



Keuler, Kelly,
Hutchins, Blankenship
& Sigler, LLP
— ATTORNEYS —

BOWLING GREEN BOARD OF ETHICS SPECIAL COUNSEL'S REPORT

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Prepared by:

Stacey A. Blankenship

Keuler, Kelly, Hutchins, Blankenship & Sigler, LLP

100 South 4th Street, Suite 400

Paducah, KY 42001

Phone (270) 448-8888; Direct Line (270) 448-0999

Fax (270) 448-0998

sblankenship@kkhblaw.com

www.kkhblaw.com

I. INTRODUCTION

On July 11, 2019, I was retained by the City of Bowling Green Board of Ethics to serve as Special Counsel in regard to 23 ethics complaints (attached hereto collectively as Exhibit A) which were received by the Board of Ethics concerning actions of City Commissioner Brian "Slim" Nash on May 23, 2019.¹ I have conducted an investigation into the allegations of those complaints pursuant to the Policy for Complaint Procedures adopted by the Board of Ethics on December 6, 1999 and amended on October 26, 2010, Sections VI and VII. This Report is hereby issued pursuant to the provisions of Section VII(c), which states that "Counsel shall, if the evidence warrants, prepare a written report with a preliminary analysis of the complaint."

II. SUMMARY OF INVESTIGATION

The following interviews were conducted and are summarized as follows:

A. WARREN COUNTY SHERIFF'S DEPARTMENT

1. WARREN COUNTY DEPUTY SHERIFF BRIAN WISE

Warren County Deputy Sheriff Brian Wise was working security at SKyPAC on May 23, 2019 during a Jamey Johnson concert. One of SKyPAC's security guards, known to Wise as "Joey" (later identified as Joey Faine), informed him that City Commissioner Nash was at the concert and was "highly intoxicated", explaining that Nash had fallen down the stairs and spilled his beer in the process.

Faine took Wise to the side of the stage where he pointed Nash out to Wise. Wise added that he was aware Nash was a city commissioner. Another Warren County Deputy, Josh Wright, was also working. Deputy Wright explained to Wise that he was unfamiliar with Nash, so Wise moved to the back area so could observe Nash when he left.

Wise observed Nash leave the concert hall with his adult daughter and enter the lobby where he spent time at the merchandise table. Wise then went and stood by the front door. When Nash passed by him, Wise reports that he did not smell any alcohol nor notice anything that may indicate Nash was under the influence of alcohol at that time.

Nevertheless, due to the report by Faine, Wise watched Nash and his adult daughter walk between SKyPAC and the SoKY Marketplace. Wise followed and watched Nash as he walked toward the parking lot. When Nash and his adult daughter approached Nash's truck, Nash's daughter entered on the passenger side while Nash leaned in on the driver's side and started the truck. Nash remained next to his truck for a few minutes. Wise could not tell what Nash was doing at that time. Nash then entered his truck, placed the gear in reverse, and began backing up. At this point, Wise ran across the parking lot toward Nash's truck and stopped him.

Wise knew Nash walked with a limp. He denies that he had observed any evidence at that time to indicate that Nash was under the influence. Regardless, Wise was aware that Faine

¹ To be thorough, I have also attached four letters of support for Commissioner Nash received by the Board of Ethics, along with Nash's personal apology. (See Exhibit B).

believed Nash to be intoxicated and so he did not want Nash to drive his vehicle out of the parking lot.

Upon flagging Nash down and ordering him out of the truck, Nash exclaimed to Wise, "The keys are not in the ignition." When Nash stepped out, Wise noticed that Nash stumbled. They walked to the rear of Nash's truck where Wise explained to him that he knew he had been drinking at the concert and asked why he was driving. Nash told Wise he wasn't planning on going anywhere but had planned to call his ex-wife to pick them up. Wise recalled Nash stating something to the effect of, "come on man". Wise remarked to Nash that the situation was not his doing. Nash never stated nor said anything about his position as a city commissioner, nor did Wise ever address him as such.

