

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
June 18, 2025 Session

FILED

08/28/2026

Clerk of the
Appellate Courts

**SCOTTY CAMPBELL v. KRISTA LEE CARSNER, DIRECTOR OF THE
OFFICE OF LEGISLATIVE ADMINISTRATION**

**Appeal from the Circuit Court for Davidson County
No. 24C301 Joseph P. Binkley, Jr., Judge**

No. M2024-01127-COA-R3-CV

A former state representative filed a petition under the Tennessee Public Records Act to compel the disclosure of records related to an internal legislative investigation into his conduct. The trial court dismissed the petition on multiple grounds including that the separation of powers bars the judiciary from reviewing the legislature's internal investigation rules for disciplinary matters. We affirm.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed

JEFFREY USMAN, J., delivered the opinion of the Court, in which ANDY D. BENNETT and W. NEAL MCBRAYER, JJ., joined.

H. Anthony Duncan, Nashville, Tennessee, for the appellant, Scotty Campbell.

Mark Alexander Carver and Eric G. Osborne, Nashville, Tennessee, for the appellee, Krista L. Carsner, Director, Office of Legislative Administration.

OPINION

I.

Scotty Campbell is a former member of the Tennessee House of Representatives (the House), who resigned on April 20, 2023. Before his resignation, an ethics complaint was filed against Mr. Campbell alleging that he sexually harassed a legislative intern. Mr. Campbell asserted that his conversations with the intern were consensual and occurred after work, and he denied violating the General Assembly Policy on Workplace Discrimination and Harassment (the Policy).

Responding to sexual harassment concerns, the General Assembly enacted a statute in 1993 requiring the Office of Legislative Administration (OLA) to establish a policy to prevent sexual harassment and to create a hearing procedure. The following year, the OLA promulgated the General Assembly's first policy on sexual harassment, which contained confidentiality provisions designed "to protect the confidentiality of the person who files a complaint, to encourage the reporting of incidents of sexual harassment, and to protect the reputation of any person wrongfully charged with sexual harassment." That policy has been updated over the years. The version of the Policy at issue in the present case was adopted by the House in 2019. The Policy mandates that the confidentiality of the parties involved will be maintained to the greatest extent possible, and Rule 82 of the Permanent Rules of Order (Rule 82) dictates that all meetings of the investigating subcommittee shall be closed. Through Rule 82 and the Policy, the House has structured its processes and procedures related to internal investigations of sexual harassment complaints.

Both Rule 82 and the Policy expressly reference confidentiality regarding internal disciplinary investigations. The Policy provides:

Confidentiality of the parties involved in a complaint or investigation will be maintained to the greatest extent possible without compromising the thoroughness of the investigation. No information concerning a complaint will be released to anyone not directly involved in an investigation, a lawsuit, the implementation of corrective action, or as otherwise required by law.

Article IV, section 1(c)(4)(B) of House Rule 82 states:

(B) In accordance with the Tennessee General Assembly Policy on Workplace Discrimination and Harassment, upon conclusion of the staff investigation under the policy, the complaint will be referred to the Workplace Discrimination and Harassment Subcommittee of the Ethics Committee for additional proceedings consistent with the policy. *All meetings of the subcommittee shall be closed. In accordance with the policy, confidentiality of the parties involved shall be maintained to the greatest extent possible.* The subcommittee shall be composed of two (2) representatives of the majority party and two (2) representatives of the minority party. All representatives shall be appointed by the Speaker. The Speaker shall appoint the chair of the subcommittee from such representatives. If a member of the subcommittee is the subject of a complaint or is recused, subcommittee staff shall notify the Speaker. The Speaker shall appoint a temporary replacement from the full committee who represents the same political party as the member to be replaced.

(Emphasis added.)

On March 29, 2023, the Workplace Discrimination and Harassment Subcommittee of the House Ethics Committee (the “Subcommittee”) issued a memorandum in which it concluded that Mr. Campbell had violated the Policy. Pursuant to the Policy, the Speaker of the House issued a report regarding the violation, which omitted the names of victims and witnesses, and he placed the report in Mr. Campbell’s public personnel file. The memorandum stated that, in accordance with the Policy and Rule 82, “no further information concerning the complaint would be released” and the Subcommittee “strongly urge[d] all individuals, including the media, to respect the privacy of those involved in this complaint.”

