

**Senator Todd
Gardenhire**

☪☪

425 5th Avenue North, Suite 732
Nashville, TN 37243-0215
(615) 741-6682

P. O. Box 4506
Chattanooga, TN 37405
(423) 888-6403

sen.todd.gardenhire@capitol.tn.gov



Senate Chamber State of Tennessee

NASHVILLE

July 12, 2021

*Mr. Guy Jones, Director
District Attorneys General Conference
225 Anne Dallas Dudley Blvd.
Suite 800
Nashville, TN 37243*

Dear Mr. Jones:

I am writing this letter to express my profound disappointment in your organization with regards to the issue of Hamilton County District Attorney General Neal Pinkston not following the law (Tenn. Code Ann. 8-31-103) in a timely basis.

Your organization has a responsibility to police your members and make sure they, of all people, follow the law and its intent.

This issue was in the news long before your conversation on May 13, 2021. If General Pinkston did not know before the news media and Commissioner Boyd brought it up; he should have, at that very moment he learned about the possible violation, corrected the situation. It appears that even after your conversation with him on May 13th and your phone call to him on June 23, 2021, after you received my letter, he still refused to follow the law. This is very troubling to me for him and for your organization.

According to your letter, he assured you (and you assured me) "that the provisions of 8-31-102 are being followed". They have not as of today.

It is also very troubling that he is waiting until August 1, 2021, to change one of the positions. The question is raised; why wait? Why not do it now? Why was it not done back in May?

10th Senatorial District
Parts of Bradley and Hamilton
Counties
☪☪

COMMITTEES:

Finance, Ways and Means,
Judiciary and State & Local
Government, 1st Vice Chair

Subcommittees:

*Pension & Insurance
Fiscal Review, Chairman*

If he is trying to have that person qualify for an enhanced State Benefit by waiting until August 1, 2021, that could be considered FRAUD. I am sending a copy of this letter to Tennessee Treasure David Lillard and asking him to look into this issue.

I am asking you as Director of the District Attorneys General Conference to find out the above concerns I have and insist General Pinkston follow the law and its intent.

Let's talk about the intent. It sounds to me that he is playing a "shell game" by shifting one job title from a 'state payroll position' to a 'county-funded position'. General Pinkston may be able to pull this off because of a loophole in the Hamilton County policy position; but I believe the intent is clear as what is the proper protocol.

I can only imagine some defense attorney finding out the person trying to convince a jury or judge that his or her client is guilty of a crime and that same defense attorney just pointing out that the prosecutor is as guilty as their client.

Guy, I really get the impression you are reluctant to insist on correcting this issue that General Pinkston has created on his own and you think I stupid enough to let this slide.

Please use your position to correct this and find out why it has not been done.

I am very disappointed in your Conference.

Sincerely


Senator Todd Gardenhire

Cc: Zoe Sams, Deputy Director
Treasure David H. Lillard, Jr.

TENNESSEE DISTRICT ATTORNEYS GENERAL CONFERENCE

GUY R. JONES
EXECUTIVE DIRECTOR



July 7, 2021

Senator Todd Gardenhire
Suite 732 Cordell Hull Building
425 Rep. John Lewis Way N.
Nashville, TN 37243

Dear Senator Gardenhire,

Thank you for your patience as we continue to address the issues you raised in your letter of June 23. We certainly respect and intend to abide by the provisions of the statute. At the time of our recent phone call, I had already reached back to Gen. Pinkston as a follow up to my initial conversation with him in early May.

Gen. Pinkston and I first discussed this matter on May 13 after I learned about the situation. At that time, he assured me that the provisions of §8-31-102 were being followed.

Nevertheless, Gen. Pinkston has now informed me that both individuals are being removed from state payroll positions and transferred to county-funded positions which he believes should serve to assure you that the provisions of §8-31-102 are being followed. It is further my understanding that one position change will be completed by August 1.

I will monitor the progress on the first move, as well as on the second position, and advise you when each are complete.

Sincerely,

A handwritten signature in blue ink that reads "Guy R. Jones".

Guy R. Jones

**Senator Todd
Gardenhire**

☪☪

425 5th Avenue North, Suite 732
Nashville, TN 37243-0215
(615) 741-6682

P. O. Box 4506
Chattanooga, TN 37405
(423) 888-6403

sen.todd.gardenhire@capitol.tn.gov



Senate Chamber State of Tennessee

NASHVILLE

June 23, 2021

*Mr. Guy Jones, Director
District Attorneys General Conference
225 Anne Dallas Dudley Blvd.
Suite 800
Nashville, TN 37243*

Dear Mr. Jones:

I am writing to express my concern with the fact that Hamilton County District Attorney General Neal Pinkston is supervising his wife, a state employee, who serves as his chief of staff. Tennessee law does not prohibit two relatives from working within the same governmental entity, but Tenn. Code Ann. § 8-31-103 does prohibit the direct supervision of relatives within a governmental entity. Specifically, the law states, “[w]ithin each governmental entity, no state employees who are relatives shall be placed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative; provided, that to the extent possible, this chapter shall not be construed to prohibit two (2) or more such relatives from working within the same state governmental entity.”

When a marriage results in a violation of Tenn. Code Ann. § 8-31-103, the employer must resolve the direct line of supervision as provided in Tenn. Code Ann. § 8-31-104, which requires that one of the employees either transfer or resign.

I am asking that the Conference take steps to encourage General Pinkston to come into compliance with Tennessee law.

10th Senatorial District
Parts of Bradley and Hamilton
Counties

☪☪

COMMITTEES:

Finance, Ways and Means,
Judiciary and State & Local
Government, 1st Vice Chair

Subcommittees:

*Pension & Insurance
Fiscal Review, Chairman*

If he has; when did he comply? Did your Conference contact him in anyway about this violation?

If your Conference did not contact his about this issue, why not?

Sincerely,


Senator Todd Gardenhire

§ 8-31-103. No direct supervision of relatives

Within each governmental entity, no state employees who are relatives shall be placed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative; provided, that to the extent possible, this chapter shall not be construed to prohibit two (2) or more such relatives from working within the same state governmental entity.

§ 8-31-104. Transfer to avoid direct supervision by relatives

When as a result of a marriage, state employees are in violation of the prohibition established by § 8-31-103, such violation shall be resolved by means of such transfer within the governmental entity, transfer to another governmental entity, or resignation as may be necessary to remove such violation. The appointing authority of such governmental entity shall advise the employees of each of the alternatives available to remove such violation. Such employees shall be given the opportunity to select among such available alternatives. If such employees are unable to agree upon any such alternative within sixty (60) days, then the appointing authority shall take appropriate action to remove such violation.

Cc: Zoe Sams, Deputy Director