At some point, Warren County Deputy Austin Smith arrived, at which point they discussed what they had in terms of evidence. Wise was concerned with the evidence. In addition, he was aware that Nash had been previously arrested for DUI, which went through years of court proceedings and ultimately was dismissed due to the field sobriety tests being suppressed as a result of Nash's limp. Wise believed that he didn't have sufficient evidence of Nash operating his vehicle, other than his own personal observation, adding that the previous DUI charge which was dismissed had also been based solely on the arresting officer's testimony.

When asked why he did not request Nash to perform field sobriety tests, Wise said he questions his decision not to do so, but then again referred back to Nash's previous DUI arrest and the fact that the field sobriety tests were suppressed. Because he had reviewed the previous DUI court documents, Wise knew Nash could not perform the field sobriety tests due to knee problems. When asked if he had Nash perform a preliminary breath test (PBT), Wise stated that he did not have a PBT with him but admitted that Deputy Smith may have had one. Regardless, Wise knew he could prove an Alcohol Intoxication charge with his testimony and so he decided to charge him with that instead of a DUI.

Wise denies that he would have reacted differently if Nash had not been a city commissioner. Wise stated that Nash as a city commissioner has no control over his job as a county employee. Wise does not know why he didn't stop Nash before he got in his truck.

With respect to Nash's post-arrest conduct, Wise reports that Nash's daughter was very upset. Nash wanted to speak with her but she said she did not want to speak with him. As Wise and Smith were escorting Nash to the police cruiser, Nash stopped walking and again asked to speak with his daughter. Wise told Nash he had until the count of three to get into the cruiser, to which Nash replied, "or else what?" Deputies ultimately had to use some physical force to place Nash into the rear of the police cruiser, by picking his legs up off the ground while using their body weight to put him inside. Nash inquired if anyone was recording the incident and he was told no. Indeed, we have learned that there are no video recordings of this incident.

Wise completed a citation concerning Mr. Nash's arrest. (Attached hereto as Exhibit C). Wise states in his citation that Nash was "extremely intoxicated". When asked about this statement, Wise initially admitted that he observed Nash's state in this regard "at some point, when I made contact with him." However, when explained that the citation indicates that the

“extremely intoxicated” observation occurred prior to Wise making contact with Nash, Wise explained that he relied on the SKyPAC employee’s observations in this regard.

When Wise was asked to list the elements of Alcohol Intoxication, he was able to do so, i.e., probable cause to believe that the suspect is manifestly under the influence of alcohol and a danger to himself or others. When asked if those same elements would not have been sufficient for a charge of DUI, Wise agreed that technically he also had the elements for a DUI charge but again referred to his earlier explanation of the circumstances surrounding his decision making, i.e., the dismissal of the previous DUI charge.

In reviewing the paperwork, it is apparent that Nash’s operator’s license was suspended at the time he was operating his truck. Wise denies that he knew this, claiming that he did not learn that fact until the next day. Wise said he would have charged him for operating on a suspended license had he known about it that night.

Wise was asked if during his more than twelve years of policing experience he had ever charged someone with alcohol intoxication even though he had observed the person operating a motor vehicle (other than Nash). Wise admitted he had not.

2. WARREN COUNTY DEPUTY SHERIFF AUSTIN SMITH

On May 23, 2019, Warren County Deputy Sheriff Austin Smith had just began his shift and was headed to the Sheriff’s Office when he heard Deputy Wise request assistance at SKyPAC. Wise told him where to stage up since Nash was walking out to his car. By the time Smith pulled into the parking lot, Wise had already made contact with Nash.

Smith saw Nash’s truck had been pulled out of a parking space and was stopped in the parking lot. Nash’s daughter was in the front passenger seat. Smith recalls Nash had slurred speech, blood shot eyes, and a staggering gait.

His recollection of Wise speaking with Nash was limited, although he recalled Nash saying he wasn’t going anywhere, as if he was suggesting that he wasn’t leaving the parking lot. Smith never heard Nash say anything about calling an Uber. Wise did not perform any field sobriety tests or a Preliminary Breath Test on Nash, nor did he hear any conversation between the two about how much Nash had to drink. There was some discussion between Smith and Wise about whether an Alcohol Intoxication or DUI charge would be applicable to the situation, with Smith deferring to Wise since he was the primary officer on the scene.