On May 18, 2023, attorney Brian Manookian filed a separate Tennessee Public Records Act (TPRA) petition against the OLA seeking the records regarding the investigation into Mr. Campbell. The Davidson County Chancery Court dismissed the petition with prejudice on January 2, 2024, and the case was pending on appeal at the time Mr. Campbell initiated his public records request.

Mr. Campbell sent a letter through counsel on January 22, 2024, to Connie Ridley, then the Director of the OLA.¹ Mr. Campbell invoked the TPRA, a statute generally requiring state records to remain open for public inspection “unless otherwise provided by state law.” *See* Tenn. Code Ann. § 10-7-503(a)(2)(A). He requested documents, emails, text messages, and other materials relating to the complaint and subsequent investigation. Specifically, Mr. Campbell requested:

all documents, emails, text messages, papers, letters, maps, books, compilations, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the General Assembly.

On January 23, 2024, the OLA denied his request in its entirety, citing three reasons. First, it asserted that the requested records are exempt from the TPRA under the “state law” catch-all exemption because the Policy and Rule 82 are state law that render the requested records confidential. Second, it asserted that releasing the records would violate the Tennessee Constitution, including the separation of powers, the political question doctrine, and legislative immunity, because the Subcommittee had determined no further information would be released. Third, it asserted that the TPRA cannot be applied to compel the disclosure of internal disciplinary records that the House has designated confidential pursuant to its authority under Article II, Section 12 of the Tennessee Constitution.

¹ Following Director Ridley’s retirement, her successor in office, Krista Lee Carsner (Appellee), was automatically substituted as the appellee during this appeal. *See* Tenn. R. App. P. 19(c).

After the OLA denied the request, Mr. Campbell turned to the courts, filing a petition that sought to compel the OLA to disclose the state records. In his petition, Mr. Campbell alleged that the disciplinary actions against him were baseless and intended to conceal unrelated harassment complaints against another representative. He also argued that the Policy and Rule 82 do not constitute “state law” within the meaning of the TPRA. He asserted that even if the Policy constituted state law, the records should be disclosed under the Policy’s exceptions for individuals “directly involved in an investigation” or the subject of “the implementation of corrective action.” The OLA argued there was no evidence that Mr. Campbell was directly involved in investigating the complaint against him or in implementing corrective action against him. Mr. Campbell additionally argued he was entitled to the records under the personnel file statute, Tennessee Code Annotated section 8-50-108, because he was a state employee.

The trial court entered a Final Order on March 26, 2024, dismissing the petition on three separate grounds. First, the court ruled the requested records were exempt from disclosure under the TPRA’s catch-all exemption because the Policy and Rule 82 qualify as state law that mandates confidentiality. Under this exemption, records are open for personal inspection “unless otherwise provided by state law.” Tenn. Code Ann. § 10-7-503(a)(2)(A). Second, the court held that the separation of powers doctrine prohibits the judiciary from reviewing the House’s interpretation and application of its internal disciplinary rules, which are authorized by Article II, Section 12 of the Tennessee Constitution, unless a constitutional violation has been alleged. Third, the trial court also sua sponte applied the prior suit pending doctrine to bar Mr. Campbell from relitigating the same dispute. As to the latter conclusion, the trial court ruled that Mr. Campbell was in privity with Mr. Manookian, who had previously filed a separate lawsuit seeking the same records. Mr. Manookian’s public records request sought materials related to state funds expended to relocate the legislative intern. Mr. Manookian’s petition had been dismissed with prejudice by the Davidson County Chancery Court and was pending on appeal at the time Mr. Campbell filed this action. After Mr. Manookian appealed the dismissal of his petition, the State sought consolidation of the two appeals. This Court denied consolidation but scheduled the matters for argument on the same date. Mr. Manookian voluntarily dismissed his appeal on August 28, 2024.

Mr. Campbell subsequently filed a Rule 59 Motion to Alter or Amend the Judgment, arguing the trial court committed error as to all three grounds of its final order. *See* Tenn. R. Civ. P. 59.04. He conceded that “there has been no change in controlling law and that no previously unavailable evidence has become available,” arguing instead that the judgment should be altered “to correct a clear error of law or to prevent injustice.” Mr. Campbell further argued that the sua sponte dismissal without notice, based on the prior suit pending doctrine, violated his procedural due process rights. Following a hearing on June 21, 2024, the trial court denied the motion to alter or amend. The trial court noted that Mr. Campbell received notice and an opportunity to be heard on the prior suit pending

doctrine through the proceedings on his motion to alter or amend. The trial court further held that Mr. Campbell failed to show the court's reasoning was erroneous and that he was "simply seeking to relitigate matters that have already been adjudicated." Mr. Campbell timely appealed to this Court.

