

EXHIBIT A -

Exhibit D

(Exhibit A is attached to the Court's Courtesy Copy Only & Has Not Been Filed with the Supplemental Response.)

1 V I R G I N I A :

2 IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

3 -----

4 CONNIE CLAY,

5 Plaintiff,

6 v.

Case No.: CL24-929

7 CITY OF RICHMOND,

and

8 PETULA BURKS,

9 Defendants.

10 -----

11 VIDEORECORDED DEPOSITION OF

12 PETULA BURKS

13 September 9, 2025

14 9:27 a.m. - 4:37 p.m.

15

16

17

18 HALASZ REPORTING & VIDEO, LLC

19 1011 East Main Street, Suite 100

20 Richmond, Virginia 23219

21 804.788.0025

22

23

24

25 Reported by: Katherine S. Hruneni, CCR

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 2025, a true and accurate copy of the foregoing was emailed to Counsel for Plaintiff:

Sarah Flynn Robb, Esquire
sarah@sarahrobblaw.com
SARAH ROBB LAW
919 East Main Street, Suite 1000
Richmond, VA 23219

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Richmond, Virginia 23222



Jimmy F. Robinson, Jr.

Page 1		Page 3	
1	VIRGINIA :	1	APPEARANCES OF COUNSEL (Cont'd):
2	IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND	2	
3	-----	3	On Behalf of the Defendant:
4	CONNIE CLAY,	4	
5	Plaintiff,	5	JIMMY F. ROBINSON, JR., ESQUIRE
6	v. Case No.: CL24-929	6	W. RYAN WADDELL, ESQUIRE (via videoconference)
7	CITY OF RICHMOND,	7	SAMUEL SYLVESTER
8	and	8	OGLETREE DEAKINS
9	PETULA BURKS,	9	901 East Byrd Street, Suite 1300
10	Defendants.	10	Richmond, Virginia 23219
11	-----	11	804.663.2342
12	VIDEORECORDED DEPOSITION OF	12	jimmy.robinson@ogletree.com
13	PETULA BURKS	13	ryan.waddell@ogletree.com
14	September 9, 2025	14	ALSO PRESENT:
15	9:27 a.m. - 4:37 p.m.	15	
16		16	CONNIE CLAY
17		17	
18	HALASZ REPORTING & VIDEO, LLC	18	JACOB NURNEY, LEGAL VIDEO SPECIALIST
19	1011 East Main Street, Suite 100	19	
20	Richmond, Virginia 23219	20	
21	804.708.0025	21	
22		22	
23		23	
24		24	
25	Reported by: Katherine S. Hruneni, CCR	25	
Page 2		Page 4	
1	Videorecorded Deposition of PETULA BURKS,	1	I N D E X
2	taken and transcribed on behalf of the plaintiff.	2	
3	stenographically reported by Katherine S. Hruneni,	3	WITNESS: PETULA BURKS
4	Certified Court Reporter and Notary Public in and for	4	Examination by Ms. Robb
5	the Commonwealth of Virginia at Large, pursuant to	5	
6	the Rules of the Supreme Court of Virginia, and by	6	
7	notice/agreement to take depositions; commencing at	7	
8	9:27 a.m., September 9, 2025, at the law offices of	8	
9	Ogletree Deakins, 901 East Byrd Street, Suite 1300,	9	E X H I B I T S
10	Richmond, Virginia.	10	(Attached to transcript)
11		11	BURKS DEPOSITION EXHIBITS
12	APPEARANCES OF COUNSEL:	12	Exhibit 1 LinkedIn Profile
13		13	Exhibit 2 December 3, 2021 Letter
14	On Behalf of the Plaintiff:	14	Exhibit 3 July 19, 2022 Letter
15		15	Exhibit 4 Electronic Media Document
16	SARAH ROBB, ESQUIRE	16	Exhibit 5 Electronic Media AR 2.5
17	SARAH ROBB LAW	17	Exhibit 6 Administrative Regulations
18	919 East Main Street, Suite 1000	18	Exhibit 7 Statement of Ethics
19	Richmond, Virginia 23291	19	Exhibit 8 Anti-Retaliation Policy AR 4.21
20	804.482.1535	20	Exhibit 9 Virginia Freedom of Information
21	sarah@sarahrobbllaw.com	21	Exhibit 10 First Amended Complaint and
22		22	Jury Demand
23	HELEN HARDIMAN, ESQUIRE	23	
24	HARDIMAN LAW, PLLC	24	
25	6841 Forest Hill Avenue, Unit #124	25	
	Richmond, Virginia 23225		
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Halasz Reporting & Video | 804.708.0025
1011 East Main Street Richmond, VA 23219

Page 5			Page 7		
1	E X H I B I T S (Cont'd)		1	(September 9, 2025, 9:27 a.m.)	
2	(Attached to transcript)		2		
3	BURKS DEPOSITION EXHIBITS	PAGE	3	PROCEEDINGS	
4	Exhibit 11 Team Briefing December 29, 2023	181	4		
5	Clay-00044		5	THE VIDEOGRAPHER: Today is Tuesday,	
6	Exhibit 12 Team Briefing January 12, 2024	183	6	September 9th, 2025. We are on the video record	
7	Clay-00050		7	at approximately 9:27 a.m.	
8	Exhibit 13 CONFIDENTIAL Emails	184	8	This is the deposition of Petula Burks,	
9	City of Richmond 000001-000003		9	taken in the case styled Connie Clay v. City of	
10	Exhibit 14 Petition for Mandamus and	207	10	Richmond and Petula Burks, filed in the Circuit	
11	Injunctive Relief		11	Court of the City of Richmond, Case Number	
12	Clay 05023-05041		12	CL24-929.	
13	Exhibit 15 Emails Stanfield Exhibit 1	209	13	We are meeting today at the office of	
14	Exhibit 16 Emails Stanfield Exhibit 2	216	14	Ogletree Deakins, at 901 East Byrd Street,	
15	Exhibit 17 Emails Stanfield Exhibit 4	224	15	Suite 1300, Richmond, Virginia, 23219.	
16	Exhibit 18 Emails Stanfield Exhibit 5	226	16	My name is Jake Nurney. I am the legal	
17	Exhibit 19 Dismissal Order	231	17	video specialist. Our court reporter today is	
18	Clay 05022, 05062-05063		18	Kari Hrunani. We are here today on behalf of	
19	Exhibit 20 CONFIDENTIAL Email	231	19	Halasz Reporting & Video.	
20	Clay-00041		20	Would counsel please introduce yourselves	
21	Exhibit 21 Text Messages	234	21	and the parties you represent, beginning with	
22	Exhibit 22 Emails	255	22	plaintiff.	
23	Clay 05104-05110		23	MS. ROBB: Good morning. My name is	
24	Exhibit 23 February 28, 2023 Letter	265	24	Sarah Robb, and I'm from Sarah Robb Law; and	
25	Clay 05059		25	with Helen Hardiman of Hardiman Law, we	
	Exhibit 24 Email	267			
	Clay 05060				
	Exhibit 25 Emails	270			
	Clay 05084-05088				
Page 6			Page 8		
1	E X H I B I T S (Cont'd)		1	represent Connie Clay, the plaintiff in this	
2	(Attached to transcript)		2	matter.	
3	BURKS DEPOSITION EXHIBITS	PAGE	3	MR. ROBINSON: My name is Jimmy Robinson;	
4	Exhibit 26 Emails	272	4	and along with Ryan Waddell at Ogletree Deakins,	
5	Clay 05140-05151		5	we represent the city and Petula Burks.	
6	Exhibit 27 Email	276	6	THE VIDEOGRAPHER: Would the court	
7	Clay 05089-05092		7	reporter please swear in the witness.	
8	Exhibit 28 January 19, 2024 CORR	322	8		
9	Clay-00054-00055		9	PETULA BURKS,	
10	Exhibit 29 December 26, 2023 CORR	323	10	having been first duly sworn, was examined and	
11	Clay-00042-00043		11	testified as follows:	
12	Exhibit 30 January 19, 2023 Letter	342	12	EXAMINATION	
13	Clay-00056		13	BY MS. ROBB:	
14			14	Q. Good morning, Ms. Burks.	
15			15	A. Good morning.	
16			16	Q. Could you please state your full name for	
17			17	the record.	
18			18	A. Sure; Petula Celeste Burks.	
19			19	Q. Okay. And is that loud enough for	
20			20	everybody?	
21			21	Okay. So when we're talking together	
22			22	today, there are obviously people watching us and	
23			23	writing down what we say, so it's important that we	
24			24	speak up and make sure that we don't talk over each	
25			25	other.	

<p style="text-align: right;">Page 9</p> <p>1 I have been known to do that sometimes. 2 So if I do it, I will try to stop. And we'll work 3 from there; okay? 4 A. Okay. 5 Q. Okay. Now, some of these questions in 6 the beginning are introductory, and they might seem a 7 little -- they might not seem like important; right? 8 They -- you're going to be like, "Yeah; of course." 9 But they are important so we can start 10 getting a rapport of how we ask questions back and 11 forth. 12 A. Okay. 13 Q. Are you aware you're being deposed in the 14 case of Connie Clay v. the City of Richmond and 15 Petula Burks? 16 A. Yes. 17 Q. Have you been deposed before? 18 A. No. 19 Q. Okay. Now, in your deposition I will be 20 asking you some questions, and you're going to be 21 answering them under oath. 22 Do you understand that? 23 A. I do. 24 Q. Okay. Unlike a typical conversation 25 where we might talk back and forth like we were doing</p>	<p style="text-align: right;">Page 11</p> <p>1 him to say, "Hey, I'm putting an objection on the 2 record." 3 And then, normally, you will be able to 4 answer. But if your counsel says don't, obviously we 5 will take that up at the time. 6 Do you understand? 7 A. I do. 8 Q. Okay. Sometimes when I ask a question 9 you might know part of the answer, but not the whole 10 answer. So if I ask what did a group say, you might 11 know what someone said, but not everybody. 12 Today, I'm going to ask that you give me 13 that entire answer of, "I do know this, but I don't 14 know this." 15 Does that make sense? 16 A. It does. 17 Q. Okay. We'll be referencing documents 18 today. Sometimes I'll ask you a question and you 19 won't have a document. You might say as an answer, 20 "Oh, well, I know there's a document that has that, 21 but I don't personally recollect." And that's an 22 okay thing. 23 If I have the document before you, you 24 can look at it and then answer. 25 Does that make sense?</p>
<p style="text-align: right;">Page 10</p> <p>1 just prior, I'm going to be asking you questions 2 under oath, as we discussed. And we need to say 3 yes/no. Uh-huhs or un-huh is hard for our court 4 reporter. 5 Do you understand that? 6 A. Yes. 7 Q. Okay. Now, is there any reason, under -- 8 you're under a lot of stress, physical or a mental 9 condition, or any other reason why you couldn't sit 10 here and answer my questions today, or that would 11 prevent you from truthfully answering questions to 12 your fullest? 13 A. No. 14 Q. Okay. So today there's nothing wrong 15 with asking me to repeat a question, or if you don't 16 understand -- say I've asked kind of two questions in 17 the same question, you can ask me to split it up, you 18 can ask me to explain. 19 All I ask is that you give the best 20 answer you can once we've come to an agreement on 21 what is being asked. 22 A. Okay. 23 Q. After I ask a question, your counsel 24 might object or say something along the lines of, 25 "Object to the form." And that's an opportunity for</p>	<p style="text-align: right;">Page 12</p> <p>1 A. It does. 2 Q. All right. Ms. Burks, where do you live? 3 A. In Richmond, Virginia. 4 Q. Okay. What is your address? 5 A. 5300 Wingfield Street. 6 Q. Okay. Do you own that property? 7 A. I do not. 8 Q. Okay. How long have you lived there? 9 A. Over a year. 10 Q. Over a year; okay. How long have you 11 lived in Richmond in total? 12 A. Just over three years now. 13 Q. Okay. Had you lived in Richmond before 14 you came here to work? 15 A. No. 16 Q. Had you visited before? 17 A. No. 18 Q. Do you have any other residences? 19 A. No. 20 Q. Does anyone else live with you? 21 A. No. 22 Q. Are you married? 23 A. No. 24 Q. Do you have any kids? 25 A. No.</p>

<p>Page 13</p> <p>1 Q. Okay. Some days -- I have three, so it's</p> <p>2 a lot some days.</p> <p>3 Have you ever filed a lawsuit?</p> <p>4 A. No.</p> <p>5 Q. Okay. Have you ever had a lawsuit filed</p> <p>6 against you, aside from the case we're here for?</p> <p>7 A. Not to my knowledge; no.</p> <p>8 Q. Have you ever been arrested?</p> <p>9 A. No.</p> <p>10 Q. That's a standard question. I'm not</p> <p>11 insinuating anything.</p> <p>12 So what is the answer, please?</p> <p>13 A. No. Sorry.</p> <p>14 Q. Thank you. I want to make -- no; it's</p> <p>15 the court reporter. I interjected.</p> <p>16 Have you been charged with anything like</p> <p>17 a traffic infraction?</p> <p>18 A. Like a drive -- a speeding ticket or --</p> <p>19 Q. Sure; uh-huh.</p> <p>20 A. Sure; yes.</p> <p>21 Q. How many --</p> <p>22 A. Oh, gosh.</p> <p>23 Q. -- would you say? You can ballpark.</p> <p>24 A. I have no idea.</p> <p>25 Q. Okay. More than one a year?</p>	<p>Page 15</p> <p>1 Q. Where is Brenau University?</p> <p>2 A. Gainesville, Georgia.</p> <p>3 Q. What are your degrees in there?</p> <p>4 A. Broadcast journalism.</p> <p>5 Q. Okay. Did you ever work as a broadcast</p> <p>6 journalist?</p> <p>7 A. No.</p> <p>8 Q. What was your first job out of college?</p> <p>9 A. Oh, gosh.</p> <p>10 Q. If you don't remember, it's okay. I'm just</p> <p>11 trying to figure out, you know, like --</p> <p>12 A. Public affairs director for Miami-Dade</p> <p>13 County Commissioner.</p> <p>14 Q. Okay. How long were you in Miami and</p> <p>15 thereabouts?</p> <p>16 A. All together between stints, probably 12,</p> <p>17 12-and-a-half years.</p> <p>18 Q. Okay. How many stints did you have there?</p> <p>19 A. Three.</p> <p>20 Q. Let's see. I know you've had a number of</p> <p>21 jobs. I've done this in some other depositions. I</p> <p>22 went on your LinkedIn profile, and they have a little</p> <p>23 download function for your -- well, it's like a resume.</p> <p>24 A. Right, right, uh-huh.</p> <p>25 Q. It just downloads everything you put on</p>
<p>Page 14</p> <p>1 A. Oh, way, way less than that; yeah.</p> <p>2 Q. Good. Okay. What did you do to prepare</p> <p>3 for today's deposition?</p> <p>4 A. I, of course, you know, read the</p> <p>5 complaint, because that's what I have, so --</p> <p>6 Q. Did you speak with anyone about the fact</p> <p>7 that -- you don't have to tell me what was said, if</p> <p>8 it was your counsel. Did you speak with anyone about</p> <p>9 the fact that you would be testifying today?</p> <p>10 A. No.</p> <p>11 Q. Okay. Where are you from originally,</p> <p>12 Ms. Burks?</p> <p>13 A. Georgia.</p> <p>14 Q. Where in Georgia did you grow up?</p> <p>15 A. Athens.</p> <p>16 Q. Can you tell me a little bit about your</p> <p>17 educational background? You don't need to start from</p> <p>18 like kindergarten. But can you tell me a little bit</p> <p>19 about where you went to school, and how you came to</p> <p>20 become what we're going to talk about in your career?</p> <p>21 A. Sure. I started at the University of</p> <p>22 Georgia.</p> <p>23 Q. Okay.</p> <p>24 A. Finished at the Brenau University, and</p> <p>25 went right into comms and public relations.</p>	<p>Page 16</p> <p>1 there. I had it just I think a minute ago. Give me</p> <p>2 a second. It's right here.</p> <p>3 MS. HADDIMAN: You got it?</p> <p>4 MS. ROBB: I think so; yep.</p> <p>5 BY MS. ROBB:</p> <p>6 Q. All right. I am going to hand you this.</p> <p>7 And I'd like you to look at it and make sure that</p> <p>8 it's the right you, and the right information, so</p> <p>9 that we can proceed.</p> <p>10 Hang on. One, two -- there you are.</p> <p>11 Jimmy, here you are.</p> <p>12 MR. ROBINSON: Thank you.</p> <p>13 BY MS. ROBB:</p> <p>14 Q. And I'll ask that that be marked</p> <p>15 Exhibit 1, if it is correct. Do you want to take a</p> <p>16 minute to look at it, and make sure that it is?</p> <p>17 A. Yes.</p> <p>18 Q. And I do that so we don't have to go</p> <p>19 through everything that you've done in your entire</p> <p>20 life on the record.</p> <p>21 A. Thank you.</p> <p>22 Q. Unless you want to. We can, but --</p> <p>23 (Deposition Exhibit 1 marked for</p> <p>24 identification.)</p> <p>25 /</p>

Page 17	Page 19
<p>1 BY MS. ROBB:</p> <p>2 Q. So looking at this, I can see that you've</p> <p>3 had a number of different jobs. What is the job you</p> <p>4 held the longest?</p> <p>5 A. Probably the City of Fort Lauderdale</p> <p>6 Q. Okay. And what did you do in the City of</p> <p>7 Fort Lauderdale?</p> <p>8 A. I was public information officer turned</p> <p>9 public affairs specialist.</p> <p>10 Q. Okay. And for whom did you do that, the</p> <p>11 city, or --</p> <p>12 A. The city; and then we supported the</p> <p>13 elected officials.</p> <p>14 Q. Which elected officials?</p> <p>15 A. So I supported all of them.</p> <p>16 Q. Okay.</p> <p>17 A. I've written speeches for all of them.</p> <p>18 Worked directly with one in particular.</p> <p>19 Q. Okay.</p> <p>20 A. Just based on the work that I was doing</p> <p>21 for the city.</p> <p>22 Q. Makes sense. What was your favorite job</p> <p>23 you've had?</p> <p>24 A. That's hard.</p> <p>25 Q. That's fair.</p>	<p>1 A. Yeah.</p> <p>2 Q. What is different about writing for or</p> <p>3 working for an elected official in the comms space?</p> <p>4 A. You have to get to know who they are very</p> <p>5 quickly.</p> <p>6 Q. Okay.</p> <p>7 A. Because each elected official -- and I</p> <p>8 had five in the City of Fort Lauderdale -- you have</p> <p>9 to understand their belief systems, understand what's</p> <p>10 important to them as it relates to their particular</p> <p>11 district.</p> <p>12 And, of course, the mayor is looking at</p> <p>13 the city as a whole. And so writing for each one of</p> <p>14 them.</p> <p>15 So, you know, one of those elected</p> <p>16 officials was very big into his church and religion.</p> <p>17 So making sure that whenever we wrote for specific</p> <p>18 things like that, we were looking at what was the</p> <p>19 spirituality tie to it for him.</p> <p>20 You know, the other person might have</p> <p>21 been because they're from that area, grew up from</p> <p>22 that area, and were looking to transform that area,</p> <p>23 how do we weave those things in.</p> <p>24 But also keeping in mind sort of the</p> <p>25 mission and vision of the city, as well.</p>
Page 18	Page 20
<p>1 A. That's hard, because a couple -- and I'll</p> <p>2 sort of elaborate, just because. I enjoyed the City</p> <p>3 of Fort Lauderdale because it was a great learning</p> <p>4 experience, and I had a very good supervisor.</p> <p>5 But it also taught me how to work with</p> <p>6 elected officials and write for different voices. So</p> <p>7 that was that.</p> <p>8 The City of Miami Gardens was I think</p> <p>9 dear to me because when I was working for Miami-Dade</p> <p>10 County Commissioner I had the opportunity, along with</p> <p>11 two other folks, to do the background work for the</p> <p>12 actual establishment of that city.</p> <p>13 That happened in 2003. So then being</p> <p>14 able to be asked by the mayor to come to that city</p> <p>15 several years later to be their public affairs</p> <p>16 director was -- you know, it felt like coming home in</p> <p>17 many ways.</p> <p>18 And so I would say those two in</p> <p>19 particular. And then, of course, when I taught</p> <p>20 school. I tell people any time you can teach 6th</p> <p>21 graders and come out alive, you're doing pretty good.</p> <p>22 So yes.</p> <p>23 Q. That makes sense. My girls are a little</p> <p>24 younger than that, and I'm scared of that age and</p> <p>25 above.</p>	<p>1 Q. That makes sense. It's a good answer.</p> <p>2 Now, after Florida, where did you go?</p> <p>3 A. I went literally from point to point. So</p> <p>4 I went to Olympia, Washington.</p> <p>5 Q. All right.</p> <p>6 A. Washington State Department of Health.</p> <p>7 Q. Okay. And then where did you go from</p> <p>8 there as you were crossing the country?</p> <p>9 A. Over to California, to Sacramento.</p> <p>10 Q. Okay.</p> <p>11 A. That was probably the only time that I</p> <p>12 did not really work in government. We worked for a</p> <p>13 regional economic development organization.</p> <p>14 Q. Okay.</p> <p>15 A. Yes.</p> <p>16 Q. And then where after that?</p> <p>17 A. Back to Miami Gardens.</p> <p>18 Q. All right.</p> <p>19 A. Yeah.</p> <p>20 Q. So you really circled the country.</p> <p>21 A. I did the -- this; yeah.</p> <p>22 Q. Did you come to Georgia at some point?</p> <p>23 A. I did.</p> <p>24 Q. Okay. Was that after --</p> <p>25 A. The second time in Miami Gardens; yes.</p>

<p style="text-align: right;">Page 21</p> <p>1 Q. I see; all right. And what did you do 2 there? 3 A. I was the chief of staff to the mayor. 4 Q. Okay. And how did you come to have that 5 position? 6 A. Happenstance -- 7 Q. Okay. 8 A. -- quite honestly. My mayor was termed 9 out in Miami Gardens. So he had done his two terms, 10 was running for county commission. A colleague had 11 actually asked me to sort of just do some work for 12 that office, because their office was going through 13 some transition, they were looking at staff. 14 So, literally, I was helping him find his 15 new chief of staff. It was not me. I had 16 recommended someone. And he called and asked me if I 17 would do -- be the chief of staff, and the person I 18 actually recommended for chief of staff be the 19 deputy. And that's how I got to Augusta. 20 Q. Okay. And how long were you in Augusta? 21 A. About a year. 22 Q. Okay. And what did you do in Augusta on 23 a day-to-day basis, just -- you can generalize. 24 A. Well, as chief of staff, you are, you 25 know, the gatekeeper for the mayor and the office.</p>	<p style="text-align: right;">Page 23</p> <p>1 Columbus, Georgia, is now; and Augusta is third. 2 Q. Okay. 3 A. And we were right at about 203,000-or-so 4 folks. 5 Q. And what is Richmond, when you were here, 6 if you recall? It's not a quiz. If you don't 7 remember, it's okay. 8 A. Were we 230 or something like that? I 9 don't remember off the top of my head. But something 10 like that; yeah. 11 Q. Okay. Walk me through your transition 12 from Georgia to the City of Richmond. I assume 13 that's the next step. 14 A. Correct. 15 Q. Okay. 16 A. So that mayor was also termed out, and 17 couldn't run for anything else. 18 Q. Okay. 19 A. And so prior to me looking for jobs, was 20 making sure that our junior staff were placed. And 21 so those junior staff members, we got them jobs in 22 other localities and/or wherever they wanted to go. 23 So I was sort of the last senior staff, 24 because I was the only senior staff, to then leave. 25 So I applied for the position in Richmond,</p>
<p style="text-align: right;">Page 22</p> <p>1 So outside of -- and mind you, we were also sort of 2 in that weird COVID space. 3 Q. Oh, yeah. 4 A. So I started COVID in one city. I 5 managed the beginnings of COVID in Miami Gardens -- 6 Q. Okay. 7 A. -- as chief of staff for that mayor and 8 his civic engagement director. And then moved into 9 sort of the middle to towards the end of COVID in 10 Augusta. 11 Q. Okay. 12 A. And so still having to deal with 13 community resources, do we have enough food and all 14 of those things, but also bringing back programming 15 that needed to happen, a lot of which was still 16 virtual. 17 So doing all of those things for him, as 18 well as looking at staff, what we needed to do, who 19 was doing what. Because at that point we only had 20 one person in the office who had been with him the 21 entire time. 22 Q. How big is Augusta relative to Richmond? 23 A. They might approximately be the same. At 24 one time, until the last census, Augusta was the 25 second largest city in the state of Georgia. I think</p>	<p style="text-align: right;">Page 24</p> <p>1 interviewed for it, and was hired. 2 (Discussion off the record.) 3 BY MS. ROES: 4 Q. When you say you interviewed for the 5 position, can you tell me how you first met someone 6 who led you to the City of Richmond job, or did you 7 apply for it, you saw it online and applied for it? 8 How did you make contact with the City of Richmond to 9 begin with? 10 A. I saw it online and applied for it. 11 Q. Okay. Did you know anybody here? 12 A. No. 13 Q. When was the first time you came to 14 Richmond? 15 A. When I came for my interview. 16 Q. Okay. Did you like the job? The city? 17 Both? 18 A. I think it was a little bit of both. 19 Q. Okay. 20 A. The idea that we would be starting a 21 communications department was of interest to me. It 22 wasn't really the first time that had happened. When 23 I went to Washington State, I stood up their center 24 for public affairs. And so I understood what the 25 task was.</p>

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<p>1 And then sort of tooling around the city, 2 I was like, well, this is a really cool city, so why 3 not. You know, pretty much every city that I've gone 4 to, it's just been me. So it wasn't anything sort of 5 new not -- to go to a city that I didn't know 6 anybody. So yeah. 7 Q. That makes sense. When you were hired -- 8 strike that, please. 9 What did the City of Richmond do for 10 communications before, if they didn't have a 11 dedicated department? I don't want to say the wrong 12 word. 13 A. Right. That would be correct. They did 14 not have a dedicated or centralized department. 15 Q. Okay. Thank you. 16 A. So you had public information officers in 17 various departments, but there were a lot of 18 departments within the larger agency that had nobody 19 speaking to it. 20 And that meant information about the 21 department and the work was not getting out to the 22 general public. But, also, there was no internal 23 apparatus. So that's one. 24 And it's my understanding that at the 25 time the press secretary for the mayor's office would</p>	<p>1 Q. Okay. And what was your title? I think 2 your title is on here. Let me make sure. You said 3 it was wonky, so I want to make sure we know what it 4 was. Director of citizen service and response. 5 A. Deputy director; yeah. 6 Q. Oh, I see that. 7 A. Yes. 8 Q. You're right, of course. I see. So -- 9 go ahead. 10 A. And let me just say this. 11 Q. Uh-huh; of course. 12 A. When -- the way that the job was 13 advertised, it was advertised as director of public 14 information and engagement. 15 Q. Okay. 16 A. So that is the job that I applied for. 17 This is the job that I walked into, because at the 18 time Peter was holding PIE under CSR, until a person 19 could come in and then be moved into that position. 20 Q. So you moved into the position that was 21 there, with the understanding that the position you 22 actually really were accepting was going to be 23 created? 24 A. Correct. 25 Q. Okay.</p>
Page 26	Page 28
<p>1 pick that up as needed. But because they are the 2 press secretary for the mayor's office, then -- there 3 you go; right. 4 Q. That sounds like an onerous position. 5 A. Yeah. 6 Q. So when you first came, what was your 7 title? 8 A. So that's the interesting part. I was 9 deputy director of customer services, whatever. And 10 it was like this hybrid title. It was like deputy 11 director of CSR, but director of communications. 12 And that was very wonky in someone's 13 signature, but that's kind of the line we were 14 walking. Because at the time, the director of CSR 15 was kind of holding the communication piece until 16 they got somebody in that space. 17 Q. Okay. I'm going to hand you a document 18 from the city RVA HR. 19 Ms. Burks, do you recognize this 20 document? 21 A. I do. 22 Q. And what is it? 23 A. It is my offer letter. 24 Q. And that's for the first position? 25 A. Correct.</p>	<p>1 MS. HARDIMAN: Do you want that marked? 2 MS. ROBB: Oh, yes. Could you please 3 mark that as Exhibit 2. 4 MR. ROBINSON: Can I get a copy of that? 5 MS. ROBB: I did; right there. 6 MR. ROBINSON: Okay. Thanks. 7 MS. ROBB: Sorry. With the screen, it's 8 a little -- 9 MR. ROBINSON: Yeah. 10 (Deposition Exhibit 2 marked for 11 identification.) 12 BY MS. ROBB: 13 Q. All right. Next -- it's a document-heavy 14 day. I'm sorry. 15 A. No worries. 16 MS. ROBB: And this will be 3. I'll just 17 start trying to slide them -- where would you 18 prefer I put it? 19 MR. ROBINSON: Right here. 20 MS. ROBB: Okay. 21 MR. ROBINSON: If you just hand it to me, 22 that'll be great. 23 MS. ROBB: Okay. I will. 24 MR. ROBINSON: Thank you. 25 MS. ROBB: However you like.</p>

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<p>1 So does everyone have that one?</p> <p>2 THE WITNESS: Okay.</p> <p>3 (Deposition Exhibit 3 marked for</p> <p>4 identification.)</p> <p>5 BY MS. ROBB:</p> <p>6 Q. And do you recognize this document</p> <p>7 from --</p> <p>8 A. I do.</p> <p>9 Q. -- July 19th, 2022?</p> <p>10 A. Uh-huh.</p> <p>11 Q. And what is that?</p> <p>12 A. This is the, I guess, technically,</p> <p>13 promotion into the actual position of director of the</p> <p>14 office of strategic communications and civic</p> <p>15 engagement.</p> <p>16 Q. It had a substantial pay grade upgrade,</p> <p>17 which is --</p> <p>18 A. Right.</p> <p>19 Q. -- nice. But did you take a pay cut to</p> <p>20 come here originally?</p> <p>21 A. No.</p> <p>22 Q. Okay. Was it -- so it was a raise, and</p> <p>23 then a raise?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Now, tell me about the transition</p>	<p>1 A. -- of what we were going to be. And at</p> <p>2 some point this became -- you've got to -- this is</p> <p>3 the formality of the full transition into that</p> <p>4 office.</p> <p>5 Q. I understand. How was the new office</p> <p>6 announced so that everybody knew that this was</p> <p>7 accessible to them?</p> <p>8 A. So, one, I think it was sort of the work</p> <p>9 that we did between January and July, to be quite</p> <p>10 honest.</p> <p>11 Q. Uh-huh; and what is that work?</p> <p>12 A. We were building relationships with our</p> <p>13 deputy CACs, our directors, those PIOs within those</p> <p>14 departments that had them.</p> <p>15 Q. When you say "PIO" --</p> <p>16 A. Oh, I'm sorry. Public information</p> <p>17 officers.</p> <p>18 Q. I can't always keep all the acronyms</p> <p>19 straight.</p> <p>20 A. Public information officers within the</p> <p>21 departments that had them.</p> <p>22 Q. Okay.</p> <p>23 A. But also working with those areas that</p> <p>24 did not have a direct public information officer, to</p> <p>25 help them get information out and whatnot.</p>
Page 30	Page 32
<p>1 from working for someone who had communications while</p> <p>2 also creating a section where you were the head. I'm</p> <p>3 just interested.</p> <p>4 A. So when I came in, it was -- it's going</p> <p>5 to be sort of wonky to sort of explain it. I always</p> <p>6 was -- I created the office of strategic</p> <p>7 communications and civic engagement.</p> <p>8 Q. Okay.</p> <p>9 A. So we transitioned PIE into CSCE.</p> <p>10 Q. Okay.</p> <p>11 A. So, one, that it was easily recognizable</p> <p>12 to other communication offices that we were doing</p> <p>13 communications and then also civic engagement.</p> <p>14 Q. Okay.</p> <p>15 A. And so that came long before this</p> <p>16 happened.</p> <p>17 Q. All right.</p> <p>18 A. So --</p> <p>19 Q. Yeah; because it's, what, six, seven</p> <p>20 months' difference?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay.</p> <p>23 A. Because I started in January. We named</p> <p>24 the office probably by the end of January --</p> <p>25 Q. Okay.</p>	<p>1 Q. And what would you say to them when you</p> <p>2 met these PIOs? Is that --</p> <p>3 A. Right. Well, one, some of them were on</p> <p>4 my interview panel.</p> <p>5 Q. Oh, okay.</p> <p>6 A. So they kind of knew I was coming,</p> <p>7 whenever they were notified I was coming. And so we</p> <p>8 talked through with them how I could help them.</p> <p>9 We -- you know, I don't want to say mentoring</p> <p>10 sessions, but a lot of times it was that.</p> <p>11 Because while they had been in the city</p> <p>12 for a while, local government is very different, you</p> <p>13 know. So while I had some PIOs --</p> <p>14 Can I say that now?</p> <p>15 Q. Yes.</p> <p>16 A. Okay.</p> <p>17 Q. Yes.</p> <p>18 A. -- some PIOs who had extensive City of</p> <p>19 Richmond experience and had worked in different</p> <p>20 departments, the thought process of how I looked at</p> <p>21 our residents was very different.</p> <p>22 So it was just a matter of even changing</p> <p>23 the wording from citizen to resident.</p> <p>24 Q. Okay.</p> <p>25 A. Understanding that we're not doing</p>

<p style="text-align: right;">Page 33</p> <p>1 community engagement, we're doing civic engagement. 2 And why do we do that? Because civics is about the 3 people. 4 Q. Okay. 5 A. And so if government is for the people, 6 then we've got to make sure that we're having those 7 types of conversations. 8 And then also teaching in a way that we 9 listen first and understand who our residents say 10 they are within their communities, who those 11 districts sort of believe they are; and then how are 12 we communicating that back out in an appropriate way. 13 Q. How did you learn who the citizens of 14 Richmond are, as compared to Augusta residents, when 15 you moved here? 16 A. Very early on, I met with homeowners 17 association presidents. Because, you know, that's 18 your first sort of entree into most places. And very 19 different than sort of the city of Augusta, in that, 20 you know, I was a little bit more removed in some 21 ways. 22 So in that space, you're dealing with 23 leader to leader a lot of times of organizations who 24 are trying to meet with, of course, the mayor for 25 various things, and ensuring that what they want to</p>	<p style="text-align: right;">Page 35</p> <p>1 several artists. And they gave of their time. We 2 sponsored that. 3 And so -- and what we heard was the city 4 doesn't partner, "Wow, this the different." And so 5 people don't understand that's also a form of 6 communication, but it's the engagement piece of it. 7 So yeah. 8 Q. Okay. So you talked about engaging with 9 homeowners associations. But a lot of Richmond 10 doesn't have that construct. 11 A. Correct. 12 Q. How did you make sure that they were also 13 able to communicate with the City of Richmond, and 14 vice-versa? 15 A. So we started building an apparatus 16 probably in '24 with neighbor support. 17 Q. Okay. 18 A. And so that really became a civic 19 engagement arm. 20 Q. Okay. 21 A. And so the idea was for us to get into 22 those areas that did not have the civic associations, 23 and may not want a civic association, but needs to 24 have a voice heard. 25 And we hired a manager for that, who --</p>
<p style="text-align: right;">Page 34</p> <p>1 meet with him about is something that is appropriate 2 for the mayor to even have that conversation with. 3 So that's the difference, I would say. 4 Q. And how did you find the people of 5 Richmond, as compared to the people of Augusta, after 6 doing your search to learn them? 7 A. You know, what I have found -- and I 8 would just say this, whether it's, you know, 9 Richmond, Augusta, Fort Lauderdale, Miami, your -- 10 all of the residents in some ways are very similar, 11 in that, you know, they want information. 12 There is a idea that -- or a fear almost, 13 that they cannot come to a governmental entity and 14 get what they need. And so how do we rectify that? 15 And so it was those things. 16 Q. Okay. 17 A. You know, having direct connects with 18 those HOAs was important. Being able to say, "Hey, 19 what's going on, and how do we" -- 20 But also, outside of that, you know, we 21 had direct connects with the art community. We were 22 building connections with, you know, education, and 23 different things like that. 24 I think one of the last things that we 25 did was the mural over on Carytown garage with</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Okay. Who did you hire? 2 A. Um -- 3 Q. It's not a quiz. It's okay if you don't 4 remember. 5 A. I swear, her name just flew out of my 6 brain. 7 Q. If you remember later, you can -- 8 A. Timika Vincent. 9 Q. Okay. 10 A. -- to be in that space. She had done a 11 lot of good work with us around the homeless. And 12 she just became -- it made sense; right? 13 Q. Uh-huh. 14 A. She had the tentacles in, and she was 15 from Richmond, and so it just made sense for -- you 16 know what I mean? It just sort of rolled into, 17 "Okay. Let's try it and see what happens," and does 18 amazing work. 19 Q. Is she still there? 20 A. She is. 21 Q. Okay. So in doing all of that, you're 22 also an employee of the City of Richmond. 23 A. Uh-huh. 24 Q. When you on-boarded, could you explain to 25 me the training as an employee that you received?</p>

<p>Page 37</p> <p>1 A. Oh.</p> <p>2 Q. If any.</p> <p>3 A. Well, I was -- so when we on-boarded, it</p> <p>4 was still on virtual. Because, again, COVID was one of</p> <p>5 those things where people were still sort of</p> <p>6 transitioning.</p> <p>7 So this was my third city in COVID. And so</p> <p>8 on-boarding was still virtual.</p> <p>9 Q. Okay.</p> <p>10 A. It was maybe a half-a-day. I don't really</p> <p>11 remember. It was, "Here are all the things you need.</p> <p>12 Here are the books." So we got a lot of stuff sent to</p> <p>13 us virtually, by email.</p> <p>14 Q. Okay.</p> <p>15 A. We went through all of the high level. But</p> <p>16 like what people get in person now with, you know, you</p> <p>17 get to meet your CAO in person, and you get to meet --</p> <p>18 we didn't get that opportunity in that way, because it</p> <p>19 was virtual. So it was a very different experience.</p> <p>20 Q. Who did you come on board with?</p> <p>21 A. I couldn't tell you.</p> <p>22 Q. Because it was virtual.</p> <p>23 A. Yeah.</p> <p>24 Q. You don't get that same --</p> <p>25 A. Yeah.</p>	<p>Page 39</p> <p>1 Q. And is that what you -- this is the one</p> <p>2 signed; okay.</p> <p>3 A. This is the one I signed; yep.</p> <p>4 Q. Okay. Now, under that are some</p> <p>5 regulations. And I'm just going to be asking if you</p> <p>6 received and reviewed these.</p> <p>7 The first is -- here -- I always like to</p> <p>8 hand them to lead counsel first, in case they have an</p> <p>9 objection. This is just the Electronic Media</p> <p>10 Systems, Internet and Intranet, Administrative</p> <p>11 Regulation.</p> <p>12 THE COURT REPORTER: Exhibit 5.</p> <p>13 MS. ROEB: Yes; thank you.</p> <p>14 (Deposition Exhibit 5 marked for</p> <p>15 identification.)</p> <p>16 BY MS. ROEB:</p> <p>17 Q. Did you receive -- this has five pages.</p> <p>18 Did you receive this document?</p> <p>19 A. I did.</p> <p>20 Q. Do you remember receiving that document,</p> <p>21 or do you just -- it's like --</p> <p>22 A. No. I mean, I remember receiving the</p> <p>23 document.</p> <p>24 Q. Okay. The next one says Cellular</p> <p>25 Telecommunication Services and Devices. I'm just</p>
<p>Page 38</p> <p>1 Q. -- same --</p> <p>2 So did you still sign like all the normal</p> <p>3 documents and whatnot?</p> <p>4 A. Yes, uh-huh.</p> <p>5 MS. ROEB: Okay. I think I've got a few</p> <p>6 of those. Here, Jimmy. And I'll ask to have</p> <p>7 them marked.</p> <p>8 THE WITNESS: I'm just going to put it</p> <p>9 there in front of you. Is that --</p> <p>10 THE COURT REPORTER: Perfect.</p> <p>11 MS. ROEB: I trust you to keep the</p> <p>12 numbers on -- your numbers --</p> <p>13 THE COURT REPORTER: I got you.</p> <p>14 (Deposition Exhibit 4 marked for</p> <p>15 identification.)</p> <p>16 BY MS. ROEB:</p> <p>17 Q. All right. And what is this, Ms. Burks?</p> <p>18 A. I need to put my glasses on.</p> <p>19 Q. That's okay. Take your time.</p> <p>20 A. Let's see. This is your Electronic Media</p> <p>21 Systems.</p> <p>22 Q. And what is that basically saying?</p> <p>23 A. Let's see -- abide -- understand -- so any</p> <p>24 unethical use of, I'm assuming, my phones and my</p> <p>25 computer would be subject to disciplinary action.</p>	<p>Page 40</p> <p>1 checking the dates. This one is dated '08, but this</p> <p>2 effective date is '23, so it's possible that one</p> <p>3 changed in between.</p> <p>4 But I'm going to check the signature date</p> <p>5 really quick before I commit you to it. Remind me the</p> <p>6 date you came on board. That was earlier than --</p> <p>7 A. '22.</p> <p>8 Q. Okay. I'm going to look up an earlier</p> <p>9 version, or ask Helen to do that. I don't want to give</p> <p>10 you the wrong one.</p> <p>11 And the next document I am passing you is</p> <p>12 Administrative Regulations Receipt Statement. And I</p> <p>13 assume that that just sort of encompasses all of the</p> <p>14 administrative regulations?</p> <p>15 A. That's what it appears.</p> <p>16 Q. There are -- I went online and looked at</p> <p>17 all the administrative regulations. There are a lot of</p> <p>18 them.</p> <p>19 A. Yes.</p> <p>20 Q. So when you said you received all of the</p> <p>21 documents, was it like links to different ones, or was</p> <p>22 it one big document? How did you receive and review</p> <p>23 all of those?</p> <p>24 A. You know, I don't remember how it was</p> <p>25 received.</p>