Smith did not realize who Nash was until the registration information was returned from dispatch, at which point he recognized the name as a city commissioner. Smith heard dispatch report that Nash’s driver’s license was suspended. However, there was no discussion between he and Wise about charging Nash with that offense. While Smith did not observe Nash driving, it was obvious to him that he had been driving since the truck was removed from a parking space and the truck engine was still running. Smith indicated that Warren County Deputy Sheriff Tim Robinson showed up on the scene at some point.

Smith described Nash being somewhat resistant to entering the police cruiser after he was arrested because Nash wanted to speak with his daughter, requiring some use of force to be exerted to get him to enter the vehicle. Nash did not tell him that he was a city commissioner nor did he otherwise attempt to refer to "who he was" or his position.

Smith transported Nash to the Warren County Jail. Smith reported that he activated his in-car camera recording during the transport but could not recall if he had retained a copy. Smith was asked to review his recordings and provide a copy if he was able to find it. Smith subsequently reported that he did not retain a copy of the transport. Regardless, Smith reports that Nash did not say anything during the transport. When asked why Smith did not activate his in-car camera during the arrest incident, Smith explained that his car was not pointed in the direction of the scene.

When asked about Nash's ability to walk at that jail, Smith said he did not have a hand on Nash but they just took it slow and "baby stepped it." When asked if he would do anything different regarding this situation, Smith said, "No".

3. WARREN COUNTY DEPUTY SHERIFF TIM ROBINSON

Warren County Deputy Sheriff Tim Robinson reported hearing Deputy Wise on the radio requesting a backup unit at SKyPAC. Robinson called Wise on his phone, who told him Slim Nash was intoxicated and he believed he might try to drive.

Upon arrival, Robinson saw Smith and Wise standing next to a green Toyota Tundra truck that had been backed out of a parking space and was at an angle. Nash was resting on the back of the truck speaking with deputies. Wise informed Robinson that he had observed Nash possibly urinating next to Nash's truck. He then reported that Nash entered his truck and backed it out of the parking space.

Robinson stated that, based on his training and experience, he believed Nash was manifestly under the influence of alcohol and that he was likely over the legal blood alcohol limit for operating a motor vehicle of .08. Nash's daughter was also with him. Robinson described her as being "pretty hysterical".

Wise asked Robinson if he wanted to handle the incident. Robinson said no, that he had not personally observed anything to establish probable cause. Wise then asked Smith if he wanted to handle the incident, who also said no.

Wise then told them he was going to arrest Nash for alcohol intoxication rather than DUI because Nash would beat the DUI. Robinson told him that it was his call. At that point, Wise told Nash he was under arrest for AI, to which Nash argued with him briefly, claiming that he was waiting on an Uber. Wise told him that he did not believe him since he had observed him backing out of the spot.

Nash's ex-wife picked up Nash's daughter. Nash was placed in handcuffs by Wise, who took him to Smith's cruiser. Nash initially did not want to get in so they assisted him into the police cruiser. Robinson did not have his camera on during the encounter, stating that his cruiser

was not in a position for the camera to video record anything. Robinson was familiar with Nash's previous DUI arrest as he was working in the jail when Nash was booked that night. Robinson stated that most individuals in the Bowling Green law enforcement and corrections industry are familiar with Nash's previous DUI and the outcome.

Robinson does not believe Nash's position as a city commissioner played into their decisions or actions on the evening of May 23, 2019. He recalled Wise commenting about Nash getting out of the previous DUI charge and believed that if he charged him with DUI, it would likewise be dismissed.

4. RECORDS REQUESTS

Two records requests were submitted to the Warren County Sheriff's Office. One request was for "any/all records related to the arrest of Brian Nash on May 23, 2019." A response to this request was received via email on August 9, 2019. The documents are attached hereto as Exhibit D.

The second request was for "call recordings for May 23, 2019 pertaining to any/all calls regarding Slim Nash." In response, the Warren County Sheriff's Department provided us with a copy of radio traffic on the evening of May 23, 2019. A copy of the radio traffic, along with a transcript, are attached hereto collectively as Exhibit E. Of significance, Deputy Wise reports that he is following Nash out to his car and states he is "highly intoxicated." Also of importance is the fact that once Nash's license and registration were run, Dispatch reported that his driver's license was suspended "for failure to enroll in traffic school" and that his registration had expired the previous month "showing it expired 04 of '19".

