

**March 15, 2016
Special Meeting**

The Board of Commission of the City of Nicholasville convened in special session at 4:00 p.m. on March 15, 2016 at the Nicholasville City Hall. Mayor Pete Sutherland presided and the following Commissioners were present: Mr. Andy Williams, Ms. Betty Black, Ms. Patty Teater and Mr. Doug Blackford. Also present: William M. Arvin, City Attorney.

CONSIDERATION:

- 1. Disciplinary Hearing that may require closed session pursuant to KRS 61.810 1(f) : Discussions or hearings which might lead to the appointment, discipline or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested.**
- 2. Deliberations in executive session pursuant to KRS 61.810 1(f) and KRS 61.810(1)(j) : Discussions or hearings which might lead to the appointment, discipline or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. Deliberations of judicial or quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present, but not including any meetings of planning commissions, zoning commissions, or boards of adjustment.**
- 3. Potential Action.**

Mayor Pete Sutherland opened the disciplinary hearing for Officer John Paul Rainey. Officer Rainey's Attorney Ms. Mary Sharp requested that the hearing be open. City Attorney Bill Arvin introduced Ms. Patsey Jacobs, Attorney who represents Chief Barry Waldrop in the disciplinary hearing.

Ms. Patsey Jacobs and Ms. Mary Sharp presented opening statements, witness testimony and cross examinations, and closing arguments for the hearing which might lead to the discipline or dismissal of Officer John Paul Rainey.

Motion by Ms. Black, seconded by Mr. Blackford to adjourn into closed session pursuant to KRS 61.810 1(f) and KRS 61.810 1(j) Discussions or hearings which might lead to the appointment, discipline or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. Deliberations of judicial or quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present, but not including any meetings of planning commissions, zoning commissions, or boards of adjustment.

Yea

Ms. Black, Mr. Sutherland, Ms. Teater, Mr. Blackford, Mr. Williams

Motion by Ms. Black, seconded by Mr. Blackford to adopt Findings of Fact as follows:

FINDINGS OF FACT

- 1. John Paul Rainey responded to a domestic violence call on December 28, 2015 while on duty with the Nicholasville Police Department.**
- 2. The incident involved the mother and the wife of a deputy with the Jessamine County Sheriff's Department.**
- 3. One victim of the domestic violence incident reported pain as a result of the incident, and the other, a minor child, had a visible injury to her leg.**
- 4. Rainey failed to fully investigate the circumstances of the incident by failing to speak with the victim(s) and/or other responding officers prior to determining that he would not make an arrest.**
- 5. Rainey failed to obey a lawful order of a superior officer by failing to arrest the perpetrator of the domestic violence.**
- 6. Rainey's actions as described above demonstrate a lack of knowledge of applicable law and departmental policies regarding probable cause and arrest in domestic violence situations.**

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- 7. Rainey's actions as described above demonstrate an unwillingness to perform assigned tasks and a failure to conform to work standards.**
- 8. Rainey's refusal to arrest the perpetrator of the domestic violence resulted in inefficiency of the Department by requiring another officer to perform the task he refused to do.**
- 9. Rainey was insubordinate to his superior officer by failing to make the arrest as ordered.**
- 10. Rainey violated policies of the City of Nicholasville Police Department as charged.**

Yea

Mr. Sutherland, Ms. Teater, Mr. Blackford, Mr. Williams, Ms. Black

Motion by Ms. Black, seconded by Mr. Williams based on the foregoing Findings of Fact, the Board of Commissioners of the City of Nicholasville hereby determines as follows with the respect to the employment of John Paul Rainey with the City of Nicholasville and the Nicholasville Police Department to terminate immediately.

Yea

Mr. Williams, Ms. Black, Mr. Sutherland

Nay

Ms. Teater, Mr. Blackford

The meeting adjourned at 9:45 p.m.

Roberta Warren, City Clerk

Pete Sutherland, Mayor