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<p>1 Q. Yes.</p> <p>2 A. I want to say it was more than likely</p> <p>3 links, and then the specific ones that we had to</p> <p>4 sign.</p> <p>5 MS. ROBB: Can you mark that one.</p> <p>6 THE WITNESS: Oh, sorry.</p> <p>7 THE COURT REPORTER: That's Exhibit 6.</p> <p>8 (Deposition Exhibit 6 marked for</p> <p>9 identification.)</p> <p>10 BY MS. ROBB:</p> <p>11 Q. And a lot of this is just rote, and for</p> <p>12 the record. The next document I am sharing with you</p> <p>13 is the Statement of Ethics.</p> <p>14 A. Un-huh.</p> <p>15 Q. Did you read that and then sign it --</p> <p>16 A. I did.</p> <p>17 Q. -- at some point? What is the date on</p> <p>18 that?</p> <p>19 A. 1/4.</p> <p>20 Q. Of what year?</p> <p>21 A. '22.</p> <p>22 Q. Okay. Sorry. There are so many pages, I</p> <p>23 don't want to give you the wrong order of anything.</p> <p>24 (Deposition Exhibit 7 marked for</p> <p>25 identification.)</p>	<p>1 to witness me signing everything. But the things</p> <p>2 that were important for us to go through, she made</p> <p>3 sure that I was aware of them.</p> <p>4 Q. And what was important, in terms of what</p> <p>5 she was presenting to you, to her?</p> <p>6 A. What I would say is, you know, if you're</p> <p>7 going to be leading people, certain things that --</p> <p>8 the ones that we were signing were of major</p> <p>9 importance.</p> <p>10 And then just understanding various</p> <p>11 policies, i.e., like the one that you just put in</p> <p>12 front of me.</p> <p>13 Q. Are these fairly similar to other cities'</p> <p>14 policies, or was there anything different about the</p> <p>15 City of Richmond's policies from where you'd been?</p> <p>16 A. I would say these are pretty standard.</p> <p>17 Q. Okay. When you first came on, did you</p> <p>18 come on with people who reported directly to you, or</p> <p>19 were they added later?</p> <p>20 A. So --</p> <p>21 Q. Do you understand my question?</p> <p>22 A. Yes, I do.</p> <p>23 Q. Okay.</p> <p>24 A. Again, it's going to be a wonky answer.</p> <p>25 Q. That's okay.</p>
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<p>1 MS. ROBB: And this document is the Anti --</p> <p>2 And I'd like this to be marked, as well.</p> <p>3 I'd like most -- all of them to be marked, unless</p> <p>4 I say otherwise, if that's okay with you.</p> <p>5 THE COURT REPORTER: Thank you. That's</p> <p>6 fine.</p> <p>7 MS. ROBB: That way, you don't have to ask</p> <p>8 me every time.</p> <p>9 (Deposition Exhibit 8 marked for</p> <p>10 identification.)</p> <p>11 BY MS. ROBB:</p> <p>12 Q. What is this one, Ms. Burks?</p> <p>13 A. Oh, this is the Retaliation Policy -- or</p> <p>14 the Anti-Retaliation Policy; uh-huh.</p> <p>15 Q. Makes sense. And how did you -- well, let</p> <p>16 me ask you this. There was a lot to review.</p> <p>17 A. Un-huh.</p> <p>18 Q. Did you have anybody go through it with</p> <p>19 you, or someone who said, "Hey, I'm from HR. I just</p> <p>20 want to make sure you have this"? You said you had a</p> <p>21 like a half-a-day orientation.</p> <p>22 A. Yeah. So -- and I can't remember her name.</p> <p>23 Q. Uh-huh; that's okay.</p> <p>24 A. But my -- at that point, whoever our HR rep</p> <p>25 was, she came up to the office. Because, one, she had</p>	<p>1 A. So, yes, I came on with people who</p> <p>2 reported directly to me. I want to say it was three</p> <p>3 people.</p> <p>4 Q. Okay.</p> <p>5 A. They had been in the mayor's office and</p> <p>6 sort of moved over into PIE. So, you know,</p> <p>7 technically, I inherited those staff members.</p> <p>8 Q. When you say "PIE," I get hungry.</p> <p>9 A. Yeah; I know.</p> <p>10 Q. And what did those staff members do</p> <p>11 before, and what did they do after you inherited</p> <p>12 them, if there was any difference?</p> <p>13 A. There really wasn't any difference,</p> <p>14 except for the one young lady who became a public</p> <p>15 information officer. She had started in the mayor's</p> <p>16 office as an intern.</p> <p>17 Q. Okay. And who was that, if you remember?</p> <p>18 A. Sam? Yeah.</p> <p>19 Q. There should be like a yearbook that we</p> <p>20 can look at.</p> <p>21 A. I know; yeah.</p> <p>22 Q. All right. And then at some point did</p> <p>23 you add employees to your section?</p> <p>24 A. We did.</p> <p>25 Q. What is the process in the City of</p>

<p>1 Richmond for doing that?</p> <p>2 A. It is actually somewhat arduous.</p> <p>3 Q. All right.</p> <p>4 A. And so really didn't start the hiring of</p> <p>5 people until that July.</p> <p>6 Q. Okay.</p> <p>7 A. One, new budget season, and the office</p> <p>8 is officially stood up now.</p> <p>9 Q. Okay.</p> <p>10 A. And so sort of looking at what all of</p> <p>11 those jobs/positions would look like, having to write</p> <p>12 them, work with HR around that, and then putting them</p> <p>13 out.</p> <p>14 Of course, HR does all of that work. You</p> <p>15 know, we knew what we were looking for, and, "Let's</p> <p>16 go."</p> <p>17 Q. Okay.</p> <p>18 A. So --</p> <p>19 Q. And what were you looking for?</p> <p>20 A. At the time -- so let me take a step</p> <p>21 back.</p> <p>22 Q. Please.</p> <p>23 A. When we stood the office up in July, the</p> <p>24 public information officers that were in departments</p> <p>25 were transitioned into the budget.</p>	<p>Page 45</p> <p>1 Getting someone to actually manage the</p> <p>2 office was also important. Because as you are</p> <p>3 bringing on more people, you need someone who can</p> <p>4 manage for you sort of when you're not there.</p> <p>5 Bringing in deputies and all of those</p> <p>6 things, so really getting the office structured. And</p> <p>7 that took a lot of time; yeah.</p> <p>8 Q. I'm interested -- is there a studio in</p> <p>9 city hall, like a TV studio?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 A. Yes.</p> <p>13 Q. Is that for like press conferences and</p> <p>14 whatnot?</p> <p>15 A. No.</p> <p>16 Q. Or what happens there?</p> <p>17 A. So the idea was, one, we have our public</p> <p>18 access channels. And so being able to help shore</p> <p>19 that up was important.</p> <p>20 Q. Okay.</p> <p>21 A. But also being able to create our own</p> <p>22 sort of, you know, Richmond TV, and being able to</p> <p>23 tell city stories the way the city wanted to tell</p> <p>24 them.</p> <p>25 So that we could, you know, showcase not</p>
<p>Page 46</p> <p>1 Q. Okay.</p> <p>2 A. Which meant they were then transitioned</p> <p>3 into this office. They still represented their</p> <p>4 departments, but also could have work that would help</p> <p>5 other departments.</p> <p>6 Q. Okay.</p> <p>7 A. For example, the PIO that was with parks</p> <p>8 and recs sat in a portfolio that looked at human</p> <p>9 services, looked at office of community wealth</p> <p>10 building.</p> <p>11 So then instead of just supporting parks</p> <p>12 and recs, you're now going to help support these</p> <p>13 other offices that also need your help.</p> <p>14 Q. Okay.</p> <p>15 A. And so that was that transition. And so</p> <p>16 we understood that we needed some other public</p> <p>17 information officers.</p> <p>18 Q. Okay.</p> <p>19 A. We were looking at someone to handle our</p> <p>20 control room. Because we actually had a television</p> <p>21 studio. And so before I got there, a lot of that</p> <p>22 infrastructure had been built out.</p> <p>23 So finalizing that infrastructure was</p> <p>24 important, and then getting someone in that space to</p> <p>25 work with our in-house camera person.</p>	<p>Page 47</p> <p>1 just what's going on in city hall, but what people</p> <p>2 around the city are doing. And so we started with</p> <p>3 like small businesses, and telling that story, and</p> <p>4 what it looks like to do business, why you're still</p> <p>5 here, all of those things.</p> <p>6 So being -- what we wanted to build and</p> <p>7 are continuing to build is a comprehensive television</p> <p>8 station for the City of Richmond, both for the use of</p> <p>9 staff, but also residents to be able to use, as well.</p> <p>10 Q. Now, you were saying you were building</p> <p>11 with deputies and with other employees. What</p> <p>12 exactly -- or who exactly -- what -- let me ask that</p> <p>13 in a coherent way.</p> <p>14 Which job titles did you bring on, that</p> <p>15 you can remember, in that first cohort of employment?</p> <p>16 A. We brought on --</p> <p>17 Q. Or just what sticks out to you.</p> <p>18 A. Probably one of the first hires -- I'm</p> <p>19 trying to think how that worked. One of the first</p> <p>20 hires was a young man from the state.</p> <p>21 Q. Okay.</p> <p>22 A. He ended up becoming a junior PIO,</p> <p>23 because he had not had that experience. And so --</p> <p>24 and at the time, shared him with the mayor's office.</p> <p>25 Because the person in the mayor's office that was</p>

<p style="text-align: right;">Page 49</p> <p>1 helping with like scheduling and communications in 2 that space was going on maternity leave. 3 Q. Okay. 4 A. So he was probably one of the first hires 5 in that space. Ms. Clay was probably one of the 6 earlier hires, as well. 7 Q. Okay. 8 A. I'm trying to think. I think we brought 9 her in towards the end of July, beginning of August. 10 That time frame is wonky for me. 11 Q. That's okay. 12 A. I remember being at a conference and 13 doing interviews for that position, because that was 14 one of the positions we really needed to hire for. 15 And then working with HR to bring in more 16 like graphic designers. Because we did not have any 17 in the city. And so that was important for branding 18 purposes, X, Y, and Z. 19 In the meantime, we were also 20 transitioning a group of folks that we called our 21 community ambassadors. They had been in another 22 department. 23 We were transitioning them over into 24 comms and civic engagement for part of the civic 25 engagement arm.</p>	<p style="text-align: right;">Page 51</p> <p>1 mis-stating anything. 2 A. Uh-huh. 3 Q. I'm trying to wrap my mind around the 4 building of the section. It's a lot. 5 So you come to Richmond. Now you have a 6 number of people under you, and you're taking on 7 communications for the City of Richmond -- 8 A. Uh-huh. 9 Q. -- in conjunction with the other 10 agencies, to help them. 11 A. Correct. 12 Q. We're on the right track. 13 A. Uh-huh. 14 Q. Okay. You have described a number of big 15 endeavors; right? 16 A. Uh-huh. 17 Q. What were some -- what were the biggest 18 challenges, would you say, at the time when you took 19 all of this on, in the City of Richmond specifically? 20 A. I would say that people not understanding 21 what the department could actually do to help them. 22 Q. Okay. 23 A. Right? People were surprised when they 24 would get the phone call, "Hey, I hear you're doing 25 X. How can we help?"; right? I am not sure what</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. What did they do? 2 A. So they started before I got there. 3 Q. Okay. 4 A. They helped the city a lot during civil 5 unrest and COVID, outreach, especially in our RRHA 6 areas, to ensure that, you know, people had desks, 7 and computers, and whatnot when children were having 8 to do virtual learning. 9 Making sure people had what they needed, 10 and bringing information back to the city so we knew 11 how to help people. But also in that space there was 12 an educational space for the ambassadors, because 13 many of them also were from RRH properties. 14 And so wanting to offer them the 15 opportunity to have some soft and hard skill 16 learning, as well. And sort of revamping and 17 retooling what that looked like. 18 So taking on 20-some-odd people plus 19 their supervisors in that space, to engage them, but 20 also we've got to change some of the way things were 21 going in that space, so -- 22 Q. All right. So you've given us a broad -- 23 A. A big -- 24 Q. -- view. And that is -- that's a lot to 25 take on. So you -- and please correct me if I'm</p>	<p style="text-align: right;">Page 52</p> <p>1 they were used to prior. 2 But my idea of communication internally 3 was that we didn't start with a no. We might not 4 start with yes, but let's understand the scope of 5 what you've got going on. 6 Q. Okay. 7 A. And also make sure that comms is at the 8 table at the beginning of the process, not the end. 9 Q. Okay. 10 A. Because then we become the people you 11 hate, at the end, because we're going to ask you 12 20 million questions, "Have you thought about this, 13 this, this, this, and this?" 14 Because we've got to look at it from the 15 layperson's eye -- 16 Q. Okay. 17 A. -- and the resident's eye, and not from 18 the technical eye. 19 And so whether it's rolling out a new 20 policy, whether it's rolling out a new code, 21 whatever, "Have you thought about how this is going 22 to play when you roll it out? Have you beta-tested 23 it? Have we" -- all of the things. 24 And so getting people in that sort of 25 mind-set of comms is at the table at the beginning.</p>

<p style="text-align: right;">Page 53</p> <p>1 We may not say anything until the third meeting. But</p> <p>2 we're here to sort of listen with the ear of the</p> <p>3 resident, as opposed to the ear of everybody else</p> <p>4 around the table.</p> <p>5 Q. Now, at the time that you came in -- and</p> <p>6 I'm a city resident, so I'm speaking from my</p> <p>7 perspective. And if it's not the perspective that</p> <p>8 you saw, please tell me.</p> <p>9 A. Sure.</p> <p>10 Q. But I think that there might have been a</p> <p>11 feeling just -- you know, after unrest --</p> <p>12 A. Right.</p> <p>13 Q. -- people felt a certain way about the</p> <p>14 city.</p> <p>15 A. Uh-huh.</p> <p>16 Q. Was that something you struggled with in</p> <p>17 your job, like on a -- you know, how to approach it?</p> <p>18 A. Yeah. Because, you know, not being from</p> <p>19 here, but being from the south --</p> <p>20 Q. Yes.</p> <p>21 A. -- so understood exactly what people were</p> <p>22 feeling, and needing to meet the feeling sort of</p> <p>23 head-on --</p> <p>24 Q. Yes.</p> <p>25 A. -- but with sensitivity, right?</p>	<p style="text-align: right;">Page 55</p> <p>1 know, somewhat of a trifecta effect; right? And so</p> <p>2 how do you sort of dig yourself out of that and then</p> <p>3 move forward.</p> <p>4 Q. Now, taking all of that on, how did you</p> <p>5 find also just managing people as a manager on a</p> <p>6 day-to-day basis, and the nuts and bolts of talking</p> <p>7 to your employees while also, obviously, messaging a</p> <p>8 pretty grand --</p> <p>9 You know, that's a lot to, you know,</p> <p>10 handle --</p> <p>11 A. Right.</p> <p>12 Q. -- on the messaging side.</p> <p>13 A. So when I started, we were having</p> <p>14 probably weekly meetings --</p> <p>15 Q. Okay.</p> <p>16 A. -- with folks.</p> <p>17 Q. With who?</p> <p>18 A. With my team.</p> <p>19 Q. Okay.</p> <p>20 A. To the point where it just became I</p> <p>21 couldn't keep up that pace plus all of the other</p> <p>22 meetings that I had, both externally and internally.</p> <p>23 Q. Okay.</p> <p>24 A. And so once the team got to a certain</p> <p>25 size, it was, "Let's just have team meetings."</p>
<p style="text-align: right;">Page 54</p> <p>1 And I think sometimes the way</p> <p>2 conversations are had, both internally and</p> <p>3 externally, it's whatever the history is, you meet it</p> <p>4 with shame.</p> <p>5 You -- instead of saying it's shameful --</p> <p>6 because, yes, there are pieces of American history</p> <p>7 that are just that.</p> <p>8 Q. Yes.</p> <p>9 A. And, unfortunately, there are pieces of</p> <p>10 Richmond history that are a part of that; right?</p> <p>11 Q. Uh-huh.</p> <p>12 A. It's how do we honor the truth of what</p> <p>13 was, of who Richmond was many moons ago, but who are</p> <p>14 we becoming? How are we evolving into this new</p> <p>15 space? And then who will we be 10-20 years from now,</p> <p>16 as we write this new chapter or even new book of</p> <p>17 Richmond?</p> <p>18 Q. Yes.</p> <p>19 A. Right? And so that's sort of how I</p> <p>20 talked about it with leaders as we were trying to</p> <p>21 sort of delve into all of the yucky stuff --</p> <p>22 Q. Yes.</p> <p>23 A. -- you know, that came out of I think</p> <p>24 civil unrest and COVID combined.</p> <p>25 It was, you know, truly sort of a, you</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Okay.</p> <p>2 A. And we did those on a weekly basis.</p> <p>3 Q. Okay.</p> <p>4 A. And that was the space where we could</p> <p>5 talk about what's going on in departments, what we're</p> <p>6 hearing, first one thing and then another.</p> <p>7 But it also allowed me to share things</p> <p>8 that I was hearing that I felt the team should know</p> <p>9 and be ready for as it came down. I never wanted the</p> <p>10 team to sort of be surprised.</p> <p>11 Q. Okay. And how were those meetings held?</p> <p>12 A. Typically, we tried to actually hold them</p> <p>13 around the city in various locations. One, because</p> <p>14 we wanted departments to know who we were. So if</p> <p>15 we're meeting in their space, "Who are all these</p> <p>16 people?"</p> <p>17 "Oh, this is your courts department." And</p> <p>18 so that was -- it was also a way for people who'd</p> <p>19 been in the city for a minute, but also sort of the</p> <p>20 newcomers to the team, to know what else is around</p> <p>21 the city.</p> <p>22 So if you're just doing police public</p> <p>23 information work --</p> <p>24 Q. Yes.</p> <p>25 A. -- you're probably just at the station or</p>

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<p>1 you're going to a scene.</p> <p>2 Q. Okay.</p> <p>3 A. But you're not going to the water office</p> <p>4 over on Commerce; right? And you don't know what</p> <p>5 that looks like. And they've got labs, and they've</p> <p>6 got technicians, and they've got, "Oh, this is a part</p> <p>7 of the city."</p> <p>8 Absolutely. We have scientists that work</p> <p>9 here. You know, so it was also that. So it was the</p> <p>10 learning for folks, as well.</p> <p>11 Q. How did you manage -- as a manager with</p> <p>12 employees who were also employees of the City of</p> <p>13 Richmond, how did you make sure that you were able to</p> <p>14 have that one-on-one manager/employee time?</p> <p>15 A. We still had it. I want to say we went</p> <p>16 to maybe once a month. And then the other thing is</p> <p>17 if I'm in my office, I have an open-door policy.</p> <p>18 Q. Okay.</p> <p>19 A. So, I mean, people would pop in and say,</p> <p>20 "You have a second?" I knew what that meant. "Yes,</p> <p>21 I have a second." I was not standoffish in that way.</p> <p>22 And then sometimes people would pop in</p> <p>23 and I didn't have a second, or I thought I did and</p> <p>24 then something would come up and I would have to</p> <p>25 bolt.</p>	<p>1 Q. Okay. I see.</p> <p>2 A. -- you know --</p> <p>3 Q. Yes.</p> <p>4 A. -- oftentimes. Was the mayor involved?</p> <p>5 Maybe, maybe not. But if my boss is calling, then</p> <p>6 I'm walking out the door.</p> <p>7 Q. Yes.</p> <p>8 A. If we're having -- there's a police-</p> <p>9 involved shooting, I'm walking out the door. You</p> <p>10 know, if there is a homeless emergency, if we've got</p> <p>11 weather, those things are going to take up your time.</p> <p>12 Q. Uh-huh.</p> <p>13 A. A good example of that was when we had</p> <p>14 the shooting at the Altria. That changed days of my</p> <p>15 work.</p> <p>16 Q. Yeah.</p> <p>17 A. And, you know, I don't think people</p> <p>18 recognize that. Everything stops in those moments.</p> <p>19 Q. Yes.</p> <p>20 A. When we're getting ready for bad weather;</p> <p>21 we're trying to make sure we've got messaging going</p> <p>22 out; how are we making sure that the homeless are</p> <p>23 getting this messaging; we're shooting a quick,</p> <p>24 30-second video that's got to go out; like all of</p> <p>25 those things.</p>
Page 58	Page 60
<p>1 And as, you know, the city sort of came</p> <p>2 back to life, there were a lot of bolting times,</p> <p>3 unfortunately, so yeah.</p> <p>4 Q. And what were the jobs that took up the</p> <p>5 bulk of your hours of the day? Because you're one</p> <p>6 person, and there are 24 hours in a day. And</p> <p>7 presumably, one likes to sleep a little.</p> <p>8 A. So they say.</p> <p>9 Q. Exactly.</p> <p>10 A. It's hard to say --</p> <p>11 Q. I feel that way.</p> <p>12 A. -- like what took up the bulk of my day.</p> <p>13 Meetings, of course, you know. But --</p> <p>14 Q. But in terms of departments, like was</p> <p>15 there a department, because you were higher up, that</p> <p>16 drew you in or made you -- was the reason you bolted,</p> <p>17 for lack of a better term?</p> <p>18 A. Well, usually, it was something that came</p> <p>19 at like the city --</p> <p>20 Q. Okay.</p> <p>21 A. -- administrative level that would cause</p> <p>22 me to bolt. If there --</p> <p>23 Q. Like the mayor's office? I didn't mean</p> <p>24 to cut you off.</p> <p>25 A. Oh, no; so the city administrator --</p>	<p>1 So whatever's on my plate for that day</p> <p>2 goes to whenever I get back to it. And it may be a</p> <p>3 day or two later. And so I think that's the pieces</p> <p>4 that people don't get to see.</p> <p>5 Q. Okay.</p> <p>6 A. You know, when something heavy may be</p> <p>7 coming down, I don't know that it's coming until I</p> <p>8 get the call to say, "Hey, can you come to this</p> <p>9 meeting?"</p> <p>10 And then you walk in the room, and you're</p> <p>11 like, "Oh, holy crap. What happened?"</p> <p>12 Q. Yeah.</p> <p>13 A. You know, and so then you're talking</p> <p>14 through whatever that thing is, you know. But then</p> <p>15 also maybe on the, quote/unquote, joyful side of</p> <p>16 things, like when we got the triple bond rating, that</p> <p>17 was a called meeting, "We want to do this."</p> <p>18 And I'm like, "Well, when do you want to</p> <p>19 do it?"</p> <p>20 "Tomorrow."</p> <p>21 "Well, that's not even 24 hours from</p> <p>22 now." So it's, okay, put all of these things to the</p> <p>23 side, call the team in that needs to work on this</p> <p>24 with me, give direction. But then there are calls</p> <p>25 that they can't make, that I have to make.</p>

<p>Page 61</p> <p>1 Q. Okay.</p> <p>2 A. So whatever I was working on stops, too.</p> <p>3 So it's all of those things. Budget season is</p> <p>4 another one.</p> <p>5 Q. Uh-huh.</p> <p>6 A. Getting ready for state of the city,</p> <p>7 because you're looking at speeches, you're looking at</p> <p>8 research, you're looking at --</p> <p>9 Those are the things that people don't</p> <p>10 see that take up a bulk of your time, planning and</p> <p>11 execution.</p> <p>12 Q. So what I'm hearing you say is that your</p> <p>13 days often just turned on a dime, based on just --</p> <p>14 A. Correct.</p> <p>15 Q. And you had to be ready to do that.</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And you mentioned you have a boss.</p> <p>18 Was there someone you reported to?</p> <p>19 A. Sure. So at the time, it was Lincoln</p> <p>20 Saunders --</p> <p>21 Q. Okay.</p> <p>22 A. -- who was the chief administrative</p> <p>23 officer for the city.</p> <p>24 Q. Now, I just don't know the answer to the</p> <p>25 question. When you are at the director level, do you</p>	<p>Page 63</p> <p>1 A. Yes.</p> <p>2 Q. Because I'd say what I'm hearing from you</p> <p>3 is that it was just go, go, go, all the time. And</p> <p>4 you did have staff, but it sounds like you could have</p> <p>5 used a whole building.</p> <p>6 A. Well, when you're looking at a city of</p> <p>7 this size, with all the things that we also added --</p> <p>8 so you think about when I came in we did not have</p> <p>9 unions, so we added that.</p> <p>10 We added a person that sat both in HR and</p> <p>11 communications to deal with union comms; right? And,</p> <p>12 luckily, that person understood labor.</p> <p>13 Q. Uh-huh.</p> <p>14 A. So there was -- I didn't have to teach</p> <p>15 that part of it.</p> <p>16 Q. Okay.</p> <p>17 A. We had to teach the comms part, but quick</p> <p>18 learner. And so could we have used -- yes. One,</p> <p>19 because you've got so many departments who don't have</p> <p>20 a communicator.</p> <p>21 Q. Yes.</p> <p>22 A. Right?</p> <p>23 Q. Yes; so you're left with it.</p> <p>24 A. And so at some point somebody's got to</p> <p>25 deal with it.</p>
<p>Page 62</p> <p>1 the get normal -- you know, do you have a meeting to</p> <p>2 say, "You've done a good job this year," an annual</p> <p>3 evaluation, or is it not as structured as that?</p> <p>4 A. Geez, I would say it's probably not as</p> <p>5 structured as that.</p> <p>6 Q. Okay.</p> <p>7 A. You know, the thing that you would know,</p> <p>8 I think, with the way -- at least with Lincoln and I,</p> <p>9 if he didn't like something, he was going to tell me</p> <p>10 in the moment. We switched up right then.</p> <p>11 Q. Okay.</p> <p>12 A. And if he's letting you do your job, he</p> <p>13 has no problem with you, you know.</p> <p>14 Q. Okay.</p> <p>15 A. And so that's kind of how we worked. And</p> <p>16 I would say 95 percent of the time we were just going</p> <p>17 and doing.</p> <p>18 Q. Okay.</p> <p>19 A. And in those moments where he needed me</p> <p>20 to fix something, he would just tell me, and we'd fix</p> <p>21 it.</p> <p>22 Q. Okay.</p> <p>23 A. Yeah.</p> <p>24 Q. Do you feel like you could have used more</p> <p>25 staff under you?</p>	<p>Page 64</p> <p>1 Q. Uh-huh.</p> <p>2 A. And at the end of the day when folks are</p> <p>3 coming and saying, "Hey, Petula, we need help with</p> <p>4 X," I'm not going to leave my public information</p> <p>5 officer out there, or whomever, without, right,</p> <p>6 support.</p> <p>7 Q. Yes.</p> <p>8 A. So --</p> <p>9 Q. Now, I know we've talked about the</p> <p>10 external-facing work that you, which is a lot --</p> <p>11 A. Uh-huh.</p> <p>12 Q. -- and all-encompassing. And then you</p> <p>13 had stated earlier that you really needed the -- I</p> <p>14 think you were referring to the FOIA --</p> <p>15 A. Correct.</p> <p>16 Q. -- piece of the --</p> <p>17 A. Yeah.</p> <p>18 Q. -- the Freedom of Information Act.</p> <p>19 Now, how did it come to be -- obviously,</p> <p>20 it's communications. How did it come to be that --</p> <p>21 The internal information going external</p> <p>22 in the way that FOIA is --</p> <p>23 A. Right.</p> <p>24 Q. -- seems a little different than the</p> <p>25 other -- some of the other things you were talking</p>

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<p>1 about.</p> <p>2 A. Oh, absolutely.</p> <p>3 Q. How did it come to be that that was under</p> <p>4 your umbrella?</p> <p>5 A. I would say by happenstance --</p> <p>6 Q. Okay.</p> <p>7 A. -- quite honestly.</p> <p>8 Q. Can you walk me through that?</p> <p>9 A. It was something that was on, I guess,</p> <p>10 their strategic plan of goals or whatever from the</p> <p>11 mayor/city administration's offices, that was on that</p> <p>12 plan long before I got there --</p> <p>13 Q. Uh-huh, yes, yes.</p> <p>14 A. -- was to centralize FOIA.</p> <p>15 Q. Yeah; centralize FOIA.</p> <p>16 A. Yes.</p> <p>17 Q. And was that the same way -- let me just</p> <p>18 ask you a question about it.</p> <p>19 A. Uh-huh.</p> <p>20 Q. Was that the same way you said comms --</p> <p>21 A. Correct.</p> <p>22 Q. -- needed to be centralized?</p> <p>23 A. Yes.</p> <p>24 Q. And went through a long process of</p> <p>25 building that, and making sure that people --</p>	<p>1 the person who was the lead of it. But what I found</p> <p>2 in Augusta, the young lady that we worked with out of</p> <p>3 the city attorney's office, she was an amazing</p> <p>4 paralegal, and, boy, oh, boy, she was Johnny on the</p> <p>5 spot.</p> <p>6 But the way she would -- if it came in,</p> <p>7 like if it came only just to the mayor's office, I</p> <p>8 would send it to her.</p> <p>9 Q. Okay.</p> <p>10 A. She would give it a number.</p> <p>11 Q. When you say "it" --</p> <p>12 A. The request. Sorry.</p> <p>13 Q. -- a FOIA request?</p> <p>14 A. A FOIA request.</p> <p>15 Q. I just want to make sure we're on the</p> <p>16 same page --</p> <p>17 A. Yes.</p> <p>18 Q. -- for the record.</p> <p>19 A. We would send that FOIA request to her.</p> <p>20 Q. Okay.</p> <p>21 A. She would give it a number, and then give</p> <p>22 you all of the things that she needed back from you.</p> <p>23 Q. Okay.</p> <p>24 A. And say to IT or whomever, "I need these</p> <p>25 records."</p>
Page 66	Page 68
<p>1 A. Yes.</p> <p>2 Q. -- knew that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 A. So FOIA --</p> <p>6 Q. Yes.</p> <p>7 A. -- centralization, I will tell you, when</p> <p>8 I walked in, in January of '22, that was not on my</p> <p>9 radar.</p> <p>10 Q. Okay. And why not? Would it not have</p> <p>11 been in your other roles?</p> <p>12 A. No.</p> <p>13 Q. Okay.</p> <p>14 A. And so as we talked about it, I made the</p> <p>15 suggestion that we set up a separate office.</p> <p>16 Q. Okay.</p> <p>17 A. When I left Augusta, Atlanta had just set</p> <p>18 up the office of transparency.</p> <p>19 Q. Okay.</p> <p>20 A. And so when he said it to me here, I</p> <p>21 said, "Oh, God, just do that. Just model it after</p> <p>22 them."</p> <p>23 Q. Okay.</p> <p>24 A. You know, I knew they had hired a bunch</p> <p>25 of paralegals. And I couldn't -- I can't remember</p>	<p>1 Q. Okay.</p> <p>2 A. She would then send us sort of the draft</p> <p>3 response with the records, for us to make sure, you</p> <p>4 know, and make sure we didn't have any additional</p> <p>5 things that IT didn't get.</p> <p>6 Q. Okay.</p> <p>7 A. We'd sign off on it, and she would send</p> <p>8 it out.</p> <p>9 Q. Okay.</p> <p>10 A. So it was a system that kind of worked.</p> <p>11 It did not leave a lot of work on our end; right?</p> <p>12 Q. What I've been hearing, and I -- correct</p> <p>13 me if you had heard something different, is just that</p> <p>14 FOIA was just like a extra thing that people didn't</p> <p>15 mind doing, but it was just an extra piece of work.</p> <p>16 A. Oh, but it --</p> <p>17 Q. That they --</p> <p>18 A. When you say "extra piece of work" --</p> <p>19 Q. Yes.</p> <p>20 A. -- it's not like, "Oh, I'm just going to</p> <p>21 pick up a piece of paper and move it here."</p> <p>22 Q. Uh-huh.</p> <p>23 A. When you're talking about people who are</p> <p>24 engineers -- and I'll just state it -- let me just</p> <p>25 state it this way.</p>

<p>Page 69</p> <p>1 Q. Yes, please.</p> <p>2 A. Even from the public information</p> <p>3 officers, because we had two on our team --</p> <p>4 Q. Okay.</p> <p>5 A. -- who were also helping their</p> <p>6 departments at the time with FOIAs, you're stopping</p> <p>7 whatever you're doing to try to now fulfill this</p> <p>8 request, depending on how large or small it may be.</p> <p>9 And so you have eight hours in a day.</p> <p>10 Q. Uh-huh.</p> <p>11 A. If you're on deadline for something, and</p> <p>12 now you've got to change that to do this --</p> <p>13 Because that is the, I think, assumption,</p> <p>14 is that's what's going to happen. It's not like they</p> <p>15 had a dedicated person that that was the only thing</p> <p>16 that they were doing in their department.</p> <p>17 Q. Okay.</p> <p>18 A. It was not. And so the reason for the</p> <p>19 centralization was that so we could have, at the</p> <p>20 beginning, a dedicated person to build out into a</p> <p>21 full office of folks that that's what their job was.</p> <p>22 So in my mind when I said like, "Just do</p> <p>23 what Atlanta just did," that was in my mind what this</p> <p>24 should be. Never in a million years did I think that</p> <p>25 they would ask courts to take this on.</p>	<p>Page 71</p> <p>1 Q. -- Atlanta, or what ended up happening</p> <p>2 with that, you know, gold star paralegal in Augusta,</p> <p>3 were those heavily dependent on the ability to -- the</p> <p>4 information technology, the ability to search a large</p> <p>5 amount of information easily or -- easy isn't the</p> <p>6 right word, obviously, but -- with relative, you</p> <p>7 know, focus?</p> <p>8 A. I would -- I can't speak for Atlanta. I</p> <p>9 would say for Augusta, yes.</p> <p>10 Q. Okay.</p> <p>11 A. Because you had -- everyone was</p> <p>12 searching.</p> <p>13 Q. Uh-huh.</p> <p>14 A. Right? So even when she would send it</p> <p>15 back to us, we would just make sure, "Let me just</p> <p>16 make sure that she hasn't missed anything or IT</p> <p>17 hasn't missed anything in my emails."</p> <p>18 Q. Okay.</p> <p>19 A. If there was anything extra, you send it</p> <p>20 back with what she sent. She redacts, whatever, and</p> <p>21 then she sends it off.</p> <p>22 Q. Okay. So IT sort of drove that, because</p> <p>23 it had the ability --</p> <p>24 A. Correct.</p> <p>25 Q. -- to bring in the information that --</p>
<p>Page 70</p> <p>1 Q. Okay.</p> <p>2 A. What I explained to them was, in other</p> <p>3 cities -- and it's because of the way the government</p> <p>4 is set up, too, is part of the issue. In other</p> <p>5 cities, the city clerk would receive the -- work with</p> <p>6 the city attorney; right? And then if there was any</p> <p>7 media tie to it, rope me in.</p> <p>8 Q. Okay.</p> <p>9 A. Like that was --</p> <p>10 Q. Yes.</p> <p>11 A. So when you say open records request,</p> <p>12 FOIA, depending on where you are, that was in my mind</p> <p>13 what this would look like.</p> <p>14 Q. Sunshine laws, I think they're also</p> <p>15 called some places.</p> <p>16 A. Yes; Florida.</p> <p>17 Q. Yes.</p> <p>18 A. Yeah. So this was not what I walked into</p> <p>19 the city to do.</p> <p>20 Q. I understand.</p> <p>21 A. Okay.</p> <p>22 Q. I hear you.</p> <p>23 When you were talking about the office of</p> <p>24 transparency in --</p> <p>25 A. Atlanta.</p>	<p>Page 72</p> <p>1 A. Right.</p> <p>2 Q. -- someone then could put their eyes on.</p> <p>3 Is that fair to say?</p> <p>4 A. Yeah; that's fair, I think, to say.</p> <p>5 Q. All right. So let's talk about what</p> <p>6 happened in this situation.</p> <p>7 A. Uh-huh.</p> <p>8 Q. So were you sort of volun-told that --</p> <p>9 A. That's probably the best way to say it.</p> <p>10 Q. Okay. Because not did, you know, someone</p> <p>11 say you have to, but, you know.</p> <p>12 A. Right. It was kind of like, "We need you</p> <p>13 to take this on, too."</p> <p>14 "Sure." And mind you, my first FOIA --</p> <p>15 so I started in January. My first FOIA was Fox.</p> <p>16 Q. Okay.</p> <p>17 A. Okay?</p> <p>18 Q. So when you say "Fox," on the record, so</p> <p>19 we all know --</p> <p>20 A. Fox Elementary School fire.</p> <p>21 Q. Yeah. So we all know, it's the fire of</p> <p>22 the elementary school --</p> <p>23 A. Yes.</p> <p>24 Q. -- that has just recently reopened.</p> <p>25 A. Yes; thankfully, yes.</p>

<p style="text-align: right;">Page 73</p> <p>1 Q. Yeah; thankfully. It's beautiful.</p> <p>2 A. Yeah.</p> <p>3 Q. So that was your first FOIA, and that's</p> <p>4 not insignificant.</p> <p>5 A. No.</p> <p>6 Q. So what did you do, say to respond to</p> <p>7 that? And we're not going to go through every FOIA</p> <p>8 you've ever responded to --</p> <p>9 A. Right, right.</p> <p>10 Q. -- obviously.</p> <p>11 A. So luckily for me, the public information</p> <p>12 officer in fire was still there. But she was going</p> <p>13 on maternity leave.</p> <p>14 Q. Okay.</p> <p>15 A. So I had a little help in the beginning.</p> <p>16 Q. Okay.</p> <p>17 A. But it was also working with, of course,</p> <p>18 the school district in this space. Because, "How are</p> <p>19 we going to handle this? What's within the scope?</p> <p>20 What needs to sort of stay outside while they do, of</p> <p>21 course, this investigation? How long is the</p> <p>22 investigation going to take?", all of those things.</p> <p>23 And so we worked together on that. And</p> <p>24 we worked with the media on that. Were they always</p> <p>25 satisfied? No.</p>	<p style="text-align: right;">Page 75</p> <p>1 with RPF about the messaging for the city, while also</p> <p>2 trying to comply with the actual investigation --</p> <p>3 A. Correct.</p> <p>4 Q. -- that was happening, while also doing</p> <p>5 the FOIA of documents?</p> <p>6 A. Uh-huh; it's a dance.</p> <p>7 Q. It -- that, to me --</p> <p>8 A. Uh-huh; it's a dance.</p> <p>9 Q. That is a lot. So was that -- that was</p> <p>10 before an actual FOIA officer position was created;</p> <p>11 is that right?</p> <p>12 A. Yes; so --</p> <p>13 Q. So it was you?</p> <p>14 A. It was me.</p> <p>15 Q. Okay.</p> <p>16 A. Uh-huh.</p> <p>17 Q. I'm just taking a breath, because it</p> <p>18 sounds like a lot.</p> <p>19 A. Yeah.</p> <p>20 Q. And so when did you determine, "Okay. We</p> <p>21 have to have someone in here to help"?</p> <p>22 A. Then.</p> <p>23 Q. Okay.</p> <p>24 A. And it took a while. I think we went</p> <p>25 through iterations. By the time we got to June and</p>
<p style="text-align: right;">Page 74</p> <p>1 But we did everything to the best of our</p> <p>2 ability to ensure the integrity of the investigation</p> <p>3 was handled properly, first. And so we probably were</p> <p>4 overly cautious in that space.</p> <p>5 Q. Uh-huh.</p> <p>6 A. And then once the investigation was done,</p> <p>7 we sat down on record --</p> <p>8 Q. Okay.</p> <p>9 A. -- with the fire chief and the</p> <p>10 superintendent of schools to talk through all of the</p> <p>11 things, lessons learned, et cetera, et cetera.</p> <p>12 And then the things that had been</p> <p>13 requested during, of course, the investigation, we</p> <p>14 then turned over to the reporter, you know. And what</p> <p>15 we learned is if we had turned certain things over</p> <p>16 earlier, it would have made, you know, quote/unquote,</p> <p>17 the city look better or whatever.</p> <p>18 But at the end of the day, it was -- the</p> <p>19 investigation had to be completed before we -- you</p> <p>20 know, you muddy the waters with all the other stuff.</p> <p>21 Q. Well, obviously, it was a fire, and that</p> <p>22 -- you didn't expect that; right? So what I'm</p> <p>23 hearing --</p> <p>24 A. Right.</p> <p>25 Q. -- you say is that you were partnering</p>	<p style="text-align: right;">Page 76</p> <p>1 sort of -- so I can't tell you the first time we went</p> <p>2 out for FOIA.</p> <p>3 Q. Okay. And when you say "went out for</p> <p>4 FOIA" --</p> <p>5 A. Actually put the announcement out.</p> <p>6 Q. Okay.</p> <p>7 A. I think it was the second time around, we</p> <p>8 actually got a good crop of folks to actually</p> <p>9 interview.</p> <p>10 Q. Okay.</p> <p>11 A. And those interviews, first and second, I</p> <p>12 think took place in June.</p> <p>13 Q. What year are we in?</p> <p>14 A. I don't know.</p> <p>15 Q. 2022 is when you started; right?</p> <p>16 A. Yeah; so '23.</p> <p>17 Q. Okay. So we're in '23.</p> <p>18 A. So mind you --</p> <p>19 Q. But the budget year is in -- starts in</p> <p>20 July.</p> <p>21 A. July --</p> <p>22 Q. So you're --</p> <p>23 A. -- to June.</p> <p>24 Q. Okay.</p> <p>25 A. Yeah. And so we were wanting to get</p>