B. SKYPAC

1. DAN HERMAN

Dane Herman, Facilities Manager for SKyPAC explained that although SKyPAC has video surveillance of their facilities, the system was not recording on May 23, 2019. A review of the parking area where Nash was arrested shows several security cameras in the area. Mr. Herman advised that those cameras belong to SoKY Marketplace. Warren County Sheriff Brett Hightower advised that he personally inquired with SoKY Marketplace representatives shortly after Nash's arrest concerning available video footage. SoKY Marketplace informed him that their camera system also was not recording at the time.

2. JOEY FAINE

Joey Faine worked as a security guard at SKyPAC on the evening of May 23, 2019. Faine had three interactions with Nash that evening. First, during the Jamey Johnson concert, Faine noticed that Nash was sitting on the front row and had set his beer on the stage. Faine told Nash to remove the bottle from the stage. Faine perceived Nash's non-verbal response as somewhat arrogant but he reluctantly removed the bottle. Based on this interaction and Nash's demeanor, Faine believed Nash was "really drunk."

Thereafter, Nash went upstairs to get more drinks. Faine observed Nash leaving the lounge area with four alcohol beverages, two beers and two "wines" in each hand. At this point, Nash was swaying back and forth. As Nash began to maneuver down the stairs, his foot slipped and he fell down the stairs, spilling the drinks all over himself. In the process, Nash's pants fell down, exposing his underwear. At this point he heard Nash exclaim, "this G**d*** belt buckle is making me fall all over this f***ing place." At that point, Faine told Nash he had to leave the venue. Nash responded by asking him "Do you know who I am?" When Faine said "No", Nash replied, saying, "Well I'm Slim Nash."

At this point, Jackie Goldammer, SKyPAC Event and Operations Director, walked over to where they were standing. Nash begged them to allow him to stay, citing the fact that his daughter was still in the front row. At that point, it was decided that Nash could return to his seat but he was warned that any other incidents would require his removal.

After the concert, Nash went to the merchandise table and continued to remain in the facility because he wanted Jamey Johnson to sign his hat. However, Johnson had already left the venue at this point. Once Nash realized the performer had left, he proceeded to the exit.

Faine watched Nash leave, walking towards his truck, at which point he heard a woman with a video cell phone say, "Here's Slim Nash. You're City Commissioner. I hope he doesn't get in his car and drive drunk." Faine had previously notified a sheriff's deputy who was there working security that evening about his concerns regarding Nash. The deputy and he followed Nash to his truck. When Nash got in his truck, he and the deputy ran and blocked Nash from driving out of the parking lot. The deputy approached Nash's driver's side and told him to get out of the vehicle. Faine recalls Nash saying "I'm not going anywhere".

After Nash got out of the vehicle, Faine began to leave the area. As he walked away, Nash looked at him and said "You Motherf***er".

Faine could not recall whether he completed any type of incident report, stating he did not believe he had since the police were involved. We have since learned that he did not complete an incident report relating to this incident.

Following the interview of Nash (see below), Faine was contacted again with follow up questions. Faine is certain that Nash "fell" down several stairs on his rear, all the way to the bottom. He denies that Nash merely "sat down" (as Nash claimed in his interview). He was not certain, however, whether Nash asked him "Do you know who I am?" when Faine asked him to leave the venue or if Nash's attitude was a "Do you know who I am" attitude. Regardless, he is certain that Nash called him a "motherf***er" as he walked away from Nash following Nash's encounter with the deputy sheriff. Faine also added that he heard the deputy sheriff say to Nash during the encounter in the parking lot, "your position is not going to influence me or this investigation." Faine was asked if he had observed Nash urinating at any point in the parking lot. Faine denies that he observed Nash urinating. He recalls Nash standing outside his truck for a few minutes but did not observe him urinating.

