



Office *of the* District Attorney General
Ninth Judicial District

Serving Loudon, Meigs, Morgan and Roane Counties
Russell Johnson, District Attorney General

December 13, 2019

T. Scott Jones, Esq.
Banks & Jones
2125 Middlebrook Pike
Knoxville, TN 37921

RE: Loudon County Commissioner Julia Hurley – residency investigation

Dear Mr. Jones,

The Tennessee Bureau of Investigation has concluded the investigation on your client, Loudon County Commissioner Julia Hurley, which I requested upon learning of her purchase and move into the residence which is located on Shenandoah Drive in Lenoir City. As you and your client are aware this residence is located outside of the 2nd District which district Commissioner Hurley was elected to represent. Instead, this residence is located in the 5th District which is represented by Commissioners Harold Duff and Van Shaver.

My analysis of the situation, based upon the interviews and information developed by the investigation, is that Julia Hurley purchased the house and property on Shenandoah intending it to be her permanent residence. She did so without realizing this residence was located outside of the 2nd District. She did so without bothering to contact the Administrator of Elections to determine where the district boundary was located relative to Harrison Road and the location of her new residence. It appears that she merely assumed (incorrectly) that, since the new residence was located inside the city limits of Lenoir City, it was also located inside the 2nd District. It was only after she was made aware that this residence was inside the 5th District that she contacted a friend, also a local elected official, who advised her that she needed to either move back inside the 2nd District or claim that the move was temporary in nature.

[This advice was based in part on the situation wherein another local elected official moved temporarily into a rental property in Knox County. He did so when the house that he was living in was sold while he was building a new permanent residence inside Loudon County. When the residence he was building was completed, some six months later, he moved back inside of Loudon County. Also, before he moved to the rental home in Knox County, he informed the County Mayor of what he was doing and explained from the outset that the move was temporary in nature.]

The above-described situation meets both the provisions of the law and the intent of the law allowing for a temporary residence and it is clearly distinguishable from Commissioner Hurley's situation.]

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In Commissioner Hurley's case the move was permanent.

- a) She rented out her former home at the 5th Avenue location on a long-term lease. She (along with her mother) apparently owns other property inside the 2nd District where she could have moved.
- b) Her social media posting leading up to her move gives all indications that this is a permanent move.
- c) Her tenant at the former residence, who is or was a co-worker, indicated that this was a permanent move for Hurley.
- d) Her former neighbors indicated that this was a permanent move for Hurley.
- e) Her new neighbors indicate that Hurley is living at the new location on a permanent basis.

Commissioner Hurley self-styles herself as a 'real estate provisional'. She holds herself out to be such on her online presence and in social media postings. Therefore, she had access to every possible data base and record to determine before the move to Shenandoah Drive whether or not the property was located inside the 2nd District.

Even though Commissioner Hurley is in her first term as Commissioner, she did serve one term as a State Representative from 2010-2012. There was a decennial US Census in 2010 which triggered a legislative redistricting process by the Tennessee Legislature leading up to the 2012 election. Even though she lost her seat in the 2012 election, then State Representative Hurley would have been intimately engaged in the redistricting process being in the Republican Caucus which controlled the redrawing of those precinct lines. Speaking from experience, having gone through the same process in 2002, this is a procedure where you become acutely aware of how these precinct lines are drawn and how important it is to understand each neighborhood, subdivision and street. You learn that precinct lines are not always respecters of other boundaries (e.g. city limits). Additionally, during her two years as a legislator, Hurley should have become well aware of residency laws for all elected officials.

Therefore, it should not have been out of ignorance *of the law* that led her to make this move without checking the district lines before she made the move. Instead of stating that it was a temporary move (*because it was not a temporary move*) she consulted a friend who advised her, telling her what she should say. Instead of admitting she made a mistake and taking action to correct her mistake, she is maintaining an untruthful position that is easily rebutted by her own actions, her own statements on social media and to others, as well as her post discovery response to her mistake conduct.

The law that you cite regarding temporary residency deals with situations that the Legislature intended for temporary changes in residency to cover; situations like that involving military service (e.g. Representative John Mark Windle spent almost a year in Iraq with the 278th RCT in the National Guard, or persons taking teaching or other positions on a temporary basis). Commissioner Julia Hurley never intended this to be a temporary move. She purchased the Shenandoah home as a permanent residence.

I have spoken with the Loudon County Administrator of Elections and have given her my opinion that Julia Hurley is now a permanent resident of Shenandoah Drive inside the 5th District. There is an election day coming up March 2, 2020. Julia Hurley needs to re-establish her permanent residency inside the 2nd District in a legal and timely manner in order to legally vote in that election as a resident of the 2nd District. If she does not, then she will not be allowed to vote in that election as a resident of the 2nd District.


If she chooses to remain beyond March 6th at Shenandoah Drive, then your client needs to resign her position as Commissioner of the 2nd District. She owes her constituents and her fellow Commissioners that much. If she does not, then I will seek to file an ouster lawsuit as soon as possible after that date. This gives her an additional four months to relocate on top of the time she has had since the discovery of her mistaken move.

I realize that, if we have to go down the road of an ouster lawsuit, that we may be making new law as there is a dearth of case law on this issue. If I, however, simply ignore what the facts show in this situation, then I am ignoring what I think is a clear violation of the residency law. You cannot make a decision to move somewhere on a permanent basis, then say the move was temporary because you made a mistake.

The statute begs for interpretation by the Courts or at least to bring these issues to the attention of the Legislature. I do not believe that they intended to make a law to allow any elected official to move where they want on a permanent basis and to be able to cloak themselves in the blanket of a claim of temporary residency when the intent was otherwise.

I realize this is not as significant as being a US Senator for Tennessee and mistakenly moving across State Street in Bristol to the State of Virginia. But for the residents of the 2nd District of Loudon County, I believe they expect more from their Commissioner. She should merely acknowledge her mistake and rectify same. I am giving her ample opportunity to so do. As always, I appreciate your professional and zealous representation of you clients. Please advise me which path Commissioner Hurley wishes to pursue.

Sincerely,


Russell Johnson
District Attorney General

cc: Loudon County Mayor and Loudon County Administrator of Elections