<p style="text-align: right;">Page 77</p> <p>1 somebody in now. So it's been a full year --</p> <p>2 Q. Okay.</p> <p>3 A. -- of wanting to get someone in to really</p> <p>4 do this.</p> <p>5 Q. Okay.</p> <p>6 A. But it took a while.</p> <p>7 Q. Okay.</p> <p>8 A. But in between time, Megan Field and I</p> <p>9 worked through what it would look like to have a</p> <p>10 robust system. Because that was the other thing. We</p> <p>11 did not have a robust system.</p> <p>12 The system, that you can still kind of</p> <p>13 see online probably, is old, and not a lot of people</p> <p>14 use it. Not a lot of people knew it was there. And</p> <p>15 so we knew that we needed to upgrade.</p> <p>16 Megan did a lot of research, found I</p> <p>17 think it was GovQA. And then we did phone calls with</p> <p>18 various cities around the commonwealth to see how</p> <p>19 they were using it, all of those things, to see if it</p> <p>20 was even something that we could do.</p> <p>21 Because we also understood we could</p> <p>22 piggyback off of their contract, which was going to</p> <p>23 be also important.</p> <p>24 Q. Okay.</p> <p>25 A. And then, of course, build out your</p>	<p style="text-align: right;">Page 79</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. But I would say that for most. You know,</p> <p>4 because technology moves faster than humans. And so</p> <p>5 as soon as you get something in place, oh, here comes</p> <p>6 something shiny-new, and now we need to transition.</p> <p>7 And so I would say not just with</p> <p>8 Richmond, but I think across-the-board --</p> <p>9 Q. Yes.</p> <p>10 A. -- you just have those hiccups when it</p> <p>11 comes to technology; yes.</p> <p>12 Q. Now, when you were looking for someone</p> <p>13 for a FOIA officer for the City of Richmond, were you</p> <p>14 looking for someone who'd been a FOIA officer</p> <p>15 previously, or someone who had specific background</p> <p>16 qualifications? What were you looking for?</p> <p>17 A. Maybe a little bit of both; right?</p> <p>18 Q. Okay.</p> <p>19 A. So it would have been great to have had</p> <p>20 somebody who this is what they do, love to do it, and</p> <p>21 that's it; right?</p> <p>22 Q. Sure.</p> <p>23 A. But I think it was someone who could</p> <p>24 organize information, learn quickly, adapt to sort of</p> <p>25 the pace. And even, you know, after almost a year,</p>
<p style="text-align: right;">Page 78</p> <p>1 system. If it's not exactly like theirs, what are</p> <p>2 the other things that we need to add in that are</p> <p>3 specific to the City of Richmond?</p> <p>4 Q. Did you work with someone in IT to do</p> <p>5 that, to make sure -- was that IT-driven, like we</p> <p>6 talked about earlier?</p> <p>7 A. It was not IT-driven.</p> <p>8 Q. Okay.</p> <p>9 A. We just started the research process.</p> <p>10 Q. Yes.</p> <p>11 A. But we also understood that it should</p> <p>12 connect, because it was CivicPlus-based.</p> <p>13 Q. Okay.</p> <p>14 A. And because other localities were using</p> <p>15 it, we figured it was going to be ease of use with</p> <p>16 our IT systems.</p> <p>17 Q. Was there any ease of use with IT systems</p> <p>18 for the City of Richmond? You're under oath.</p> <p>19 A. Some; yes.</p> <p>20 Q. Okay. I'm not trying to joke. I mean,</p> <p>21 you know, I'm a city resident.</p> <p>22 A. Right.</p> <p>23 Q. You know, I think it's been --</p> <p>24 A. Right.</p> <p>25 Q. -- at times bumpy; is that fair to say?</p>	<p style="text-align: right;">Page 80</p> <p>1 the pace was very -- I hate this word, but it was</p> <p>2 wonky. You know, sometimes it was, shhhhhhh, in your</p> <p>3 face.</p> <p>4 Q. Yes.</p> <p>5 A. And then sometimes not so much. And so</p> <p>6 just sort of learning the pace of what it looked</p> <p>7 like.</p> <p>8 Q. Uh-huh.</p> <p>9 A. But I think with centralization you're</p> <p>10 going to see a different pace than even what I saw.</p> <p>11 Q. Okay.</p> <p>12 A. Because a lot of times departments were</p> <p>13 still sort of handling their own, which was great for</p> <p>14 me. And so you still don't have that sort of full</p> <p>15 breadth of how much is coming in, when are the peak</p> <p>16 times, and all of those things.</p> <p>17 Q. Okay.</p> <p>18 A. And so someone who could learn fast,</p> <p>19 figure it out, and go forth and be merry.</p> <p>20 Q. Okay.</p> <p>21 A. You know, would I have liked it to have</p> <p>22 been someone like the young lady in Augusta? Yes;</p> <p>23 right?</p> <p>24 Q. Uh-huh.</p> <p>25 A. So that was sort of my mind-set of the</p>

<p style="text-align: right;">Page 81</p> <p>1 person that I was looking for.</p> <p>2 Q. Okay. Now, I hear you talk about the</p> <p>3 Augusta piece. I understood you to say that there</p> <p>4 was a sort of marriage between the IT piece and the</p> <p>5 person actually making sure that that response got</p> <p>6 where it needed to be, to make sure that, "Okay.</p> <p>7 This is okay. We can send this out"; right?</p> <p>8 A. Uh-huh.</p> <p>9 Q. Did we have that in -- and when I say</p> <p>10 "we," it's because I live here.</p> <p>11 A. Right; Richmond.</p> <p>12 Q. In the City of Richmond, was that ready</p> <p>13 for a person to come into, in your opinion?</p> <p>14 A. I think -- I don't know that the word</p> <p>15 marriage -- but I --</p> <p>16 Q. Oh, you can change that; yes. It's --</p> <p>17 A. I think that we had built a working</p> <p>18 relationship; right? But not where I depended on --</p> <p>19 Q. Okay.</p> <p>20 A. -- them a hundred percent of the time for</p> <p>21 a lot of things; right?</p> <p>22 Q. Okay.</p> <p>23 A. Because for me, the departments would</p> <p>24 pull their records, you know. They did not</p> <p>25 necessarily go to IT unless it was something that</p>	<p style="text-align: right;">Page 83</p> <p>1 different working relationship with IT? Sure. You</p> <p>2 have to build that relationship.</p> <p>3 But like most departments, everybody's</p> <p>4 understaffed, people are doing, you know, the jobs of</p> <p>5 two to three people. And coming out of COVID, you're</p> <p>6 really at that space now.</p> <p>7 Q. Yeah; that makes sense.</p> <p>8 A. Yeah.</p> <p>9 Q. Now, how did you know, as -- in your</p> <p>10 position, not being in some of the departments that</p> <p>11 are needing to respond to FOIAs, how did you know</p> <p>12 that those agencies were searching all documents?</p> <p>13 I assume in the City of Richmond there</p> <p>14 are lots and lots of different types of documents,</p> <p>15 different types of communications, different types of</p> <p>16 things that would fall under the regulations about</p> <p>17 documents; right?</p> <p>18 A. Right.</p> <p>19 Q. So how did you know, since this is --</p> <p>20 your name's on it --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- that they were giving you everything</p> <p>23 that the City of Richmond had that would be</p> <p>24 responsive, so that you could look at it and say yea</p> <p>25 or nay to certain things?</p>
<p style="text-align: right;">Page 82</p> <p>1 they couldn't get to.</p> <p>2 First, one thing, even though there's</p> <p>3 this tool; right?</p> <p>4 Q. Uh-huh; what tool?</p> <p>5 A. There is a tool that IT has that you can</p> <p>6 use where you can search for records. And it's --</p> <p>7 Q. Is it like a central repository, for lack</p> <p>8 of a better phrase?</p> <p>9 A. Yeah; for lack of a better word.</p> <p>10 Q. Yes.</p> <p>11 A. Now for me, I didn't use the tool often.</p> <p>12 And what it was -- I think it was a blessing, they</p> <p>13 understood like, "She needs help."</p> <p>14 So I would say, "Hey, you know, I've</p> <p>15 gotten this FOIA. I need X," if the department</p> <p>16 couldn't pull it.</p> <p>17 Q. Okay.</p> <p>18 A. Now, nine times out of ten, departments</p> <p>19 are pulling whatever, and they're sending you what</p> <p>20 they have.</p> <p>21 Q. Uh-huh.</p> <p>22 A. And you're relying on that to be all the</p> <p>23 records; right? And you go from there.</p> <p>24 Q. Okay.</p> <p>25 A. Do I think that we could have had a</p>	<p style="text-align: right;">Page 84</p> <p>1 A. So I'm going to say you're never always</p> <p>2 certain.</p> <p>3 Q. Okay.</p> <p>4 A. Right? Because right now, if I were to</p> <p>5 go on my own personal Outlook and put in -- I'm like,</p> <p>6 "There are document -- there are emails missing";</p> <p>7 right?</p> <p>8 Q. Yes.</p> <p>9 A. And you're just like, "But I know I have</p> <p>10 X-email."</p> <p>11 Q. Uh-huh.</p> <p>12 A. And so I think that is the same thing.</p> <p>13 And based on what you're asking, it's that.</p> <p>14 Q. Yeah.</p> <p>15 A. Sometimes your computer system is not</p> <p>16 going to give you everything that you ask for.</p> <p>17 Q. Yes.</p> <p>18 A. And so it is human frailty and it's</p> <p>19 technological frailty.</p> <p>20 Q. Uh-huh.</p> <p>21 A. I think what you do is you give people</p> <p>22 the benefit of the doubt that they are giving you</p> <p>23 everything that they know, to the best of their</p> <p>24 knowledge and the best of what's pulled down, of</p> <p>25 everything that is related to X that's being asked.</p>

<p style="text-align: right;">Page 85</p> <p>1 Q. Now, if like my -- if I'm working in an 2 office and my computer doesn't work, and I call IT, 3 they come in, and they know a language I don't speak. 4 A. Correct. 5 Q. Right? 6 A. Right. 7 Q. And so would you agree with me that 8 asking an agency -- I'm not faulting your -- you 9 know, the process. I'm just asking so I know sort of 10 where the lines were. 11 There's a difference between IT maybe 12 pulling in all the records, because they know what 13 they're looking at and how to speak that language, 14 and then a person who's doing the tasks of like, you 15 know, numerous people, or like you, turning on a 16 dime -- 17 A. Right. 18 Q. -- to take on massive and very important, 19 you know, things. 20 Did you consider -- my question is, did 21 you consider doing it through the IT, and then just 22 having someone else on that, or not? 23 MR. ROBINSON: Objection to form. 24 BY MS. ROBB: 25 Q. Okay. You can answer.</p>	<p style="text-align: right;">Page 87</p> <p>1 A. Yeah. 2 Q. After finding someone, was that a 3 letdown? 4 A. Yes. 5 Q. Okay. You can be honest. I'm just 6 curious. 7 A. Yeah. 8 Q. Yeah. So what did you do next to find a 9 FOIA officer? 10 A. We had three top candidates. 11 Q. All right. So it was this gentleman, and 12 then who else? 13 A. There was a gentleman from -- I can't 14 remember. 15 Q. That's okay. 16 A. But he also did FOIA. 17 Q. All right. 18 A. And it was just a matter of salary 19 number, so -- 20 Q. Okay. And then who else was in your top 21 three? 22 A. Ms. Clay. 23 Q. Okay. And, obviously, she was hired -- 24 A. Correct. 25 Q. -- at some point.</p>
<p style="text-align: right;">Page 86</p> <p>1 A. I can't say that I thought about it in 2 that way. 3 Q. Okay, all right. Did anybody else 4 suggest it? 5 A. No. 6 Q. Okay. Who was the first person you 7 offered the FOIA officer role to? 8 A. Oh, I can't remember. 9 Q. Was there a gentleman that you offered it 10 to before? 11 A. I did. 12 Q. Okay. And what did he do for a living, 13 or if you remember? 14 A. I think he did FOIA for a living. 15 Q. Okay. 16 A. Yeah. 17 Q. Was he a lawyer? 18 A. I believe so. 19 Q. Okay. What happened there? You don't 20 need to tell me details about his personnel issue. 21 But I understand that a job offer was made, and that 22 he wasn't hired, so -- 23 A. I think he came back and said he was no 24 longer interested in the position. 25 Q. Okay.</p>	<p style="text-align: right;">Page 88</p> <p>1 How long between her interview and her 2 hire, if you remember? 3 A. I don't remember. 4 Q. It's okay. 5 A. Yeah. 6 Q. Was it some months? 7 A. I'm not sure. 8 Q. Okay. 9 A. Yeah. 10 Q. And when you reached out to -- or when 11 you put her in your sort of top three, what stands 12 out in your memory about why she would be in your top 13 three? 14 A. I think it was management. 15 Q. And what do you mean by that? 16 A. Just the fact that she could manage, it 17 seemed, multiple things at one time. 18 Q. Uh-huh. 19 A. The fact that she was used to handling 20 records; right? So those were the things that made 21 it attractive for me. 22 Q. Now, since this was a new position, 23 honestly, a new area for your section, it does sound 24 like it was, you know -- 25 A. Relative; yes.</p>

<p style="text-align: right;">Page 89</p> <p>1 Q. They trusted you with it. And that's an 2 opportunity and wonderful. But by the same token, 3 that is something that then you're responsible for; 4 right? 5 A. Correct. 6 Q. So when she came on, was -- did you two 7 know sort of what the FOIA office was going to be, or 8 were you figuring it out sort of as you went along? 9 A. We were building and flying the plane at 10 the same time. 11 Q. Okay. 12 A. And I was very clear about that. 13 Q. All right. How were you clear? Like 14 what did you say, if you remember? 15 A. This is an opportunity to build, you 16 know, this office -- 17 Q. Yeah. 18 A. -- and what it looks like -- 19 Q. Okay. 20 A. -- to be quite honest. Because I did not 21 know where the city wanted fully to end up. 22 Q. Okay. 23 A. I knew in my head I still wanted office 24 of transparency outside of the communications office. 25 But I also understood that we had FOIA officers who</p>	<p style="text-align: right;">Page 91</p> <p>1 Q. Okay. 2 A. Right? And so needing to get us into the 3 21st century around those things. 4 Q. And do you mean like physically the like 5 information management? 6 A. The information -- 7 Q. Okay. 8 A. -- management of how we are documenting 9 all of the FOIAs; right? 10 So at the time, we really could not go 11 into our system and say, "Oh, this FOIA's been 12 answered two years ago. Here's maybe new information 13 that needs to be added," and send it out. 14 We did not have a place on the internet 15 where we could send people to see all of the FOIAs 16 that had been answered. So for me, I'm not -- I'm 17 looking at the right now. 18 Q. Uh-huh. 19 A. But in my head, I'm thinking about what 20 this can look like, hopefully, a year from now is 21 true transparency; right? 22 Q. Uh-huh. 23 A. We will have a web page where, "Here are 24 all of the thousands of FOIAs that we've answered." 25 And so when someone's calling, we're not having to</p>
<p style="text-align: right;">Page 90</p> <p>1 were overworked, and we needed to get this 2 centralized. 3 Q. When you say FOIA officers who were 4 overworked, do you just mean in each of the agencies? 5 A. Correct; yes. 6 Q. All right. And what had you been hearing 7 from them as a general theme of pluses, minuses, et 8 cetera, of how the city handled FOIA? 9 A. So none of them liked the idea that they 10 were personally responsible based on statutes; right? 11 So -- 12 Q. And what do you -- can you explain that 13 to me? 14 A. You know, "If this isn't handled in a 15 timely fashion, I can be fined \$5,000." Like those 16 things, for anybody, is daunting; right? 17 Q. Very. 18 A. And so you work under this fear space. 19 Q. Uh-huh. 20 A. So that would be one. Two, it was, "I'm 21 on deadline for my boss, and I" -- those things. 22 Q. Uh-huh. 23 A. And understanding I understood that, 24 because that had happened with me. And so, plus, it 25 was old management systems.</p>	<p style="text-align: right;">Page 92</p> <p>1 dig again. 2 Q. Yes. 3 A. Right? We're not having to rely on a new 4 person, who may not have been here when a FOIA was 5 answered. Because then you've got to start over. 6 Q. Uh-huh. 7 A. Oh, no; we can just point you. 8 Q. Yes. 9 A. That was the ultimate goal. 10 Q. That makes sense. 11 A. And, you know, hiring Ms. Clay was the 12 beginning, not the end. We had other steps that we 13 had to get to, including hiring more FOIA officers; 14 right? 15 Q. And when you say that, do you mean for 16 the agencies or for this FOIA office? 17 A. For the FOIA office. 18 Q. Okay. 19 A. Right? Because then you start to take 20 the load off of individuals in those spaces. Because 21 then it's like "whew." 22 Yes; because in my head, it was kind of 23 like how you assign a PIO to a department. Now we 24 can assign a FOIA officer to two departments or 25 whatever.</p>

<p style="text-align: right;">Page 93</p> <p>1 Because you've got some departments that 2 are going to have FOIA like this, all the time. So 3 planning and zoning had FOIA a lot. But they had 4 also -- they were really good. They could answer a 5 FOIA in five minutes, because it was pulling a plan. 6 Q. Uh-huh; well, and their brains work like 7 that. 8 A. Right. And I can't do that, because I 9 have to now send you, and you've got to -- right. 10 But then you've got bigger FOIA requests. 11 Q. Uh-huh. 12 A. Right? I think there was one we were 13 dealing with, with parks and recs, we were having 14 people come in and look at the records in a space in 15 one of our parks buildings. 16 Q. Okay. 17 A. And I can't remember which one it was. 18 But you actually had to have a person sit there with 19 them. So now my parks and recs PIO was scheduling 20 time. 21 But guess what that meant? A whole 22 eight-hour day was shot for her, for doing work. 23 Q. Yeah. 24 A. Because she had to do that. 25 Q. Makes sense.</p>	<p style="text-align: right;">Page 95</p> <p>1 A. Right? Because what we wanted with GovQA 2 was internally for us to be able to see who had 3 worked on what, who was still working on something -- 4 Q. Yes. 5 A. -- what that invoice looked like, had it 6 been paid. 7 Because there were a lot of things that 8 we were trying to get a handle on. 9 Q. Okay. 10 A. Right? Management-wise. And then the 11 goal was similar to that. Maybe not who requested 12 and all of that, but, "Here's the FOIA. Here's what 13 was asked, and here are the records for it." 14 Q. I understand. 15 A. That's what it was for. 16 Q. Yeah. 17 A. You know, at the end of the day, if we 18 say we want transparency, then we also have to offer 19 transparency. And I think that's really why 20 leadership wanted a FOIA, the centralized FOIA. 21 And I think that's why we were really 22 talking through how do we get it up-to-date, and then 23 what do the next iterations of this look like. We 24 understood, again, this was the beginning, not the 25 end, but we had to start somewhere.</p>
<p style="text-align: right;">Page 94</p> <p>1 A. And so it's making -- trying to get that 2 office stood up -- 3 Q. Yes. 4 A. -- and, truly, probably outside of comms 5 as soon as possible. 6 Q. So I don't remember when it was, but I 7 just by happenstance went on the Richmond, 8 California, like website once, just it -- clicked on 9 it. 10 A. Right. 11 Q. And they have a -- and this in no way is 12 exactly what it was. I'm just going to ask you a 13 question about generally where you wanted this to go. 14 And on there, there is -- everybody has their own 15 portal. 16 A. Uh-huh. 17 Q. And you can see which FOIAs you've 18 already done -- 19 A. Uh-huh. 20 Q. -- or any resident has already done. And 21 you can see the records at the same time. 22 Is that conceptually sort of where you 23 saw it going for that true transparency? 24 A. A little bit like that. 25 Q. Okay.</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Okay. 2 A. Yeah. 3 Q. That makes sense. We've been going for a 4 little bit. Why don't we take a five-minute break, 5 if that's okay with you all. And then we'll -- 6 A. Okay. 7 THE VIDEOGRAPHER: Off the video record. 8 The time is 10:51 a.m. 9 / 10 (Brief recess.) 11 / 12 THE VIDEOGRAPHER: Back on the video 13 record. The time is 11:10 a.m. 14 BY MS. ROEB: 15 Q. Okay. We're back. 16 A. Okay. 17 Q. One of the things that we didn't go over 18 earlier is if you need a break at any time, please 19 feel free to let me know. 20 A. Okay. 21 Q. All I ask is that if I have asked a 22 question and it's proverbially on the table, that you 23 answer it. And then we can stop at any time you need 24 to; okay? 25 A. Okay. Thank you.</p>

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1	Q. Of course.	1	A. -- and whatever the divisions were.
2	All right. A couple things I would like	2	Q. Uh-huh.
3	to go back over that we sort of touched on before,	3	A. And then as the department, we had
4	and then we'll dive into having a FOIA officer --	4	divisions of health; right?
5	A. Okay.	5	Q. Okay.
6	Q. -- in the City of Richmond.	6	A. And all of them had people who were doing
7	In your past jobs -- and I need to find	7	communications in different things. But it was very,
8	Exhibit 1.	8	again, wonky.
9	A. Oh, this.	9	And so the purpose for creating the
10	Q. Yes.	10	center for public affairs was to centralize. So the
11	A. Uh-huh.	11	secretary of health had been trying to do that reorg
12	Q. I want to go through and just -- if you	12	for four years. I did it in six months.
13	could just tell me as we go through how many people,	13	Q. Excellent.
14	if you remember, reported to you in each role. And	14	A. It was hard. Because, of course, people
15	if you don't remember, it was too far, you know,	15	don't want to leave where they are to come into
16	before, you can say so.	16	something centralized. But we were able to make that
17	A. Uh-huh.	17	happen there.
18	Q. So we don't need to start with -- some of	18	Q. Now, with that, were the people who came
19	these are more antiquated than others --	19	under you leaders in their own right, such that
20	A. Okay.	20	people reported to them?
21	Q. -- in terms of the relevance here.	21	A. Yes.
22	Why don't we start with your -- when you	22	Q. Okay.
23	came home to Miami Gardens. When you were in	23	A. Yes.
24	Florida, how many people reported to you?	24	Q. And I'm just asking generally, so you
25	A. So you want me just to work up from City	25	know.
Page 98		Page 100	
1	of Fort Lauderdale? Will that make it easy?	1	A. Uh-huh; right.
2	Q. Whatever is easiest for you. I just want	2	Q. Okay. And then when you went to
3	to get an overall picture.	3	Sacramento, you said there wasn't anyone who --
4	A. Okay.	4	A. Right.
5	Q. I meant to ask you earlier, and I didn't.	5	Q. -- reported directly to you.
6	A. No worries. So in the City of Fort	6	What about when you went back to Miami
7	Lauderdale, zero.	7	Gardens?
8	Q. Okay.	8	A. It was probably about five to six
9	A. In Miami Gardens, I think it was about	9	people --
10	five-ish.	10	Q. Okay.
11	Q. Okay.	11	A. -- in that space.
12	A. Washington State, I went from 44 reports	12	Q. Okay.
13	to 141.	13	A. And the same for the City of Augusta.
14	Q. Oh, my goodness.	14	Q. All right. And then when you -- we
15	A. In greater Sacramento, nobody had reports	15	talked about when you first came to Richmond you had
16	except for the VP and president.	16	some people who you inherited.
17	Q. Okay. Well, can I ask you a question	17	A. Yes, uh-huh.
18	about the Washington?	18	Q. And then how many people ultimately did
19	A. Uh-huh.	19	you have under you or reporting directly to you? I
20	Q. How did you go from 44 to 141?	20	know there were more people who asked for your input
21	A. Centralization. So we did a reorg.	21	or needed you, but --
22	Q. Okay.	22	A. Right, right. I'm trying to think,
23	A. And so I had five direct. Each one of	23	because-
24	them held a certain -- we had legal, we had tribal --	24	Q. You can ballpark. I'm not going to --
25	Q. Yeah.	25	A. Maybe about ten-ish or so, maybe a

<p>Page 101</p> <p>1 little -- yeah.</p> <p>2 Q. Okay; thanks. I needed to get that on</p> <p>3 the record.</p> <p>4 All right. So when you hired Ms. Clay,</p> <p>5 was there a panel interview or was it just you?</p> <p>6 A. It was just me.</p> <p>7 Q. Okay. And what was that interview --</p> <p>8 walk me through that interview. Where was it? When</p> <p>9 was it? That --</p> <p>10 A. I think it was virtual.</p> <p>11 Q. Okay.</p> <p>12 A. I was at a conference.</p> <p>13 Q. Okay.</p> <p>14 A. And my directive at the time to my office</p> <p>15 manager was, "I don't care where I am."</p> <p>16 Q. All right.</p> <p>17 A. "Please get these interviews scheduled."</p> <p>18 Q. That's how important --</p> <p>19 A. That's how important it was.</p> <p>20 Q. Okay.</p> <p>21 A. And I knew going into those interviews we</p> <p>22 would be selecting someone from that.</p> <p>23 Q. Now, in those jobs that we went through,</p> <p>24 and I'm not going to make us go through each one, had</p> <p>25 you dealt with FOIA in some capacity, or whatever it</p>	<p>Page 103</p> <p>1 And really, for me, it wasn't so much for</p> <p>2 me to actually respond to the request. It was for me</p> <p>3 to be understanding that the media's asking this.</p> <p>4 And so in my capacity, I need to also be able to</p> <p>5 apprise the city manager and the mayor of said</p> <p>6 request. I didn't deal with it at all at the state</p> <p>7 level.</p> <p>8 Q. Okay. Well, and it's not just media who</p> <p>9 asks; right?</p> <p>10 A. Right.</p> <p>11 Q. Yeah.</p> <p>12 A. But, I mean, but that was sort of when I</p> <p>13 was -- because I was always comms.</p> <p>14 Q. Uh-huh.</p> <p>15 A. So I -- you know, if it wasn't media-</p> <p>16 related, I probably did not see it at that point.</p> <p>17 And then, of course, in Augusta, because</p> <p>18 there were some that were directly coming to the</p> <p>19 mayor's office, I saw all of those. But because we</p> <p>20 had a procedure, we just followed that procedure.</p> <p>21 And then the FOIA -- I guess I'd call her</p> <p>22 quasi-FOIA officer for the City of Augusta --</p> <p>23 Q. Okay.</p> <p>24 A. -- sort of walked me through what we were</p> <p>25 supposed to do, how we were supposed to do it. And</p>
<p>Page 102</p> <p>1 was called in the different states, either under you</p> <p>2 just generally you had to respond to them?</p> <p>3 A. I would say generally we had to respond.</p> <p>4 I think the only place where maybe direct involvement</p> <p>5 came was in the City of Miami Gardens.</p> <p>6 Q. Okay.</p> <p>7 A. Yeah.</p> <p>8 Q. So how did you train on that generally,</p> <p>9 either -- you can pick how to answer -- each place</p> <p>10 had a different training to make sure that you were</p> <p>11 apprised of all the responsibilities, or just usually</p> <p>12 government employers do this?</p> <p>13 A. To be quite honest, I don't even</p> <p>14 remember, like --</p> <p>15 Q. Okay.</p> <p>16 A. -- the City of Fort Lauderdale, I have no</p> <p>17 -- I don't remember.</p> <p>18 Q. That's fine.</p> <p>19 A. I sat with the clerk --</p> <p>20 Q. Okay.</p> <p>21 A. -- in Miami Gardens. And that happened</p> <p>22 because a request came in, and I was like, "What is</p> <p>23 this? And how do you -- like what are we doing?"</p> <p>24 And so then they sort of walked me through sort of</p> <p>25 the relation of it.</p>	<p>Page 104</p> <p>1 we followed that directive.</p> <p>2 Q. Okay. Now, with media, I am sure --</p> <p>3 well, you can tell me if I should be sure about that.</p> <p>4 A. Uh-huh.</p> <p>5 Q. Sometimes the things they're asking are</p> <p>6 like -- you want to question why they're asking for</p> <p>7 that, and sometimes you might know why they're ask --</p> <p>8 you know, generally why they're asking for it.</p> <p>9 Does it matter in how you respond?</p> <p>10 A. That's a good question. I think it does</p> <p>11 matter how we respond.</p> <p>12 Q. Okay.</p> <p>13 A. And what I mean by that is not the FOIA</p> <p>14 request itself. It's the information that goes</p> <p>15 around and hugs that information.</p> <p>16 Q. Okay.</p> <p>17 A. Right?</p> <p>18 Q. Yes.</p> <p>19 A. So in my head, when a FOIA comes in from</p> <p>20 a media person, it's, "Okay. We can just give you</p> <p>21 this. But you may not understand how we got to</p> <p>22 whatever this is without these other steps in here."</p> <p>23 Q. Yes.</p> <p>24 A. And so I like to give that department, or</p> <p>25 at least the director, an opportunity to say,</p>

<p style="text-align: right;">Page 105</p> <p>1 Petula, hey, here's the full picture that they need</p> <p>2 to understand this FOIA request."</p> <p>3 Q. So context matters?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 A. Always, I think.</p> <p>7 Q. Yes. So in that way, is it sometimes</p> <p>8 necessary or, you know, really important to make sure</p> <p>9 you really understand what's being asked, even if the</p> <p>10 words that are being used only give you a piece of</p> <p>11 that picture?</p> <p>12 A. Well, yeah.</p> <p>13 Q. Yes.</p> <p>14 A. But I would say it's important for any</p> <p>15 FOIA request for you to understand --</p> <p>16 Q. Yes.</p> <p>17 A. -- what the requester is really asking.</p> <p>18 You know, understanding what their scope is is going</p> <p>19 to be important for you to actually fulfill the</p> <p>20 request in the first place.</p> <p>21 Q. Makes sense. Now, when you interviewed</p> <p>22 with Ms. Clay, how long was your interview? I know</p> <p>23 we kind of wrapped around back to that. If you</p> <p>24 remember, or you can ballpark.</p> <p>25 A. Probably 45 minutes or so, maybe longer,</p>	<p style="text-align: right;">Page 107</p> <p>1 want through HR.</p> <p>2 Q. Okay.</p> <p>3 A. Because that's really how that goes.</p> <p>4 Q. Uh-huh.</p> <p>5 A. I let HR know this is the person, this</p> <p>6 is, you know, where we're looking at, X, Y, and Z.</p> <p>7 And they do all of the official -- very much like</p> <p>8 they did me; right?</p> <p>9 Q. Yeah.</p> <p>10 A. So that's how that would happen.</p> <p>11 Q. Okay. And when did she come to start?</p> <p>12 A. I want to say end of July, first of</p> <p>13 August. The dates are a little wonky there for me.</p> <p>14 I'm not --</p> <p>15 Q. Which year are we in, again?</p> <p>16 A. '23.</p> <p>17 Q. Yes; that has to be right.</p> <p>18 A. Okay.</p> <p>19 Q. Thank you. Okay. So she comes on summer</p> <p>20 of 2023, thereabouts.</p> <p>21 A. Uh-huh.</p> <p>22 Q. How do you bring someone on for a job</p> <p>23 like this?</p> <p>24 A. So we started with meetings with the</p> <p>25 individual department heads.</p>
<p style="text-align: right;">Page 106</p> <p>1 maybe an hour. I don't remember.</p> <p>2 Q. Uh-huh.</p> <p>3 A. But enough to get a feel, I think.</p> <p>4 Q. Did you like her at the time you</p> <p>5 interviewed her?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay. And did she express interest in</p> <p>8 wanting the job?</p> <p>9 A. She did.</p> <p>10 Q. Okay. And the reason I ask that is</p> <p>11 sometimes people are interviewing for jobs just</p> <p>12 because they're looking for a job.</p> <p>13 A. Right.</p> <p>14 Q. And sometimes people are interviewing for</p> <p>15 a specific job.</p> <p>16 A. Right.</p> <p>17 Q. And which would you say Ms. Clay was,</p> <p>18 from your perspective?</p> <p>19 A. It felt like she was interviewing for</p> <p>20 this position.</p> <p>21 Q. Okay. Now, when you offered her the</p> <p>22 position, how did you offer it? Was it HR? Was it</p> <p>23 you? Was it -- just the nuts and bolts, if you</p> <p>24 remember. If you don't, that's okay.</p> <p>25 A. I don't remember. I know it definitely</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Okay. Were you in them?</p> <p>2 A. Most of them.</p> <p>3 Q. Okay.</p> <p>4 A. There were times where I couldn't be,</p> <p>5 unfortunately. But I -- if it was by Zoom, I would</p> <p>6 jump on, "Hey, thank you. I can't stay."</p> <p>7 Q. Okay.</p> <p>8 A. "But this is our person. I'm very happy</p> <p>9 that she's here." I was very clear for people to</p> <p>10 understand that we were happy to have her on board,</p> <p>11 and that we needed you all to work with.</p> <p>12 And, you know, prior to this, this had</p> <p>13 been conversation at the leadership level, that this</p> <p>14 was something that was going to happen. So people</p> <p>15 were aware that it was happening long before it</p> <p>16 actually materialized, so to speak.</p> <p>17 Q. Like your job.</p> <p>18 A. Correct.</p> <p>19 Q. Okay. Did Ms. Clay receive a written job</p> <p>20 description when she came on board?</p> <p>21 A. No; but the job description was what she</p> <p>22 applied to.</p> <p>23 Q. Okay. So the position posting --</p> <p>24 A. Is the job description.</p> <p>25 Q. Okay. And was that meant to be one and</p>

<p>Page 109</p> <p>1 the same, or it just sort of happened?</p> <p>2 A. They're just one and the same.</p> <p>3 Q. Okay. Now, what did you all discuss</p> <p>4 about performance metrics, since this is a new</p> <p>5 position?</p> <p>6 A. Uh-huh. We -- I'm not sure that we</p> <p>7 actually had an official conversation --</p> <p>8 Q. Okay.</p> <p>9 A. -- around performance metrics. But it</p> <p>10 was really, "Listen, we've got to do, as a city,</p> <p>11 better of getting FOIAs out the door. Outside of we</p> <p>12 need, you know, this platform stood up, because we</p> <p>13 don't have one."</p> <p>14 And some of this was also discussed in</p> <p>15 the interview process.</p> <p>16 Q. Okay.</p> <p>17 A. I think I was very clear and honest about</p> <p>18 the fact that we had a dilapidated system.</p> <p>19 Q. Uh-huh.</p> <p>20 A. And that we were looking at doing a new</p> <p>21 system. And whoever the FOIA officer was, was going</p> <p>22 to be able to, you know, decide whatever other pieces</p> <p>23 of that system, and we'd move forward with that,</p> <p>24 so --</p> <p>25 Q. Now, when you say "dilapidated system,"</p>	<p>Page 111</p> <p>1 Q. Yeah.</p> <p>2 A. But that is why we were doing the</p> <p>3 research on GovQA, so that we could get us back into</p> <p>4 -- not even back into, but into the 21st century.</p> <p>5 And so, you know, Megan and I,</p> <p>6 specifically Megan, a lot of work around what other</p> <p>7 municipalities/localities were doing and using it</p> <p>8 for, and the -- sort of the ease of use for it,</p> <p>9 because it could talk to the back end of CivicPlus.</p> <p>10 Q. Now, what was the best place, in your</p> <p>11 opinion, in terms of where you wanted this to go for</p> <p>12 the City of Richmond, was the best locality, where</p> <p>13 you were like, "That's -- they've got it down?"</p> <p>14 Nowhere's perfect, mind you.</p> <p>15 A. Yeah. I don't know that any locality has</p> <p>16 it down; right?</p> <p>17 Q. Okay.</p> <p>18 A. You know, I think, again -- you know,</p> <p>19 maybe it's the Georgia in me. But I really thought</p> <p>20 it was really interesting and telling when Atlanta</p> <p>21 said "We are going to start the office of</p> <p>22 transparency." And it was really to deal with open</p> <p>23 records requests.</p> <p>24 Q. Okay. Did you ever suggest the word,</p> <p>25 like office of transparency --</p>
<p>Page 110</p> <p>1 do you mean the IT infrastructure you were working</p> <p>2 with, the way the city had been handling responding</p> <p>3 to FOIAs, or sort of a hybrid thereof?</p> <p>4 A. Well, when I say "system," really sort of</p> <p>5 how we were recording -- how everybody was sort of</p> <p>6 supposed to be going into whatever the system was;</p> <p>7 right?</p> <p>8 Q. Yes.</p> <p>9 A. To say, "Petula Burks on this day</p> <p>10 received this FOIA request. And this is" -- and all</p> <p>11 of the -- it was not user-friendly at this point.</p> <p>12 Q. Was there one?</p> <p>13 A. Yeah.</p> <p>14 Q. Was there a different one for each</p> <p>15 agency, or do you know? It's okay if you don't.</p> <p>16 A. I would say that probably people all had</p> <p>17 a different way --</p> <p>18 Q. Okay.</p> <p>19 A. -- of documenting. But not everybody was</p> <p>20 using the one sort of warehoused system, because of</p> <p>21 its own sort of -- this word is just going to be</p> <p>22 throughout -- wonkiness of the system itself; right?</p> <p>23 Q. I'm not taking issue with the word. Like</p> <p>24 I think, you know, it captures --</p> <p>25 A. It's just what it is.</p>	<p>Page 112</p> <p>1 A. I did.</p> <p>2 Q. -- or transparency? Okay. You -- I was</p> <p>3 still talking when you --</p> <p>4 A. Sorry. I apologize.</p> <p>5 Q. No; you can have the floor.</p> <p>6 A. Yeah; I did. Yes.</p> <p>7 Q. Okay. To whom did you suggest that?</p> <p>8 A. When this was first broached to me upon</p> <p>9 my arrival in the city, it was to my direct</p> <p>10 supervisor, so Lincoln.</p> <p>11 Q. Okay.</p> <p>12 A. And I believe there were some other DCAs</p> <p>13 in the room around it.</p> <p>14 Q. Do you remember who?</p> <p>15 A. I do not.</p> <p>16 Q. Okay.</p> <p>17 A. Yeah.</p> <p>18 Q. And what did you say, if you remember?</p> <p>19 A. Just that.</p> <p>20 Q. Okay.</p> <p>21 A. Like, "I think this is a great model for</p> <p>22 us." You know, because we're having conversations</p> <p>23 around transparency. They have actually spoken to</p> <p>24 it.</p> <p>25 But the consternation from some of the</p>