3. JACKIE GOLDAMMER

Jackie Goldammer, Events and Operations Director for SKyPAC, explained that she had an interaction with Nash on the night of his arrest after he had fallen down the stairs. She did not observe the fall however, but had observed him just prior to falling in the lounge ordering drinks. When she spoke with Nash, she informed him that he would have to leave. Nash pleaded with her to allow him to stay at the concert because his daughter was there. Ms. Goldammer ultimately agreed to allow him to stay but cautioned him that if his behavior continued, he would be told to leave.

C. VIDEOS/PHOTOS

I have been provided with three videos and three photos taken by one patron at the SKyPAC event. Those videos and photos are attached collectively hereto as Exhibit F. The first video shows Nash and his daughter leaving the front area of the SKyPAC. They are clearly having a discussion. Nash can be heard speaking on this video. Nash eventually walks past Deputy Wise and toward the side of SKyPAC to the parking lot area.

The second video shows Nash and his daughter continuing to walk to the parking lot behind SKyPAC and the SoKY Marketplace. The third video shows Nash and his daughter walking to his truck. His daughter can be seen getting into the passenger side of the vehicle while Nash opens the driver's door.

There are three photos as well, two of Nash and his daughter at the venue and one of Nash's truck in the parking lot. The vehicle has been moved from where it was previously parked.

D. BRIAN "SLIM" NASH

On August 29, 2019, Brian "Slim" Nash was interviewed in the presence of his attorney, Alan Simpson. Nash attended the Jamey Johnson concert with his 20-year-old daughter, Presley, on May 23, 2019. His ex-wife, Staci Talley, and her husband were also at the concert.

Prior to the concert, Nash and Presley went to Mariah's Restaurant, across the street from the venue. While there, he had one Long Island Iced Tea. They then attended part of the session performed by the "warm up" band. Nash drank beer and mixed drinks consisting of vodka and cranberry juice at SKyPAC. He believes he had two or three beers and the same number of vodka and cranberry mixed drinks during the evening. Prior to the Johnson concert, Nash purchased drinks for his ex-wife, Staci Talley, and her husband, Charles Talley, pursuant to Charles' request. Nash admits he was drinking throughout the evening.

During the concert, Nash and his daughter were sitting on the front row. He recalls placing his beer on the stage while watching the show. Thereafter, a security guard motioned for him to remove the drink, which he did. He did not converse with the security guard at the time.

Nash went to the lounge at one point to retrieve more drinks, reporting he bought a beer and a vodka and cranberry mixed drink. When asked if it's possible that he had two drinks in

each hand, Nash stated that he did not recall that but would not dispute it if someone said so. Regardless, the drinks he retrieved at this point were for him.

Nash reported that as he was walking down the steps, his pants slipped off his waist, at which point he sat down on the steps to prevent them from falling further. He denies that he "fell" down the stairs. He also denies that he spilled his drinks at this time. After he "sat down", Nash put both drinks down on the floor, stood up and pulled his pants up. Nash does not recall saying, "This G**d*** belt buckle is making me fall over the f***ing place."

Nash recalls a SKyPAC employee telling him he would not be allowed to re-enter the venue. Nash told them his daughter was inside and he really would like to go back in. While he doesn't recall their response, he recalls going back in. Nash denies making a statement such as, "Do you know who I am?"

Nash does not recall speaking with Jackie Goldammer, nor did he recall pleading his case to her even though he knows who Ms. Goldammer is. Although he doesn't recall being warned that he would have to leave if there were any more incidents, he doesn't dispute that this may have been said. Ultimately, Nash agrees that he may not be able to recall everything that was said due to his intoxication.

Nash admits that he recognized after the event that he should not drive. He and Presley, his adult daughter, walked to the truck following the event, at which point he turned the vehicle on so that they would have air conditioning in the truck. They spent a few minutes singing a couple of Jamey Johnson songs together that were played by his daughter on her phone. At some point while in the truck, he told Presley that he couldn't drive and that they would need to find a ride.

Presley called her mom (Nash's ex-wife, Staci Talley) to see if they could get a ride with her. Nash claims that Presley told him that Talley said they would take them home if he would pay \$50. He didn't know if she was serious or not, adding that he laughed and said they would find another way home.

