mulvihill; and **GRANTS** the request for separation of witnesses other than those witnesses who are also members of Metro Council.



President Markus Winkler
Chair, Metro Council Court

2/23/24

Date

Copies to:
Members, Council Court
Sarah Martin, Assistant Jefferson County Attorney
Hollie Hopkins, Assistant Jefferson County Attorney
Kent Wicker, Counsel for the Charging Committee
J. Brooken Smith, Counsel for Anthony Piagentini