Page 113	Page 115
<p>1 DCOs was, "But then we're saying we're not 2 transparent." No. We're actually saying we hear our 3 residents; right? 4 But at the end of the day, baby steps. 5 So however we get to the end result, we've got to 6 take the first step. 7 Q. Okay. 8 A. So this was the first step. And what I 9 know, you know, to be a fact, because it's still 10 talked about, right, is what is the final iteration 11 of what this looks like. 12 And so I think no one ever thought that 13 you started where you were going to end. You just 14 had to sort of rip the Band-Aid at some point. 15 Q. Uh-huh. While you were at the City of 16 Richmond, did you see progress in transparency, 17 frustration in transparency, or it just sort of -- it 18 stayed the same? It got worse? How -- what did you 19 see while you were there? What is your opinion? 20 A. I think it was -- there was the 21 frustration of the -- believing that we were being 22 transparent; right? And I think, also, everybody's 23 definition of the word is different. 24 Q. That makes sense. 25 A. Right?</p>	<p>1 Q. Yes. 2 A. So it's that. And I think -- 3 Q. Not using shock for shock's sake. 4 A. Correct. 5 Q. Okay. 6 A. Right? And I came to that after working 7 for Lake Lanier Islands Resort -- 8 Q. Okay. 9 A. -- as an intern in college. And we would 10 have drownings of children on the lake. The first 11 thing that people are trying to do is get a shot. 12 No; so you learn the boundary of that. 13 Q. Okay. 14 A. Right? And so you use that sort of as 15 your measuring stick of that word for me. 16 Q. Yeah. 17 A. Okay. 18 Q. That resonates with me. I was a 19 prosecutor in a former life and, yeah, I get it. 20 A. It's harrowing. And you don't sign up 21 for that, either. Let's just be clear. So -- 22 Q. Yeah; it can't be taught. 23 A. Yeah. 24 Q. I have, I believe, a document, if I can 25 find it in all these folders. Let's see. Give me</p>
Page 114	Page 116
<p>1 Q. What is the definition of the word for 2 you? 3 A. Being as, you know, open and honest as 4 possible, and not to the detriment of people; right? 5 Q. Okay. Now, is that the word -- or is 6 that the definition for you personally, or a 7 government agency that you would work for, or are 8 those things synonymous? 9 A. They're probably synonymous. 10 Q. Okay. 11 A. Right? Yeah; because there are some 12 things -- because I've done police, and so I'll use 13 that. 14 Q. Yes. 15 A. There are things that I think people 16 should never see. And what I mean by that is when 17 you go to a scene and you're looking at a dead body. 18 I am not sure that that is something that needs to be 19 released to the general public; right? 20 Because -- so in that, I think you can 21 report it and discuss what it is. That's being 22 transparent. "This is what happened. You've got X, 23 Y, and Z." 24 But I'm not showing the body laying under 25 a yellow -- you know what I mean?</p>	<p>1 just a sec. 2 A. Un-huh. 3 (Discussion off the record.) 4 MS. ROBB: Thank you. If you would -- 5 are willing to look for that while I ask a few 6 more questions, that would be excellent. 7 BY MS. ROBB: 8 Q. So like you just said that transparency 9 might not mean the same thing to everybody -- 10 A. Right. 11 Q. Makes sense. How -- since FOIA was under 12 you, and then under Connie under you, how did you 13 make sure, if you could, that everyone in the City of 14 Richmond in -- 15 How many different departments are there? 16 A. Too many to name. I don't know. 17 Q. Okay; yes. 18 A. I'm sorry. 19 Q. How did you make sure that, at least for 20 the City of Richmond, the definition of what we do 21 for FOIA, or what is transparent for the City of 22 Richmond was across-the-board or consistent? 23 A. Well, I think, you know -- and with 24 Ms. Clay coming in, it helped a lot; right? 25 Q. Right.</p>

<p style="text-align: right;">Page 117</p> <p>1 A. I do not know the percentage of like 2 FOIAs that were being answered even before I got 3 there.</p> <p>4 Q. Okay.</p> <p>5 A. I couldn't speak to any of that; right?</p> <p>6 Q. Uh-huh.</p> <p>7 A. I do know that some departments did it 8 better than others. Let's just be fair.</p> <p>9 Q. Uh-huh.</p> <p>10 A. Right? I do believe that, you know, 11 because we had a person who was looking at it 12 daily --</p> <p>13 Q. Uh-huh.</p> <p>14 A. -- allowed for information to flow out 15 faster, maybe. I won't say easier, but definitely 16 faster.</p> <p>17 But, again, it's nuances. You know, and 18 what I mean by that -- here's an example. There is a 19 police -- and my brain's going to always go to 20 police --</p> <p>21 Q. That's okay.</p> <p>22 A. -- because that's just -- sorry, sorry.</p> <p>23 Q. I'm all right with that.</p> <p>24 A. There's a police investigation.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 119</p> <p>1 I'm looking at it going, "Oh, wait. You can't 2 release that yet," because it's over here, so this 3 falls --</p> <p>4 So you have to say, "Oh, I'm aware that 5 you've requested the police investigation, because 6 it's open and ongoing. I can't release X until this 7 is done"; right?</p> <p>8 Q. Okay.</p> <p>9 A. So transparency is we're going to release 10 it when we can.</p> <p>11 Q. Uh-huh.</p> <p>12 A. Outside of that, if there's nothing that 13 prohibits us from releasing it, we're going to 14 release it.</p> <p>15 Q. Now, with so many different departments, 16 and having a new person come in, in charge of that, 17 how would you say you got to that point where you 18 could see everything, when before they were all kind 19 of doing it themselves?</p> <p>20 A. So I will tell you, you still don't see 21 everything.</p> <p>22 Q. Okay.</p> <p>23 A. Let me just be clear.</p> <p>24 Q. All right.</p> <p>25 A. But specifically when it was media,</p>
<p style="text-align: right;">Page 118</p> <p>1 A. There is also -- a part of that police 2 investigation may be a 911 call or something. So 3 when said person asks something of the police 4 investigation, police says, "We cannot, because of 5 it's still an open and ongoing investigation."</p> <p>6 Q. Okay.</p> <p>7 A. So to circumvent that, I'm going to go 8 over here and try to get the 911.</p> <p>9 Q. Okay.</p> <p>10 A. What is interesting about that -- and 11 having sort of that in-house, it allowed us to see, 12 "Oh, wait. You're trying to circumvent this process. 13 You can't get it here, so you're going to try to get 14 it here, knowing that this over here is a part of 15 this."</p> <p>16 And oftentimes the person who was doing 911 17 prior to Connie coming may or may not go and say, 18 "Hey, this is an open investigation in police," and 19 may release something that should not have been 20 released; right?</p> <p>21 Q. So how did you make sure the left hand 22 and the right hand were talking in that way?</p> <p>23 A. We were able to see it, all of a sudden.</p> <p>24 Q. Okay.</p> <p>25 A. Because now it's housed in a place where</p>	<p style="text-align: right;">Page 120</p> <p>1 right, I saw that, because it popped, boom, you know.</p> <p>2 Q. And by -- how did it get to your eyes 3 then like that?</p> <p>4 A. Because usually the media FOIA came to 5 me.</p> <p>6 Q. Okay.</p> <p>7 A. Right? And so then it was me sort of 8 saying, "Hey, I need this information from you."</p> <p>9 Now, police investigations, only because 10 it was a media request did I know. I didn't -- half 11 the time, I didn't know what police was doing, which 12 was great.</p> <p>13 Q. Uh-huh.</p> <p>14 A. The same with fire, a little bit.</p> <p>15 Q. Okay.</p> <p>16 A. But at the end of the day, if it came in 17 from a media, I would also say, "Hey, you're trying 18 to circumvent the process. You know that that's a 19 part of, you know, X, Y, and Z. But you're going to 20 get it when you're done."</p> <p>21 And police was very good about releasing 22 the information after the investigation was done.</p> <p>23 Q. Okay.</p> <p>24 A. So yeah.</p> <p>25 Q. So for Connie coming in -- you have a</p>

<p style="text-align: right;">Page 121</p> <p>1 background where you know how the different pieces 2 fit together. And by that, I mean, you know, police 3 is a whole thing.</p> <p>4 A. That's a whole body of itself; yeah.</p> <p>5 Q. Exactly. But then 911 is its own -- 6 there are a number of different emergency side --</p> <p>7 A. Yes.</p> <p>8 Q. -- entities of the city, obviously. 9 How did you make sure that, for all the 10 departments over which Connie was going to be in 11 charge of the FOIAs, that there was that sort of 12 checks and balances?</p> <p>13 Is there something you did to make sure 14 that happened, or was that --</p> <p>15 A. No. Because, again, we're building and 16 flying the plane --</p> <p>17 Q. Yes.</p> <p>18 A. -- at one time.</p> <p>19 Q. Uh-huh; that makes sense.</p> <p>20 A. And so we're trying to build in what that 21 would look like,</p> <p>22 Q. Yes.</p> <p>23 A. Because we did not know. Because this is 24 the first time that we've had a person, you know.</p> <p>25 Q. Uh-huh.</p>	<p style="text-align: right;">Page 123</p> <p>1 A. Right?</p> <p>2 Q. So is that -- that's how it was set up, 3 was that they --</p> <p>4 A. Yeah.</p> <p>5 Q. Now, my question is, how did you know -- 6 I guess it's a wonky question.</p> <p>7 A. Uh-huh.</p> <p>8 Q. How do you know the FOIAs that you don't 9 know? Because anyone can receive a FOIA; right?</p> <p>10 A. Right.</p> <p>11 Q. In the City of Richmond.</p> <p>12 A. I mean, we got one -- it was an odd FOIA, 13 the way it came in.</p> <p>14 Q. Okay.</p> <p>15 A. And we finally got an email about it. 16 But I want to say the person maybe spoke to someone 17 downstairs at the -- it was almost like, "I'm going 18 to write it on my napkin and give it to you," but it 19 was less formal than that.</p> <p>20 Q. Uh-huh.</p> <p>21 A. And it somehow got to 311.</p> <p>22 Q. Can you put that on -- what 311 is, for 23 the record?</p> <p>24 A. Yeah; so -- sorry. So it is --</p> <p>25 Q. No, no; you don't have to apologize.</p>
<p style="text-align: right;">Page 122</p> <p>1 A. And even though I was kind of holding in 2 a space, this was the first time that we had a person 3 in this spot.</p> <p>4 Q. Yes.</p> <p>5 A. And so really looking to their leadership 6 in that space of, "How does this -- how do we want 7 this to work?"</p> <p>8 Q. Uh-huh.</p> <p>9 A. Because it's a huge book of business that 10 other people had been holding onto pieces of, right, 11 around the city. And then all of a sudden, they get 12 to give up that.</p> <p>13 And it was almost like, "Oh, she's here? 14 Here you go."</p> <p>15 Q. Okay.</p> <p>16 A. Like literally, you know. And so we 17 didn't want that to happen, either. So it was also 18 pulling it back a little bit to say, "No, no, no. 19 You still have to own some of the work. You just 20 don't have to own all of the work; right? And she's 21 here for these things."</p> <p>22 Q. Okay.</p> <p>23 A. "But you still are responsible for 24 gathering the information and getting it to her."</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 124</p> <p>1 A. It is the -- sort of the call center 2 where residents can call in with their complaints or 3 concerns around, you know, "My trash isn't picked up. 4 The leaves are too high. Can someone cut a limb?", 5 all of those things; right?</p> <p>6 Q. An endless list of things.</p> <p>7 A. Correct. And so I don't know how long 8 this particular I'm just going to say conversation 9 had lingered.</p> <p>10 Q. Sure.</p> <p>11 A. By the time that it got to me and to 12 Ms. Clay, we still had to investigate like who is the 13 person, how did it come, is there -- like -- 14 literally, like what's the contact information, does 15 any --</p> <p>16 And so it was sort of this mass email 17 that I put, "Hey, got this information. Not sure who 18 it belongs to."</p> <p>19 And I remember when Peter Brail called 20 and said, "Oh, I think I know who you're talking 21 about." Had some conversations, and then we passed 22 it over --</p> <p>23 Q. Okay.</p> <p>24 A. -- to Ms. Clay to handle.</p> <p>25 Q. Uh-huh.</p>

<p style="text-align: right;">Page 125</p> <p>1 A. But it came back to, you know, was 2 this -- I think it was a tree, was it on the person's 3 property or on the city's property, and who was 4 responsible for X. 5 And then trying to find services for the 6 person, because the city was not responsible. 7 Q. Okay. So you were playing detective. 8 A. Yes. 9 Q. Is that -- yeah. 10 A. So you get those that come in, as well, 11 on top of the ones that people know exactly how to 12 request it; right? 13 Q. Okay. 14 A. So yeah. 15 Q. That makes sense. Now, did you or 16 Ms. Clay -- and I might use "Connie" and "Ms. Clay" 17 interchangeably -- attend a training, or is there a 18 training for FOIA for everybody in the city? 19 A. So the FOIA training for the folks in 20 the city, it's twofold; right? 21 Q. Okay. 22 A. You can do it through the FOIA Council, 23 which is what Ms. Clay did. 24 Q. Okay. 25 A. And then the city attorney's office</p>	<p style="text-align: right;">Page 127</p> <p>1 A. You know, and I technically would not 2 know what departments were backlogged. 3 Q. Okay. 4 A. Because they're handling their own FOIAs 5 still; right? 6 Q. Okay. 7 A. I know that, for me, did I have some? 8 One or two, admittedly, you know; yes. And for 9 various reasons 10 Q. Now, did you -- because that five days is 11 pretty onerous, did you make it a practice to ask for 12 an extension or claim -- I don't remember how the 13 phrasing is of that. 14 MR. ROBINSON: Objection to form. 15 BY MS. ROBB: 16 Q. Okay; yeah. Go ahead. 17 A. So what I learned just in my time of 18 trying to handle, is if I go directly especially to a 19 director and say, "Hey, I've gotten this FOIA," I may 20 not hear from them for a couple days. 21 Q. Okay. 22 A. So now I'm at day three of I've got to 23 respond to this. 24 Q. Okay. 25 A. Reach back out, "Hey, I need to respond</p>
<p style="text-align: right;">Page 126</p> <p>1 offers FOIA training -- oh, sorry -- at least once a 2 year. 3 Q. Okay. Is it mandatory? 4 A. Yes. For people that are doing FOIA; 5 yes. 6 Q. Is it fair to say everyone could be doing 7 FOIA at the City of Richmond a little bit? 8 A. Yes. 9 Q. Okay. 10 A. But for those FOIA liaisons -- 11 Q. I see. 12 A. -- that's what you -- 13 Q. Okay. 14 A. Yes. 15 Q. And you're saying should -- like should 16 everyone attend some basic level? 17 A. Yes. 18 Q. All right. Now, how did you deal with 19 the fast pace of the return of a FOIA? Because it's 20 how many days? 21 A. Five. 22 Q. And figuring out which FOIAs were still 23 -- was there a backlog? 24 A. Of some, probably. 25 Q. Okay, okay.</p>	<p style="text-align: right;">Page 128</p> <p>1 to this." And the response may be, "Oh, well, we may 2 have some records." 3 "Okay. Can you tell me how long" -- 4 "Not sure." So at that moment I realize 5 I'm not going to hit the deadline. 6 Q. Okay. 7 A. So, you know, I'm going to reach out and 8 say, "Hey, listen, I need an extension because I'm 9 just sort of now getting information around that we 10 may have the record"; right? 11 Q. We can call it the detective phase. 12 A. Yeah. 13 Q. Yes; okay. 14 A. But the other thing is you don't know 15 sometimes -- and when you're new like I was, I was 16 trying to learn everybody. So it was who the heck am 17 I. So I'm always going to directors and deputies. 18 Q. Okay. 19 A. A lot of times, your deputies are helping 20 to handle, and they ferret it out to people. 21 Q. Okay. 22 A. And so depending on the magnitude, I 23 think, of a request -- 24 Q. Uh-huh. 25 A. -- you know this is going to take a</p>

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<p>1 little bit of time.</p> <p>2 Q. Uh-huh.</p> <p>3 A. You know the department. So if it's</p> <p>4 finance, I can tell you it's going to take a little</p> <p>5 bit of time, just based on practice after a while.</p> <p>6 Q. Uh-huh.</p> <p>7 A. It was never the five working days hardly</p> <p>8 with them, unless it was just something that didn't</p> <p>9 need redaction.</p> <p>10 Q. Uh-huh.</p> <p>11 A. And so you try to make that five days.</p> <p>12 And if you can't, you're going to ask for the</p> <p>13 extension.</p> <p>14 Q. So in some respects, you both were at the</p> <p>15 behest of the leaders of their own worlds.</p> <p>16 A. Well, yeah.</p> <p>17 Q. Uh-huh.</p> <p>18 A. And just like you heard how sort of crazy</p> <p>19 my days were, a lot of people's days were like that;</p> <p>20 right? If we've got flooding, if a tree fall -- I</p> <p>21 mean, you name it, the person's out sick, person's on</p> <p>22 vacation.</p> <p>23 I mean, you're dealing with all of the</p> <p>24 human aspects of life on top of the work itself, too.</p> <p>25 Q. Did any communication go out to everyone,</p>	<p>1 Q. Okay.</p> <p>2 A. And reiterating to directors in</p> <p>3 particular. And then when we would have our DCAO --</p> <p>4 sort of our -- we had a noon meeting with the higher</p> <p>5 -- highest of leadership; right?</p> <p>6 Q. Okay.</p> <p>7 A. So it was, "Hey, listen, this is what I</p> <p>8 need you to sort of make sure your directors know."</p> <p>9 Q. Okay.</p> <p>10 A. Because sometimes it's different, because</p> <p>11 your directors look at me as their equal.</p> <p>12 Q. Okay.</p> <p>13 A. But when their leader tells them this is</p> <p>14 the way, it makes it a lot easier.</p> <p>15 Q. Makes sense.</p> <p>16 A. So yeah.</p> <p>17 Q. So when you say "the highest of</p> <p>18 leadership," who were you talking about?</p> <p>19 A. So our CAO, our DCAO --</p> <p>20 Q. If you can use names, because I --</p> <p>21 A. Oh, I'm sorry.</p> <p>22 Q. -- I can't keep track -- you don't have</p> <p>23 to use the titles, because we can figure this out.</p> <p>24 A. Okay.</p> <p>25 Q. But if you could just tell me who you're</p>
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<p>1 or FOIA liaisons or director levels, that said, "Here</p> <p>2 is the process now that we have a person in this</p> <p>3 role?"</p> <p>4 A. Uh-huh.</p> <p>5 Q. Granted, it's new, et cetera. But was</p> <p>6 there something that said, "This is our, right now,</p> <p>7 written process in order to be able to help you all</p> <p>8 fulfill your FOIA obligations"?</p> <p>9 A. So I -- we did not do a written process</p> <p>10 yet.</p> <p>11 Q. Okay.</p> <p>12 A. But we had a meeting; right? So we did a</p> <p>13 virtual Zoom.</p> <p>14 Q. Okay. And when was that?</p> <p>15 A. I couldn't --</p> <p>16 Q. Like right after Connie was there,</p> <p>17 right --</p> <p>18 A. It was probably before she got there.</p> <p>19 Q. Okay.</p> <p>20 A. Because we had started to migrate FOIAs</p> <p>21 into my space.</p> <p>22 Q. Okay.</p> <p>23 A. And so we were, you know, using sort of</p> <p>24 the example of how I worked with fire as this is how</p> <p>25 we want to work.</p>	<p>1 talking about so I have reference, that would be</p> <p>2 great.</p> <p>3 A. Sure. So Lincoln Saunders.</p> <p>4 Q. Okay.</p> <p>5 A. Bob Steidel, Sabrina Joy-Hogg.</p> <p>6 Q. Okay.</p> <p>7 A. I'm trying to think, was Reggie -- so</p> <p>8 there was Reggie Gordon, and then we went to Traci</p> <p>9 DeShazor.</p> <p>10 Q. You might need to spell that, if you can.</p> <p>11 A. It is --</p> <p>12 Q. I can look it up --</p> <p>13 A. -- D-e-capital S-h-a-z-o-r.</p> <p>14 THE COURT REPORTER: Thank you.</p> <p>15 THE WITNESS: You're welcome.</p> <p>16 BY MS. ROEB:</p> <p>17 Q. Good job.</p> <p>18 A. English teacher.</p> <p>19 All of our safety personnel.</p> <p>20 Q. Okay.</p> <p>21 A. So fire chief, police chief, emergency</p> <p>22 management.</p> <p>23 Q. Now, were they all under one person, or</p> <p>24 were --</p> <p>25 A. So all of us that I just named reported</p>

<p>Page 133</p> <p>1 directly to Lincoln.</p> <p>2 Q. Okay. So each of those emergency</p> <p>3 management was in their own --</p> <p>4 A. Correct.</p> <p>5 Q. -- I'm going to say world, just for lack</p> <p>6 of a better phrase.</p> <p>7 A. Yeah.</p> <p>8 Q. In their own department?</p> <p>9 A. Departments; correct.</p> <p>10 Q. Yes.</p> <p>11 A. Right. Emergency management came out of</p> <p>12 fire as its own office.</p> <p>13 Q. Okay.</p> <p>14 A. Right.</p> <p>15 Q. All right.</p> <p>16 A. And then chief of staff and press</p> <p>17 secretary for the mayor was also in those meetings.</p> <p>18 Q. Okay. Now, did that highest of</p> <p>19 leadership cover -- does that cover all of the City</p> <p>20 of Richmond? I am not -- I just don't know.</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 A. Because each of the deputy chief</p> <p>24 administrative officers had departments. And we call</p> <p>25 them their portfolio.</p>	<p>Page 135</p> <p>1 Council.</p> <p>2 Q. Okay.</p> <p>3 A. "Here's where we are with GovQA."</p> <p>4 Q. Now, I want to ask you about that really</p> <p>5 quick, because I know that that is an IT platform for</p> <p>6 FOIA; is that right?</p> <p>7 A. Uh-huh.</p> <p>8 Q. Okay. Is it the only game in town, or</p> <p>9 are there other --</p> <p>10 A. There were others.</p> <p>11 Q. Okay.</p> <p>12 A. The reason that we were looking at GovQA</p> <p>13 is because other localities had it.</p> <p>14 Q. Okay.</p> <p>15 A. Which meant that the process for</p> <p>16 obtaining it was going to be easier for the City of</p> <p>17 Richmond.</p> <p>18 Q. Okay.</p> <p>19 A. We call -- I call it piggybacking onto</p> <p>20 someone else's contract, basically.</p> <p>21 Q. Yeah.</p> <p>22 A. Yeah.</p> <p>23 Q. Well, and it sounds efficient.</p> <p>24 A. Yeah.</p> <p>25 Q. Now, is that a discount for the city</p>
<p>Page 134</p> <p>1 Q. Okay.</p> <p>2 A. So they had departments under them.</p> <p>3 Q. Understood.</p> <p>4 A. And those department directors reported</p> <p>5 directly to those DCAs.</p> <p>6 Q. Okay.</p> <p>7 A. Sorry. I hit my mic.</p> <p>8 Q. Well, and as a comms person, you'd</p> <p>9 understand the importance of that.</p> <p>10 A. Yeah.</p> <p>11 Q. All right. So when Ms. Clay started, and</p> <p>12 you are doing all the things at once, how did she get</p> <p>13 integrated into, "Okay. Here's where we are in</p> <p>14 relationship to here's where we're going?"</p> <p>15 Did she -- for example, did she just sit</p> <p>16 back and watch for a while? Did you -- she tag along</p> <p>17 with you? What did she do?</p> <p>18 A. It was truly, unfortunately, and I say it</p> <p>19 that way --</p> <p>20 Q. No; that's okay.</p> <p>21 A. -- trial by fire.</p> <p>22 Q. Okay.</p> <p>23 A. We were all jumping in, in the deep end.</p> <p>24 And so it was, one, your -- "Find your professional</p> <p>25 development." So that was when she -- the FOIA</p>	<p>Page 136</p> <p>1 then, if they did that?</p> <p>2 A. Maybe, maybe not.</p> <p>3 Q. Okay.</p> <p>4 A. Yeah; it just made it easier for us to do</p> <p>5 the contracting.</p> <p>6 Q. I understand.</p> <p>7 A. Yeah.</p> <p>8 Q. I see.</p> <p>9 A. Yeah.</p> <p>10 Q. Okay. Now, something like GovQA or</p> <p>11 any --</p> <p>12 A. Any --</p> <p>13 Q. -- sort of, you know, IT-driving system</p> <p>14 for FOIA, I want to understand just its utility, I</p> <p>15 guess.</p> <p>16 A. Uh-huh.</p> <p>17 Q. Is it like -- and I'm trying to find the</p> <p>18 right words here -- if you have an old car that's</p> <p>19 kind of hanging on, and you put some brand-new</p> <p>20 beautiful tires on it.</p> <p>21 And it can get you -- it can do -- you</p> <p>22 know, do the job that it is meant to do, but it won't</p> <p>23 make the engine better.</p> <p>24 Is that adequate, or is that -- am I off</p> <p>25 base?</p>

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<p>1 MR. ROBINSON: Objection to form.</p> <p>2 BY MS. ROBB:</p> <p>3 Q. Yeah; that's --</p> <p>4 A. It's a totally new system.</p> <p>5 Q. Okay.</p> <p>6 A. So we wouldn't be putting tires or trying</p> <p>7 to redo the engine. We're just going to buy a new</p> <p>8 car --</p> <p>9 Q. Okay.</p> <p>10 A. -- to your analogy; right?</p> <p>11 Q. Yeah, yeah.</p> <p>12 A. Because the system that we had just was</p> <p>13 not what it needed to be.</p> <p>14 Q. Now, when we're talking about system, I</p> <p>15 want to make sure we're talking in the same terms.</p> <p>16 A. Uh-huh.</p> <p>17 Q. I am saying the car would be all of City</p> <p>18 of Richmond's IT infrastructure around, you know, how</p> <p>19 we manage information, not just how we manage FOIA.</p> <p>20 MR. ROBINSON: Objection to the form.</p> <p>21 MS. ROBB: Yeah; and so my --</p> <p>22 MR. ROBINSON: Is there a question?</p> <p>23 BY MS. ROBB:</p> <p>24 Q. Yes. So my question is, does the analogy</p> <p>25 stand if the car is how the City of Richmond's IT,</p>	<p>1 Q. Yes. Got it.</p> <p>2 A. And four new tires wasn't going to make</p> <p>3 it any better.</p> <p>4 Q. I understand.</p> <p>5 A. Okay.</p> <p>6 Q. All right. And so you're looking at the</p> <p>7 FOIA piece. And so FOIA attempts to -- you used the</p> <p>8 word "hug" earlier -- hug all the information from a</p> <p>9 city.</p> <p>10 How -- if you have a pretty new car doing</p> <p>11 that, like how do you get your arms around all of the</p> <p>12 IT for the City of Richmond? How do -- here's my</p> <p>13 question.</p> <p>14 How do you know you're accessing all the</p> <p>15 information that there is for the City of Richmond</p> <p>16 when you're looking -- when you're doing a search</p> <p>17 through something like GovQA?</p> <p>18 A. I'm going to say what I think I said</p> <p>19 earlier --</p> <p>20 Q. Yes.</p> <p>21 A. -- is that you don't always know.</p> <p>22 Q. Okay.</p> <p>23 A. You hope that the technology works the</p> <p>24 way it's supposed to.</p> <p>25 Q. Okay. Was there an IT person who was</p>
Page 138	Page 140
<p>1 which you said, you know, could have used some work,</p> <p>2 like any --</p> <p>3 A. Uh-huh.</p> <p>4 Q. -- locality, versus, you know, you're</p> <p>5 building a new car for FOIA here?</p> <p>6 MR. ROBINSON: Objection to form.</p> <p>7 MS. ROBB: Yes.</p> <p>8 THE WITNESS: So I don't think I could</p> <p>9 speak to all of IT.</p> <p>10 BY MS. ROBB:</p> <p>11 Q. Okay.</p> <p>12 A. I can speak to the FOIA piece.</p> <p>13 Q. Fair.</p> <p>14 A. Right?</p> <p>15 Q. Fair.</p> <p>16 A. The FOIA piece needed a new car.</p> <p>17 Q. Okay. Got it.</p> <p>18 A. We were dealing with a 1960s, you know --</p> <p>19 Q. Got it.</p> <p>20 A. -- Chevrolet Caprice. And I can say that</p> <p>21 because my dad used to have one; right?</p> <p>22 Q. I like that.</p> <p>23 A. We weren't --</p> <p>24 Q. Yes.</p> <p>25 A. It wasn't driving.</p>	<p>1 sort of like, "I'm on board. I'm helping you with</p> <p>2 this. I'm going to be your person"?</p> <p>3 A. I think we sort of had a person that</p> <p>4 worked.</p> <p>5 Q. Okay.</p> <p>6 A. But it was not a hundred percent</p> <p>7 assigned.</p> <p>8 Q. Okay.</p> <p>9 A. No.</p> <p>10 Q. All right. All right. More regulations.</p> <p>11 Sorry.</p> <p>12 A. Okay.</p> <p>13 Q. All right. So -- oh, I'll give it to</p> <p>14 Jimmy first.</p> <p>15 A. Oh.</p> <p>16 Q. Here you go --</p> <p>17 A. Okay.</p> <p>18 MR. ROBINSON: That's 9; right?</p> <p>19 THE WITNESS: Yes.</p> <p>20 THE COURT REPORTER: It is.</p> <p>21 (Deposition Exhibit 9 marked for</p> <p>22 identification.)</p> <p>23 BY MS. ROBB:</p> <p>24 Q. All right. Ms. Burks, what does this</p> <p>25 appear to be?</p>

<p>Page 141</p> <p>1 A. Freedom of Information Policy.</p> <p>2 Q. For the City of Richmond?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 A. Put my glasses on.</p> <p>6 Q. What is the effective date there?</p> <p>7 A. 2/1/2007.</p> <p>8 Q. Okay. At any time, as the boss of the</p> <p>9 FOIA officer, did you all think, "Hey, we should</p> <p>10 reset on this, maybe update?"</p> <p>11 A. Oh, yeah.</p> <p>12 Q. Okay.</p> <p>13 A. I think Ms. Clay actually suggested --</p> <p>14 Q. Okay.</p> <p>15 A. -- that.</p> <p>16 Q. And what did she say?</p> <p>17 A. I couldn't remember. But I just remember</p> <p>18 there was a suggestion around this; yes.</p> <p>19 Q. Okay. And did you support that?</p> <p>20 A. Yes.</p> <p>21 Q. What would have gone into making that</p> <p>22 happen, I guess?</p> <p>23 A. Probably sitting down with the city</p> <p>24 attorney's office and, you know, with Lincoln at some</p> <p>25 point, to say, "These are the suggested changes."</p>	<p>Page 143</p> <p>1 Q. So everyone comes with their own hourly</p> <p>2 rate?</p> <p>3 A. Correct. So if I was doing a FOIA, you</p> <p>4 would get it at my hourly rate.</p> <p>5 Q. Okay.</p> <p>6 A. And so that was one of the things that</p> <p>7 she and I had a conversation about. And I thought it</p> <p>8 was fair to see what we could get to that made sense.</p> <p>9 And she made a suggestion around that.</p> <p>10 Q. Okay.</p> <p>11 A. And -- yeah.</p> <p>12 Q. Now, if each person comes with their own</p> <p>13 hourly rate, is there some rule or consistency in the</p> <p>14 City of Richmond about who's charged with -- and</p> <p>15 charge is, obviously, used two different ways here --</p> <p>16 who is in charge of doing that search or that time</p> <p>17 commitment to the FOIA?</p> <p>18 A. So technically --</p> <p>19 Q. Okay.</p> <p>20 A. Because -- and I say technically, because</p> <p>21 it was also very different for various departments.</p> <p>22 Q. Okay.</p> <p>23 A. So it was supposed to be the person with</p> <p>24 the lowest hourly rate.</p> <p>25 Q. Okay.</p>
<p>Page 142</p> <p>1 Q. Okay.</p> <p>2 A. And then following whatever legal steps</p> <p>3 were for that. So yeah.</p> <p>4 Q. Do you remember what the suggested</p> <p>5 changes were from Ms. Clay or from you?</p> <p>6 A. I do not remember all of her changes.</p> <p>7 Q. Did she actually put pen to paper on this</p> <p>8 document or --</p> <p>9 A. I don't -- I don't remember.</p> <p>10 Q. Okay.</p> <p>11 A. I do remember, I will tell you, the one</p> <p>12 main thing that we did talk about I think was how we</p> <p>13 charged people.</p> <p>14 Q. Okay. And why was that something that</p> <p>15 would have come up in things that might need to</p> <p>16 change or evolve?</p> <p>17 A. I think she was seeing, especially from</p> <p>18 just the layperson -- she felt that some of the cost</p> <p>19 estimates were probably cost prohibitive --</p> <p>20 Q. Okay.</p> <p>21 A. -- for just a regular resident.</p> <p>22 Q. Okay. And can you explain what you mean</p> <p>23 by that in the FOIA context?</p> <p>24 A. So you charge by the person -- the hourly</p> <p>25 rate of the person who actually does the FOIA. So --</p>	<p>Page 144</p> <p>1 A. That did not always happen, depending on</p> <p>2 who actually was the holder of the record.</p> <p>3 Q. That makes sense.</p> <p>4 A. Right? So --</p> <p>5 Q. If someone's asking for a higher level</p> <p>6 document --</p> <p>7 A. Correct.</p> <p>8 Q. -- you don't want a person who started</p> <p>9 last week as an intern -- and no offense to any</p> <p>10 interns, of course.</p> <p>11 A. Right.</p> <p>12 Q. But --</p> <p>13 A. Right.</p> <p>14 Q. Yes.</p> <p>15 A. But I think, too -- and this is where</p> <p>16 really getting a system in place -- and I say</p> <p>17 system -- using technology --</p> <p>18 Q. Okay.</p> <p>19 A. Let me say that.</p> <p>20 Q. Okay.</p> <p>21 A. -- a technology system in place where</p> <p>22 FOIA officer, and whatever that office was going to</p> <p>23 become --</p> <p>24 Q. Yes.</p> <p>25 A. -- could do that search, and not have to</p>

<p style="text-align: right;">Page 145</p> <p>1 have Petula, right, or Sarah --</p> <p>2 Q. Yes.</p> <p>3 A. -- or Jimmy do it. It all fell under the</p> <p>4 FOIA officer --</p> <p>5 Q. Okay.</p> <p>6 A. -- right, to do that. We just -- we</p> <p>7 hadn't gotten there yet.</p> <p>8 Q. Okay. And, again, it does seem like</p> <p>9 taking the burden off of a human and putting it on a</p> <p>10 computer to find things, and then having a person --</p> <p>11 would that -- is that what the goal was, or</p> <p>12 thereabouts? You can correct my words.</p> <p>13 A. I would say it's more maybe streamlining</p> <p>14 processes.</p> <p>15 Q. Okay, all right.</p> <p>16 A. Right.</p> <p>17 Q. We might come back to the cost thing, but</p> <p>18 I want to ask one more thing --</p> <p>19 A. Yes.</p> <p>20 Q. -- about that while we're here.</p> <p>21 Did you get some pushback on that?</p> <p>22 A. I did.</p> <p>23 Q. From one department or more?</p> <p>24 A. Well, let me -- can I just sort of</p> <p>25 elaborate in this space?</p>	<p style="text-align: right;">Page 147</p> <p>1 get it off the ground, so --</p> <p>2 Q. Best laid plans.</p> <p>3 A. Yeah.</p> <p>4 Q. So Ms. Joy-Hogg is in charge of finance</p> <p>5 and HR, is my understanding, at the time. So this</p> <p>6 came through HR, and she's also finance.</p> <p>7 Was she coming to you as, "This is a</p> <p>8 problem for HR," "This is a problem for finance," or</p> <p>9 just generally, "I don't like this."</p> <p>10 A. I think generally, "It's a problem for</p> <p>11 the city."</p> <p>12 Q. And why is that?</p> <p>13 A. Because I think everyone had gotten into</p> <p>14 the mind-set of, "We charge for our time"; right?</p> <p>15 So --</p> <p>16 Q. And how did they get into that mind-set?</p> <p>17 A. Because that's just what they've always</p> <p>18 done; right?</p> <p>19 Q. Okay.</p> <p>20 A. So --</p> <p>21 Q. Was it done consistently?</p> <p>22 A. I couldn't speak to that consistency.</p> <p>23 Q. Okay, all right, okay.</p> <p>24 A. Yeah. And so, again, wanted to sort of</p> <p>25 test it --</p>
<p style="text-align: right;">Page 146</p> <p>1 Q. I would like you to; yes, of course.</p> <p>2 A. So when this was brought to my attention,</p> <p>3 Connie and I had -- Ms. Clay and I had a conversation</p> <p>4 about it. I said, "Let's kind of pilot it quietly."</p> <p>5 Q. Okay.</p> <p>6 A. Like, "Let's not announce it to the</p> <p>7 world."</p> <p>8 Q. Okay.</p> <p>9 A. "Let's sort of see sort of what happens,</p> <p>10 you know, how residents are sort of responding to</p> <p>11 this rate."</p> <p>12 Q. Uh-huh.</p> <p>13 A. And literally, I believe there was an</p> <p>14 email that went to HR sort of saying, "This is what</p> <p>15 the" -- I can't remember who the first person was</p> <p>16 internally.</p> <p>17 But it's like, "This is the new rate."</p> <p>18 We weren't announcing a new rate; right?</p> <p>19 Q. Okay.</p> <p>20 A. And so then it got to, I believe, HR and</p> <p>21 the DCAO over that portfolio, who was Sabrina</p> <p>22 Joy-Hogg. And she came and talked to me about it.</p> <p>23 Q. Okay.</p> <p>24 A. And we talked with Lincoln about it. And</p> <p>25 then we went back to the way it was. So we didn't</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. Okay.</p> <p>2 A. -- to see. We didn't get a good -- we</p> <p>3 didn't get a baseline of anything for me to then be</p> <p>4 able to go to leadership and say, "Hey, listen, we</p> <p>5 tried this. It seems to be working."</p> <p>6 Q. Okay.</p> <p>7 A. "Now we'd like to sort of make this part</p> <p>8 of our policy." We didn't get that far.</p> <p>9 Q. Okay. Was there a finance person</p> <p>10 involved or -- and by that I mean someone from the</p> <p>11 finance department -- who was tasked with invoicing</p> <p>12 and actually doing the calculations of --</p> <p>13 Because it seems like a lot, if you're a</p> <p>14 FOIA officer, to have to do the billing, and the</p> <p>15 calculating, and the -- if everybody has their own</p> <p>16 rate.</p> <p>17 A. So what usually would happen is when --</p> <p>18 just say I'm fulfilling the records piece to get to</p> <p>19 Ms. Clay. I'm going to also tell her, "This is the</p> <p>20 estimate for my time."</p> <p>21 Q. And how do you know what your estimate</p> <p>22 is?</p> <p>23 A. It's based on your hourly rate, and how</p> <p>24 long -- how much time it took you to pull the</p> <p>25 records, and possibly redact the records, to get them</p>