At this point, Nash and Presley talked about getting an Uber, with Presley doing something on her phone, possibly downloading the Uber application. Nash had parked in a very noticeable location in the SKyPAC parking lot so he decided to move it to another spot in the parking lot so that anyone who drove by the next morning on their way to work wouldn't see his truck and know that he wasn't able to drive home.

Nash denies that he urinated in the parking lot. However, he does not deny getting into his truck and backing it out of the parking spot for purposes of moving the vehicle to another spot. After pulling his vehicle out of the parking spot, a sheriff's deputy walked up and asked him what he was doing. Nash replied that he was moving his truck. Nash does not recall saying, "the keys are not in the ignition."

Nash denies stumbling around after exiting his truck or pulling the floor mat out when he got out of the truck. However, he is sure he was probably slurring his words and had blood shot

eyes. In terms of the total amount of alcohol he consumed, Nash said he had four to six beers and four to six mixed drinks, over an approximate five-hour period.

Nash recalls the deputy sheriff saying something like "don't try to use your position to influence me," to which Nash responded that he hadn't said anything like that. He remembers some aspects of his encounter with the deputy and his subsequent arrest, but not all of it. Nash claims that he was not aware that a driver could be charged with DUI even for just moving his/her vehicle in a parking lot, explaining that he has since learned that.

Nash's daughter was in the truck during the traffic stop. When he was placed in the cruiser, Nash's daughter was standing outside along with his ex-wife, who had arrived on scene.

Nash denies ever using or trying to use his position as a city commissioner to gain favor with the deputies on May 23, 2019. He does not recall any SKyPAC employees being outside when he was stopped by deputies. Nash adamantly denies calling Joey Faine a "mother***er".

Nash was asked if he willingly went with the police when being placed in the police cruiser. He explained that he attempted to speak with his daughter before being placed in the cruiser but was told by the deputy that his daughter didn't want to speak with him. This was very shocking to him because of their close relationship. In response, he stopped moving forward and said he didn't believe the deputy. The deputy then "shoved him" inside the cruiser.

Nash recalls the deputy telling him that he had until the count of three to get in the car. When asked if he remembers saying "Or what?" in response to this, Nash said, "I don't doubt it."

After being placed in the cruiser, Nash spent the majority of the time trying to upright himself during the drive to jail. Nash was released at 6:02 a.m. the next morning when his ex-wife picked him up.

Nash learned after the fact that his license was suspended on the date of the incident. He believes the reason his license was suspended was because after paying fines for a traffic ticket in Jefferson County, he failed to complete a step related to the reinstatement process. In relation to the alcohol intoxication charge, Nash plead guilty and paid a fine and court costs. A copy of the guilty plea is attached hereto as Exhibit G.

Nash reported he contacted the Employee Assistance Program (EAP) through his prior employer (either Uspiritus or Center Stone of Kentucky) following this incident. However, upon resigning his position, he was denied access to the EAP. Although he had contacted EAP and scheduled an appointment prior to his resignation, he received a call about ten minutes before the scheduled appointment telling him that he was no longer eligible for EAP services. He is eligible for EAP through the City but had not availed himself of those services as of the date of the interview.

Nash was previously arrested for DUI in 2013. The charge was dismissed in 2017 after the field sobriety tests were suppressed. He subsequently plead guilty to a charge of improper turning. He was not a commissioner when he was arrested in 2013 but had been elected and was a city commissioner when the case was dismissed in 2017.

Regarding the incident on May 23, 2019, Nash agrees that his conduct "was not of the highest standards". He also agrees that he engaged in illegal behavior.

When asked what he believes the appropriate punishment would be for his actions, Nash recognizes that something must happen and suggested a public reprimand of some type was in order. Mr. Simpson added that Nash has lost a very good job as a result of this incident and has been "excoriated in social media". Nash agreed that some citizens of Bowling Green would agree that he did not maintain the highest standards of conduct that are expected of their public servants. Nash concluded the interview by stating that he was sorry for any embarrassment he may have caused the city or any citizen, as well as himself.

