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**Metropolitan Clerk's Office**

The Honorable Austin Kyle  
1 Public Square, Suite 205  
Nashville, TN 37201

Dear Clerk Kyle,

I am submitting this complaint to request a formal review by the Ethical Conduct Board and Metro Legal regarding the actions of two Metro Employee Benefit Board members at their meeting on June 6, 2023. Pursuant to Metropolitan Code of Laws 2.222.020, the information that follows describes violations of the standards of conduct by the following:

**Ms. Edna Jones**, Board Chair, appointed by Metropolitan Government

**Mr. Harold W Finch II**, appointed by Metropolitan Government

Both board members have abused their public positions in their behavior regarding gender reassignment coverage. While this topic has been the subject of discussion at least three public meetings in the past 18 months, this complaint will focus on the most recent meeting. The video of the meeting is not posted on the Metro Nashville public YouTube channel but is available by request of Metro ITS.

The policy decision (agenda item 1 on June 6, 2023 meeting agenda) is as follows: "The board will need to decide if they would like to add coverage to Metro's self-funded medical plans for gender reassignment procedures deemed medically necessary to gender dysphoria. If yes, the board must also decide the effective date to add the coverage."

This complaint argues the misuse and abuse of their public position by Jones and Finch on the grounds of bias and discrimination. Below is a transcript of selected quotes from Jones and Finch that I contend violate the standards of conduct. The bold font is my addition to emphasize the specific components that constitute a violation.

**Jones:** "I have much more to say about this tragic decision to provide special treatments, including multiple surgeries for life to a select group of individuals. **However, I will not engage in [inaudible] about all the facts and concerns that exist. The bottom line is**

**this, my God does not make mistakes. He creates each of us as he chooses. I will vote no, thank you.”**

**Finch:** “I am ready to put this to bed. This request was hinged upon recruitment. And I don’t believe it was proven. **I still question what is the skill set of this subgroup that Nashville is lacking that we don’t find in the other 99.** I think that if it is recruitment that we are focusing this agenda item on, I think there is an easier answer.

I contend that these comments are discriminatory and violate the commitment of the government to treat everyone equally and to not discriminate based on gender, sexual orientation, or religious beliefs. In addition, pursuant to Metropolitan Code of Laws 2.222.020, these comments violate the following standards of conduct, with the brief explanations that follow.

*2.222.020 i. Employees shall not use their metropolitan government positions improperly to secure unwarranted privileges or exemptions for themselves, relatives or others, provided, however that this provision does not preclude employees from acting in a manner consistent with their official duties or from zealously providing public services to anyone who is entitled to them.*

- **Mr. Harold W. Finch II:** Mr. Finch’s multiple comments regarding a “subgroup” of people shows his selective determination of who he believes should receive public services; in this case, Metro employees in need of gender reassignment procedures deemed medically necessary by Metro’s medical plan provider. Mr. Finch’s explicit separation of transgender employees as a comparison to “the other 99” [percent] is grounds for discrimination and impartial treatment. Moreover, his argument asserts that one group of employees who comprise a majority of the population are entitled to employment with Metro more than a minority group, and that the minority group does not have similar skillsets found in other individuals.

*2.222.020 k. Employees shall not give reasonable basis by their conduct for the impression that any person can improperly influence, or unduly enjoy their favor in, the performance of their official duties, or that they are unduly affected by the kinship, rank, position, or influence of any person.*

- **Ms. Edna Jones:** Ms. Jones’s comment clearly discloses what influenced her vote – her religious faith in what she named as “my God.” I urge you to listen to the recording, particularly the bold statement that includes an inaudible phrase. The inaudible phrase, which sounds like incomplete or nonsense words like “blaudy laudy laudy” can only be interpreted as trivializing “facts and concerns” as irrelevant to determining how she will vote. Citing one’s religious faith as the determining factor for a board member’s vote shows improper influence on the performance of Ms. Jones’s official duties.

*2.222.020 o. Employees shall not accept other employment or engage in outside activities which might impair their independent judgment in the performance of their public duty.*

- Ms. Edna Jones: For the same reason stated above, Ms. Jones’s comments show her partiality that impairs her judgment in the performance of her public duty.
- Mr. Harold W. Finch II: Based on the statements above, Mr. Finch shows impaired judgment in making policy decisions regarding a population he considers a “subgroup” that does not contribute valuable or unique experiences as employees.

It is clear that both board members bring their personal biases into their decision-making. Such evidence of bias should be evaluated with regard to their service on the Metropolitan Employee Benefit Board and the votes they have cast on this agenda item.

Board members make decisions about the healthcare and other benefits that are available to Metro employees, and it is very concerning that these members hold personal views and opinions that lead to discriminatory decisions about those policies. I hope you will conduct a full review of both Ms. Jones’s and Mr. Finch’s actions.

Respectfully submitted,

Maryam Abolfazli

**State of Tennessee**

County of \_\_\_\_\_.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known to be the person described in and who executed the foregoing instrument and acknowledged that such person executed the same as such person’s free act and deed.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary’s Signature

My commission expires: \_\_\_\_\_