<p>Page 149</p> <p>1 to her.</p> <p>2 Q. So the known quantity is the hourly rate?</p> <p>3 A. Uh-huh.</p> <p>4 Q. How do you get an estimate for work</p> <p>5 you've partially done, partially not done? Like how</p> <p>6 do you know? What's the process to determine that?</p> <p>7 A. I don't know how people got to it.</p> <p>8 Q. Okay.</p> <p>9 A. Typically, you don't get -- you know,</p> <p>10 you're going to get your estimate. Ofttimes</p> <p>11 people -- and I always say oftentimes. I think a lot</p> <p>12 of times people maybe gave an overestimate in the</p> <p>13 beginning, but you came back with the actual at the</p> <p>14 end.</p> <p>15 Q. Okay. And was there ever say -- let me</p> <p>16 back up. What was the requester required to pay on</p> <p>17 the -- up front, before proceeding with the FOIA?</p> <p>18 A. So if it was like a \$50, let's just say,</p> <p>19 you'd pay the --</p> <p>20 Q. Total or --</p> <p>21 A. Total.</p> <p>22 Q. Okay.</p> <p>23 A. You pay your \$50, and you're done.</p> <p>24 Q. What if it was more substantial?</p> <p>25 A. You had to put in half of it up front, or</p>	<p>Page 151</p> <p>1 Q. Where did the money go, if you know, when</p> <p>2 someone would pay the FOIA?</p> <p>3 A. To my understanding, it went back into</p> <p>4 the general fund.</p> <p>5 Q. And is that under finance?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 A. And/or like for planning and zoning, it</p> <p>9 went to planning and zoning; right?</p> <p>10 Q. Okay. So sometimes it went to the</p> <p>11 general fund, and sometimes it went specifically to</p> <p>12 a --</p> <p>13 A. To a department.</p> <p>14 Q. Was there a written procedure about how</p> <p>15 we knew that, how we knew which one or -- and by</p> <p>16 "we," I just mean how anyone would know where it</p> <p>17 went.</p> <p>18 A. I don't know.</p> <p>19 Q. Okay.</p> <p>20 A. Let me just say I don't know.</p> <p>21 Q. And that's fine. Was there a written</p> <p>22 procedure for people to access who worked for the</p> <p>23 city about how to estimate -- if you know, how to</p> <p>24 estimate that time?</p> <p>25 A. I do not know.</p>
<p>Page 150</p> <p>1 something like that.</p> <p>2 Q. Okay.</p> <p>3 A. Right.</p> <p>4 Q. All right. And was there ever a -- then</p> <p>5 you'd have to have a refund if you didn't use that</p> <p>6 time?</p> <p>7 A. You would.</p> <p>8 Q. Isn't that a whole other --</p> <p>9 A. It is.</p> <p>10 Q. Okay.</p> <p>11 A. Again, why we needed something like a</p> <p>12 GovQA to get us out of that space, as well.</p> <p>13 Q. Now, is that also a financial software?</p> <p>14 A. It had the capabilities of doing</p> <p>15 invoicing for you --</p> <p>16 Q. Okay.</p> <p>17 A. -- in that space.</p> <p>18 Q. And there are other computer systems</p> <p>19 probably like that.</p> <p>20 A. Probably.</p> <p>21 Q. Okay. What I'm hearing is finance</p> <p>22 wasn't --</p> <p>23 A. Involved in this process.</p> <p>24 Q. Okay.</p> <p>25 A. No.</p>	<p>Page 152</p> <p>1 Q. Okay.</p> <p>2 A. Because when I came in, everybody was</p> <p>3 already doing it.</p> <p>4 Q. Okay.</p> <p>5 A. So these are people who had been doing</p> <p>6 this for five years, two years. So they knew what</p> <p>7 their hourly rate -- I mean, they could spit it out</p> <p>8 to you, "My hourly rate is this. This is how much</p> <p>9 time. This is what it is."</p> <p>10 Q. Okay. Now -- I want to know what we're</p> <p>11 hearing in the background, so it doesn't end up on --</p> <p>12 All right. I'm okay.</p> <p>13 A. Down at the plaza?</p> <p>14 Q. Oh, okay. Someone's having fun.</p> <p>15 A. Yeah.</p> <p>16 Q. Now, when Ms. Clay came on, and now she</p> <p>17 is -- did she start in charge of FOIA, or was there a</p> <p>18 time when she became in charge of FOIA after she sort</p> <p>19 of watched and learned?</p> <p>20 I know that you were all figuring it out</p> <p>21 as you went along. But in retrospect, was there a</p> <p>22 time when she was -- now she can take over?</p> <p>23 A. When she started.</p> <p>24 Q. Okay, okay. I'm just asking. I'm not</p> <p>25 suggesting an answer. Okay. So she came on, and she</p>

<p style="text-align: right;">Page 153</p> <p>1 is the FOIA officer?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 A. That is how she was introduced.</p> <p>5 Q. Uh-huh.</p> <p>6 A. "She is the FOIA officer. I am very</p> <p>7 happy she's here."</p> <p>8 Q. Yes.</p> <p>9 A. Like this is the introduction. People</p> <p>10 knew it was happening. So it wasn't as if they were</p> <p>11 surprised by a person finally being in the spot.</p> <p>12 Q. Okay.</p> <p>13 A. I think most people were happy that there</p> <p>14 was a person in that spot.</p> <p>15 Q. Was anyone not happy about someone</p> <p>16 looking over their departments' shoulders, to your</p> <p>17 knowledge?</p> <p>18 A. That's an interesting question. I don't</p> <p>19 think I would characterize it as people being unhappy</p> <p>20 of having someone look over their shoulder.</p> <p>21 Q. Okay.</p> <p>22 A. I would characterize it as growing pains.</p> <p>23 And what I mean by that is you've been doing FOIA,</p> <p>24 you do FOIA your way, and then all of a sudden</p> <p>25 there's this person coming in and now we're going to</p>	<p style="text-align: right;">Page 155</p> <p>1 don't know -- you don't know what you're looking at.</p> <p>2 Because I do what I do, and I know what I'm looking</p> <p>3 at"; is that right?</p> <p>4 A. A little bit of that.</p> <p>5 Q. Okay.</p> <p>6 A. Right? And then I think it is also maybe</p> <p>7 how things were broached sometimes with folks.</p> <p>8 Q. Okay. Do you think a written -- you said</p> <p>9 there was a meeting, but there wasn't something</p> <p>10 written. Do you think that could have helped, in</p> <p>11 your opinion?</p> <p>12 A. I'm not sure.</p> <p>13 Q. Okay.</p> <p>14 A. And the reason I say I'm not sure is I</p> <p>15 think people understood how to work -- like how I</p> <p>16 worked with people. But my personality is going to</p> <p>17 be different from the person sitting next to me.</p> <p>18 Q. Okay.</p> <p>19 A. So you can't expect for them to engage</p> <p>20 with you in the same way that I'm engaging with you.</p> <p>21 Because I have a -- I have dual purpose.</p> <p>22 Q. Okay.</p> <p>23 A. Yes, I want the information. But, too,</p> <p>24 I'm also trying to create a collaborative</p> <p>25 relationship, because we have to work together on</p>
<p style="text-align: right;">Page 154</p> <p>1 do FOIA -- right? "And I need you to do it right</p> <p>2 now, this way."</p> <p>3 And that's not necessarily a bad thing.</p> <p>4 It's just the way in which people look at things;</p> <p>5 right? And so I think it was really more so the</p> <p>6 tension of growing pains, and getting outside of</p> <p>7 yourself and going, "Oh, wow, I have somebody here to</p> <p>8 help me," as opposed to, "They're telling me what to</p> <p>9 do."</p> <p>10 Because those two things --</p> <p>11 Q. Uh-huh; okay.</p> <p>12 A. -- I think a lot of times can be</p> <p>13 confused.</p> <p>14 Q. And I guess that's my question. Did</p> <p>15 anyone feel like they were being told what to do, as</p> <p>16 opposed to seeing it as the helpfulness that it was</p> <p>17 -- should have been?</p> <p>18 A. I think at some point it got to that</p> <p>19 place of people feeling put-upon.</p> <p>20 Q. Uh-huh.</p> <p>21 A. In some ways, I think some people felt</p> <p>22 that there was a lack of understanding for the full</p> <p>23 breadth and scope of their individual work and the</p> <p>24 ask that you're asking of me, if that makes sense.</p> <p>25 Q. If I understand it, it's like, "If you</p>	<p style="text-align: right;">Page 156</p> <p>1 more than one thing at a time; right?</p> <p>2 Q. Yes.</p> <p>3 A. And so when I'm coming to you saying,</p> <p>4 "Okay. Well, we have this FOIA, and I need X, Y, and</p> <p>5 Z. And this is when it was -- and this is when it's</p> <p>6 due," if we have a good working relationship, then</p> <p>7 you're probably more apt to get me what I need;</p> <p>8 right? Withstanding whatever else is going on in</p> <p>9 your world.</p> <p>10 Q. Yes.</p> <p>11 A. But also knowing in the back of your</p> <p>12 head, "If I say to her I cannot meet this deadline,</p> <p>13 and I need X" --</p> <p>14 Q. Are you speaking in the -- as a director</p> <p>15 in this hypothetical?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. I see. I see; yes.</p> <p>18 A. "If I cannot meet this deadline, she's</p> <p>19 going to go back and say we can't meet this</p> <p>20 deadline." And I may give the reason.</p> <p>21 Q. Yeah.</p> <p>22 A. The person's out. They've got X, Y, and</p> <p>23 Z. But this is the date; right?</p> <p>24 Q. Okay.</p> <p>25 A. And I don't think that that was what</p>

<p style="text-align: right;">Page 157</p> <p>1 people were being met with at some point.</p> <p>2 Q. So obviously, we're sitting here talking,</p> <p>3 and you're very communicative, and you explain things</p> <p>4 very nicely. But that's not everybody's personality;</p> <p>5 would you -- is that fair to say?</p> <p>6 A. Of course.</p> <p>7 Q. Okay. When you came on, you said you</p> <p>8 had, you know, a while in this, relatively speaking,</p> <p>9 world --</p> <p>10 A. Uh-huh.</p> <p>11 Q. -- where things moved quickly to meet</p> <p>12 everybody and sit down and say, "Here's why I'm here.</p> <p>13 Here's how I can help you."</p> <p>14 And then I just heard you say -- and I'm</p> <p>15 not trying to catch you in anything. I want you to</p> <p>16 explain --</p> <p>17 A. Uh-huh.</p> <p>18 Q. -- that Ms. Clay started, and she's in</p> <p>19 charge of FOIA, boom, go, but we didn't have that --</p> <p>20 does that --</p> <p>21 A. So no; we were very intentional with</p> <p>22 setting up meetings --</p> <p>23 Q. Uh-huh.</p> <p>24 A. -- with the same people that I had met</p> <p>25 with; right?</p>	<p style="text-align: right;">Page 159</p> <p>1 A. Probably around the time that she</p> <p>2 started.</p> <p>3 Q. Okay.</p> <p>4 A. Like, you know, she starts, she's here,</p> <p>5 because we're setting up meetings. So I don't want</p> <p>6 people to be like, "Who the hell are you setting this</p> <p>7 meeting up with me for?"</p> <p>8 Q. Yes.</p> <p>9 A. This is who we're setting, and this is</p> <p>10 why; right? So she met I think just about everybody</p> <p>11 who would have a hand in or direct their staff in</p> <p>12 FOIA.</p> <p>13 Q. Okay. And what was the goal? What where</p> <p>14 the goals of those meetings in addition to -- if</p> <p>15 there wasn't -- in addition to just saying, "Hey, I'm</p> <p>16 here?"</p> <p>17 A. Well, to say, "Okay. So the way that</p> <p>18 we've been operating, we're still going to operate,</p> <p>19 but Connie is your person now"; right?</p> <p>20 We're transitioning from sort of this</p> <p>21 quasi-FOIA person to a full human being who is going</p> <p>22 to be looking at this while they're -- you know,</p> <p>23 their time in the office; right?</p> <p>24 Q. Okay.</p> <p>25 A. I would never say 24/7, because I</p>
<p style="text-align: right;">Page 158</p> <p>1 Q. Yeah, yeah; I understand.</p> <p>2 A. Because we're all drinking from fire</p> <p>3 hoses, unfortunately.</p> <p>4 Q. Yes.</p> <p>5 A. And so we set up the meetings. She met</p> <p>6 with directors and deputy directors within her first</p> <p>7 probably month.</p> <p>8 Q. Okay.</p> <p>9 A. Because, of course, you know, setting up</p> <p>10 meetings can be dicey.</p> <p>11 Q. I assume it can be.</p> <p>12 A. But making sure people knew the face and</p> <p>13 the name, so when the emails came across -- and I</p> <p>14 want to say that I sent an email out just letting</p> <p>15 everybody know that she had arrived.</p> <p>16 "If you get an email from her, this is</p> <p>17 our new FOIA officer," X, Y, and Z.</p> <p>18 Q. Now, was it everybody, or just your --</p> <p>19 A. The leadership; right? So --</p> <p>20 Q. Across-the-board leadership?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 A. So directors, deputy directors, deputy</p> <p>24 CAO, CAO.</p> <p>25 Q. When did you send that email out?</p>	<p style="text-align: right;">Page 160</p> <p>1 wouldn't do that to anybody.</p> <p>2 Q. Uh-huh.</p> <p>3 A. But your eight hours in the office, "This</p> <p>4 is your person. You know, let's go."</p> <p>5 Q. Okay.</p> <p>6 A. My expectation was they would work with</p> <p>7 her in the same way they worked with me.</p> <p>8 Q. Okay. And do you think that Connie knew</p> <p>9 what the expectations were of her from you, your</p> <p>10 expectations as her manager?</p> <p>11 A. I think so.</p> <p>12 Q. Okay. And what were those expectations?</p> <p>13 A. To work collaboratively.</p> <p>14 Q. Okay. And what do you mean by that?</p> <p>15 A. You're going to work with whoever that</p> <p>16 FOIA liaison is, that director, deputy director --</p> <p>17 Q. Okay.</p> <p>18 A. -- or whoever they direct you to --</p> <p>19 Q. Okay.</p> <p>20 A. -- to get the information needed and get</p> <p>21 the information out the door.</p> <p>22 Q. Okay. Did she know where to -- let me</p> <p>23 back up. Was she doing her own searching on the</p> <p>24 network, I want to call it? But I don't know exactly</p> <p>25 how the City of Richmond's set up in that way.</p>

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<p>1 A. Uh-huh; what do you mean?</p> <p>2 Q. So was she physically doing the</p> <p>3 searching, like she was typing in key searches and</p> <p>4 pulling a report? Or was it always the person in the</p> <p>5 department doing that?</p> <p>6 A. No; so the department. I'll give an exam</p> <p>7 -- well, departments --</p> <p>8 Q. Okay.</p> <p>9 A. -- still had a huge role in that.</p> <p>10 Q. Okay.</p> <p>11 A. So I'm trying to think of one that's</p> <p>12 easy. But anyway, you know, said department -- she</p> <p>13 gets the FOIA. She sends it to them --</p> <p>14 Q. Okay.</p> <p>15 A. -- and says, "Hey, this is the FOIA</p> <p>16 request. It's due on this date."</p> <p>17 Q. Okay. So she has request that she has to</p> <p>18 send to them.</p> <p>19 A. Uh-huh.</p> <p>20 Q. She has to know if that's the right</p> <p>21 department. Is that part of --</p> <p>22 A. Yes.</p> <p>23 Q. -- the detective piece that we were</p> <p>24 talking about earlier?</p> <p>25 A. Yes.</p>	<p>1 A. So yeah.</p> <p>2 Q. Can you please explain --</p> <p>3 A. So it's a step. And I apologize.</p> <p>4 Q. No, no.</p> <p>5 A. I apologize.</p> <p>6 Q. You're not saying something different. I</p> <p>7 just have never really understood it. So why don't</p> <p>8 we do this.</p> <p>9 Can you walk me through -- I am sending</p> <p>10 you a FOIA. How is this process -- how did it</p> <p>11 actually go? Not necessarily how we -- how you</p> <p>12 wanted it to go, but how did it go?</p> <p>13 A. So the way it was handed to me -- let's</p> <p>14 just start it that way.</p> <p>15 Q. Great.</p> <p>16 A. Will that work?</p> <p>17 Q. Uh-huh.</p> <p>18 A. Okay. So Sarah sends Petula a FOIA</p> <p>19 request.</p> <p>20 Q. Okay.</p> <p>21 A. I go, "Oh, this needs to go to these two</p> <p>22 departments."</p> <p>23 Q. Okay. And how do you --</p> <p>24 A. I send --</p> <p>25 Q. I don't mean to interrupt. I'm so sorry.</p>
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<p>1 Q. She has to ascertain the rate that she</p> <p>2 needs to then tell the requester; is that right?</p> <p>3 A. No. So the request -- so --</p> <p>4 Q. How does it work?</p> <p>5 A. -- she doesn't have to figure out the</p> <p>6 rate.</p> <p>7 Q. Okay.</p> <p>8 A. So if I am DFU FOIA liaison --</p> <p>9 Q. Okay.</p> <p>10 A. -- when I send my records back to you --</p> <p>11 Q. Uh-huh.</p> <p>12 A. And there were some departments that were</p> <p>13 really good for this. They would send you sort of</p> <p>14 the invoice with it, with their estimated rate on it.</p> <p>15 Q. I want to know that I understand this.</p> <p>16 A. Yeah, yeah.</p> <p>17 Q. And this is where I think in, you know,</p> <p>18 the course of this litigation --</p> <p>19 A. It's weird.</p> <p>20 Q. -- some things are accessible to a normal</p> <p>21 person, but the rate part of this is confusing to me.</p> <p>22 So in some ways you're saying it's</p> <p>23 already done. And here -- but now you're saying it's</p> <p>24 an estimate of the amount of time that we're going</p> <p>25 to --</p>	<p>1 How do you know which departments, if you</p> <p>2 just got here?</p> <p>3 A. Sometimes you can kind read and infer.</p> <p>4 Q. Okay.</p> <p>5 A. Now, mind you, I've been in government a</p> <p>6 long time. So some of the work is the same. Public</p> <p>7 works is public works, utilities is utilities, no</p> <p>8 matter where you go.</p> <p>9 Q. Okay.</p> <p>10 A. Right? So there were things that I could</p> <p>11 just sort of go, "Oh, this needs to go" -- and</p> <p>12 sometimes it didn't go to the right place. And then</p> <p>13 they sent it and told me where it needed to go.</p> <p>14 Q. Okay.</p> <p>15 A. So you get it to utilities and public</p> <p>16 works. Nine times out ten, if I'm sending it to both</p> <p>17 directors, I'm also going to send it to that deputy</p> <p>18 CAO, because he needs to know, "Oh, my department" --</p> <p>19 Because he, as the lead of</p> <p>20 infrastructure, is probably going to have more</p> <p>21 institutional knowledge than those two directors of</p> <p>22 where to find information; right?</p> <p>23 Q. Okay.</p> <p>24 A. So in that, they will say to me, "Well,</p> <p>25 yeah, Petula. We probably have some records," and</p>

<p>Page 165</p> <p>1 the estimated cost; right? And what they would do is</p> <p>2 you sort of run a search.</p> <p>3 Q. And by sort of -- what do you mean by --</p> <p>4 I just want to get to the nuts and bolts, so I just</p> <p>5 understand logistically what was happening.</p> <p>6 A. So you'll do a cursory search --</p> <p>7 Q. Okay.</p> <p>8 A. -- of whatever --</p> <p>9 Q. Like a Google search?</p> <p>10 A. -- the key words are in that request.</p> <p>11 Q. Okay, okay.</p> <p>12 A. So, you know, "water treatment plant."</p> <p>13 Q. Well, and you --</p> <p>14 A. And --</p> <p>15 Q. That was after you, for the record.</p> <p>16 A. Yes.</p> <p>17 Q. Yeah.</p> <p>18 A. But, you know, so that's the word. That</p> <p>19 is the scope; right?</p> <p>20 Q. Understood.</p> <p>21 A. So you had put "water treatment plant"</p> <p>22 in. Now, the problem with that is "water" is</p> <p>23 probably going to come up and "plant" is going to</p> <p>24 come up an astronomical amount of times.</p> <p>25 So you have to weed through some of those</p>	<p>Page 167</p> <p>1 that cost is acceptable. And then we move forward.</p> <p>2 Q. Okay. Sometimes, if it's easy-ish -- and</p> <p>3 I -- understanding that nothing about all this sounds</p> <p>4 easy to me -- easy-ish, could they just say, "Well,</p> <p>5 yeah. You asked for an email. Here's the document"?</p> <p>6 A. Yes, yes.</p> <p>7 Q. Do you charge for that?</p> <p>8 A. No.</p> <p>9 Q. Okay.</p> <p>10 A. Not to my knowledge. Let me put it that</p> <p>11 way. Not to my knowledge, no.</p> <p>12 Q. And I guess what I'm trying to get at is</p> <p>13 I want to understand, did every single POIA that come</p> <p>14 in require a back and forth about cost?</p> <p>15 A. No.</p> <p>16 Q. Okay; thank you. And I'm -- again, I</p> <p>17 just didn't know.</p> <p>18 A. Yeah.</p> <p>19 Q. Where is the line between, "Oh, it's</p> <p>20 fine. I didn't mind pulling it. I did it while I</p> <p>21 was eating my lunch," or whatever, and --</p> <p>22 Are you all right?</p> <p>23 MS. CLAY: Uh-huh.</p> <p>24 BY MS. ROEB:</p> <p>25 Q. Okay.</p>
<p>Page 166</p> <p>1 to get out to where -- to ferret into what you want.</p> <p>2 Q. Uh-huh.</p> <p>3 A. So they tell you, based on 1500 emails,</p> <p>4 what it will take. They estimate that. So you send</p> <p>5 an estimated cost --</p> <p>6 Q. Okay.</p> <p>7 A. -- initially.</p> <p>8 Q. Kind of a guess?</p> <p>9 A. Kind of a guess.</p> <p>10 Q. Okay.</p> <p>11 A. Based on the hourly rate.</p> <p>12 Q. And is that supposed to be done before</p> <p>13 the actual creation of the document that then</p> <p>14 sometimes -- somehow turns into the response?</p> <p>15 A. The real -- correct.</p> <p>16 Q. Okay.</p> <p>17 A. So you do the -- that.</p> <p>18 Q. Okay.</p> <p>19 A. Because then that -- you're going to have</p> <p>20 to say to the person, the requester -- so then I come</p> <p>21 back and say, "Sarah, the city, you know, may have</p> <p>22 responsive records. The estimated cost for retrieval</p> <p>23 and redaction is X."</p> <p>24 Q. Okay.</p> <p>25 A. And then you have to say back to me that</p>	<p>Page 168</p> <p>1 -- and, "Oh, hey, I should probably give</p> <p>2 them a cost estimate, because this is going to take</p> <p>3 some time"?</p> <p>4 A. I think it's a judgment call.</p> <p>5 Q. Okay. Was there a written sort of policy</p> <p>6 on it?</p> <p>7 A. No. I think -- I mean, if you're not</p> <p>8 spending hours and hours -- I mean, and there were</p> <p>9 tons of ones that --</p> <p>10 Q. Uh-huh.</p> <p>11 A. And I don't want to say, you know, oh, we</p> <p>12 got hundreds where people were just -- it was very</p> <p>13 easy just to say, "Here you go."</p> <p>14 Q. Uh-huh.</p> <p>15 A. As opposed to those that you knew that</p> <p>16 were going to take time.</p> <p>17 Q. Okay.</p> <p>18 A. But, for example --</p> <p>19 Q. Okay.</p> <p>20 A. And this is one that's a doozy of one.</p> <p>21 It came in -- I can't even remember when it came in.</p> <p>22 But it had to do with the fact that an organization</p> <p>23 was asking for something that should have been on our</p> <p>24 website anyway.</p> <p>25 Q. Okay.</p>

<p style="text-align: right;">Page 169</p> <p>1 A. Right? And I think because of COVID and</p> <p>2 all of the other things, that just stopped. And we</p> <p>3 didn't have a person to do the work.</p> <p>4 Q. Okay, okay.</p> <p>5 A. So fast forward, it's now five-or-so-ish</p> <p>6 years later, and no one has picked that back up, but</p> <p>7 someone's asking for it.</p> <p>8 Q. I understand.</p> <p>9 A. No matter how much work is going to go</p> <p>10 into it, we can't charge that person or organization</p> <p>11 for the work, because it's something that we should</p> <p>12 say had up on website anyway.</p> <p>13 Q. I understand.</p> <p>14 A. Right? So it's those types of things, as</p> <p>15 well. So some of that is judgment. And in that</p> <p>16 space, it was like, yeah, we can't charge these</p> <p>17 people for something we are responsible for.</p> <p>18 Q. Uh-huh.</p> <p>19 A. Right? And that they should be able to</p> <p>20 click and get.</p> <p>21 Q. I get it.</p> <p>22 A. I think that's the best way to explain</p> <p>23 it. So if Sarah emails me, and it's like, "Oh,</p> <p>24 yeah," it's two seconds, great. I will -- I am not</p> <p>25 sure -- very seldom would I put an hourly rate down</p>	<p style="text-align: right;">Page 171</p> <p>1 asked that you get it because you are a citizen of</p> <p>2 the commonwealth."</p> <p>3 A. Uh-huh.</p> <p>4 Q. And then there's the doozies.</p> <p>5 Now, getting to the -- you know, the</p> <p>6 litigation that is here.</p> <p>7 A. Yeah.</p> <p>8 Q. Is it fair to say that this deals with</p> <p>9 the doozy-level ones?</p> <p>10 MR. ROBINSON: Objection to form.</p> <p>11 THE WITNESS: Hmm, that's an interesting</p> <p>12 question.</p> <p>13 MR. ROBINSON: You can answer, if you</p> <p>14 understand the question.</p> <p>15 BY MS. ROBB:</p> <p>16 Q. If you don't understand, I can rephrase.</p> <p>17 A. I mean, I think some of the things that</p> <p>18 you speak to --</p> <p>19 Q. Uh-huh, yeah.</p> <p>20 A. -- I don't know that they were really</p> <p>21 doozies. I think it was more people just were not in</p> <p>22 agreement to how to respond to them.</p> <p>23 Q. Would the meals tax situation be a doozy,</p> <p>24 though, in your opinion?</p> <p>25 MR. ROBINSON: Objection to form.</p>
<p style="text-align: right;">Page 170</p> <p>1 for myself.</p> <p>2 Q. Okay.</p> <p>3 A. You just like, "Here it is"; right? It's</p> <p>4 just the cost of the printing or whatever the case</p> <p>5 may be for you to get something.</p> <p>6 Q. Uh-huh.</p> <p>7 A. Because at the end of the day, it really</p> <p>8 was about the information, you know. But there were</p> <p>9 some that were -- I mean, when we're doing books of</p> <p>10 research for you, then there is a cost attached to</p> <p>11 that.</p> <p>12 Because now we've taken a full-time</p> <p>13 person off of their regularly scheduled programming,</p> <p>14 so to speak, to fulfill this request.</p> <p>15 Q. Did you charge for the person who had to</p> <p>16 sit with the person who was looking at documents that</p> <p>17 we were talking about before? When someone would</p> <p>18 come in and like physically look at the documents,</p> <p>19 and someone had to, say, babysit them, for lack of a</p> <p>20 better phrase, did you charge for that?</p> <p>21 A. I know that we did not.</p> <p>22 Q. Okay.</p> <p>23 A. Because we -- yeah; we did not.</p> <p>24 Q. Okay. So we've differentiated between,</p> <p>25 you know, run-of-the-mill FOIAs that are just, "I</p>	<p style="text-align: right;">Page 172</p> <p>1 THE WITNESS: That's a difficult one,</p> <p>2 because there were so many layers.</p> <p>3 BY MS. ROBB:</p> <p>4 Q. Okay.</p> <p>5 A. So doozy --</p> <p>6 Q. And we'll get into -- yeah.</p> <p>7 A. If you're -- but yeah; it's -- those are</p> <p>8 layered.</p> <p>9 Q. Okay.</p> <p>10 A. I think the ones that you're probably</p> <p>11 going to talk to me about are layered.</p> <p>12 Q. Okay. We can come to that understanding.</p> <p>13 A. And so I think we have to get to the</p> <p>14 layers of them --</p> <p>15 Q. Okay.</p> <p>16 A. -- to be able to say doozies. And I may</p> <p>17 agree with you at the end of the day.</p> <p>18 Q. Uh-huh.</p> <p>19 A. But it's layered.</p> <p>20 Q. Okay.</p> <p>21 A. Yes.</p> <p>22 Q. Well, I'm going to go ahead and put the</p> <p>23 amended complaint into evidence. So that if we need</p> <p>24 to -- oh, I'm sorry -- if we need to --</p> <p>25 A. Have to put my glasses back on.</p>

<p style="text-align: right;">Page 173</p> <p>1 MS. ROBB: You may have the one that's back 2 and front, Jimmy. If you want one that's just on 3 the front, you can have it. Oh, okay, all right. 4 MR. ROBINSON: I'm good with saving money. 5 MS. ROBB: Hmm? Yes. 6 (Deposition Exhibit 10 marked for 7 identification.) 8 BY MS. ROBB: 9 Q. And that's just so that we have a -- 10 A. All right. 11 Q. -- a document to go forward from. 12 A. All right. So when Connie comes on, she is 13 navigating the FOIA system that is, the FOIA system 14 that she's implementing as you were figuring it out -- 15 A. Correct. 16 Q. Is that right? 17 A. Uh-huh. 18 Q. Okay. And also the one that you had a 19 vision for, right? 20 A. Yes. 21 Q. Or not just you, or whoever -- 22 A. The city had a vision for. 23 Q. Okay. 24 A. Yeah. 25 Q. Okay. And early on, what were some</p>	<p style="text-align: right;">Page 175</p> <p>1 Q. Okay. 2 A. I think also just learning person to 3 person how people communicate. You know, everybody 4 is different. 5 Q. Uh-huh. 6 A. And so I think, you know, having someone 7 who was very direct and straightforward might have 8 been off-putting for people in the beginning, so 9 growing pains. 10 Q. Okay. And I want to make sure I'm clear 11 that you are describing my client as direct. 12 A. Correct. 13 Q. Okay. And what caused the growing pain 14 about that, do you think? You touched on it just a 15 little bit. 16 A. You know, I think initially -- I think 17 sometimes she felt people were not responding to her, 18 or when they did it was disrespectful -- 19 Q. Okay. 20 A. -- I think is a good word. 21 What I came to find out later in her 22 tenure was it was direct meeting direct. 23 Q. Okay. 24 A. So, you know if she wrote something 25 direct, someone responded directly.</p>
<p style="text-align: right;">Page 174</p> <p>1 struggles that Ms. Clay or you experienced with 2 actually doing this FOIA office? 3 MR. ROBINSON: Objection to the term 4 "struggles." 5 BY MS. ROBB: 6 Q. Oh, that's fine. You can use a different 7 term. Just what were the things that caused hiccups, 8 say? 9 A. Yeah; that's a -- 10 Q. Yeah. 11 A. I call them growing pains. 12 Q. Yeah; and that's fine. 13 A. That's probably -- you'll hear me say 14 that a lot. 15 Q. Okay. What were the growing pains? 16 A. As much as people wanted to give it to 17 Ms. Clay -- 18 Q. Yes. 19 A. -- you know, people also want to hold 20 onto it. And so it's that struggle. She's wanting 21 to take it from you. It's like you're right there at 22 it, and if you can get rid of it, maybe something 23 else that you want to do will come into that hand. 24 But what happens if I give it all away? 25 So it was that, I think, initially, right?</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. Okay. 2 A. Right? And so that, to me, is not 3 disrespect. I know what disrespect looks like; 4 right? 5 Q. Okay. 6 A. You know, someone saying, "Well, we've 7 done it this way," is not saying that, "We're opposed 8 to your way." It's just saying, "This is what we're 9 used to"; right? 10 And you've got to massage them to get 11 you -- get them to see where you are sometimes. 12 Q. Uh-huh. 13 A. That massaging was not taking place. 14 Q. Okay. 15 A. Yeah. 16 Q. Did some people just ignore the emails? 17 A. I can't speak to -- I can't say someone 18 just ignored an email. 19 Q. Okay. 20 A. Right? You know, with the mountain of 21 work and things that were coming in, I think 22 sometimes you miss an email; absolutely. 23 Q. Okay. 24 A. But I don't -- I can't speak to someone 25 else, to say they ignored an email.</p>

<p style="text-align: right;">Page 177</p> <p>1 Q. What was the directive, if any, from the</p> <p>2 city --</p> <p>3 A. Uh-huh.</p> <p>4 Q. -- for people's response to FOIA when</p> <p>5 they would receive an email about a FOIA?</p> <p>6 MR. ROBINSON: Objection to "directive."</p> <p>7 THE WITNESS: Ah, thank you. Okay.</p> <p>8 BY MS. ROBB:</p> <p>9 Q. Well, you can answer it any -- whatever</p> <p>10 the truth is for you.</p> <p>11 MR. ROBINSON: I'm sorry.</p> <p>12 MS. ROBB: I said she can answer however.</p> <p>13 I wasn't trying to direct her answer in one</p> <p>14 specific way.</p> <p>15 MR. ROBINSON: Okay.</p> <p>16 BY MS. ROBB:</p> <p>17 Q. Okay.</p> <p>18 A. At some point, and I can't remember what</p> <p>19 point it was --</p> <p>20 Q. Uh-huh.</p> <p>21 A. -- we crafted an email for Lincoln --</p> <p>22 Q. Okay.</p> <p>23 A. -- to say basically, "We've got to answer</p> <p>24 these FOIAs. And if it comes back to me" -- because</p> <p>25 it was FOIA and media requests; right? So they were</p>	<p style="text-align: right;">Page 179</p> <p>1 A. Right? So then I become the</p> <p>2 quasi-mediator now between the person who we need to</p> <p>3 get information from and Ms. Clay.</p> <p>4 Q. Okay. Now, earlier you discussed the</p> <p>5 fact that your team had weekly meetings to sort of</p> <p>6 share information.</p> <p>7 A. Uh-huh.</p> <p>8 Q. Did Ms. Clay do a -- or did anybody do a</p> <p>9 weekly memo, or some document on a weekly basis, so</p> <p>10 that you could, you know, take in the information?</p> <p>11 A. So we had what we called a team briefing.</p> <p>12 Q. Okay.</p> <p>13 A. So everybody did a team briefing.</p> <p>14 Q. Okay.</p> <p>15 A. And there were times where I could read</p> <p>16 everybody's team briefings, and sometimes we didn't.</p> <p>17 But the purpose of then the team meeting was to sort</p> <p>18 of say, "What are these need-to-knows?"</p> <p>19 Q. Okay.</p> <p>20 A. Right? "What's going on in your space?",</p> <p>21 all of the things. Because, again, from Monday to</p> <p>22 Friday a lot can transition in a city.</p> <p>23 Q. Uh-huh.</p> <p>24 A. And, you know, I can't see everything all</p> <p>25 the time. That was at least a way for me to hear</p>
<p style="text-align: right;">Page 178</p> <p>1 kind of dual.</p> <p>2 Q. Okay.</p> <p>3 A. But specifically, I want to say it was</p> <p>4 FOIA. "If we're not answering them, and I hear we're</p> <p>5 not answering them" -- but that was from him, as</p> <p>6 lead. And it needed to come from him in that space.</p> <p>7 Q. Okay.</p> <p>8 A. Because I saw some of what she was</p> <p>9 dealing with; right?</p> <p>10 Q. Okay.</p> <p>11 A. And I understood the frustration. But</p> <p>12 then at the end of the day, I think everybody at some</p> <p>13 point became frustrated.</p> <p>14 Q. Okay. And what did you see that she was</p> <p>15 dealing with, when you say that phrase?</p> <p>16 A. I think that sometimes people were</p> <p>17 annoyed maybe by the dogged persistence --</p> <p>18 Q. Okay.</p> <p>19 A. -- around, "I need a response. I need a</p> <p>20 response. I need a response," and maybe also not</p> <p>21 liking the fact that somebody might need more time,</p> <p>22 or need a person, or whatever the case may be.</p> <p>23 And/or that person coming to me and</p> <p>24 saying, "Hey, I need your help with this."</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 180</p> <p>1 something. "Do I need to have a conversation at my</p> <p>2 noon meeting? Do I need to have" -- like that kind</p> <p>3 of thing. And so yes.</p> <p>4 Q. Was Ms. Clay good about doing those</p> <p>5 weekly briefings?</p> <p>6 A. Yes.</p> <p>7 Q. Was everyone good about doing the</p> <p>8 briefings?</p> <p>9 A. I would say probably 98 percent of the</p> <p>10 team was very good about doing -- you know, you don't</p> <p>11 get much better than that.</p> <p>12 Q. Yeah.</p> <p>13 A. You know, you're always going to have an</p> <p>14 outlier; but yeah.</p> <p>15 Q. So it should be one per week from each</p> <p>16 person?</p> <p>17 A. There should be; yes.</p> <p>18 MS. ROBB: Okay. Now, I want to make</p> <p>19 sure I do these in order, the ones we have, so</p> <p>20 one moment. I'll start with the one that's on</p> <p>21 top.</p> <p>22 Okay. And, yes, please mark -- what are</p> <p>23 we on now?</p> <p>24 THE COURT REPORTER: 11.</p> <p>25 THE WITNESS: Oh, I'm sorry.</p>

<p style="text-align: right;">Page 181</p> <p>1 MS. ROBB: Are you going to run out of 2 stickers? 3 THE COURT REPORTER: Nope; I'm good. 4 (Deposition Exhibit 11 marked for 5 identification.) 6 BY MS. ROBB: 7 Q. Ms. Burks, this appears to me to be a 8 team briefing by Connie Clay on December 28th of 9 2023. Is this what team briefings looked like? 10 A. Primarily, yes. 11 Q. Okay. And is -- you know, do you 12 remember looking at Connie Clay's, generally? 13 A. Generally, yes. 14 Q. Okay. Now, on this it says "Need To Know 15 Information"; "Top 4 Priorities for Next Week" -- 16 excuse me -- "Challenges for Next Week"; and "This 17 Weeks's Priorities and Outcomes." 18 Was this a -- sorry. Was this a template 19 you set up, or did each person have their own 20 template? 21 A. This is -- everyone used the same 22 template. 23 Q. Okay. For consistency? 24 A. Yes. 25 Q. Okay. Let me see. I think I have</p>	<p style="text-align: right;">Page 183</p> <p>1 you. 2 THE WITNESS: I forgot my job. 3 (Deposition Exhibit 12 marked for 4 identification.) 5 THE COURT REPORTER: Number 12. 6 BY MS. ROBB: 7 Q. One moment. 8 Ms. Burks, if you remember, what was one 9 of the first -- I'll say doozy, but it's something 10 that was like, "Oh, this is a big FOIA," that 11 Ms. Clay dealt with, or that you and Ms. Clay dealt 12 with? 13 MR. ROBINSON: Objection to form. You 14 can answer. 15 THE WITNESS: To be honest, I don't know 16 which one was the first. 17 BY MS. ROBB: 18 Q. Yeah; okay. All right. Well, let's 19 start with, do you remember a request for overtime 20 records -- 21 A. Yes. 22 Q. -- for the City of Richmond? 23 A. I do. 24 Q. All right. Do you remember who that was 25 from? It's not a quiz. I can remind you.</p>
<p style="text-align: right;">Page 182</p> <p>1 another one, too. One second. 2 Now, is that the way someone would maybe 3 report problems they were having, or however -- 4 problems, or issues, or hiccups, however we want to 5 phrase that? 6 MR. ROBINSON: Objection to form. 7 THE WITNESS: Well, I mean, we have one 8 on here that says "Challenges." 9 BY MS. ROBB: 10 Q. Yep. 11 A. Right? So if you're having a challenge, 12 this is a great way to get it in front of me, outside 13 of popping in my office and telling me what the issue 14 is. 15 Q. If someone wrote a challenge on here, 16 what would you do in response? 17 A. We'd have a conversation about it, would 18 be the general -- 19 Q. And then this one is from January 12th, 20 2024. 21 A. Uh-huh. 22 Q. All right. And we'll go through that in 23 a minute. One second. 24 THE WITNESS: Oh, sorry. 25 THE COURT REPORTER: You're good; thank</p>	<p style="text-align: right;">Page 184</p> <p>1 A. Stanfield, I believe. 2 Q. Okay. Who is Josh Stanfield, if you 3 remember? 4 A. I do -- yeah; that part, I'm not -- you 5 know, obviously, a resident. Anything else beyond 6 that, I can't remember, his occupation or anything 7 like that. 8 Q. Okay. So he's a requester in this 9 situation? 10 A. Correct. 11 Q. And I've just handed you -- 12 A. Oh. 13 (Deposition Exhibit 13 marked for 14 identification.) 15 THE COURT REPORTER: Thank you. 16 BY MS. ROBB: 17 Q. So I've just handed you an email chain 18 beginning, or maybe ending, since I think we're 19 looking at the most recent on the top, October 30th 20 of 2023. 21 A. Uh-huh. 22 Q. And this is an email chain I think 23 containing the FOIA, if we look at the end. 24 Nope. This is his saying he filed a 25 lawsuit. Can you tell me what you remember about a</p>

