



Legislation Details (With Text)

File #: 16-0447 **Version:** 1 **Name:** Ethics Event #12
Type: Resolution **Status:** Other Business
File created: 10/7/2016 **In control:** City Council
On agenda: 11/10/2016 **Final action:** 11/10/2016
Title: Ethics Complaint - Event Twelve involving Councilman Jesse Kerley
Sponsors: Pete Souza
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
11/10/2016	1	City Council	deferred	

n..Title

Ethics Complaint - Event Twelve involving Councilman Jesse Kerley

SUMMARY:

Councilman Kerley did use his office and knowingly pursued efforts to harass and cause harm to citizens of Cumberland County for the purpose of causing harm, a violation of abuse of authority.

A. During the summer of 2015, Councilman Kerley did undertake an effort to have Donald Andrews, director of schools, investigated. Councilman Kerley came to see me to have the Police Chief investigate him. I told him that the City Council is not the correct forum that the Board of Education is appropriate and since it involved a child, this should not be put up in an open forum. Councilman Kerley had approached me over the years to have people fired: Bruce Wyatt, Mark Rosser, David Beaty, Tim Begley, Clark Annis (a contractor), and Sally Oglesby. I had become accustomed to his rants. While Councilman Kerley has the right to report wrongdoing, he does not have a right to use his office to carry out a personal vendetta.

Councilman Kerley did use his office to apply undue pressure on Chief Shoap to take action against Mr. Andrews, even after he had been told these actions were inappropriate and the City did not have jurisdiction. Councilman Kerley's actions were abuse of authority in that he knowingly did pursue legal criminal action using his office to cause harm.

B. Councilman Kerley, under color of his office, did with malice undertake an extended campaign to cause harm to one Randy Blankenship, a citizen of Cumberland County. This being a series of zealous acts to imprison Mr. Blankenship and his elderly mother and to do financial harm to him. This series of acts being done with great effort and energy on his part.

On March 10, 2016 Mr. Blankenship attended a council meeting and verbally addressed the shortcomings of the City Council (all members of the Council). The following day, flyers were posted around town offering a reward for any person having information on wrongdoing by a council member. Councilman Kerley, through emails, stated business persons were

complaining about the flyer and litter. No complaints were filed with City Hall or the police department. It was noted by the City Attorney that the flyers were not in compliance with the local ordinance. I also made council aware that no one had ever been cited on this before and currently numerous handbills in the City failed to comply and that Mr. Blankenship was being singled out, not for non-compliance, but rather the message on the handbill.

After the insistence of Councilman Kerley, the Chief of Police committed resources to find and locate the person responsible (Mr. Blankenship). Mr. Blankenship acknowledged having done this, said it would not happen again. That was not good enough for Councilman Kerley who insisted Mr. Blankenship be arrested. Mr. Blankenship was issued a citation. (That explains the delay in the action). This is where Councilman Kerley should have backed off and let the justice system work. Councilman Kerley then involved himself with the police officer taking the report to which he had no business going to the police officer. Then Councilman Kerley sends an e-mail to the Chief and the City Attorney (which all members of the Council have seen) wanting Mr. Blankenship's mother, an elderly woman in poor health and who is now deceased, to be arrested. The sick and contorted act was to get at Mr. Blankenship as the single most act of abuse I have ever heard done by anyone to cause harm.

When Councilman Kerley responded by e-mail, Mr. Blankenship requested a copy of the email through the City open records clerk. Councilman Kerley refused to provide the email. This was a violation of the open records act to which all members of this council know I sent a complaint to the State Comptroller's office. That act alone reflected that he feels he is not accountable for his actions. Following the assault incident on June 2, that being the morning of June 3, Councilman Kerley demanded to know what was going on relative to a protection order issued between Judge Garner and Mr. Blankenship. He cited conversations with the Judge and the City Police while not going to the Chief before going to his officers. Councilman Kerley being the complainant and being the sponsor of the Judge's appointment had no business getting involved in any judicial details of the case.

Councilman Kerley has taken to sending the Interim City Manager to oversee and report all actions directly to him that the Judge and witnesses do. Mr. Hill has no business, by action or interface of administrative duties, in this case. The security of the Judge is the Chief of Police's duty to which the interim manager is only partly cognizant of and the legal side is the City Attorney's business to report to Council and the City Manager. All appearances are that the City Manager was acting under the sole guidance of Councilman Kerley through his presence to have the desired effect of the judicial action.

On June 9, 2016 Councilman Kerley at a council meeting at City Hall directed Police Chief Shoap to call the Sheriff's department and have Mr. Blankenship arrested when he left City Hall for not having automobile insurance and a good registration. This was a knee jerk reaction because Mr. Blankenship had a political sign in the back of his truck describing Councilman Kerley in an unflattering way. Mr. Blankenship was exercising his 1st Amendment right. Councilman Kerley stated he had Mr. Blankenship's vehicle run by a police officer. This implies (1) that he took a zealous undertaking to pick out Mr. Blankenship's vehicle from all others present and (2) Councilman Kerley was targeting Mr. Blankenship and engaged the police illegally to oppress his right of privilege to be unmolested. Mr. Blankenship provided to officers Rosser and Steinmann valid insurance and registration.

While there is more, this is sufficient to demonstrate that Councilman Kerley's use of and abuse of power and did commit official oppression.

It is further known that at a council meeting, Councilman Kerley stated he turned in a complaint on Mr. Blankenship and had no further action. He lied; you saw my email as well as his on Mr. Blankenship's mother and you all had knowledge of his lie.

City Council shall either determine that the complaint has merit, determine that the complaint does not have merit or determine that the complaint has sufficient merit to warrant further investigation. If the Council determines that a complaint warrants further investigation, it shall authorize an investigation by the City Attorney or another individual or entity chosen by the City Council. (§ 1-710 (3))

BUDGET ACCOUNT:

NECESSARY COUNCIL ACTION: Determine merits of complaint