On appeal, Mr. Campbell sets forth the four issues he is raising in opposition to the trial court's ruling as follows:

I. The Tennessee General Assembly's Policy on Workplace Discrimination and Harassment and Rule 82 of the Permanent Rules of Order of the Tennessee House of Representatives Were Not "State Laws" That Prevented Petitioner from Obtaining the Requested Public Records under the Tennessee Public Records Act.

II. The Tennessee Public Records Act When Read in Pari Materia with Tennessee Code Annotated section 8-50-108 Allows Petitioner to Obtain the Requested Records Since He Had Been a State Employee under section 8-50-108.

III. The Tennessee Public Records Act Applies to the Tennessee House of Representatives.

IV. This Action Is Not Barred by the Prior Suit Pending Doctrine.

II.

As a threshold matter, we clarify the scope of the requested records and the application of the internal rules to those requested records. In his initial petition, Mr. Campbell requested the investigative records in their entirety. At oral argument before this court, he argued that the Policy permits the production of these records if the identities of the parties are redacted. Because he did not advance this argument in his principal brief, this contention is not properly before this Court. *See West v. Gerregano*, No. M2025-00165-COA-R3-CV, 2025 WL 3650277, at *10 n.9 (Tenn. Ct. App. Dec. 17, 2025) ("Arguments may not be raised for the first time at oral argument." (citing *State v. McCormick*, 494 S.W.3d 673, 679 n.6 (Tenn. 2016))), *perm. app. denied* (Tenn. Mar. 30, 2026).

Furthermore, the record establishes that the Subcommittee applied the Policy and Rule 82, concluding that "no further information concerning this complaint will be released." In his initial briefing before this court, Mr. Campbell did not argue that the Subcommittee misinterpreted the Policy or Rule 82. Because Mr. Campbell has waived any argument before this court regarding the interpretation of the Policy's exceptions, we proceed with the understanding that the Policy and Rule 82 prohibit the disclosure of the

requested records. Accordingly, the question is precisely as set forth by Mr. Campbell in his brief — whether he is entitled to the documents under the TPRA.

III.

The trial court dismissed Mr. Campbell’s petition on multiple grounds. We conclude that it is unnecessary to address each of these grounds because the separation of powers under the Tennessee Constitution is dispositive in the present case.

Article II, Section 22 of the Tennessee Constitution provides that “[t]he doors of each House and of committees of the whole shall be kept open, unless when the business shall be such as ought to be kept secret.” Article II, Section 12 of the Tennessee Constitution states that “[e]ach House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same offence; and shall have all other powers necessary for a branch of the Legislature of a free State.” The Tennessee Constitution also expressly addresses separation of powers, providing as follows:

Section 1. The powers of the Government shall be divided into three distinct departments: Legislative, Executive, and Judicial.

Section 2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted.

Tenn. Const. art. II, §§ 1, 2.

The Tennessee Constitution “prohibits an encroachment by any of the departments upon the powers, functions and prerogatives of the others.” *Colonial Pipeline Co. v. Morgan*, 263 S.W.3d 827, 843 n.8 (Tenn. 2008). The separation of powers provisions of the Tennessee Constitution “require the judicial branch to exercise only judicial power and prohibit it from usurping authority that belongs to the legislative and executive branches.” *Wygant v. Lee*, No. M2023-01686-SC-R3-CV, 2025 WL 3537313, at *16 (Tenn. Dec. 10, 2025). Addressing Article II, Section 12 of the Tennessee Constitution, the Tennessee Supreme Court “has interpreted this provision to give the legislative houses the right to make their own rules and to be the judge of those rules.” *Gentry v. Casada*, No. M2019-02230-COA-R3-CV, 2020 WL 5587720, at *5 (Tenn. Ct. App. Sept. 17, 2020) (citing *State v. Cumberland Club*, 188 S.W. 583, 585 (Tenn. 1916)). When a court is confronted with a challenge to the House’s own internal regulation via such rules, “[a]ll the court can do is to ascertain whether the Constitution has been complied with. If this has been done, we cannot look further.” *Cumberland Club*, 188 S.W. at 585; *see also Gentry*, 2020 WL 5587720, at *5.