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<p>1 requester filing a lawsuit against the city and</p> <p>2 Ms. Clay?</p> <p>3 A. So are we speaking about Mr. Stanfield?</p> <p>4 Q. Yes; speaking about Mr. Stanfield.</p> <p>5 A. The one that I remember had to do with</p> <p>6 overtime.</p> <p>7 Q. Okay. Could it have been about more than</p> <p>8 just overtime? I'm not trying to trick you. I just</p> <p>9 want to know what you remember.</p> <p>10 A. No; I remember overtime.</p> <p>11 Q. Okay.</p> <p>12 A. Because Ms. Clay and I had conversations</p> <p>13 about it.</p> <p>14 Q. And this one's about the casino. So</p> <p>15 let's talk about that.</p> <p>16 A. Okay.</p> <p>17 Q. So he, Mr. Stanfield, is -- seems -- is</p> <p>18 "upset" a good word here?</p> <p>19 Some of these have redactions, but --</p> <p>20 A. Oh, this is the -- okay. This is -- I</p> <p>21 remember. Sorry. I didn't --</p> <p>22 Q. No, no; it's okay.</p> <p>23 A. I just had to sort of read through like</p> <p>24 what are we -- so he wanted the environmental impact</p> <p>25 study --</p>	<p>1 Q. Oh, okay, okay.</p> <p>2 A. You know, just sort of being aware of;</p> <p>3 and, of course, having conversations around</p> <p>4 messaging, just to make sure it was, you know, fair</p> <p>5 and balanced. But that was really the outside</p> <p>6 entity's responsibility.</p> <p>7 Q. Okay. I see, I see. I just wanted to</p> <p>8 make sure we were on the same page on that.</p> <p>9 A. So if I'm looking at this correctly, he's</p> <p>10 asking for the environmental impact study for the</p> <p>11 proposed casino.</p> <p>12 Q. The second one.</p> <p>13 A. Correct.</p> <p>14 Q. Or the second iteration.</p> <p>15 A. The second iteration, because it's still</p> <p>16 in the same location.</p> <p>17 Q. Okay.</p> <p>18 A. It was just a nuance.</p> <p>19 Q. Understood.</p> <p>20 A. I remember there was a outreach to the</p> <p>21 director of economic development.</p> <p>22 Q. Okay.</p> <p>23 A. I believe he came back and said you would</p> <p>24 have to ask the actual people building the casino,</p> <p>25 because we did not -- the city did not do the</p>
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<p>1 Q. Okay.</p> <p>2 A. -- for the casinos, if I remember</p> <p>3 correctly based on this.</p> <p>4 Q. Okay.</p> <p>5 A. And he was not satisfied, because we did</p> <p>6 not do one.</p> <p>7 Q. Okay. Can we back up one minute?</p> <p>8 A. Uh-huh.</p> <p>9 Q. Can you explain to me what you mean when</p> <p>10 you just say casinos, just for the record?</p> <p>11 A. So the city, prior to my arrival, had put</p> <p>12 the vote to residents about breaking ground, building</p> <p>13 a casino on the south side of Richmond.</p> <p>14 Q. Okay.</p> <p>15 A. For economic development, and job</p> <p>16 opportunities, et cetera.</p> <p>17 Q. Yes.</p> <p>18 A. It failed. The administration wanted to</p> <p>19 put it back out to residents upon me coming into the</p> <p>20 space.</p> <p>21 Q. Let's back up there for a second.</p> <p>22 A. Uh-huh.</p> <p>23 Q. What role or responsibility in the comms</p> <p>24 space was added to your plate regarding that?</p> <p>25 A. Not that much.</p>	<p>1 environmental impact study.</p> <p>2 Q. Okay. Do you remember if Mr. Stanfield</p> <p>3 sent that FOIA to Connie? Because this is in</p> <p>4 October, and she's been there a little bit. Or did</p> <p>5 she send it to a different depart -- or did he send</p> <p>6 it to a different department directly?</p> <p>7 A. I would have to see the full --</p> <p>8 Q. Yeah, yeah.</p> <p>9 A. Like I'd have to see the initial email.</p> <p>10 I don't remember. I think, you know, just based on</p> <p>11 his savviness, he probably knew to whom to send it.</p> <p>12 But I think once Ms. Clay came in, he basically</p> <p>13 corresponded directly with her.</p> <p>14 Q. Okay.</p> <p>15 A. I don't know if someone else -- if others</p> <p>16 were -- I don't remember others, who was cc'ed on</p> <p>17 that.</p> <p>18 Q. Did he feel, if you remember, that there</p> <p>19 should be an environmental impact study, either</p> <p>20 housed in city or -- like if you remember. I</p> <p>21 don't --</p> <p>22 MR. ROBINSON: Objection to form.</p> <p>23 BY MS. ROBB:</p> <p>24 Q. Yeah; that's fine.</p> <p>25 A. I don't remember</p>

<p>Page 189</p> <p>1 Q. Okay. That's -- all right. I need just 2 one second here to get myself organized on this 3 point. 4 And then is the same Mr. Josh Stanfield 5 the same person who then complained about the 6 overtime records? 7 A. Correct. 8 Q. Is he sort of -- did you have frequent 9 fliers, in terms of requesting FOIAs? And not that 10 there's a judgment on that. It's just -- 11 A. I guess that's a nice way to put it. I 12 mean, we had your repeat requesters. 13 Q. Okay. 14 A. Let's just say it that way. 15 Q. All right. And was he one of those? 16 A. Yes. 17 Q. Okay. I'm sorry. Some of these have a 18 lot of documents in them, and I want to make sure I'm 19 handing you the right one. 20 Oh, here we go. Sorry; he put a lot of 21 exhibits on his -- 22 A. Oh, yes; uh-huh. 23 Q. Do you remember the lawsuit by 24 Mr. Stanfield? 25 A. Are we -- the one for overtime?</p>	<p>Page 191</p> <p>1 decision; right? 2 Q. Uh-huh. 3 A. To either hold or -- to withhold and/or 4 to release information. 5 Q. When you say it's a city decision to 6 withhold or release information, when Ms. Clay was 7 FOIA officer, whose decision was it to withhold or 8 release information? 9 A. If she had a question, she ask -- she was 10 to ask the city attorney's office. 11 Q. Uh-huh. 12 A. To be quite honest, because the city 13 attorney's office is the one who's going to opine on 14 these things, they are technically the last word. 15 Q. Okay. 16 A. If need be. 17 Q. I hear you. 18 A. Right. 19 Q. Okay. But on a day-to-day basis with the 20 normal FOIAs, who would be -- 21 A. She -- she was the person. 22 Q. Meaning Ms. Clay? 23 A. Correct. 24 Q. Okay. What role did the department head 25 have in that decision, if anything?</p>
<p>Page 190</p> <p>1 Q. Yes. 2 A. Vaguely; yes -- 3 Q. Okay. 4 A. -- you know. 5 Q. Did he name Connie, if you recall? 6 A. He did, I believe. 7 Q. All right. And earlier you were talking 8 about the, you know, operating from a place of fear 9 of being, you know, personally liable for something 10 like that. 11 A. Uh-huh. 12 Q. Did Connie say anything to you about how 13 she felt about it? 14 A. She did. 15 Q. What did she say? 16 A. She did not want to be liable; right? 17 Q. Uh-huh. 18 A. I think we had a conversation. And I 19 know that she at some point had a conversation with 20 the city attorney's office. 21 Q. Okay. 22 A. Because they sort of reassured us all in 23 that place that, "You are not personally liable. The 24 city is going to" -- you know, if there is a fine, 25 the city takes care of the fine, because it's a city</p>	<p>Page 192</p> <p>1 A. In what way? Meaning me or -- 2 Q. No; the department head from where the 3 FOIA documents would come from. Did they have a say 4 in the release or the withholding of the FOIA records 5 on a day-to-day basis? 6 A. So I wouldn't say they had a say -- 7 Q. Okay, all right. 8 A. -- in that way. But they would -- a lot 9 of them understood what the exemptions were for their 10 departments. 11 Q. Okay. 12 A. So if something came in, and they knew, 13 "This, X, Y, and Z, can fall under this exemption," 14 they shared that. Because they would share that kind 15 of information with me. 16 Q. Okay. 17 A. So, you know, they knew FOIA in Virginia, 18 you know, like the back of their hand, because they'd 19 been doing it for a while, would be the way I would 20 say that. 21 Q. What if there was a disagreement about 22 the role an exemption could, or should, or must play 23 in the decision to withhold or release a record? 24 What would -- what, in your experience, was the 25 process there?</p>

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<p>1 A. So I'll stick to then the overtime one.</p> <p>2 Q. Please. And I'm going to get these</p> <p>3 documents -- obviously, they've gotten away from me.</p> <p>4 I'm going to get --</p> <p>5 A. No worries.</p> <p>6 Q. Over lunch, I'll get them all together.</p> <p>7 A. The overtime one was dicey; right?</p> <p>8 Q. Okay.</p> <p>9 A. And so initially when it came in, and I</p> <p>10 think it was kind of said the city at this point</p> <p>11 doesn't believe -- Connie and I had a conversation,</p> <p>12 and --</p> <p>13 Q. Well, can you finish the rest -- the</p> <p>14 sentence you just --</p> <p>15 A. -- doesn't believe that they have to turn</p> <p>16 those records over.</p> <p>17 Q. Okay. And why not?</p> <p>18 A. And that was based on my conversation at</p> <p>19 the time with the deputy chief administrative</p> <p>20 officer.</p> <p>21 Q. Okay. Who was that?</p> <p>22 A. Sabrina Joy-Hogg.</p> <p>23 Q. Okay.</p> <p>24 A. And, you know, I said to Connie, very</p> <p>25 clearly, "Okay. If the city feels they have a</p>	<p>1 the lawsuit and everything kind of hit, boom, at one</p> <p>2 time.</p> <p>3 Q. All right.</p> <p>4 A. Because she also told him in an email how</p> <p>5 to sue the city.</p> <p>6 Q. Did she say, "Here's how you sue the</p> <p>7 city"?</p> <p>8 A. In words, you know. And I have</p> <p>9 paraphrased; right?</p> <p>10 Q. Okay. Had Mr. Stanfield sued the or any</p> <p>11 city prior, to your knowledge?</p> <p>12 A. Yes; right. We then had a meeting.</p> <p>13 Q. Okay.</p> <p>14 A. In that meeting -- because it's like,</p> <p>15 "Okay. Wait a minute. If the city is saying this is</p> <p>16 not how we want to operate, but this is where you</p> <p>17 really want us to be, there's a disconnect here."</p> <p>18 Q. Okay.</p> <p>19 A. So we -- I called a meeting, city</p> <p>20 attorney's office; CAO; deputy CAO; the HR</p> <p>21 representative, being Robin; myself; and Ms. Clay.</p> <p>22 Q. That's a lot of people to coordinate.</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p> <p>25 A. But at that point, my hair was on fire.</p>
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<p>1 remedy, they have a remedy; right? However, in my</p> <p>2 experience, I've not known a city not to share</p> <p>3 overtime records."</p> <p>4 Q. Okay.</p> <p>5 A. Right? But that's also locality to</p> <p>6 locality. Again, mind you, I've lived in numerous</p> <p>7 places.</p> <p>8 Q. Uh-huh.</p> <p>9 A. But if this is where the city is landing,</p> <p>10 this is where the city is landing.</p> <p>11 Q. Okay.</p> <p>12 A. It's not my opinion. It's not based on</p> <p>13 anything other than this is where the City of</p> <p>14 Richmond is landing.</p> <p>15 So the response that went back out --</p> <p>16 Q. Uh-huh.</p> <p>17 A. -- was -- whoever in HR, I believe it was</p> <p>18 Robin Redmond --</p> <p>19 Q. Okay.</p> <p>20 A. -- "does not believe that she -- she's</p> <p>21 the holder of the records -- does not believe that</p> <p>22 she has to turn these over" --</p> <p>23 Q. Okay.</p> <p>24 A. -- "to you."</p> <p>25 Okay. And I'm not sure. I think maybe</p>	<p>1 And they had also seen the response.</p> <p>2 Q. Okay.</p> <p>3 A. So their hair was also on fire.</p> <p>4 Q. Now, was this before he sued the city,</p> <p>5 or -- before he sued the city, or had he threatened</p> <p>6 to sue the city? If you don't --</p> <p>7 A. I don't recall the time.</p> <p>8 Q. Okay.</p> <p>9 A. Because it was like boom, boom, boom,</p> <p>10 boom, boom, boom. We all got on a call.</p> <p>11 Q. Okay.</p> <p>12 A. And this is where I learned that Ms. Clay</p> <p>13 had asked the city attorney for their opinion on</p> <p>14 this.</p> <p>15 Q. Oh, okay.</p> <p>16 A. And that they had said that there was an</p> <p>17 exemption that they would go -- or use for this</p> <p>18 particular request.</p> <p>19 Q. Okay.</p> <p>20 A. And it was apparent that she disagreed</p> <p>21 with that --</p> <p>22 Q. Okay.</p> <p>23 A. -- based on the response that was given</p> <p>24 to Mr. Stanfield.</p> <p>25 Q. Did she release the records, over</p>

<p style="text-align: right;">Page 197</p> <p>1 instructions by the city attorney's office not to 2 release the records? 3 A. She didn't release the records until 4 technically we were kind of made to release the 5 records. 6 Q. Well, who eventually released the 7 records, if you know? 8 A. Ooh, I don't remember. I want to say 9 they might have still gone through Ms. Clay to 10 release to him. But I am not -- I can't remember the 11 actual, yeah, conduit of that. 12 Q. If it was Ms. Clay who logistically 13 released the records, did she do so at the city's 14 saying, "Okay. You can release the records now," or 15 did she overstep what she had been told to do? 16 A. She did not overstep. 17 Q. Okay. 18 A. Because she didn't have the records by 19 which to release them. 20 MR. ROBINSON: You didn't finish your 21 statement. 22 MS. ROBB: I haven't -- 23 MR. ROBINSON: No, no; you didn't finish 24 your original statement before Ms. Robb asked 25 you a different statement. You were talking</p>	<p style="text-align: right;">Page 199</p> <p>1 Q. Okay. 2 A. -- in that space. 3 Q. Regarding the overtime? 4 A. Correct. 5 Q. Okay. So I want to make sure I 6 understand who gave -- you said the city attorney's 7 office gave the advice. Did they give that advice -- 8 And, again, I'm not trying to trick -- I 9 just want to know, if you remember. 10 -- to Robin Redmond, who didn't want to 11 release the records, or to Connie to not release the 12 records? 13 A. There's an email -- 14 Q. Uh-huh. 15 A. -- to Ms. Clay -- 16 Q. Okay. 17 A. -- about that. 18 Q. Okay. 19 A. So that's one. 20 Q. Okay. 21 A. Two, when I spoke with DCO Joy-Hogg, it 22 wasn't as if she was pulling what she was telling me 23 out of the rabbit's hat. 24 Q. Uh-huh. 25 A. They had also, as the -- sort of the</p>
<p style="text-align: right;">Page 198</p> <p>1 about the meeting that you were in -- 2 MS. ROBB: Oh, we can go back to it. 3 MR. ROBINSON: -- where you learned for 4 the first time -- and you didn't finish. 5 THE WITNESS: Ah, okay. So that's -- the 6 meeting is when I learned that she had gotten -- 7 I don't want to say direction. But it was 8 opined by the city attorney's office sort of 9 where the city's stance was on these records -- 10 BY MS. ROBB: 11 Q. Okay. 12 A. -- and the exemption that was used. 13 And what was sort of stated in the 14 meeting -- and, again, paraphrasing, because it's 15 been a while. 16 Q. Uh-huh. 17 A. -- was, well, you know, we're kind of 18 back against the wall now, because she said this is 19 how -- this is what it is, right, to the responder. 20 So it didn't leave the city any type of 21 standing, so to speak. And I want to say that -- the 22 timing of the lawsuit and that meeting were almost 23 simultaneous, it feels like. 24 Q. Okay. 25 A. Because everything happened like this --</p>	<p style="text-align: right;">Page 200</p> <p>1 leader of HR, right, had the conversation, as well. 2 So when I talked to Ms. Clay and said, "This is where 3 the city is," based on my conversation with Sabrina, 4 "This is where we've landed," that should have been 5 what was then stated. 6 Because in that conversation, she never 7 told me that the city attorney's office had told her 8 what the city planned to use if they went to court 9 with this; right? So there was an exemption the city 10 could use. 11 Q. Okay. 12 A. She was aware of that. I was not aware 13 of the conversation with her and the city attorney's 14 office. 15 Q. Do you know where in the boom, boom, boom 16 chronology that conversation between Ms. Clay and the 17 city's attorney's office happened in relationship to 18 your talking to Ms. Clay? 19 A. I don't know. 20 Q. Okay. 21 A. But it was for her -- it was during the 22 trying to determine are we releasing these files or 23 not. 24 Q. Okay. And when you say exemption the 25 city could use, does an exemption mean, "We don't</p>

<p style="text-align: right;">Page 201</p> <p>1 give it," meaning the records that are being 2 requested; or does an exemption mean, "We have the 3 option, as the city"? 4 A. That's a legal conversation. 5 Q. Yes. 6 A. I'm not sure, but I -- 7 Q. That's fair. 8 A. In my head -- or my interpretation -- 9 Q. Yes. 10 A. -- would be it's an exemption that we 11 would use to not give that information. 12 Q. If there is a question, is the FOIA 13 Council an entity -- and I mean the Virginia FOIA 14 Council. 15 A. Uh-huh. 16 Q. Is that an entity the city attorney's 17 office or anyone would use to sort of give a, "Hey, 18 we're the experts in FOIA," and not direct, but just 19 give an opinion on? 20 MR. ROBINSON: Objection to form. 21 MS. ROBB: Yes. 22 THE WITNESS: I think they are an 23 advisory role. 24 BY MS. ROBB: 25 Q. Uh-huh; yes.</p>	<p style="text-align: right;">Page 203</p> <p>1 you can sue the -- you have the option to sue the 2 city, blah-de-da-da-da"; right? Like -- 3 Q. Did she say that? 4 A. Yes; in the email. 5 Q. Do you know offhand if any of the other 6 cities maybe that -- how about any city, had been 7 tasked with answering this same question of overtime 8 records? 9 A. I don't remember which cities there were. 10 Q. Uh-huh. 11 A. But I do remember that there were other 12 cities in the commonwealth that had been tasked with 13 answering those questions, as well. 14 Q. Okay. Were there any that ended up in 15 court? And if you don't remember, it's fine. 16 A. I don't remember. 17 Q. It was a while ago. 18 A. I don't remember. I want to say at least 19 one, but I'm not sure. 20 Q. All right. So if the city attorney's 21 office says, "Hey, we're not going to release the 22 records," and then later they say, "Okay. We can 23 release the records" -- 24 Oh, it's about lunchtime. We'll wrap it 25 up so I can get my documents in order.</p>
<p style="text-align: right;">Page 202</p> <p>1 A. And so, you know, they're looking at FOIA 2 and, of course, you know, the statutes. And so, 3 absolutely, someone that you can go to, to advise on. 4 Q. Uh-huh. 5 A. But the city attorney's office, who's the 6 person who's got to walk into that courtroom and 7 defend said decision in this case, would be who you 8 rely on. 9 Q. Understood. 10 A. Okay. 11 Q. Now, when I -- I have that email that 12 you're discussing. And I'm not trying to be cagey. 13 It's just my papers have gotten shuffled. 14 A. It's fine. 15 Q. And I will untangle them. But are you -- 16 I want to understand your testimony. Are you saying 17 that Connie told Josh Stanfield how to sue a city? 18 A. Not how to sue the city. 19 Q. Okay. 20 A. Like not how to sue a city. 21 Q. Okay. 22 A. But how to use whatever information -- I 23 can't remember the email, you know, verbatim. 24 Q. Yes. 25 A. But that was the feel of it, like, "And</p>	<p style="text-align: right;">Page 204</p> <p>1 I guess I want to understand your 2 position on -- actually, strike that, please. 3 Because I understand it wasn't a question. 4 How are you saying that Connie gave 5 information Josh Stanfield wouldn't have otherwise 6 had or known to him, to sort of give him a path to 7 sue the city? 8 A. I think it's the essence of -- 9 Q. Okay. 10 A. -- more so. I am not saying that he 11 didn't know -- already know how, because apparently 12 it's a thing. 13 Q. Yes. 14 A. But it's the fact that a city staff 15 member would say, "But you can sue the city, because" 16 -- however she stated it. And, again, I don't 17 remember the full statement. 18 Q. Understood. 19 A. It just struck odd to me. 20 Q. Okay. 21 A. And, unfortunately, it struck odd to a 22 lot of folks -- 23 Q. Okay. 24 A. -- around that. 25 Q. Did that situation, for anyone it struck</p>

<p style="text-align: right;">Page 205</p> <p>1 odd for, go to, say, HE as an employer to have, you 2 know, some sort of wrongdoing by Ms. Clay 3 investigated or -- 4 A. Not to my knowledge. 5 Q. -- or discussed? 6 A. Not to my knowledge. Not -- no; not to 7 my -- not formally; no. 8 Q. Okay. 9 A. Not at all. 10 Q. All right. 11 All right. I think we're good there for 12 lunch, so I can get myself together on the paperwork. 13 A. Okay. 14 Q. And then we'll come back. 15 A. All right. 16 MS. ROBB: How long are you going to 17 need? 18 THE VIDEOGRAPHER: Off the record. The 19 time is 12:55 p.m. 20 / 21 (Brief recess.) 22 / 23 THE VIDEOGRAPHER: Back on the record. 24 The time is 1:46 p.m. 25 /</p>	<p style="text-align: right;">Page 207</p> <p>1 It's redacted. This lawsuit is in the 2 Circuit Court for the City of Richmond. 3 -- "on Monday naming you as respondents." 4 It says, "Blank will be serving the city attorney's 5 office with the suit with the understanding they'll 6 be representing you." 7 And then it says, "Blank," or redacted, 8 "will hear the case." I think that might be the 9 Judge's name. 10 A. Uh-huh. 11 Q. "I'm attaching a copy of the petition for 12 your information." 13 So -- 14 A. Uh-huh. 15 MS. ROBB: -- can we mark this as the 16 next exhibit? And this is -- 17 THE COURT REPORTER: 14. 18 MS. ROBB: -- the petition. 19 (Deposition Exhibit 14 marked for 20 identification.) 21 BY MS. ROBB: 22 Q. Now, I'm going to give you a minute, 23 because it has a lot in it, to go through it. And 24 I'm not quizzing you on it. 25 MR. ROBINSON: Do you want her to read</p>
<p style="text-align: right;">Page 206</p> <p>1 BY MS. ROBB: 2 Q. Hey, Ms. Burks. Okay. So while we were 3 on the break, I got my documents organized. And I -- 4 in the last exhibit, which is Exhibit -- 5 THE COURT REPORTER: 13. 6 BY MS. ROBB: 7 Q. -- 13 -- here you go -- Mr. Stanfield 8 states that he attached a -- like an advance copy of 9 his lawsuit. And I'll just find where that is. 10 I believe it is on City of Richmond 0003, 11 which is the third page of three in this. And it 12 says, "Good afternoon, I'm writing to notify 13 y'all" -- 14 And if I look at the second page, that's 15 to Connie Clay, Leonard Sledge -- who is he? 16 A. The former economic development director. 17 Q. Okay. That's right. 18 -- and Lincoln Saunders. 19 A. Oh, okay. 20 Q. Yeah; the subject line is "Notice, 21 Petition for Mandamus and Injunctive Relief under 22 Virginia FOIA." 23 And he says, "I'm writing to notify y'all 24 that I filed a complaint under Virginia FOIA in 25 the" --</p>	<p style="text-align: right;">Page 208</p> <p>1 the whole thing? 2 MS. ROBB: No. I just -- I will point 3 her to a couple -- let's just stick with the 4 first couple pages. Because then at page 3 it 5 starts with Jurisdiction and Venue. 6 THE WITNESS: Uh-huh. 7 BY MS. ROBB: 8 Q. So the overview is -- well, it starts at 9 the bottom page of page 1, and it's page 2 and then 10 the top of page 3. 11 A. Uh-huh. So this is, again, the 12 environmental impact study report that he's 13 requesting, it seems. 14 Q. If you read the whole of the -- and we 15 can dig into the bulk of here, but there are a number 16 of topics. But your point is well-taken, that the 17 first section does pertain specifically to that. 18 The overtime records, I see discussed on 19 page 10. 20 A. Oh, that's a part of -- okay. 21 Q. I'll note for the record that it is 22 18 pages. 23 A. Okay. 24 Q. And I'm not going to quiz you on it. 25 A. When was this?</p>

<p style="text-align: right;">Page 209</p> <p>1 MR. ROBINSON: Doesn't say.</p> <p>2 THE WITNESS: Okay.</p> <p>3 BY MS. ROBB:</p> <p>4 Q. When you've generally perused it, I guess</p> <p>5 we can move to questions.</p> <p>6 A. Okay.</p> <p>7 Q. So Mr. Stanfield filed a Petition for</p> <p>8 Mandamus and Injunctive Relief, noting that this is</p> <p>9 the copy he attached to an email before he filed it,</p> <p>10 and it was 18 pages long.</p> <p>11 Now, he also attached five exhibits that</p> <p>12 include all the emails he had pertaining to the</p> <p>13 emails with Ms. Clay or the City of Richmond</p> <p>14 generally about his FOIAs. And so I want to go</p> <p>15 through those.</p> <p>16 A. Okay.</p> <p>17 Q. Okay. Here's the first one.</p> <p>18 We'll need to mark all these. I think</p> <p>19 they should be separate, since they're separate</p> <p>20 communication chains.</p> <p>21 (Deposition Exhibit 15 marked for</p> <p>22 identification.)</p> <p>23 THE COURT REPORTER: Thank you.</p> <p>24 BY MS. ROBB:</p> <p>25 Q. Now, these -- some of them you're on, and</p>	<p style="text-align: right;">Page 211</p> <p>1 MR. ROBINSON: But not --</p> <p>2 MS. ROBB: And so if she didn't write</p> <p>3 something, if she wasn't involved, she can</p> <p>4 absolutely say so in questioning.</p> <p>5 But she has just represented that there</p> <p>6 were emails. And I want to make sure we're</p> <p>7 talking about the same emails. And there are</p> <p>8 five exhibits, each with a different email</p> <p>9 chain. That's how Mr. Stanfield seems to roll.</p> <p>10 THE WITNESS: Okay.</p> <p>11 BY MS. ROBB:</p> <p>12 Q. All right. So first, Ms. Burks, are you</p> <p>13 included in any of these emails?</p> <p>14 A. No.</p> <p>15 Q. Okay. Though I do understand that there</p> <p>16 might have been -- I'm not going to commit you or me</p> <p>17 to anything -- that you might have had conversations,</p> <p>18 obviously, with other people, like you stated</p> <p>19 before --</p> <p>20 A. Correct.</p> <p>21 Q. -- about these topics?</p> <p>22 A. Correct.</p> <p>23 Q. So Exhibit 1 is about the overtime</p> <p>24 records.</p> <p>25 A. Uh-huh.</p>
<p style="text-align: right;">Page 210</p> <p>1 some of them are not -- you are not on. So we can</p> <p>2 make that differentiation as we're going through.</p> <p>3 But a lot of them involve Ms. Clay, because she was</p> <p>4 named as a respondent.</p> <p>5 So the first one's entitled "Request for</p> <p>6 Records Under the Virginia Freedom of Information</p> <p>7 Act."</p> <p>8 A. Uh-huh.</p> <p>9 Q. And just let me know when you've</p> <p>10 perused --</p> <p>11 A. So let me start from the back, because</p> <p>12 this is the --</p> <p>13 Q. I understand.</p> <p>14 A. -- okay -- overtime. Okay. So he starts</p> <p>15 with the overtime request.</p> <p>16 Q. In this exhibit.</p> <p>17 A. In this exhibit; okay.</p> <p>18 MR. ROBINSON: Are you saying he sent</p> <p>19 this to Ms. Burks?</p> <p>20 MS. ROBB: These are the exhibits that</p> <p>21 encompass, according to Mr. Stanfield, his</p> <p>22 communications with the city.</p> <p>23 MR. ROBINSON: With the city.</p> <p>24 MS. ROBB: Uh-huh.</p> <p>25 THE WITNESS: Okay.</p>	<p style="text-align: right;">Page 212</p> <p>1 Q. Correct? All right.</p> <p>2 A. Yes.</p> <p>3 Q. So he asks for -- and I'm on the last</p> <p>4 page of this exhibit -- "A copy of the names;</p> <p>5 overtime pay; salary; and total pay for fiscal year</p> <p>6 2023 for all city employees."</p> <p>7 All right. And then Ms. Clay responds --</p> <p>8 that was on August 1st at 11:00 a.m.</p> <p>9 A. Uh-huh.</p> <p>10 Q. And she responds -- there's an email --</p> <p>11 see if she responded right away. I want to make sure</p> <p>12 I'm not missing --</p> <p>13 A. There's something missing.</p> <p>14 Q. I think there might be. I think you're</p> <p>15 absolutely right. And I -- let's see what the Bates</p> <p>16 numbers are.</p> <p>17 A. Well, wait a minute.</p> <p>18 Q. -- 5 --</p> <p>19 MS. HARDIMAN: Should be 44, 45.</p> <p>20 THE WITNESS: Yes.</p> <p>21 MS. ROBB: Yeah; it should be -- there</p> <p>22 should be one more page in here. Because I</p> <p>23 think I just saw it.</p> <p>24 THE WITNESS: Or maybe not. Because it</p> <p>25 looks like she responded at 11:15 a.m.</p>

<p style="text-align: right;">Page 213</p> <p>1 BY MS. ROBB:</p> <p>2 Q. Oh, here we go. You're right.</p> <p>3 A. Yeah; okay.</p> <p>4 Q. It's just tucked at the --</p> <p>5 A. Okay. It's tucked; yeah.</p> <p>6 Q. -- very, very bottom of the second page.</p> <p>7 It says she responded 15 minutes later, and said,</p> <p>8 "I'll forward your request to the HR department, and</p> <p>9 I'll email you an estimate for the research;</p> <p>10 retrieval; review; and, if necessary, redaction of</p> <p>11 the requested records."</p> <p>12 So as an initial matter, was that an</p> <p>13 appropriate and timely response from Ms. Clay to a</p> <p>14 requester?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And then between August 1st and</p> <p>17 August 11th, as he is stating it, he doesn't receive</p> <p>18 a response.</p> <p>19 And he says, "More than five working days</p> <p>20 have passed. You're not in compliance. Every</p> <p>21 additional day that elapses makes the violation of my</p> <p>22 rights under Virginia FOIA more egregious."</p> <p>23 Ms. Clay follows up an hour-and-a-half</p> <p>24 later, indicating that she did follow up with HR; the</p> <p>25 city can charge for research; retrieval; review; and</p>	<p style="text-align: right;">Page 215</p> <p>1 A. Yes.</p> <p>2 Q. Okay. So we've roped in the city</p> <p>3 attorney's office, now that he's saying his rights</p> <p>4 have been violated.</p> <p>5 MR. ROBINSON: Well, he roped it in.</p> <p>6 MS. ROBB: Yeah, yeah; that's what I'm</p> <p>7 saying.</p> <p>8 MR. ROBINSON: Oh, you said, "We roped</p> <p>9 in."</p> <p>10 MS. ROBB: Oh, I didn't --</p> <p>11 MR. ROBINSON: I just want to make it</p> <p>12 very clear that he is the one that's including</p> <p>13 her.</p> <p>14 MS. ROBB: Noted.</p> <p>15 MR. ROBINSON: Not Ms. Clay.</p> <p>16 BY MS. ROBB:</p> <p>17 Q. I understand. But the city attorney's</p> <p>18 office is now on these emails.</p> <p>19 And then Ms. Clay says, "Good morning,</p> <p>20 Mr. Stanfield. Thank you for responding to my email.</p> <p>21 I received the records, and need to review and redact</p> <p>22 them before releasing them to you."</p> <p>23 Was there anything inappropriate in that</p> <p>24 response?</p> <p>25 A. Not that I can see; no.</p>
<p style="text-align: right;">Page 214</p> <p>1 redaction.</p> <p>2 And she says, "When I receive the</p> <p>3 records, I'll need a business day to review. Will</p> <p>4 you agree to an extension?"</p> <p>5 Was anything, from your perspective,</p> <p>6 inappropriate in that email?</p> <p>7 A. No.</p> <p>8 Q. Okay. And he says, "I don't agree to</p> <p>9 grant any kind of extension, given that my rights</p> <p>10 have already been violated."</p> <p>11 And then he says that there is a Norfolk</p> <p>12 Circuit Court case. And he talks about that, that</p> <p>13 you -- he is saying that the case says --</p> <p>14 I'm not saying he -- you know, I haven't</p> <p>15 perused it.</p> <p>16 -- "A public body may only validly invoke</p> <p>17 Section 2.2-3704(B)(4), quote, if the response is</p> <p>18 made within five working days. Because the city did</p> <p>19 not abide by this requirement, it was not entitled to</p> <p>20 any time beyond that initial five days."</p> <p>21 Okay. And then Ms. Clay says -- let's</p> <p>22 see.</p> <p>23 Oh, and Ms. Drewry -- I want to make sure</p> <p>24 we're clear. The city attorney, Laura Drewry, is on</p> <p>25 that email; is that right?</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. From your perspective; okay. So that's --</p> <p>2 we're just going to go through these to make sure.</p> <p>3 Okay. Exhibit 2. Oh, I think I missed</p> <p>4 the last page. Pardon.</p> <p>5 MR. ROBINSON: I can get it. Thank you.</p> <p>6 (Deposition Exhibit 16 marked for</p> <p>7 identification.)</p> <p>8 BY MS. ROBB:</p> <p>9 Q. And if you would like to move some of</p> <p>10 those exhibits in front of you, to give yourself some</p> <p>11 more space --</p> <p>12 A. I'm good.</p> <p>13 Q. Okay.</p> <p>14 A. Because I didn't know if we were coming</p> <p>15 back to these or --</p> <p>16 Q. Right now, we're going to stay on these</p> <p>17 exhibits --</p> <p>18 A. These? Okay.</p> <p>19 Q. -- and the writ of mandamus.</p> <p>20 A. Okay; cool.</p> <p>21 Q. The subject line of this one is all in</p> <p>22 caps, and says "Warning Unscannable Extraction Failed</p> <p>23 FOIA Request." I'll let you read the actual emails.</p> <p>24 MR. ROBINSON: There you go.</p> <p>25 MS. ROBB: Thanks.</p>

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<p>1 (Pause.)</p> <p>2 MS. HARDING: She's ready.</p> <p>3 BY MS. ROBB:</p> <p>4 Q. Okay. Sorry.</p> <p>5 All right. Ms. Clay, reading these --</p> <p>6 sorry. Ms. Burks, reading Ms. Clay's emails</p> <p>7 backwards, so in chronological order, August 17th, at</p> <p>8 the very bottom of Clay 5050.</p> <p>9 A. Uh-huh.</p> <p>10 Q. She says, "Hello, Mr. Stanfield. I</p> <p>11 received two FOIA requests for employees' salaries</p> <p>12 the same week. The human resources professional</p> <p>13 thought that those requests were for 2022, so that is</p> <p>14 the information she released to me.</p> <p>15 "I asked her for the 2023 report, and I</p> <p>16 will email that to you upon receipt. The 2022 report</p> <p>17 is password-protected. I will send you a second</p> <p>18 email."</p> <p>19 Is there anything inappropriate in that</p> <p>20 email?</p> <p>21 A. Technically, no.</p> <p>22 Q. Okay. The next one says -- is Saturday,</p> <p>23 August 19th. So, obviously, it's -- I'm assuming</p> <p>24 people aren't in the office.</p> <p>25 Mr. Stanfield says, "Thank you, Ms. Clay,</p>	<p>1 "Hello, Mr. Stanfield. Attached is HR's response to</p> <p>2 your FOIA request. This document has the same</p> <p>3 password as the last document I sent you."</p> <p>4 Is there anything inappropriate, from</p> <p>5 your perspective, in that email?</p> <p>6 MR. ROBINSON: I'm going to object the</p> <p>7 characterization of what is and is not</p> <p>8 appropriate. She can answer.</p> <p>9 BY MS. ROBB:</p> <p>10 Q. Okay.</p> <p>11 A. So, you know -- and I've noticed this, I</p> <p>12 think, maybe more so in this tranche of emails than</p> <p>13 the first one.</p> <p>14 Q. Uh-huh; okay.</p> <p>15 A. It's really -- it's not HR's response.</p> <p>16 It's the city's response.</p> <p>17 Q. Okay.</p> <p>18 A. Right? So HR provides documents on</p> <p>19 behalf of the city, but the city is responding.</p> <p>20 Because, again, HR isn't going to defend the</p> <p>21 position. The city is going to defend whatever the</p> <p>22 position is.</p> <p>23 Q. Okay.</p> <p>24 A. Yeah.</p> <p>25 Q. I understand the distinction you're</p>
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<p>1 for this document. That's not what I requested."</p> <p>2 I'm paraphrasing.</p> <p>3 A. Uh-huh.</p> <p>4 Q. "And it doesn't include overtime. The</p> <p>5 city is operating wildly outside the bounds of what</p> <p>6 FOIA allows. Does the HR department realize that</p> <p>7 these requests must be fulfilled by law within</p> <p>8 certain time frames?"</p> <p>9 So he's, you know --</p> <p>10 A. Right.</p> <p>11 Q. He has a lot of feelings about this,</p> <p>12 let's just say. Is that fair to say, that he has</p> <p>13 some feelings about --</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 A. Yes.</p> <p>17 Q. Is it something you experienced, that</p> <p>18 when you're dealing with citizens that sometimes they</p> <p>19 have a lot of feelings about things?</p> <p>20 A. Yes. You know, typically, people feel</p> <p>21 however they're going to feel, you take it in and</p> <p>22 still do your job.</p> <p>23 Q. Okay.</p> <p>24 A. Yes.</p> <p>25 Q. So then Ms. Clay says, on August 23rd,</p>	<p>1 drawing.</p> <p>2 A. Okay.</p> <p>3 Q. In these -- well, I see -- and you can</p> <p>4 tell me where you differ, and it's okay if we do --</p> <p>5 that she's just saying this is where the documents</p> <p>6 are coming from, like explaining what's going on, to</p> <p>7 kind of calm down someone who has a lot of feels.</p> <p>8 Do you see it differently?</p> <p>9 MR. ROBINSON: Objection to form.</p> <p>10 THE WITNESS: I'm not sure how saying the</p> <p>11 HR department is calming whatever his feelings</p> <p>12 are.</p> <p>13 BY MS. ROBB:</p> <p>14 Q. Uh-huh.</p> <p>15 A. It's almost as if you're making sure he</p> <p>16 knows it's not you, it's the HR department. And it's</p> <p>17 really just the city.</p> <p>18 Q. Okay. Could it be considered giving</p> <p>19 context to the process?</p> <p>20 A. Possibly. But I would also say, with</p> <p>21 Mr. Stanfield's sort of knowledge of the land, he</p> <p>22 knows what department these types of records would</p> <p>23 come from.</p> <p>24 Q. That's fair.</p> <p>25 Okay. On August 24th, the same day, like</p>

<p style="text-align: right;">Page 221</p> <p>1 an hour-and-change later, he again says -- and by 2 again, I mean in the last email -- 3 A. Right. 4 Q. -- he got to a case, and said he wanted 5 to talk about -- it says, "Thank you." 6 And at -- I will say, at some point in 7 this, it seems Mr. Stanfield has added Laura Drewry. 8 But it's unclear if he did so on this specific piece 9 of this email chain. 10 "Thank you, Ms. Clay. Can you or 11 Ms. Drewry please refer me to any code section, AG's 12 opinion, FOIA Advisory Council opinion, or case law 13 that supports the interpretation that the city may 14 withhold overtime pay amounts for employees of a 15 public body?" 16 And then he goes on to talk about how 17 Henrico and Chesterfield turned over those figures. 18 Am I summarizing that accurately? 19 A. Yes; it appears so. 20 Q. And then he sends another follow-up. And 21 this one, definitely, he included Laura Drewry. And 22 he says that this forces him to take the 23 extraordinary step of seeking mandamus relief from 24 the Richmond Circuit Court. And then Connie replies. 25 Did you -- or do you know, if you have</p>	<p style="text-align: right;">Page 223</p> <p>1 Q. We will be going through some more. 2 A. Okay. Because -- 3 Q. And if -- 4 A. Yeah. 5 Q. But when you were talking about there is 6 an email, is this in line with what you were talking 7 about before? 8 A. It is in line with; yes. 9 Q. And then Mr. Stanfield doubles down, or 10 triples down at this point, that he's going to file a 11 lawsuit. 12 And then at the end of this exhibit, you 13 are added, it seems by Ms. Clay, because she is going 14 out of town September 18th through September 28th, 15 that you were going to manage her FOIA caseload. 16 Was that accurate? 17 A. That is -- was accurate. 18 Q. Did you manage her caseload during her 19 absence? 20 A. Not -- we were both absent, too, at the 21 same time, unfortunately. It overlapped. 22 Q. Okay. 23 A. There were some things that I handled 24 while I was away, just via phone call. 25 Q. Okay.</p>
<p style="text-align: right;">Page 222</p> <p>1 knowledge of this, if the city attorney's office was 2 included by a requester, would they ever interject, 3 or not? 4 MR. ROBINSON: Objection. She can't 5 testify on behalf of the city attorney's office. 6 MS. ROBB: Oh, of course. 7 THE WITNESS: You know, I wouldn't know. 8 Because they would probably take us off of any 9 back and forth with -- 10 BY MS. ROBB: 11 Q. Okay, all right. And then the next email 12 is Ms. Clay saying, "I informed you I don't have 13 access to these human resources records," like she 14 personally doesn't have access. 15 Is that true, that she didn't have access 16 to the records? 17 A. She would not have access to those 18 records. 19 Q. Okay. "The HR professional who provided 20 the records does not believe she is required to 21 release overtime pay, because it could constitute an 22 unwarranted invasion of privacy." 23 Is that the email that you were talking 24 about earlier? 25 A. I believe so.</p>	<p style="text-align: right;">Page 224</p> <p>1 A. Because I travel with my work laptop and 2 phone, just by nature of the beast, so -- 3 Q. All right. And this is an advance copy, 4 obviously, so I don't have the date when this was 5 filed. 6 But did you handle, if you remember, this 7 petition or the underlying request while Ms. Clay was 8 out and you were still handling things, or when you 9 were accessible? 10 A. I don't think I did handle -- I would 11 have to say I don't remember; yeah. 12 Q. Okay. Nothing sticks out, in other 13 words; is that fair to say? 14 A. That is fair to say. 15 Q. Okay. Here's the fourth exhibit. I'm 16 sparing us from the third, because it has to do with 17 the emergency calls for very specific addresses, and 18 it doesn't seem relevant here. But I can provide it 19 if -- 20 (Deposition Exhibit 17 marked for 21 identification.) 22 BY MS. ROBB: 23 Q. This is only a one-page exhibit. And the 24 title is "VA FOIA Environmental Report or Analysis on 25 Proposed Casino Site." So he brings in both of those</p>