E. STACI TALLEY

Staci was previously married to Brian "Slim" Nash for eleven or twelve years, before divorcing in 2009-2010. Regarding Nash's drinking habits during their marriage, she reports that he would drink socially. His drinking did not cause any issues with their marriage. They have a daughter and son together.

Staci attended the Jamey Johnson concert with her husband, Charles Talley. She first saw Nash in the lounge area during the intermission between the opening act and the main act. Nash was drinking a cranberry and vodka mixed drink. Nash took her husband into the lounge so he could buy a drink in order to avoid the lines. Nash was being very friendly and chatty to her and her husband, which indicated to them that he had been drinking as this was unusual behavior for him towards them.

Presley called her that evening after the concert and asked if her stepbrother (Staci's husband's son) had arrived to pick up Staci and her husband. Staci asked Presley if they needed a ride. Staci told Presley, who then told Nash, that her stepbrother could give them a ride if they would pay him a little bit of money. Staci heard Nash say no, and then the phone hung up quickly. Staci adamantly denied saying it would cost \$50 to take them home. Staci added that they pay her stepson if he picks them up, and it's a general expectation for others to do the same.

Presley later told her she was trying to think of people they could call to come pick them up. It was so late at night that Presley didn't know what to do. Staci denied that Presley ever told her that they intended to call an Uber.

Soon after, Presley contacted her because Nash was being arrested. Staci proceeded to the scene. It was obvious to Staci that Nash had moved his truck. She thought he was under arrest for DUI. Nash was unsteady and was slurring his words. He wasn't combative but he also wasn't willingly complying with the deputies. This seemed to be related to him wanting to talk with Presley as they were trying to place him in the rear of the cruiser.

Nash's demeanor was such that Staci told Nash to do what the police said and to not argue with them. She further described that it was mainly his tone and him trying to turn around as they were trying to get him into the cruiser that caused her concern. Ultimately, the deputies had to use some force to get him inside.

F. PRESLEY NASH

Presley Nash is Brian "Slim" Nash's twenty-year old daughter. Prior to the concert, she and Nash went to Mariah's Restaurant near SKyPAC, arriving between 6:00 and 6:30pm. While at the restaurant, they sat at the bar because it was so crowded. They ate and then stayed a while after dinner. Nash drank alcoholic beverages while they were there, having more than one. She recalls he was drinking the "Mariah's Special Jar" drinks.

When they arrived at SKyPAC, they were invited into the lounge area. Entrance to the lounge was by invitation only. They stayed there for about an hour before Jamey Johnson's performance began. While in the lounge, Nash consumed possibly two mixed alcoholic drinks.

Nash continued to drink during the Jamey Johnson concert, having more than one alcoholic drink. Presley recalled Nash placing a beer on the stage at some point and security telling him to remove it. She believes Nash told security that he wouldn't do it again.

At one point, Nash went back to the lounge area to get more drinks. When he returned, he had two Bud Lights. Nash said to her that he had either fallen or his pants had fallen down.

After the concert, the two left the concert area and briefly went to the merchandise area. They then walked outside toward his truck. While walking, Nash told Presley that security guards or sheriffs deputies were following them.

After they got into Nash's truck, they discussed the need to find a ride home. Presley called her mother because she knew they were also at the concert and that her stepbrother was driving them home. During the phone call with her mother, Presley told her mother that Nash had been drinking and it probably was not the best idea for him to drive anywhere. Staci responded by offering them a ride home with her stepson if Nash would pay him some money for gas. Presley does not believe her mother gave a specific amount. Regardless, Presley did not tell Nash a specific amount. She believes she told him that a ride "was going to cost something." Nash was okay with the prospect of Presley's stepbrother driving them home until he found out he would have to pay him.

When asked why she thought they needed someone to drive them home, Presley said, "Because, I know that drinking and driving is not the best." When asked if Nash had told her that he had drank too much alcohol to drive, Presley said no.

Nash would not agree to pay Presley's stepbrother for a ride so the two then began discussing how to get a ride with an Uber. Presley was in the process of downloading the Uber application when Nash decided he needed to move his truck, telling Presley he didn't want his truck to be "in the way" for workers in the morning. She understood that he was going to move his truck to the end of the parking lot.

