



**TENNESSEE HISTORICAL COMMISSION**  
STATE HISTORIC PRESERVATION OFFICE  
2941 LEBANON PIKE  
NASHVILLE, TENNESSEE 37214  
OFFICE: (615) 532-1550

**Tennessee Historical Commission**  
**Tennessee Heritage Protection Act, as amended through 2018**  
**Allegation of Violation Uniform Complaint Form Instructions**

Any individual, entity, or group may file a complaint alleging a violation of certain provisions of Tennessee Code Annotated section 4-1-412 (referred to as the Tennessee Heritage Protection Act). The Tennessee Historical Commission cannot accept a complaint that is not in writing and not submitted on the uniform complaint form. Please read the following instructions prior to filing the uniform complaint form with the commission.

**Purpose of the Form:**

The law requires that the Tennessee Historical Commission develop a form that must be used to file a complaint with the commission. A verbal allegation or a written allegation not using the uniform complaint form cannot be accepted.

Complaints can be filed alleging the following violations:

- Removing, renaming, relocating, altering, rededicating, or otherwise disturbing or altering a memorial without authorization.
- Selling, transferring, or otherwise disposing of a memorial or public property containing a memorial (applies to political subdivisions).
- Permanently removing or concealing a memorial or temporary removal or concealment of a memorial for a period exceeding 45 calendar days in a 12-month period (applies to public entities).

A complaint must be filed within 120 calendar days of the alleged violation.

The Tennessee Historical Commission cannot act on a complaint alleging a violation that has already been acted on by the commission unless a member of the commission files the complaint. Such complaints will only be accepted from members of the commission.

## **Who May File a Complaint:**

Any individual, entity, or group may file a complaint alleging a violation.

## **Part I – Subject of Alleged Violation:**

Identify the memorial or public property containing a memorial that has been impacted by the alleged violation. If the alleged violation impacted public property containing a memorial, also include identification of the memorial.

Identify the public entity exercising control over the memorial if an alleged violation impacts a memorial. The Tennessee Historical Commission needs to know the public entity so that it can notify the public entity that a complaint has been filed.

Identify the public entity exercising control over the public property if an unauthorized sale of public property is alleged. The Tennessee Historical Commission needs to know the public entity so that it can notify the public entity that a complaint has been filed.

Provide to the best of your ability the location of the memorial or public property.

## **Part II. Description of Alleged Violation**

Provide the date or date range of the alleged violation. A complaint must be filed within 120 days of the alleged violation. **The Tennessee Historical Commission cannot consider an alleged violation that occurred more than 120 days before the complaint form is filed.**

Explain all circumstances in as much detail as possible that constitute the alleged violation, including what happened and who you believe is responsible. Photographs and supporting documentation can be attached to the uniform complaint form. You should bring copies of any attached items to the hearing.

Identify the statutory provision that you believe was violated. The list is intended to help you know if what you allege happened is a violation that the Tennessee Historical Commission can consider. Identifying the applicable provision will also help the commission more fully understand what you allege occurred.

Identifying the wrong provision in the list will not impact the outcome of your complaint.

Complaints can be filed alleging the following violations:

- Tennessee Code Annotated § 4-1-412(b)(1): Removing, renaming, relocating, altering, rededicating, or otherwise disturbing or altering a memorial without authorization (applies to public entities).
- Tennessee Code Annotated § 4-1-412(b)(2): Selling, transferring, or otherwise disposing of a memorial or public property containing a memorial (applies to political subdivisions).
- Tennessee Code Annotated § 4-1-412(b)(3): Permanently removing or concealing a memorial or temporary removal or concealment of a memorial for a period exceeding 45 calendar days in a 12-month period (applies to public entities).

### **Part III – Identity and Contact Information for Complainant**

The Tennessee Historical Commission is required to hold a hearing regarding the complaint. The commission is required to provide notice to the complainant regarding the hearing and must afford the complainant the opportunity to present evidence at the hearing. Your name and contact information make it possible for the Tennessee Historical Commission to comply with the law.

Anonymous complaints will not be considered by the commission.

If an entity or group is filing the complaint, an officer, authorized representative, or legal representative should sign the complaint.

A group may not have an officer, but the individual signing the complaint should ensure that the group wishes to be associated with the legal proceedings. If you are not sure, you should file the complaint as an individual. Even if you state you are filing on behalf of a group, you may still be an individual complainant, depending on the circumstances.

If the Tennessee Historical Commission receives more than one complaint regarding the same violation, then the complaints must be joined together. If this happens, you will appear before the commission with other complainants.

#### **NOTICE:**

The staff of the Tennessee Historical Commission and the Department of Environment and Conservation will **not** investigate your complaint.

The staff of the Tennessee Historical Commission and the Department of Environment and Conservation will **not** represent you before the commission.