<p style="text-align: right;">Page 225</p> <p>1 topics we were talking about previously.</p> <p>2 And this is not to you or to Ms. Clay.</p> <p>3 It's to Lincoln Saunders, Leonard Sledge, and</p> <p>4 RVAMayor@richmondgov.com</p> <p>5 So though that's technically to the</p> <p>6 mayor, I'm going to ask you, did the mayor have --</p> <p>7 like was this the public email address for the mayor,</p> <p>8 if you remember?</p> <p>9 A. Yes; to -- yes; that is the public --</p> <p>10 that was, right --</p> <p>11 Q. I understand.</p> <p>12 A. -- the public email address for the</p> <p>13 mayor.</p> <p>14 Q. And it says, "Good evening. Mr. Liggins</p> <p>15 of Urban One" --</p> <p>16 And who is Urban One?</p> <p>17 A. They were the folks who were the</p> <p>18 proposers of the casino.</p> <p>19 Q. That's right.</p> <p>20 -- "has reportedly said that there is an</p> <p>21 environmental analysis or report that shows the</p> <p>22 proposed casino site -- that shows the proposed</p> <p>23 casino site is safe and suitable for construction and</p> <p>24 a resort.</p> <p>25 "I'm currently finalizing research for an</p>	<p style="text-align: right;">Page 227</p> <p>1 BY MS. ROBB:</p> <p>2 Q. And we're rounding home on this</p> <p>3 expedition. This is Exhibit 5. The subject line is</p> <p>4 "FOIA Request Urban One." And it's two pages.</p> <p>5 Okay. So this does not have his original</p> <p>6 FOIA in this chain. The first email is Ms. Clay</p> <p>7 saying, "Hello, Mr. Stanfield. Your request</p> <p>8 regarding an environmental analysis for the proposed</p> <p>9 casino project has been forwarded to me.</p> <p>10 "I will ask the respective departments if</p> <p>11 any records exist; and I will notify you if there is</p> <p>12 a fee for the research, retrieval, and review of</p> <p>13 records."</p> <p>14 Is that all appropriate, from your</p> <p>15 perspective?</p> <p>16 A. Uh-huh; it is.</p> <p>17 Q. Okay. Then he says, "Thank you."</p> <p>18 And then she follows up a week later and</p> <p>19 says, "Hello, Mr. Stanfield. The FOIA liaison in the</p> <p>20 mayor's office says the mayor is not in possession of</p> <p>21 an environmental report for the casino site. I am</p> <p>22 awaiting a response from the other individuals."</p> <p>23 And he says, "Thank you very much." And</p> <p>24 that is where that ends.</p> <p>25 Do you have an opinion on whether this</p>
<p style="text-align: right;">Page 226</p> <p>1 article on environmental aspects of the proposed</p> <p>2 project, and I would appreciate copies of any</p> <p>3 analyses, reports, or other documents you have that</p> <p>4 pertain to the environmental safety and/or</p> <p>5 suitability of the proposed site and/or project."</p> <p>6 Now, he says he's finalizing research for</p> <p>7 an article. Did you consider him media? It's not a</p> <p>8 trick question. I just don't know.</p> <p>9 A. No.</p> <p>10 Q. Do you know what he means by an article?</p> <p>11 A. I do not.</p> <p>12 Q. Okay.</p> <p>13 A. He may have been a freelancer, but not to</p> <p>14 my knowledge.</p> <p>15 Q. Okay; yeah. All right. Now, there's no</p> <p>16 response to this. But based on your testimony</p> <p>17 earlier, he has information, he thinks that there is</p> <p>18 a study. But there --</p> <p>19 Do you know if there was or not?</p> <p>20 A. From what we could gather, the city did</p> <p>21 not have the environmental impact study.</p> <p>22 Q. Okay; understood. Okay. And this is the</p> <p>23 last one.</p> <p>24 (Deposition Exhibit 18 marked for</p> <p>25 identification.)</p>	<p style="text-align: right;">Page 228</p> <p>1 email was appropriate or not appropriate?</p> <p>2 A. On its face, it appears --</p> <p>3 MR. ROBINSON: Objection. Go ahead.</p> <p>4 THE WITNESS: On its face, it appears</p> <p>5 appropriate; yes.</p> <p>6 BY MS. ROBB:</p> <p>7 Q. Okay. And I'm asking in your capacity as</p> <p>8 -- you know, you were her manager, and your opinion.</p> <p>9 A. Uh-huh.</p> <p>10 Q. Okay. So those are all the emails</p> <p>11 attached to the complaint.</p> <p>12 A. This.</p> <p>13 Q. I am --</p> <p>14 A. Okay.</p> <p>15 Q. Yes.</p> <p>16 A. Okay.</p> <p>17 Q. And if you want to put all those</p> <p>18 together, they go in order for the exhibits anyhow.</p> <p>19 A. All right.</p> <p>20 Q. We don't have any more of those for you.</p> <p>21 A. Okay.</p> <p>22 Q. And this is a multi-piece of the same</p> <p>23 document puzzle. It is the dismissal order in this</p> <p>24 case. The top one is signed by the Judge and entered</p> <p>25 on December 11th of 2023.</p>

<p style="text-align: right;">Page 229</p> <p>1 And the second page says that this is 2 received and filed on November 29th of 2023. And the 3 last page is the signatures of Josh Stanfield and Wirt 4 Marks, who is the deputy city attorney. 5 In this dismissal order it says, "The 6 parties have advised the Court that all matters in 7 controversy herein have been resolved; that by mutual 8 agreement respondent City of Richmond will reimburse 9 petitioner for his costs, and respondents commit to 10 comply with Virginia Code Section 2.2-3704 henceforth, 11 it is hereby ordered that this matter be and the same 12 hereby is dismissed with prejudice." 13 So the case was over. And I believe I 14 can -- I don't think I have my hands on the documents. 15 But I believe it's because some records were agreed to, 16 I guess, by -- was it by Ms. -- 17 MR. ROBINSON: Go ahead. 18 BY MS. ROBB: 19 Q. I'll -- do you know if that is -- that 20 happened, Ms. Burks? 21 MR. ROBINSON: Objection to your 22 characterization as to what you believe. 23 BY MS. ROBB: 24 Q. I understand. Do you know how this came to 25 pass, that they agreed to dismiss the case, or</p>	<p style="text-align: right;">Page 231</p> <p>1 overtime records. 2 Q. Okay. 3 A. And I -- 4 Q. Thank you. You're being very good about 5 that. I appreciate it. 6 (Deposition Exhibit 19 marked for 7 identification.) 8 (Discussion off the record.) 9 BY MS. ROBB: 10 Q. All right. This is -- I'm passing you, 11 is Exhibit -- 12 THE COURT REPORTER: 20. 13 MS. ROBB: Goodness. 14 (Deposition Exhibit 20 marked for 15 identification.) 16 BY MS. ROBB: 17 Q. And Exhibit 20 is an email, and I'll let 18 you review it, between you, and Ms. Clay, and the 19 FOIA officer email address, which I assume, but you 20 can tell me if I'm wrong, is also Ms. Clay. 21 A. Yes; because that was the -- sort of the 22 catch-all email address. Both she and I had access. 23 Q. Did you review that email address? 24 A. Not on a regular basis, because I knew 25 she was reviewing it on a daily basis.</p>
<p style="text-align: right;">Page 230</p> <p>1 Mr. Stanfield agreed to dismiss the case? 2 A. So there were -- there are different 3 pieces here. 4 Q. Okay. 5 A. Right? So as far as the overtime, we 6 agreed to release that information. 7 Q. Okay. 8 A. So I'm -- but I'm assuming it's the 9 dismissal for the entire piece. 10 Q. That is my understanding. 11 A. Okay. 12 Q. Only because it does not say it's parsing 13 it out. 14 A. Right. So then the environmental 15 study -- and this is where I'm not sure of. Let me 16 just be clear. 17 Q. Okay. 18 A. The city was not the holder of that 19 record. The casino, from what I remember, was the 20 holder of that record. And so they would have been 21 the ones to release it. 22 Q. I understand; okay. 23 A. That is -- so I don't know all of the 24 pieces. But the piece that was major for us, and for 25 me in my memory, of course, is the release of the</p>	<p style="text-align: right;">Page 232</p> <p>1 Q. Okay. And this is Connie Clay saying, 2 "Petula, in your text message sent a few minutes ago" 3 -- and I'll back up and say that the subject matter 4 is "Your text message sent at 12:18 p.m. today." 5 "In your text message sent a few minutes 6 ago, you directed me not to, quote, put anyone else's 7 name out there, end quote. 8 "Wirt Marks, the assigned city attorney, 9 asked questions about the lawsuit that Joshua 10 Stanfield filed naming me as a defendant, although it 11 was not my decision as the FOIA officer to withhold 12 the overtime records. 13 "The Judge could hold me responsible and 14 impose a \$2,000 fine upon me, for which I would be 15 personally responsible. I will not take that risk. 16 I will answer Wirt's questions fully and truthfully. 17 "And if this matter goes to a hearing, I 18 will fully and truthfully answer questions under 19 oath. I will protect my privilege to practice law, 20 as well as my reputation." 21 Can you tell me about this text message, 22 to the best of your recollection, not to, quote, put 23 anyone else's name out there? 24 A. I'd probably have to see the other email 25 that goes along with this. Sut--</p>

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<p>1 MR. ROBINSON: You can ask for that.</p> <p>2 BY MS. ROBB:</p> <p>3 Q. I don't have any other attached to this,</p> <p>4 but I have the text messages.</p> <p>5 A. Okay.</p> <p>6 MR. ROBINSON: Is she responding to an</p> <p>7 email here, or is she responding to a text</p> <p>8 message here?</p> <p>9 MS. ROBB: It looks like Ms. Clay --</p> <p>10 MR. ROBINSON: A text message?</p> <p>11 MS. ROBB: -- Ms. Clay is discussing a</p> <p>12 text message that was sent.</p> <p>13 MR. ROBINSON: Okay.</p> <p>14 MS. ROBB: So if we go to the text</p> <p>15 messages, we can see. This is January 4th. So</p> <p>16 we need --</p> <p>17 MR. ROBINSON: November the 15th.</p> <p>18 MS. ROBB: Yeah. No; I just need -- if</p> <p>19 you give me both the packets, I know them --</p> <p>20 MS. HARDIMAN: So you want Burks or Clay?</p> <p>21 MS. ROBB: You can just give me both,</p> <p>22 please, and thank you.</p> <p>23 BY MS. ROBB:</p> <p>24 Q. I will tell you before I pass you this</p> <p>25 whole pile -- and we have three copies -- that where</p>	<p>1 A. Oh, okay. These are out of order. I'm</p> <p>2 like -- okay. I got it. Okay. By date, it's not --</p> <p>3 okay. Got it.</p> <p>4 MS. ROBB: I agree.</p> <p>5 MR. ROBINSON: Can we take a break?</p> <p>6 MS. ROBB: Absolutely.</p> <p>7 MR. ROBINSON: I need to take a quick</p> <p>8 break.</p> <p>9 MS. ROBB: Oh, please. Whatever you</p> <p>10 need.</p> <p>11 THE VIDEOGRAPHER: Off the video record.</p> <p>12 The time is 2:25 p.m.</p> <p>13 /</p> <p>14 (Brief recess.)</p> <p>15 /</p> <p>16 THE VIDEOGRAPHER: Back on the record.</p> <p>17 The time is 2:34 p.m.</p> <p>18 BY MS. ROBB:</p> <p>19 Q. Okay. Hi, Ms. Burks. We're back, and we</p> <p>20 are done journeying through the Joshua Stanfield</p> <p>21 lawsuit.</p> <p>22 As a -- although I do have one question.</p> <p>23 As a result of the emails that we went through, did</p> <p>24 you utilize the discipline policy in any way for</p> <p>25 Ms. Clay's verbiage in the emails?</p>
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<p>1 we're looking at starts, I believe, on BURKS 34.</p> <p>2 A. Okay.</p> <p>3 Q. And this is just the stack of text</p> <p>4 messages that were produced to us from your phone,</p> <p>5 not including, I believe, there's something that was</p> <p>6 added last evening. We don't have that.</p> <p>7 MR. ROBINSON: It was just a cut off --</p> <p>8 MS. ROBB: No; I understand. I'm not --</p> <p>9 I just want to make sure the record's clear what</p> <p>10 we have and what we don't have; right.</p> <p>11 (Deposition Exhibit 21 marked for</p> <p>12 identification.)</p> <p>13 MR. ROBINSON: I think you do have that.</p> <p>14 I think it was just Ryan wanted to -- you had</p> <p>15 asked for a date stamp or something that was cut</p> <p>16 off at the bottom of a text message. And he was</p> <p>17 trying to make sure you could get that.</p> <p>18 MS. ROBB: Oh, I haven't had time to</p> <p>19 analyze it, because it was sent late last night.</p> <p>20 I just didn't -- I just haven't had time. So I</p> <p>21 can look at that. I just wanted to be clear on</p> <p>22 the record what I had and what I didn't have.</p> <p>23 BY MS. ROBB:</p> <p>24 Q. So we're at -- it's BURKS 35. I</p> <p>25 apologize.</p>	<p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 A. No.</p> <p>4 Q. Meaning no --</p> <p>5 A. No written anything. She and I had</p> <p>6 conversations.</p> <p>7 Q. Okay.</p> <p>8 A. Right? Because, again, new in a role.</p> <p>9 So everybody's trying to get acclimated to all the</p> <p>10 nuances and whatnot.</p> <p>11 Q. Okay.</p> <p>12 A. So yeah.</p> <p>13 Q. All right. Now, do you recall during</p> <p>14 your time at the city an issue with FOIA that --</p> <p>15 well, a FOIA topic that was brought up numerous times</p> <p>16 by Michael Sarahan about what he called a Confederate</p> <p>17 shrine or Confederate monument? He used a lot of</p> <p>18 different terms. Do you recall that concept?</p> <p>19 A. I do.</p> <p>20 Q. Okay. My understanding from the</p> <p>21 emails -- and we'll go -- I won't make you go through</p> <p>22 his -- every single email he sent.</p> <p>23 A. Okay.</p> <p>24 Q. I will -- there are numerous emails, if</p> <p>25 you recall.</p>

<p>Page 237</p> <p>1 A. I do.</p> <p>2 Q. He, I believe earlier than Ms. Clay's</p> <p>3 coming on, had brought this FOIA to you; is that</p> <p>4 correct?</p> <p>5 A. He brought a FOIA to me; yes.</p> <p>6 Q. Okay. And then this --</p> <p>7 MR. ROBINSON: I just want to clear up --</p> <p>8 MS. ROEB: Yes.</p> <p>9 MR. ROBINSON: She said "this FOIA to</p> <p>10 you."</p> <p>11 MS. ROEB: Oh.</p> <p>12 THE WITNESS: Right. That's why I said</p> <p>13 he brought a FOIA.</p> <p>14 MS. ROEB: Yes, yes.</p> <p>15 MR. ROBINSON: But not that FOIA.</p> <p>16 THE WITNESS: I think they were different</p> <p>17 FOIAs. So he brought a FOIA, and not just to</p> <p>18 me. It was to a plethora of folks. You know,</p> <p>19 what I'd always described as Jesus and all his</p> <p>20 disciples, is literally the -- who he sent that</p> <p>21 email to.</p> <p>22 BY MS. ROEB:</p> <p>23 Q. I don't mean to laugh, but that was a</p> <p>24 really good way to put it.</p> <p>25 A. Yes.</p>	<p>Page 239</p> <p>1 A. So I do have a question.</p> <p>2 Q. I would like to say, for the record,</p> <p>3 we're going to move back to the text message.</p> <p>4 Because Mr. Robinson is absolutely right, that I --</p> <p>5 we were talking about that.</p> <p>6 A. So I feel as if there is an email that's</p> <p>7 missing --</p> <p>8 Q. Okay.</p> <p>9 A. -- for me to be able to fully respond to</p> <p>10 this.</p> <p>11 Q. Okay.</p> <p>12 A. Because when I'm saying, "Do not put</p> <p>13 anyone else's name out there as you've done in these</p> <p>14 emails today. We've spoken about this," she's</p> <p>15 responding to my text.</p> <p>16 But what was the email that I'm</p> <p>17 responding to, I guess, is the question. Because</p> <p>18 there is an email that I remember --</p> <p>19 Q. Okay.</p> <p>20 A. -- where she specifically named people in</p> <p>21 it. So -- and this is my recollection.</p> <p>22 Q. Okay.</p> <p>23 A. And this is why it's bad. Because I</p> <p>24 don't have it in front of me.</p> <p>25 Q. Uh-huh.</p>
<p>Page 238</p> <p>1 Q. I agree with you on that. And so we're</p> <p>2 going to go through some of those emails from</p> <p>3 Mr. Sarahan to all the people.</p> <p>4 Okay. I'm just going to separate out the</p> <p>5 second set of them from the first set of them. Just</p> <p>6 a second. I apologize. I just to need get the --</p> <p>7 there were a lot of emails on this topic.</p> <p>8 All right.</p> <p>9 MR. ROBINSON: Are we not going to go</p> <p>10 back to where we left off?</p> <p>11 MS. ROEB: We were done with Josh</p> <p>12 Stanfield. We had already done the dismissal</p> <p>13 order.</p> <p>14 THE WITNESS: The text messages.</p> <p>15 MR. ROBINSON: No; you were on the text</p> <p>16 messages.</p> <p>17 MS. ROEB: Oh, you are absolutely right,</p> <p>18 Jimmy. And I am so sorry. I'm happy to put a</p> <p>19 pin in this and go back to the text messages.</p> <p>20 Thank you. Sorry.</p> <p>21 MR. ROBINSON: Okay. No, no; no problem.</p> <p>22 BY MS. ROEB:</p> <p>23 Q. That was simply a --</p> <p>24 A. It's okay.</p> <p>25 Q. -- a lack of sleep.</p>	<p>Page 240</p> <p>1 A. But there was an email where she named, I</p> <p>2 believe, both Sabrina and Robin. But I know for sure</p> <p>3 Robin Redmond was named in the email. And it wasn't</p> <p>4 necessary --</p> <p>5 Q. Okay.</p> <p>6 A. -- to do so.</p> <p>7 Q. All right.</p> <p>8 A. But I also don't remember if it was --</p> <p>9 because the way it's written here is that it was</p> <p>10 written to Wirt in the city attorney's office. So I</p> <p>11 would have to see the email to fully respond to what</p> <p>12 your question is here.</p> <p>13 Q. Okay. I understand what you're saying.</p> <p>14 Do you remember -- and if you don't, it's okay -- if</p> <p>15 that was an internal email, or an email to the</p> <p>16 responder?</p> <p>17 A. That's the thing. I don't remember --</p> <p>18 Q. Okay.</p> <p>19 A. -- if it was an internal or an</p> <p>20 external --</p> <p>21 Q. Okay.</p> <p>22 A. -- email.</p> <p>23 Q. Would that make a difference?</p> <p>24 A. Probably not.</p> <p>25 Q. Okay. I would like to ask you a few</p>

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<p>1 questions. And if you can't fully answer, that is</p> <p>2 okay.</p> <p>3 When you say, "We've spoken about this,"</p> <p>4 in what form had you spoken about it, if you recall?</p> <p>5 A. Conversation.</p> <p>6 Q. Okay.</p> <p>7 A. So it was the -- we don't -- we're not</p> <p>8 trying to throw a person; right? So when --</p> <p>9 MR. ROBINSON: Wait. Finish your</p> <p>10 thought. Throw a person?</p> <p>11 THE WITNESS: Under the bus; right?</p> <p>12 When Sarah asks for information, the</p> <p>13 response really should not be -- and I'm just</p> <p>14 going to use Robin, because she was used</p> <p>15 before -- Robin and/or even HR, but Robin, the</p> <p>16 holder of the records, does not believe that she</p> <p>17 has to give them. It is the city.</p> <p>18 BY MS. ROBB:</p> <p>19 Q. Okay.</p> <p>20 A. So it's not personal, person to person.</p> <p>21 It's the city believes that we do not have to</p> <p>22 respond, based on X-exemption; right?</p> <p>23 Q. Uh-huh.</p> <p>24 A. That's the response. Not a person.</p> <p>25 Q. Right.</p>	<p>1 that email, if I get my hands on it.</p> <p>2 Did you consider this email about your</p> <p>3 text message to be a report of wrongdoing by the</p> <p>4 city, or by you, or by anyone else?</p> <p>5 MR. ROBINSON: Objection to the form.</p> <p>6 Report of wrongdoing to who?</p> <p>7 MS. ROBB: A report of wrongdoing by the</p> <p>8 city. She's her manager.</p> <p>9 MR. ROBINSON: Oh, report by Connie Clay?</p> <p>10 MS. ROBB: Yes, yes.</p> <p>11 MR. ROBINSON: Oh.</p> <p>12 BY MS. ROBB:</p> <p>13 Q. Did this email constitute -- I can</p> <p>14 rephrase --</p> <p>15 A. It doesn't read that way. It reads as a</p> <p>16 person who does not want to be responsible for, I</p> <p>17 mean, unfortunately, said duties; right? Based on</p> <p>18 code -- I always say code -- statute, you know, that</p> <p>19 is the unfortunate piece of it; right?</p> <p>20 Q. Uh-huh.</p> <p>21 A. This, you know, responsible piece. But</p> <p>22 it was already determined that the city would be</p> <p>23 responsible for any fines imposed.</p> <p>24 Q. Okay.</p> <p>25 A. There were not fines imposed. But the</p>
Page 242	Page 244
<p>1 A. Because the person, whomever that is, is</p> <p>2 acting on knowledge based on statute, code, et</p> <p>3 cetera, and/or an opinion by the city attorney's</p> <p>4 office.</p> <p>5 So in all things, we are representing the</p> <p>6 city, not our own actual opinions in these things.</p> <p>7 Q. Was she -- I understand the distinction</p> <p>8 you're drawing. I just have a follow-up question.</p> <p>9 Was she saying it was her opinion in those emails we</p> <p>10 just read, or the HR professional's opinion?</p> <p>11 Or was she basically saying that, "I can</p> <p>12 just go on what they say, because I don't have access</p> <p>13 to the records"?</p> <p>14 A. The way it was worded, from what I just</p> <p>15 read, was she -- the HR person does not believe</p> <p>16 that --</p> <p>17 Q. Okay. I see; okay.</p> <p>18 A. -- she has to turn those records over.</p> <p>19 Q. I understand. A question about that last</p> <p>20 email that -- you say there is another email. And,</p> <p>21 truly, there are so many emails in this case --</p> <p>22 A. Correct; yeah.</p> <p>23 Q. I will give you the opportunity, because</p> <p>24 this is your opportunity to say your thoughts on</p> <p>25 this; right? And I want to know your thoughts on</p>	<p>1 city stands for that, because they are representing</p> <p>2 what they're saying is the exemption, or why the city</p> <p>3 with -- believes they can withhold a record.</p> <p>4 Q. I understand what you are saying.</p> <p>5 How would Ms. Clay have made a report of</p> <p>6 her belief of wrongdoing by the city, if anything she</p> <p>7 said she didn't agree with was simply saying she</p> <p>8 didn't want to do her duties, when she told it to</p> <p>9 you?</p> <p>10 MR. ROBINSON: Objection to the form.</p> <p>11 THE WITNESS: So how do I want -- I want</p> <p>12 to be thoughtful about this. Let me be very</p> <p>13 clear about that. But at the end of the day, we</p> <p>14 all have a belief around certain things, i.e., I</p> <p>15 go back to what I told you about overtime pay.</p> <p>16 I believed, shared that belief, that at</p> <p>17 some point the city's probably going to have to</p> <p>18 share these records, just because I had worked</p> <p>19 in other localities that at some point had to</p> <p>20 turn over overtime records.</p> <p>21 However, my belief does not supersede</p> <p>22 what the city attorney office says the city is</p> <p>23 going to say is the exemption.</p> <p>24 BY MS. ROBB:</p> <p>25 Q. Okay.</p>

<p style="text-align: right;">Page 245</p> <p>1 A. I can believe it all day. I could have 2 gone and argued with the city attorney. 3 Q. Uh-huh. 4 A. But at the end of the day, the city says 5 this is the exemption, and this is how we are moving 6 forward. 7 Q. Okay. 8 A. Right? 9 Q. Uh-huh. 10 A. That does not mean it's wrong. It just 11 means my belief is my belief. 12 Q. Okay. What if she did think it was 13 wrong? Like how would she report that? 14 A. She -- well, even with the overtime, she 15 said, "I don't think this is -- I don't think that's 16 right." 17 Q. Uh-huh. 18 A. That also does not -- but that's her 19 opinion. 20 Q. Okay. 21 A. That does not make it right. 22 Q. Okay. 23 A. It's an opinion. 24 Q. Understood. 25 A. Okay.</p>	<p style="text-align: right;">Page 247</p> <p>1 A. -- from the IT director, based on an 2 email that she sent to an IT staff person. 3 Q. Okay. 4 A. Now, she was eliciting help from the 5 person. 6 Q. Can I back up for just a second? 7 A. Uh-huh. 8 Q. Who was the IT individual who contacted 9 you? 10 A. Charles Todd. 11 Q. Okay. 12 A. Who was the IT director. 13 Q. All right. And he was referencing an 14 email? 15 A. Correct. 16 Q. Was he on the email, or he received the 17 email? 18 A. I don't believe he was on the email. 19 Q. All right. 20 A. I believe that the staff member, of 21 course, shared the -- I can't -- there were people on 22 the email. I -- 23 Q. Yeah; I'm not tying -- 24 A. It's been a minute. 25 Q. I'm not tying you to direct knowledge of</p>
<p style="text-align: right;">Page 246</p> <p>1 Q. All right. So we will get you that 2 email. Is it an email chain, do you remember? Was 3 it a lot of people or -- if you don't, it's totally 4 fine. Just from looking for it, I want to -- 5 A. I don't remember. But I'm assuming it's 6 probably somewhere in that same time frame. 7 Q. Okay. 8 A. Because it feels as if this was an 9 immediate response to whatever had just gone out. 10 Q. All right. With respect to that, because 11 other individuals were involved in this situation, 12 did anyone come to you and make a complaint about the 13 way Ms. Clay was wording things? 14 A. Well, yes; but not -- not always -- so 15 it's -- I'm going to say not to this specific -- yes. 16 Q. Okay. 17 A. There were complaints about -- period. 18 But there was -- especially internally, probably more 19 so than externally; right? 20 Q. Okay. 21 A. Around how things were worded to other 22 team members. 23 Q. Okay. 24 A. Right? So I got a frantic phone call -- 25 Q. Okay.</p>	<p style="text-align: right;">Page 248</p> <p>1 who was on the email and who wasn't. I just want to 2 know so we can look for it. 3 A. But the person went immediately, and 4 maybe forwarded the email. 5 Q. Okay. 6 A. Because I get the phone call, irate. 7 Q. Okay. 8 A. "How dare she speak to him this way. She 9 does not assign work. She" -- because it was 10 basically -- and, again, paraphrase -- she's too busy 11 to do this, this person needed to do it for her. 12 Q. Okay. 13 A. That was the tenet of the email. 14 Q. And this was someone in IT? 15 A. Correct. 16 Q. Okay. 17 A. Right? And the reason I remember it is, 18 one, because I had to soothe the -- and then I also 19 did what I would call a mediation call between that 20 staff member and Ms. Clay. 21 Q. All right. 22 A. To sort of get us back on the same page. 23 "We really need your help. I do not believe that she 24 was trying to give you a directive"; right? 25 He's like, "But what she doesn't</p>

<p style="text-align: right;">Page 249</p> <p>1 understand is I have a lot of work, too."</p> <p>2 Q. Uh-huh.</p> <p>3 A. You know, "And we've trained her on this</p> <p>4 system."</p> <p>5 And so I -- it's one thing to say, "I</p> <p>6 need extra help." But it's another thing for you</p> <p>7 basically to say, "I need you to do it because I</p> <p>8 don't have time to do it."</p> <p>9 Q. Okay. And that's how it was taken?</p> <p>10 A. That was how it was taken.</p> <p>11 Q. Okay. What training did Ms. Clay have on</p> <p>12 searching the IT records for the City of Richmond?</p> <p>13 A. They worked with her. So I don't know</p> <p>14 how they worked that out. But --</p> <p>15 Q. Who's "they"?</p> <p>16 A. IT. Oh, gosh. I can't think of the</p> <p>17 young man's name. Because they helped -- they worked</p> <p>18 with me, as well.</p> <p>19 Q. I understand.</p> <p>20 A. Right?</p> <p>21 Q. What training did they provide?</p> <p>22 A. They do hand -- they will do hands-on</p> <p>23 training.</p> <p>24 Q. Okay.</p> <p>25 A. They either remote into your computer, so</p>	<p style="text-align: right;">Page 251</p> <p>1 A. Maybe start your email with that space,</p> <p>2 right, of, "Hey, I know we've had this. You've</p> <p>3 worked with me on it. I need some help, because I'm</p> <p>4 having issues."</p> <p>5 You get more with just sort of an</p> <p>6 ease-in, as opposed to directives to people you</p> <p>7 really can't give directives to anyway; right?</p> <p>8 You're asking for help.</p> <p>9 Q. I understand.</p> <p>10 A. Okay.</p> <p>11 Q. Okay. Once Ms. Clay had training on this</p> <p>12 wonky IT system, is it presumed that she's always</p> <p>13 going to know how to do all the things on it?</p> <p>14 MR. ROBINSON: Objection to form.</p> <p>15 THE WITNESS: It's presumed that if she</p> <p>16 had a question about something she didn't know,</p> <p>17 that she would ask.</p> <p>18 BY MS. ROBB:</p> <p>19 Q. Okay, okay. I think that's all I have on</p> <p>20 these text messages, unless we find the --</p> <p>21 A. Okay. The email.</p> <p>22 Q. -- the email that you have --</p> <p>23 A. Okay.</p> <p>24 Q. -- referenced.</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Page 250</p> <p>1 -- or they will come to your office.</p> <p>2 Q. Okay.</p> <p>3 A. So it's that. Because it's, again, a</p> <p>4 wonky IT system.</p> <p>5 Q. Uh-huh.</p> <p>6 A. But it's also an older system, so they're</p> <p>7 very clear about that.</p> <p>8 Q. Okay.</p> <p>9 A. And so I think they were looking to</p> <p>10 enhance what -- this is where you would put the new</p> <p>11 tires on the old car.</p> <p>12 Q. I understand.</p> <p>13 A. Right?</p> <p>14 Q. Okay.</p> <p>15 A. That system. So it was slow and painful,</p> <p>16 but it did its job.</p> <p>17 Q. Okay.</p> <p>18 A. Right? So she'd had that.</p> <p>19 Q. Okay.</p> <p>20 A. And that was alluded to in the</p> <p>21 conversation.</p> <p>22 Q. All right.</p> <p>23 A. And what she said, if I remember, was,</p> <p>24 you know, "I need maybe some more training on that."</p> <p>25 Q. Uh-huh.</p>	<p style="text-align: right;">Page 252</p> <p>1 Q. And now we'll move to the --</p> <p>2 A. Okay.</p> <p>3 Q. -- so -- and I'm going to say so-called,</p> <p>4 because -- this is an interesting topic. Mr. Sarahan</p> <p>5 calls it at a Confederate shrine. And it is -- we'll</p> <p>6 just talk about that.</p> <p>7 All right. And I want to make sure we're</p> <p>8 starting from the time before Ms. Clay.</p> <p>9 A. Okay.</p> <p>10 Q. And so that's why I'm going to look at</p> <p>11 these dates, to make sure that we're on the right</p> <p>12 page.</p> <p>13 A. Put my glasses back on.</p> <p>14 Q. Okay. Now, if we went through all the</p> <p>15 emails on this topic, we would be here for a month.</p> <p>16 A. Next year?</p> <p>17 Q. Yes; I think you're right about that.</p> <p>18 A. Uh-huh.</p> <p>19 Q. Talk about Jesus and his disciples.</p> <p>20 What I am handing you is a chain of</p> <p>21 emails that seem to -- or it's a couple, actually,</p> <p>22 that seem to capture the situation. And there are a</p> <p>23 few in there that overlap, is what it is. And so</p> <p>24 some of the emails within each chain might repeat, if</p> <p>25 that makes sense.</p>

<p>Page 253</p> <p>1 A. Yes. I assume -- yes; okay.</p> <p>2 Q. This is not the initial FOIA. I believe</p> <p>3 that that was a few months before. But this was from</p> <p>4 April of 2023. My understanding is that's before</p> <p>5 Ms. Clay came on.</p> <p>6 A. Correct.</p> <p>7 Q. At that time, were you the FOIA officer?</p> <p>8 A. Yes.</p> <p>9 Q. Did you have that title, or the -- well,</p> <p>10 how was that?</p> <p>11 A. I don't know that I had the title.</p> <p>12 Q. Okay.</p> <p>13 A. But I worked in that capacity as sort of</p> <p>14 the interim catch-all. But departments were still</p> <p>15 quasi also responding.</p> <p>16 When things like this happened, again,</p> <p>17 when Jesus and all of his disciples, then it got to</p> <p>18 the level of us actually in the office trying to work</p> <p>19 through all of the things.</p> <p>20 Q. And this is not the actual FOIA.</p> <p>21 A. Right.</p> <p>22 Q. But he started with a FOIA, is my</p> <p>23 understanding. And I can --</p> <p>24 A. He did, if I remember. Because, yeah,</p> <p>25 this -- it predates -- so if you see Gianni Snidle on</p>	<p>Page 255</p> <p>1 or the other.</p> <p>2 A. Okay.</p> <p>3 Q. But the way it came up was it is a DPU</p> <p>4 situation underlying this.</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And the reason I want to ask about</p> <p>7 it is because it -- I can't make heads or tails of</p> <p>8 it.</p> <p>9 A. Uh-huh.</p> <p>10 Q. And on the second page of what I've just</p> <p>11 handed you -- this is from Lincoln Saunders. Let me</p> <p>12 see. Let me make sure you're on this one.</p> <p>13 A. Probably. Well, I don't see --</p> <p>14 Q. I'll look through all of them. Towards</p> <p>15 the end, on 05107, you are. So we could actually go</p> <p>16 to there, in that chain.</p> <p>17 A. Okay.</p> <p>18 (Deposition Exhibit 22 marked for</p> <p>19 identification.)</p> <p>20 BY MS. ROBB:</p> <p>21 Q. The last email -- well, there are a</p> <p>22 couple of emails from Mr. Sarahan.</p> <p>23 Do you know who Mr. Sarahan is?</p> <p>24 A. He's the requester of all things.</p> <p>25 Q. Do you recall like who he is in</p>
<p>Page 254</p> <p>1 here, the original one predates that. Because it</p> <p>2 came in during my first year. So in 2022, I believe,</p> <p>3 was when the first one came in.</p> <p>4 Q. And I believe that is in some of these.</p> <p>5 And the reason I believe that is because, when we go</p> <p>6 through those, you forwarded the older ones to</p> <p>7 Connie. And so we'll just take it one step at a</p> <p>8 time.</p> <p>9 A. Okay, okay.</p> <p>10 Q. So this is a -- it's a lot of emails.</p> <p>11 And what I would like to ask you about is -- I guess</p> <p>12 I just don't understand the whole concept of -- so</p> <p>13 this is a DPU situation; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And that just is the department</p> <p>16 under which these FOIAs started coming to, or they</p> <p>17 came to you. I'm not sure, and we'll get there.</p> <p>18 A. So yeah. I'd have to see the originals.</p> <p>19 Q. Yes; of course.</p> <p>20 A. I don't believe it originally came to me.</p> <p>21 MR. ROBINSON: If you need to see --</p> <p>22 yeah.</p> <p>23 THE WITNESS: Yeah.</p> <p>24 BY MS. ROBB:</p> <p>25 Q. Okay. Well, and I'm not asking you that</p>	<p>Page 256</p> <p>1 relationship to being a citizen, versus -- let's --</p> <p>2 was he a frequent requester?</p> <p>3 A. I can't speak to his being a frequent</p> <p>4 requester.</p> <p>5 Q. Uh-huh.</p> <p>6 A. But he was a requester about this</p> <p>7 information on more than one occasion.</p> <p>8 Q. Okay. Now, specifically, at the bottom</p> <p>9 of 05107 --</p> <p>10 A. Uh-huh.</p> <p>11 Q. -- there's a start of an email from</p> <p>12 April 21st.</p> <p>13 A. Uh-huh.</p> <p>14 Q. And mind you, you said that the original</p> <p>15 FOIA predated this. And it is from Mr. Saunders.</p> <p>16 And he is circulating like a response to what the --</p> <p>17 I'm going to paraphrase, "What the heck's going on</p> <p>18 here?"; right?</p> <p>19 And Mr. Saunders says, "Please review,</p> <p>20 and let me know if anyone objects. I want to answer</p> <p>21 this once and be done."</p> <p>22 Was that sort of the feeling in the</p> <p>23 office at this point?</p> <p>24 A. I mean, I think people were at sort of</p> <p>25 their wits' end, so --</p>

<p style="text-align: right;">Page 257</p> <p>1 Q. Okay. And so you all are discussing how</p> <p>2 to respond. And my question for you is, at the time</p> <p>3 that you received those original FOIAs --</p> <p>4 And I believe they're in here. And we'll</p> <p>5 go through them. So if you can't answer, let me</p> <p>6 know.</p> <p>7 -- were you in charge of compiling</p> <p>8 documents and giving them to Mr. Sarahan about this</p> <p>9 topic?</p> <p>10 A. So compiling, no.</p> <p>11 Q. Okay.</p> <p>12 A. They came to me compiled.</p> <p>13 Q. Okay. Can you explain that to me?</p> <p>14 A. So when the original -- again, just going</p> <p>15 off of what I remember.</p> <p>16 Q. Uh-huh, yes; of course.</p> <p>17 A. When the original came in -- and I may</p> <p>18 take a couple of steps back to get to how we even got</p> <p>19 to --</p> <p>20 Q. Okay.</p> <p>21 A. -- a place of --</p> <p>22 Q. Please do.</p> <p>23 A. When the original request came in, Mr. --</p> <p>24 is he Stranahan? Strayhan?</p> <p>25 Q. Sarahan.</p>	<p style="text-align: right;">Page 259</p> <p>1 A. With an estimated cost, and it was high,</p> <p>2 based on that initial research. But in that email,</p> <p>3 also asking for scope. He did not like that.</p> <p>4 Q. Okay.</p> <p>5 A. I understood that there was a person that</p> <p>6 was working with him that he might listen to. I</p> <p>7 picked up the phone and called, and said, "Hey,</p> <p>8 listen, I need a huge favor.</p> <p>9 "I -- we do want to answer this. But</p> <p>10 we've got to have some scope in this. Because the</p> <p>11 'all' is going to kill him in this; right? So what</p> <p>12 date to what date does he want us to look at, and to</p> <p>13 whom and for -- from whom does he want us to look --</p> <p>14 like let's angle it in."</p> <p>15 And I believe I told the person like,</p> <p>16 "These are the people. Bob Steidel -- like get it to</p> <p>17 a place where it's manageable for -- actually to pull</p> <p>18 some records that make sense"; right?</p> <p>19 Q. That makes sense. Can I ask you who the</p> <p>20 person was, if you remember?</p> <p>21 A. Yeah; sure. Jeremy Lazarus.</p> <p>22 Q. Okay. He --</p> <p>23 A. He was a reporter at the time.</p> <p>24 Q. At the Free Press?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 258</p> <p>1 A. Sarahan.</p> <p>2 Q. It's my name, plus --</p> <p>3 A. Sorry; okay. Sarahan.</p> <p>4 Q. That's the only way I remember it.</p> <p>5 A. His request was, you know -- while it may</p> <p>6 have been three or four sentences, it was massive,</p> <p>7 because there was no scope. So there was no begin</p> <p>8 date, no end date. There was no real to and from.</p> <p>9 It was just "all."</p> <p>10 Q. Okay.</p> <p>11 A. Right? And, again, during a cursory sort</p> <p>12 of search -- because I think in the beginning he</p> <p>13 started asking about "monument," I believe was the</p> <p>14 word, as opposed to "shrine."</p> <p>15 Q. Okay, all right.</p> <p>16 A. So you can imagine doing a cursory</p> <p>17 search, coming out of civil unrest --</p> <p>18 Q. Okay.</p> <p>19 A. Right? Of "all." And we just sort of</p> <p>20 picked a random -- right? Including my own, because</p> <p>21 that gave you a baseline of somebody who had not been</p> <p>22 there during civil unrest, how many things were going</p> <p>23 to come up with the word "monument" in it.</p> <p>24 So we sent an initial response to him.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 260</p> <p>1 Q. Okay. Are we kind of calling him -- and</p> <p>2 you can tell me if I'm wrong -- the Sarahan</p> <p>3 whisperer, or --</p> <p>4 A. Possibly --</p> <p>5 Q. Okay.</p> <p>6 A. -- in that way. And the only reason I</p> <p>7 could tell was the way that he also then responded in</p> <p>8 emails. I'm like, "Oh, maybe this is the plug."</p> <p>9 Because I understood he didn't want to talk to anyone</p> <p>10 city-side.</p> <p>11 Q. Understood.</p> <p>12 A. Get it.</p> <p>13 Q. I got you.</p> <p>14 A. "So in order for us to help you" -- so</p> <p>15 they had the conversation. There was an email that</p> <p>16 came back. It was demeaning and all of the things,</p> <p>17 but, "I will reduce my scope, like give you a scope,"</p> <p>18 which allowed us to at least start to pull records</p> <p>19 based on the request.</p> <p>20 Q. When you say "we," did DPU pull those?</p> <p>21 A. DPU.</p> <p>22 Q. Okay.</p> <p>23 A. Yeah. You will hear me talk about the</p> <p>24 city in the term of "we."</p> <p>25 Q. Yes.</p>