Simply stated, the separation of powers limits the judicial branch from interfering with the legislature's constitutional authority to govern its own internal proceedings and to discipline its members. *See Mayhew v. Wilder*, 46 S.W.3d 760, 773 (Tenn. Ct. App. 2001). The separation of powers doctrine requires the courts to respect the legislature's discretion. *Id.* Indeed, "[t]he legislature has unlimited power to act in its own sphere, except so far as restrained by the Constitution of the state and of the United States." *Id.* at 774 (quoting *Bank of Com. & Tr. Co. v. Senter*, 260 S.W. 144, 146 (Tenn. 1924)).

Responding to concerns about sexual harassment, the House has for decades exercised its constitutional authority to adopt rules governing the investigation and disposition of workplace harassment complaints against members of the House. Mr. Campbell contends that internal rules and policies cannot supersede the TPRA because they are not passed by both chambers and signed by the governor pursuant to Article II, Section 18 of the Tennessee Constitution.

This argument fails to recognize that Article II, Section 12 operates as an independent constitutional grant of authority to each house. Applying the statute here to compel the release of the internal investigation records would overstep the limits of judicial authority and intrude upon the House's discretion under Article II, Section 12. Because "[t]he creator is greater than its creations," a statutory mandate like the TPRA cannot supersede the legislature's constitutional prerogatives. *Mayhew*, 46 S.W.3d at 770. As the *Mayhew* court observed, "[i]t is constitutional, and not statutory, prohibitions which bind the legislature." *Id.* (quoting *Daugherty v. State*, 20 S.W.2d 1042, 1043 (Tenn. 1929)).

The TPRA was originally enacted by the General Assembly in 1957. Elevating this 1957 general statute over the current chamber's internal disciplinary rules would allow a prior legislature to restrict a specific constitutional power granted to the present House. One General Assembly cannot bind a subsequent General Assembly in the exercise of its constitutional powers to determine its rules and maintain the confidentiality of its internal investigations. *See Mayhew*, 46 S.W.3d at 770.

Our analysis remains narrow and is addressed to the House's investigation of its own member for discipline. The Policy mandates confidentiality to safeguard the investigation and restricts the release of information. Under Rule 82, upon the conclusion of a staff investigation, "the complaint will be referred to the Workplace Discrimination and Harassment Subcommittee of the Ethics Committee." Furthermore, Rule 82 dictates that "all meetings of the subcommittee shall be closed" and maintains the Policy's confidentiality mandates.

After the investigation into the complaint against Mr. Campbell, the Subcommittee convened to hear the matter. The Subcommittee determined that Mr. Campbell violated the Policy and applied its understanding of Rule 82 and the Policy to conclude that no further information concerning the complaint would be released.

“Article II, Section 2 of our Constitution prohibits a person belonging to one of the three great departments of government from exercising the powers delegated to another department, except as the Constitution itself directs or permits.” *Mayhew*, 46 S.W.3d at 773. Consequently, “to hold that the court must judge when the legislative business ought to be kept secret would greatly diminish the Legislature’s granted power to make its own rules” *Id.* Absent an alleged constitutional violation, the courts cannot review the Subcommittee’s application of these internal rules without violating the separation of powers and intruding upon the authority of the House as to the discipline of its own members. The House decided to keep these records confidential, and the judiciary, simply stated, has no role under the Tennessee Constitution, in the absence of a constitutional constraint upon the legislature, in looking over the legislature’s shoulder as to its manner of doing so.

We conclude that because the House exercised its constitutional authority to create rules for investigating and disciplining its members, the separation of powers doctrine prevents the application of the TPRA to compel the disclosure of the requested records. The doctrine of separation of powers requires the courts to respect the General Assembly’s legislative discretion and prevents the courts from usurping its internal policy-making role. *Mayhew*, 46 S.W.3d at 784 (Koch, J., concurring). Because the separation of powers prevents the courts from reviewing the application of these internal rules, we pretermitt any discussion of Mr. Campbell’s remaining arguments.

IV.

For the aforementioned reasons, we affirm the judgment of the Circuit Court for Davidson County. Costs of this appeal are taxed to the Appellant, Scotty Campbell, for which execution may issue if necessary. The case is remanded for such further proceedings as may be necessary and consistent with this opinion.

s/ Jeffrey Usman
JEFFREY USMAN, JUDGE