

From: Jeremy Finley [<mailto:Jeremy.Finley@wsmv.com>]
Sent: Wednesday, February 13, 2019 12:41 PM
To: Eric Ward; Kim Schofinski
Subject: Commissioner Brock Hill

Hi Eric, Kim –

I just submitted an open records request concerning this, but I have received information that commissioner Brock Hill was terminated and is no longer with TDEC. I am looking to confirm that and confirm if there is any investigation underway into sexual harassment complaints filed against him. I tried you both by phone but got your voicemails.

My open records request reads:

I am requesting to view any and all complaints filed against TDEC Deputy Commissioner Brock Hill.

I am seeking to review Brock Hill's personnel file.

I am seeking any and all documentation related to his termination/resignation.

But in the meantime, I am looking to confirm what I've been informed about. Can you let me know?
Thanks.



Jeremy Finley
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5700 Knob Rd. Nashville, TN 37209

Jeremy,

Out of respect for our staff who participated in the State's investigation of workplace misconduct complaints against Mr. Hill, we are not sharing the specifics of the complaints at this time. State attorneys investigated the complaints. Attorneys' interview notes and other work-product are not public record. There is a brief text conversation between staff related to one of the complaints, which I've attached to this email, along with the separation letter. At this time, those are the only public records of which we are aware that meet your request.

We applaud our State Parks' staff who initially reported potential misconduct which resulted in the State investigating and learning of additional workplace misconduct concerns. The State acted promptly and

appropriately under the circumstances and separated Mr. Hill from State service. TDEC leadership remains committed to fostering a safe, positive, professional, and respectful workplace.

I've also attached Mr. Hill's personnel file with redaction of personal and financial information as required by state law.

Thanks,
Eric

From: Jeremy Finley [<mailto:Jeremy.Finley@wsmv.com>]

Sent: Wednesday, February 20, 2019 10:33 AM

To: Eric Ward

Subject: RE: update - Commissioner Brock Hill

Hi Eric –

First off, thank you for responding to all this. And I really do appreciate you sending along the text.

I completely understand you wanting to show respect for your staff – and I see no reason at this time why we would have to name any of the complainant – but I need further explanation or texts to understand what you've sent. My problem is that I don't have any context at all to explain what you've sent me.

I know we can reach a point where you can protect your staff and I can have enough to explain what happened.

A couple of follow up requests:

1. I'm asking for the entirety of the texts to understand what this "disgusting" comments were about, what was said, etc.
2. I need to know the job of this complainant so I can describe how she interacted with the former commissioner.
3. I assume a summary of an investigation was completed that sums up the findings of the investigation? I'd like a copy of that, even if names are redacted.
4. I'd like to interview Commissioner Salyers or someone with TDEC on camera to discuss why this decision was made to terminate Hill.

Bottom line, the former commissioner is a public official and I have to do an accurate story about why he was terminated. I don't want to assume anything.



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From: Eric Ward <Eric.Ward@tn.gov>
Sent: Wednesday, February 20, 2019 12:37 PM
To: Jeremy Finley <Jeremy.Finley@wsmv.com>
Subject: RE: update - Commissioner Brock Hill

Jeremy,

The initial complaint was made to management in-person, not in writing. The investigation and documentation of the workplace misconduct concerns that followed the initial verbal complaint, were completed by state attorneys whose notes, communications, and work-product are privileged and confidential. At this time, we've provided the public records reasonably responsive to your request. Again, out of respect for our staff who participated in the State's investigation, we are not sharing the specifics of the complaints at this time. There is no investigation summary available at this time. We will respectfully decline an interview at this time because again, we are not sharing the specifics of the complaints out of respect for our staff who participated in the investigation.

Pursuant to T.C.A. §§ 10-7-504 and 8-30-313, the following information is removed for the employee or any family member on state maintained employment records:

- Residential information, including the street address, city, state and zip code, for any state employee;
- Personal, nongovernment issued, email address;
- Driver's license information, including all information contained on a driver's license;
- Home telephone and personal cell phone numbers;
- Emergency contact information;
- Bank account and individual health savings account, retirement account and pension account information; provided, that nothing shall limit access to financial records of a governmental employer that show the amounts and sources of contributions to the accounts or the amount of pension or retirement benefits provided to the employee or former employee by the governmental employer;
- Social security numbers;
- Official state or government issued driver licenses or identification numbers;
- Alien registration numbers or passport numbers;

- Employer or taxpayer identification numbers;
- Unique biometric data, such as fingerprints, voice prints, retina or iris images, or other unique physical representations;
- Unique electronic identification numbers, routing codes or other personal identifying data which enables an individual to obtain merchandise or service or to otherwise financially encumber the legitimate possessor of the identifying data; and
- Work performance evaluation and related performance documents.

Thanks,
Eric



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From: Jeremy Finley [<mailto:Jeremy.Finley@wsmv.com>]
Sent: Wednesday, February 20, 2019 5:21 PM
To: Eric Ward
Subject: RE: update - Commissioner Brock Hill

Eric,

Thanks for the response.

After conferring with our legal counsel, it seems the redactions to the text messages don't seem to fall within any of the exemptions mentioned in his email. So I'd like to ask again that because this doesn't fall under any of the exemptions, that the full REDACTED text messages be sent.

Also, the text message themselves suggest that there are other messages between Hill and the complainant. So we'd like whatever was provided to the state.

If I missed how this was covered on an exemption, please let me know.



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From: Eric Ward <Eric.Ward@tn.gov>
Sent: Thursday, February 21, 2019 2:41 PM
To: Jeremy Finley <Jeremy.Finley@wsmv.com>
Subject: RE: update - Commissioner Brock Hill

Jeremy,

At this time, we have provided all public records reasonably responsive to your request. The additional messages referenced in the texts you have were made on staff's personal devices, were not generated in the course of official state business, and were reviewed by state attorneys in the course of their investigation. Attorney work-product related to those personal messages are privileged and confidential.

After further consultation with our attorneys, we have removed redactions for employee names in the text chain. Please see attached. The lone redacted name is that of the complainant. As to your question about restaurants – some Tennessee state parks have them as part of their hospitality offerings.

As you can understand, we are very sensitive to the privacy of the complainant. To that end, we would respectfully request that you not report the job function or location of employment of the complainant. If you could refer to the complainant as “a department employee,” we would appreciate it, and I'm sure the complainant would, too.

Thank you again for your patience.

-Eric



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