Presley recognized the sheriff's deputy that came to Nash's window as the same sheriff's deputy that had followed them to the parking lot. Presley remained in the truck when the deputies spoke to her dad and was unable to hear their conversation. Presley never heard Nash

identify himself as a city commissioner, or use a phrase like "Do you know who I am?" She did not hear anyone else refer to him in this manner.

G. MADEA HYMER

Following the Jamey Johnson concert, Madea Hymer and her husband approached their vehicle in the parking lot, whereupon they saw a deputy sheriff crouched down behind their truck. Her husband remote started the truck, which seemed to startle the deputy sheriff. They then asked him "What's going on?"

The deputy sheriff asked them not to move their truck. He pointed out a vehicle and said that it belonged to City Commissioner Slim Nash, who had been drinking very heavily. He informed them that they planned to prevent him from driving. At that point, she and her husband entered the truck and watched things unfold.

Nash sat in his truck for about 4 minutes or so and then began backing up. The deputy radioed someone and then he and another person took off running after Nash while yelling for him to stop. A police cruiser pulled in and then another one right after that. Hymer saw Nash's daughter looking out the window.

Hymer and her husband could not hear anything that was being said but Nash appeared "so far gone" that he dragged the floor mat out upon exiting his truck. In addition, he appeared to have to lean on the back of the truck because he couldn't stand up.

H. JEREMY HYMER

Jeremy Hymer and his wife saw a deputy sheriff standing by his truck after the Jamey Johnson concert. They spoke with the deputy who explained that they were watching Slim Nash, indicating where he was, and saying that they were trying to prevent him from drinking and driving.

Mr. Hymer observed Nash in his vehicle with the engine running. Nash then backed up and turned right like he was leaving the parking lot, driving about the distance of three parking spots before the deputy sheriff stopped him. When Nash got out of the truck, he dragged the floor mat out with him and pretty much had to lean against the truck to stand up.

III. CONCLUSIONS

City of Bowling Green Board of Ethics Policies declare that "[t]he people have a right to expect that every public official and employee will conduct himself or herself in a manner that will tend to preserve public confidence in and respect for the government he or she represents."

Section 25-3(1) provides as follows:

Public officials and employees must in all instances maintain their conduct at the highest standards.

Section 25-4 provides, in relevant part, as follows:

No public official or employee of the City or members of the board of any City agency as defined hereinabove shall knowingly: . . .

6. Use or attempt to use his or her official position to secure special privileges, exemptions, personal, or financial gain, or to avoid consequences of illegal acts for himself or herself, any family member, or others; . . .
9. Engage in illegal or unethical behavior, whether committed on or off duty, including, but not limited to:
 - a. conduct that violates a federal, state or local law or ordinance, (excluding traffic violations) whether or not the violation relates directly to the duties of the public official. . . .

It is my conclusion that Commissioner Brian "Slim" Nash violated the City of Bowling Green ethics policies, Section 25-3(2) for failing to maintain his conduct to the highest standards, as well as Section 25-4(9) for engaging in illegal behavior that violated state law. Indeed, during his interview, Commissioner Nash admitted that he failed to maintain his conduct to the highest standards and engaged in conduct that was a violation of state law.

I am unable to conclude that Commissioner Nash engaged in conduct that violated Section 25-4(6), i.e., using or attempting to use his or her official position to secure special privileges or avoid consequences of illegal acts. Commissioner Nash denies that he ever identified himself as a city commissioner during the events on May 23, 2019. In addition, the sheriff's deputies denied that he did so. Although the security guard at SKyPAC initially claimed Nash said "do you know how I am?" when asked to leave, the security guard could not confirm this statement during a follow up interview.²

²It is my understanding that this Report is not to include a recommendation as to penalty. Section VII(b) provides that the Report shall include a "summary of the interviews" and Section VII(c) provides that the Report shall include a "preliminary analysis of the complaint" and if a violation has occurred, "shall state in the report the section or sections of the Code of Ethics which have been violated." I believe this Report satisfies those requirements. It is further my understanding that the procedures as set forth in Section X are to be followed by the Board of Ethics after receipt of this Report.