<p style="text-align: right;">Page 261</p> <p>1 A. Because it's just the -- for me, I 2 believe it's a team, and not an individual. But yes; 3 DPU in that case pulled the records. 4 Q. Do you remember who? It's okay if you 5 don't. 6 A. I always get them mixed up. Johnetta 7 Taylor, I believe, was the person for DPU. 8 Q. I won't hold you to that -- 9 A. Okay; thank you. 10 Q. -- if it turns out not to be the case. 11 I'm trying to get the picture. Because it was 12 interesting to me that there was a media person sort 13 of interjected in that situation. But you've just 14 cleared that up for me. 15 A. Yeah. Well, once Lincoln was involved, 16 you -- it takes on a different life. 17 Q. Okay. 18 A. And I believe there were multiple folks 19 from the administrative side involved, on top of then 20 you layer all of the elected officials, so -- 21 Q. Did Mr. Sarahan rope in all of the -- and 22 by "rope," I just mean did he -- 23 A. Yeah; he -- Jesus and all his disciples. 24 Q. Okay. 25 A. Uh-huh.</p>	<p style="text-align: right;">Page 263</p> <p>1 "all emails, all" -- so we wanted to see if we could 2 -- if you notice, I think, "We respectfully ask that 3 you narrow your scope, especially regarding any and 4 all records documenting internal -- with DPU and city 5 employees." 6 What city employees? What members of 7 DPU? So we really wanted to -- we tried to explain 8 it; right? "Requesting all city employees means over 9 3,000 employees, which is an astronomical" -- trying 10 to get him to help us help him. 11 Q. Okay. Now, the request is premised on -- 12 and I'm in the first paragraph of this -- "is 13 premised on the work undertaken regarding the marker 14 on DPU property at the Wise Street substation." 15 Did you start with just Wise Street 16 substation and go from there, because that is a 17 pretty insular -- 18 A. I am not -- I'll be honest. 19 Q. Yes. 20 A. I don't know how they started the search. 21 Q. Okay. What -- well, if you didn't start 22 the search, I'm going to ask you just a separate 23 question. 24 A. Uh-huh. 25 Q. Was that IT training that you received</p>
<p style="text-align: right;">Page 262</p> <p>1 Q. But that was -- he did that. 2 A. Correct; yes. 3 Q. Okay. That makes sense. All right. I'm 4 going to pass you this. 5 Ms. Burks, what is this? 6 A. So this would have been the initial 7 response to him. 8 Q. Understood. Is that what you were 9 talking about earlier? 10 A. Yes. 11 Q. And is this repeating back his request of 12 the city for documents? 13 A. Yes. So you always -- for me, you want 14 to be clear about what someone is asking you. These 15 are all of the things that he was asking in his 16 initial request. 17 Q. Okay. And the request was -- this 18 estimate cost, over \$3,000, what was that estimate 19 based off of, if you remember? 20 A. Just doing a cursory search of the word 21 -- I think the word that was in there was "monument." 22 So we just did that. And we based it on a couple of 23 different people of whose emails that we believed he 24 wanted, we had to pull. 25 Because he, I think in his original, was</p>	<p style="text-align: right;">Page 264</p> <p>1 for searching records inclusive of searching for key 2 words? 3 A. Yes. 4 Q. Okay. And was it inclusive of -- like 5 could you search for a topic, like you can on Google? 6 A. Yes; you can search for a topic. 7 Q. Okay. 8 A. But again, once they started talking 9 about -- because there was something in here about 10 monuments. And I think that's the word that everyone 11 went from. 12 And I also believe -- and I can't 13 remember. Because they also asked of the electeds, 14 it was the same thing. 15 Q. Okay. 16 A. And mind you, before this went out, I 17 shared this with the CAO and the DCAO, who 18 operationally DPU reports to, to make sure that this 19 was appropriate. 20 Q. Did you know independently about this 21 situation before it came up in FOIA? 22 A. No. 23 Q. I'm just interested. Like when I first 24 saw it, I was like, "What is going on?" 25 A. Yeah.</p>

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<p>1 Q. How did you feel when you first saw it?</p> <p>2 A. It was interesting.</p> <p>3 Q. Yeah.</p> <p>4 A. You know, to say the least. And trying</p> <p>5 to understand the history behind how it got there.</p> <p>6 You learn a little bit with FOIA, obviously. So</p> <p>7 yeah.</p> <p>8 Q. Do you know how it came to pass that --</p> <p>9 and I'm going back to the email chain.</p> <p>10 A. Okay.</p> <p>11 Q. I believe it's on the second page, back</p> <p>12 where Lincoln Saunders was talking. It says,</p> <p>13 "Furthermore, a resident who had a grandfather four</p> <p>14 times removed represented by this marker asked for</p> <p>15 and received the bench to sit and reflect at the</p> <p>16 marker.</p> <p>17 "You may disagree, but please accept this</p> <p>18 as the city's official response to your inquiry."</p> <p>19 And this is to Mr. Sarahan. And I believe this is</p> <p>20 the actual response that was sent based on the</p> <p>21 prior --</p> <p>22 (Deposition Exhibit 23 marked for</p> <p>23 identification.)</p> <p>24 BY MS. ROBB:</p> <p>25 Q. Did that strike you as odd, that a</p>	<p>1 sure --</p> <p>2 MS. ROBB: Okay.</p> <p>3 MR. ROBINSON: -- that this is clear,</p> <p>4 that this is before Connie Clay --</p> <p>5 MS. ROBB: Oh, uh-huh.</p> <p>6 MR. ROBINSON: All of these are before --</p> <p>7 MS. ROBB: Yes.</p> <p>8 MR. ROBINSON: -- Connie Clay's tenure</p> <p>9 with the city.</p> <p>10 MS. ROBB: Yes. And then there was</p> <p>11 another one after --</p> <p>12 MR. ROBINSON: Okay.</p> <p>13 MS. ROBB: -- that I will get to.</p> <p>14 (Deposition Exhibit 24 marked for</p> <p>15 identification.)</p> <p>16 BY MS. ROBB:</p> <p>17 Q. So in this email Mr. Sarahan is not</p> <p>18 happy, let's say, with your response to his FOIA; is</p> <p>19 that correct?</p> <p>20 A. Correct.</p> <p>21 Q. I'm trying to find a nice way to say</p> <p>22 this. But he is just not happy. He is -- how did</p> <p>23 you respond to an email like this about your response</p> <p>24 to FOIA that is calling -- he's trying to call you</p> <p>25 out to the Times-Dispatch, to people you work with?</p>
Page 266	Page 268
<p>1 citizen who had a grandfather four times removed got</p> <p>2 a bench?</p> <p>3 MR. ROBINSON: I'm going to object as to</p> <p>4 the relevance --</p> <p>5 MS. ROBB: It's just her opinion. I'm</p> <p>6 just curious.</p> <p>7 THE WITNESS: To be honest, I don't</p> <p>8 really have one. Because, you know, anything</p> <p>9 can happen in city government.</p> <p>10 BY MS. ROBB:</p> <p>11 Q. That's fair.</p> <p>12 Okay. I'm going to hand you --</p> <p>13 A. I get another one; okay.</p> <p>14 Q. Yeah. I promise you I'm saving you from</p> <p>15 a lot of repeat --</p> <p>16 A. Oh, I remember this email.</p> <p>17 Q. Okay. So this email is from Mike Sarahan</p> <p>18 to Jesus and his disciples, as we've been saying, and</p> <p>19 you're included, and you are the topic --</p> <p>20 A. Uh-huh.</p> <p>21 Q. -- it seems. And Mr. Sarahan has big</p> <p>22 feels --</p> <p>23 A. Yes.</p> <p>24 Q. -- about --</p> <p>25 MR. ROBINSON: I just want to make</p>	<p>1 That's just a lot.</p> <p>2 A. It was a lot.</p> <p>3 Q. Uh-huh.</p> <p>4 A. And, again, I think this was my second or</p> <p>5 third month on the job; right?</p> <p>6 Q. Okay.</p> <p>7 A. So to be clear, it was, you know -- but</p> <p>8 at the end of the day, I get he wants the</p> <p>9 information.</p> <p>10 Q. Okay.</p> <p>11 A. What he missed in the email was that I</p> <p>12 was trying to help him get the information.</p> <p>13 Q. Okay.</p> <p>14 A. When this email came in, I don't know</p> <p>15 that I responded to this.</p> <p>16 Q. Okay.</p> <p>17 A. I probably had a conversation with</p> <p>18 Lincoln. I said, "Lincoln, I think I know" --</p> <p>19 because I was looking at who was on here that may</p> <p>20 have an insight.</p> <p>21 And that's when I called Jeremy, and I</p> <p>22 said, "I need your help, because I think maybe you</p> <p>23 all are talking to each other. All I need him to do</p> <p>24 is give me a scope, give me a time frame."</p> <p>25 Q. Okay.</p>

<p style="text-align: right;">Page 269</p> <p>1 A. "Like just narrow it in a little bit."</p> <p>2 Q. Okay.</p> <p>3 A. "Who does he want emails to and from, and</p> <p>4 what is the begin date and end date?" Like it was</p> <p>5 really, really simple; right? And we worked from</p> <p>6 there.</p> <p>7 Q. Okay.</p> <p>8 A. I believe there is probably -- I think</p> <p>9 there's another communication that came after the</p> <p>10 fact where he was still very rude and demeaning, yay;</p> <p>11 however, he agreed to a scope.</p> <p>12 Q. Okay.</p> <p>13 A. Right.</p> <p>14 Q. Yeah; his tone is pretty -- can I call it</p> <p>15 harsh --</p> <p>16 A. Yeah.</p> <p>17 Q. -- to you?</p> <p>18 A. Yeah.</p> <p>19 Q. Were you upset when you got this email?</p> <p>20 A. Let me --</p> <p>21 MR. ROBINSON: Go ahead.</p> <p>22 THE WITNESS: I would say this. You</p> <p>23 know, it hurts your feelings, of course, because</p> <p>24 you're human.</p> <p>25 /</p>	<p style="text-align: right;">Page 271</p> <p>1 BY MS. ROBB:</p> <p>2 Q. Now, this email -- and I'll represent to</p> <p>3 you there are a number of them like this, that are</p> <p>4 you forwarding something prior to Ms. Clay on</p> <p>5 August 29th of 2023.</p> <p>6 It was like you -- not like. There were</p> <p>7 a number of emails where you had sent Connie</p> <p>8 Confederate marker -- this issue -- all the prior</p> <p>9 historical emails.</p> <p>10 A. Uh-huh.</p> <p>11 Q. Do you remember what led to you sending</p> <p>12 all of those?</p> <p>13 A. I would assume that --</p> <p>14 MR. ROBINSON: Don't assume.</p> <p>15 THE WITNESS: Oh, okay.</p> <p>16 BY MS. ROBB:</p> <p>17 Q. Well, I mean, answer to the best of your</p> <p>18 ability.</p> <p>19 A. I know that I just didn't go out of my</p> <p>20 way to just send unnecessary emails that she wouldn't</p> <p>21 need.</p> <p>22 Q. Uh-huh.</p> <p>23 A. So at some point there was another</p> <p>24 request that came in. And I wanted her to have the</p> <p>25 information.</p>
<p style="text-align: right;">Page 270</p> <p>1 BY MS. ROBB:</p> <p>2 Q. Uh-huh.</p> <p>3 A. But you also understand that you are not</p> <p>4 -- you're in a thankless job. You don't go into</p> <p>5 these positions for people, quote/unquote, to like</p> <p>6 you.</p> <p>7 You hope they do. But you also know that</p> <p>8 sometimes you're going to meet challenges because you</p> <p>9 give a response or an answer that somebody doesn't</p> <p>10 like. But I'm not going to go back and forth with</p> <p>11 you about it.</p> <p>12 Q. Yeah; all right. So does the Sarahan</p> <p>13 Confederate shrine/monument/enshrinement -- he uses</p> <p>14 all those words -- did that calm down after you spoke</p> <p>15 with Mr. Lazarus and sort of facilitated a</p> <p>16 resolution?</p> <p>17 A. I thought so.</p> <p>18 Q. Okay. And then at some point, did it pop</p> <p>19 back up?</p> <p>20 A. It did.</p> <p>21 MS. ROBB: Okay. Let me make sure I have</p> <p>22 the right one.</p> <p>23 (Deposition Exhibit 25 marked for</p> <p>24 identification.)</p> <p>25 /</p>	<p style="text-align: right;">Page 272</p> <p>1 Q. Okay. And in this, I have located the</p> <p>2 original FOIA, which is on 05087.</p> <p>3 A. In the first tranche of --</p> <p>4 Q. And this is his FOIA, saying that the</p> <p>5 records are there, that the -- DPU's Wise Street</p> <p>6 substation is being enshrined.</p> <p>7 Do you know who this person was who had</p> <p>8 the great-great-grandfather?</p> <p>9 A. I do not.</p> <p>10 Q. Okay. I didn't, either.</p> <p>11 Okay. I will not make you go through</p> <p>12 everything. But this is Mr. Sarahan, copying Jesus</p> <p>13 and his disciples, and this time being upset with</p> <p>14 Connie Clay for not responding to his, he says,</p> <p>15 renewed FOIA requests.</p> <p>16 (Deposition Exhibit 26 marked for</p> <p>17 identification.)</p> <p>18 BY MS. ROBB:</p> <p>19 Q. Were they renewed, or were they new, in</p> <p>20 your opinion?</p> <p>21 A. They were new FOIA requests, in my</p> <p>22 opinion.</p> <p>23 Q. Okay. Seemed like that to me, too. But</p> <p>24 I'm -- but he pre -- he dates this back to</p> <p>25 April 27th, he submitted a FOIA, but he also</p>

<p style="text-align: right;">Page 273</p> <p>1 submitted another FOIA.</p> <p>2 So now he's going after Connie. Now, if</p> <p>3 at all, did you help sort of resolve that, having</p> <p>4 been through it?</p> <p>5 A. We talked through it. And it was sort</p> <p>6 of -- you know, in internal conversations, you may</p> <p>7 characterize somebody as a character; right?</p> <p>8 Q. That's fair.</p> <p>9 A. Understanding that, you know, this was</p> <p>10 his -- this is his thing. And, no, he's not very</p> <p>11 nice in how he responds back to you.</p> <p>12 And so I think I even explained to her</p> <p>13 how I had gotten to where we were prior with him, by</p> <p>14 reaching out to Jeremy to sort of help massage that</p> <p>15 relationship; right?</p> <p>16 Q. Uh-huh.</p> <p>17 A. So, you know, that's where I would leave</p> <p>18 that. But it's never fun to be on the receiving end</p> <p>19 of these.</p> <p>20 Q. So did you feel for her, for lack of a</p> <p>21 better term?</p> <p>22 A. Oh, absolutely.</p> <p>23 Q. Yeah.</p> <p>24 A. I mean, you -- nobody wants these.</p> <p>25 Q. Now, on 05143 -- it's -- yeah; it's the</p>	<p style="text-align: right;">Page 275</p> <p>1 MR. ROBINSON: Objection to form.</p> <p>2 THE WITNESS: Can you repeat --</p> <p>3 BY MS. ROBB:</p> <p>4 Q. So my point is he is continuously now</p> <p>5 taking Ms. Clay to task in a similar sort of way that</p> <p>6 he did to you.</p> <p>7 Were there --</p> <p>8 MR. ROBINSON: I'm going to object to the</p> <p>9 form. I don't even know --</p> <p>10 BY MS. ROBB:</p> <p>11 Q. Yeah; well, I haven't finished my</p> <p>12 question. So I'll just start it again with,</p> <p>13 hopefully, something better.</p> <p>14 At what point, if a requester is</p> <p>15 repeating the same types of accusations, I'll say,</p> <p>16 does someone else step in, if at all?</p> <p>17 A. So I'm reading this email, so sorry.</p> <p>18 Q. Oh, no; it's okay.</p> <p>19 A. I heard your question, but I'm reading</p> <p>20 this email.</p> <p>21 Q. No; I understand.</p> <p>22 A. Because I think in this email he's also,</p> <p>23 in his own way, relieving some of this off of</p> <p>24 Ms. Clay, and putting onus back on myself and</p> <p>25 Lincoln; right?</p>
<p style="text-align: right;">Page 274</p> <p>1 fourth page --</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- Connie tells Mr. Sarahan she's new.</p> <p>4 A. Uh-huh.</p> <p>5 Q. She's -- "I just had these forwarded to</p> <p>6 me this morning, on August 14th. I'll contact the</p> <p>7 individuals you named, determine if there are any</p> <p>8 records that are responsive. I apologize for the</p> <p>9 delays you have experienced."</p> <p>10 Was that a good email?</p> <p>11 A. Uh-huh.</p> <p>12 Q. And then on August 24th -- and it's</p> <p>13 05147. I'm sorry to make you dig through like that.</p> <p>14 There are just voluminous --</p> <p>15 MR. ROBINSON: I'm going to object to</p> <p>16 this line of questioning, as to whether or not</p> <p>17 she believes things were good emails or not.</p> <p>18 MS. ROBB: Okay.</p> <p>19 MR. ROBINSON: Or even the relevance of</p> <p>20 all of these emails. But keep going.</p> <p>21 BY MS. ROBB:</p> <p>22 Q. Okay. And, again, Mr. Sarahan is sort of</p> <p>23 taking Ms. Clay to task, I'll say, paraphrasing, for</p> <p>24 not responding properly to his FOIAs about this</p> <p>25 topic; is that fair?</p>	<p style="text-align: right;">Page 276</p> <p>1 And so I think her response asking, "What</p> <p>2 part didn't you get satisfied?", was appropriate.</p> <p>3 And I do believe at some point maybe he did say what</p> <p>4 he was looking for. And then those records were then</p> <p>5 obtained.</p> <p>6 Q. Okay.</p> <p>7 A. Because in this space, you have to pick</p> <p>8 and choose those fights. This is not a place that</p> <p>9 you want to just go back and forth with someone, just</p> <p>10 based on all of the people that are on this email</p> <p>11 chain.</p> <p>12 Q. Uh-huh.</p> <p>13 A. So you have to make some professional</p> <p>14 decisions in that space.</p> <p>15 Q. That makes sense. I follow that.</p> <p>16 Okay. One moment. And we're almost done</p> <p>17 with this topic.</p> <p>18 There you go.</p> <p>19 (Deposition Exhibit 27 marked for</p> <p>20 identification.)</p> <p>21 BY MS. ROBB:</p> <p>22 Q. Now, in -- it's another set of e-mail</p> <p>23 chains about the Confederate marker on property at</p> <p>24 DPU Wise substreet station -- Wise Street substation.</p> <p>25 Excuse me.</p>

<p style="text-align: right;">Page 277</p> <p>1 And on this it says, at the very top of 2 the first page, "Follow Up Flag, Follow up, Flag 3 Status, Completed." 4 What does that mean? Like I don't under 5 -- I just don't know, for the City of Richmond, what 6 -- if that had importance or not. 7 A. It wouldn't. I think that was 8 internal -- 9 Q. Okay. 10 A. If I'm sending it, that's internal to me. 11 Q. Okay. I see. And so on August 29th, 12 that's the date that a lot of the emails from the 13 last chapter of this FOIA -- you considered that 14 completed? 15 A. Well, no. It's really the flag is 16 completed. 17 Q. Okay. 18 A. Not the actual work being completed. 19 Q. Okay; thank you. 20 A. Yes. 21 Q. Thank you for clarifying that. 22 A. Yeah, yeah; no. 23 Q. Okay. Now, on the second page of this, 24 now that's where -- these are more of the older 25 emails, as I'm seeing. And it dates back to February</p>	<p style="text-align: right;">Page 279</p> <p>1 complaint at -- beginning at paragraph 25. 2 A. Uh-huh. 3 Q. And it states, "On August 14th, Clay 4 received a FOIA request from Sarahan, who once worked 5 for the city. Sarahan requested records related to" 6 -- this shrine. 7 Then number 26, "When Clay discussed this 8 with Burks, Burks told Clay that the city had 9 responded to the request months ago." 10 Earlier, you stated -- and I just want 11 your take on this. You said it was a new FOIA. Did 12 you say you had responded months ago? How did you 13 differentiate it between two and responding to the 14 same? Does that make sense? 15 MR. ROBINSON: Yeah. Objection to the 16 form. She wasn't responding to how Clay -- 17 MS. ROBB: Yes; I can re -- 18 MR. ROBINSON: -- characterized it. 19 MS. ROBB: Yes. 20 MR. ROBINSON: Okay. 21 BY MS. ROBB: 22 Q. I can rephrase. I understand. 23 Did you tell Ms. Clay that the city had 24 responded months ago? 25 A. I told her that we had responded to a</p>
<p style="text-align: right;">Page 278</p> <p>1 of 2023; okay. 2 A. Yes. 3 Q. So we're on the right track there; okay. 4 Did this topic come up from Mr. Sarahan 5 again while either Ms. Clay or you were at the city, 6 to your recollection? 7 A. I am not sure. 8 MS. ROBB: Okay. I can't find the 9 amended complaint. 10 (Discussion off the record.) 11 MS. ROBB: Can we go off the record for 12 five? 13 MR. ROBINSON: It's Number 10; yes. 14 MS. ROBB: Thanks. 15 THE VIDEOGRAPHER: Off the record. The 16 time is 3:21 p.m. 17 / 18 (Brief recess.) 19 / 20 THE VIDEOGRAPHER: Back on the record. 21 The time is 3:26 p.m. 22 BY MS. ROBB: 23 Q. Ms. Burks, if you have the amended 24 complaint, I am looking at that, and I am on page 6. 25 And -- okay. The Sarahan situation is in the amended</p>	<p style="text-align: right;">Page 280</p> <p>1 request -- 2 Q. Uh-huh; okay. 3 A. -- from him months ago, not necessarily 4 the same request. 5 Q. Okay. Now, at some point do you remember 6 Ms. Clay reporting that she had an IT issue with 7 respect to her compilation of records to respond to 8 this request? 9 A. Not to respond to his request. 10 Q. Okay. 11 A. Some clarity around what you're asking. 12 Q. At some point, she -- Ms. Clay had a 13 folder in her email that was called "Bingham FOIA," 14 Bingham meaning April Bingham -- 15 A. Uh-huh. 16 Q. -- who was the director of DPU. 17 And that -- do you remember her reporting 18 that that had been -- had disappeared? 19 A. I do remember her coming to me and saying 20 that that folder had disappeared. 21 Q. What, if anything, did you or IT do about 22 that statement that she made? 23 A. So it was reported to IT. Typically when 24 things like that happen, again, pick up the phone, 25 "Hey, we're having an issue." We kind of had someone</p>

<p style="text-align: right;">Page 281</p> <p>1 that was assigned to us on the 14th floor.</p> <p>2 Q. Okay.</p> <p>3 A. And so, you know, even if I couldn't do</p> <p>4 it, either my officer manager or my EA would take</p> <p>5 care of that. But I remember the initial call, I</p> <p>6 believe, came from me to IT, to say, "Hey, she's</p> <p>7 having an issue with this."</p> <p>8 Q. Okay.</p> <p>9 A. You know, I couldn't explain all of the</p> <p>10 ins and outs of it, of course. I'm not a technology</p> <p>11 person.</p> <p>12 Q. Uh-huh.</p> <p>13 A. And asked them to work with her on that.</p> <p>14 Q. Was that ever -- did they ever reach a</p> <p>15 resolution as to what happened or where it went?</p> <p>16 A. I don't know if they -- I don't know how</p> <p>17 it was determined.</p> <p>18 Q. Okay.</p> <p>19 A. But a --</p> <p>20 Q. That was a strange noise.</p> <p>21 A. Yeah.</p> <p>22 MR. ROBINSON: They're having a concert.</p> <p>23 THE WITNESS: Oh, because I'm like that's</p> <p>24 not --</p> <p>25 MR. ROBINSON: They're getting ready for</p>	<p style="text-align: right;">Page 283</p> <p>1 complaint as if it's true.</p> <p>2 MS. ROEB: I understand.</p> <p>3 MR. ROBINSON: But you can answer the</p> <p>4 question.</p> <p>5 BY MS. ROEB:</p> <p>6 Q. Yeah; that's fair.</p> <p>7 A. So no; I did not do a mediation between</p> <p>8 the two.</p> <p>9 Q. Okay.</p> <p>10 A. However, I did call April --</p> <p>11 Q. Okay.</p> <p>12 A. -- about it. And I think Connie and I</p> <p>13 also spoke about the email. In that conversation</p> <p>14 with Ms. Bingham, you know, "I'm not sure that I like</p> <p>15 the word motive"; right?</p> <p>16 So we just sort of -- again, it's how we</p> <p>17 use our words; right? And that, in and of itself,</p> <p>18 was not, in my head, appropriate probably to use</p> <p>19 about somebody who's just trying to do their job;</p> <p>20 right?</p> <p>21 And so that was the conversation. But</p> <p>22 Ms. Bingham was upset about it, of course.</p> <p>23 Q. So when you say "someone just trying to</p> <p>24 do their job," you were -- in that situation, you</p> <p>25 said "they." I just want to make sure we're talking</p>
<p style="text-align: right;">Page 282</p> <p>1 a concert.</p> <p>2 THE WITNESS: Okay.</p> <p>3 MS. ROEB: Oh, I see.</p> <p>4 THE WITNESS: Typically, when we have IT</p> <p>5 issues, our EA will put in a work order request.</p> <p>6 BY MS. ROEB:</p> <p>7 Q. Okay.</p> <p>8 A. So outside of the call, something goes in</p> <p>9 if it hasn't been taken care of immediately.</p> <p>10 Q. Okay.</p> <p>11 A. So I don't -- but I don't know the</p> <p>12 resolution to that. That would be something that</p> <p>13 Ms. Clay would have to speak to.</p> <p>14 Q. Okay. Now, on paragraph 32 it says,</p> <p>15 "Clay responded to Bingham" --</p> <p>16 Oh, let's go to 31 then. Sorry. "Clay</p> <p>17 searched for emails, found over a hundred emails that</p> <p>18 were related to the Confederate shrine." And then</p> <p>19 she says, "April Bingham questioned Clay's motive</p> <p>20 when reviewing her emails."</p> <p>21 And I -- my question for you is, did you</p> <p>22 ever have to do a mediation of any sort with April</p> <p>23 Bingham and Connie Clay?</p> <p>24 MR. ROBINSON: I'm going to object to the</p> <p>25 question and its form as to reading of the</p>	<p style="text-align: right;">Page 284</p> <p>1 about the same person.</p> <p>2 A. Correct.</p> <p>3 Q. Was that Clay you were talking about?</p> <p>4 A. Yes.</p> <p>5 Q. Okay, all right. Now, we've talked a bit</p> <p>6 about this, but I want to get right to it. When you</p> <p>7 first hired Connie, did you find that she was doing a</p> <p>8 good job? What was your assessment of her</p> <p>9 performance?</p> <p>10 A. I think that she was -- you know, to be</p> <p>11 quite honest, there's nothing to compare it to;</p> <p>12 right?</p> <p>13 Q. Uh-huh.</p> <p>14 A. So I found that it seemed as if she was</p> <p>15 competent in doing the work. FOIAs were getting out</p> <p>16 the door, so --</p> <p>17 Q. At any time, did you refer her to HR for</p> <p>18 an investigation or any sort of discipline for her</p> <p>19 performance?</p> <p>20 A. I did not.</p> <p>21 Q. Okay. At what point did you determine --</p> <p>22 or let me back up. Who determined that my client</p> <p>23 should be terminated from the City of Richmond?</p> <p>24 A. I did.</p> <p>25 Q. Okay. And when did you make that</p>

<p style="text-align: right;">Page 285</p> <p>1 determination?</p> <p>2 A. I think as we moved through the -- all of</p> <p>3 the back and forth around the overtime pay, and the</p> <p>4 result of it sort of coming I think November/</p> <p>5 December, wherever that is. But building into that</p> <p>6 was a lot of the complaints that I was getting.</p> <p>7 Q. Let's unpack that, if you can.</p> <p>8 A. Uh-huh.</p> <p>9 Q. Could you please tell me who complained</p> <p>10 to you about Connie?</p> <p>11 A. Well, I would start with DPU. So --</p> <p>12 Q. Who, specifically?</p> <p>13 A. April Bingham, Johnetta Taylor.</p> <p>14 Q. Okay. When did they complain?</p> <p>15 A. I can't -- I'm not going to -- timing is</p> <p>16 going to be off for me. But let's just -- let's --</p> <p>17 I'm going to sort of do it a little backwards.</p> <p>18 Q. Okay.</p> <p>19 A. Initially, I would hear from Ms. Clay,</p> <p>20 you know, "This person was disrespectful," or, "This</p> <p>21 person was rude," or --</p> <p>22 So, you know, it's like, "Okay. Let's</p> <p>23 sort of have a conversation with folks." And so when</p> <p>24 I would hear it, "Hey, listen, I'm getting this</p> <p>25 information. It's growing pains. Like I need you</p>	<p style="text-align: right;">Page 287</p> <p>1 the nature of beast of what we do.</p> <p>2 Q. Okay.</p> <p>3 A. So you hear a lot, whether it's your</p> <p>4 person or not.</p> <p>5 Q. All right.</p> <p>6 A. And so literally, you know, I believe</p> <p>7 that I gave benefit of the doubt to Connie for a</p> <p>8 while.</p> <p>9 Q. How long?</p> <p>10 A. Probably through November.</p> <p>11 Q. During that time or until that time,</p> <p>12 let's say, what steps did you take to help the</p> <p>13 FOIA -- I'll say department, but that's -- it's not a</p> <p>14 department -- what you were building that we talked</p> <p>15 about before?</p> <p>16 A. Right. It was sort of stepping in when</p> <p>17 asked.</p> <p>18 Q. What do you mean?</p> <p>19 A. So there would be times maybe that a</p> <p>20 department would ask me, "Hey, can you step in here</p> <p>21 and help us with this?" I have no problem with that.</p> <p>22 Q. Uh-huh.</p> <p>23 A. Because I really did want her to be</p> <p>24 successful, for many reasons; right?</p> <p>25 Q. Uh-huh.</p>
<p style="text-align: right;">Page 286</p> <p>1 all to work with Ms. Clay."</p> <p>2 Q. Yes.</p> <p>3 A. And -- but what happens is then when I</p> <p>4 get, you know, a complaint from an HR professional</p> <p>5 or, you know, maybe in parks or whatever; right, at</p> <p>6 some point, it's half of one and six of other at some</p> <p>7 point; right?</p> <p>8 My mother used to say if you're the one</p> <p>9 who's always coming and telling, maybe you're the</p> <p>10 problem. And so at some point it became, well,</p> <p>11 everybody can't be wrong, because not everybody's</p> <p>12 talking to everybody; right?</p> <p>13 Q. Well, you would agree with me</p> <p>14 everybody isn't -- like everybody --</p> <p>15 A. Right; that's --</p> <p>16 Q. You're saying everybody.</p> <p>17 A. Right. But it's -- in my -- let me just</p> <p>18 say, in my world, it felt that way.</p> <p>19 Q. All right.</p> <p>20 A. Because, you know, people who don't</p> <p>21 typically complain to me about things --</p> <p>22 Q. Well, they were complaining about your</p> <p>23 employee in this situation.</p> <p>24 A. Right, right. But you would understand,</p> <p>25 a lot of things come through communications just by</p>	<p style="text-align: right;">Page 288</p> <p>1 A. And so I would do that. If there was a</p> <p>2 place where she asked me to step in, I would also do</p> <p>3 that.</p> <p>4 Q. Okay.</p> <p>5 A. And then there were places where she</p> <p>6 probably didn't know I'm like, "Hey, guys, can we get</p> <p>7 this information?" I'm not tagging her in on a</p> <p>8 conversation with folks or leadership. She just</p> <p>9 needs to get the information.</p> <p>10 So I know, based on how all of this is</p> <p>11 framed, it would make me seem as if I didn't have her</p> <p>12 back. People came to me very early on and said,</p> <p>13 "This isn't going to work."</p> <p>14 And I said, "No; we're going to give this</p> <p>15 time. She's new, one. And, two, we don't know if</p> <p>16 it's not going to work, but we have to give it an</p> <p>17 opportunity to work."</p> <p>18 But at the end of the day, not everybody</p> <p>19 is picking on -- not everybody is looking at you in a</p> <p>20 way that is demeaning, they are not thinking that</p> <p>21 you're incompetent, and all of the things; right?</p> <p>22 Q. Uh-huh.</p> <p>23 A. That's not the thought process. A lot of</p> <p>24 times it's just how we're engaging.</p> <p>25 Q. Uh-huh.</p>

<p style="text-align: right;">Page 289</p> <p>1 A. Sugar and vinegar; right? And based on 2 everything that I can tell, it was more vinegar than 3 sugar. And in this workplace, you had to massage a 4 relationship, because you've got to get the 5 information. And so we had worked on trying to build 6 bridges, and --</p> <p>7 Q. When you say "we" -- I'm sorry. I didn't 8 mean to interrupt you. But --</p> <p>9 A. Me; the office of communications and 10 civic engagement.</p> <p>11 Q. Okay.</p> <p>12 A. Those --</p> <p>13 Q. Is that inclusive of Ms. Clay or --</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 A. That is inclusive of --</p> <p>17 Q. Okay; thanks.</p> <p>18 A. -- Ms. Clay.</p> <p>19 Q. Okay.</p> <p>20 A. You're trying to build these bridges, 21 because you're new.</p> <p>22 Q. Uh-huh.</p> <p>23 A. Everything it new to the city, the office 24 of communications, this FOIA officer idea is new. 25 And when people are feeling as if all they're kind of</p>	<p style="text-align: right;">Page 291</p> <p>1 A. Maybe December, maybe end of November. 2 I'm not sure the first, initial sort of conversation 3 about it. But I was just like, "I need to know like 4 what to do."</p> <p>5 Because, you know, even with HR, and as 6 patient as Gerald is, he had also complained to me; 7 right?</p> <p>8 Q. When did he complain to you?</p> <p>9 A. Dates are going to elude me. Because it 10 was -- I mean, when you think about when she came in 11 to the date of termination, it went fast, and there 12 was a lot of work.</p> <p>13 Q. Okay.</p> <p>14 A. And so the word that I kept hearing was 15 "abrasive" --</p> <p>16 Q. Okay.</p> <p>17 A. -- "mean, disrespectful."</p> <p>18 Q. Okay. Was she ever given a performance 19 improvement plan or something along those lines?</p> <p>20 A. No.</p> <p>21 Q. Okay.</p> <p>22 A. We had not gotten to that point. And 23 what I mean by that is we would -- you know, six 24 months, in my brain, is where you come back and you 25 reevaluate, "Okay. Where are we? What's working?</p>
<p style="text-align: right;">Page 290</p> <p>1 getting in communication-wise from her is disrespect, 2 is -- for lack of a better word, sort of a bitchiness 3 type of attitude, right, you can't -- you can't 4 survive.</p> <p>5 And you're new. And you're trying to 6 work with people. Like something has to give. And 7 at some point, it also became almost more work for 8 me --</p> <p>9 Q. Okay.</p> <p>10 A. -- to have her here. And there was no 11 real way other than, "Okay. What are my options?"</p> <p>12 Now, I will tell you, I do not take 13 terminating anyone lightly.</p> <p>14 Q. Have you -- oh, I didn't -- I'm so sorry. 15 I thought that you were done.</p> <p>16 A. I don't take that lightly.</p> <p>17 Q. Okay.</p> <p>18 A. So when it first crossed my mind, and we 19 were going in towards the end of year, I sat with my 20 HR representative then.</p> <p>21 Q. Who was that?</p> <p>22 A. At the time, it -- oh, gosh, Gerald 23 Westry. We call him Wes, and I get -- but Gerald 24 Westry. I sat with him.</p> <p>25 Q. When?</p>	<p style="text-align: right;">Page 292</p> <p>1 What's not working?"</p> <p>2 And, again, we are a fast-moving office.</p> <p>3 Q. Okay.</p> <p>4 A. So things are coming in very fast.</p> <p>5 Q. Okay.</p> <p>6 A. But at the end of the day, I know that 7 the person that sits in that seat has to work 8 across-agency.</p> <p>9 Q. Uh-huh.</p> <p>10 A. And at this point, it felt like all the 11 doors across-agency as it related to working with her 12 were shutting down.</p> <p>13 Q. Okay. Mr. Westry; what interaction did 14 he have with Connie Clay that would be the predicate 15 for a complaint, if you remember?</p> <p>16 A. I don't remember.</p> <p>17 Q. Okay.</p> <p>18 A. But it would have been something that 19 dealt with HR.</p> <p>20 Q. Okay. What form did the complaint take?</p> <p>21 A. Most times, people are going to call me 22 or they're going to come to my office and talk to me.</p> <p>23 Q. Did you take notes about that?</p> <p>24 A. I doubt it.</p> <p>25 Q. Would you have sent an email about that,</p>

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1	after?	1	A. And when Connie asked me, "Did you see
2	A. No.	2	the email?", I said, "No; but let me pull it up."
3	Q. Is it on a calendar somewhere?	3	Q. Okay.
4	A. No.	4	A. To be quite honest, the email was just
5	Q. Would you have sent a text about it?	5	factual information. You know, it was, "This is" --
6	A. No.	6	Q. The one from Connie?
7	Q. Okay. Who -- you said April Bingham.	7	A. The one from Connie was, "This is what I
8	When did she complain?	8	need," or whatever the case may be.
9	A. Again, there was an email that was sent	9	Q. Okay.
10	that implied, again paraphrasing --	10	A. And the response back was just a direct
11	Q. Yes.	11	response.
12	A. It implied that April and/or Johnetta	12	Q. Okay.
13	Taylor, who was the FOIA liaison for DPU, were liars.	13	A. So I didn't see that, to be quite honest,
14	Now, that's not the word that was used, but that was	14	either side was being disrespectful. It was just
15	the implication. I think the word was "unethical"?	15	everybody's being direct.
16	Q. Was it the same email where Ms. Bingham	16	Q. Okay. And when was that?
17	questioned Ms. Clay's motive?	17	A. That was maybe October-ish. I can't
18	A. No.	18	remember. But some -- that -- dates are going to be
19	Q. Okay.	19	hard for me. Let me just say that.
20	A. This one had to do with the -- a cost	20	Q. That's okay.
21	estimate, I believe, of something.	21	A. I'm not sure.
22	Q. Okay. And when was that, thereabouts?	22	Q. And I'm just looking for just in the life
23	A. I don't know. I do not remember.	23	span of Ms. Clay's time at the city --
24	Q. Was it closer to termination or earlier?	24	A. Right.
25	A. Probably -- I really don't --	25	Q. -- when do you recall it.
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1	Q. Okay.	1	A. Right.
2	A. I don't remember.	2	Q. Obviously, if we're looking for an email,
3	Q. Okay. And Mr. Westry's, too; was it	3	we can go try to find that.
4	closer to termination or earlier?	4	Who else?
5	A. Somewhere middle of the road.	5	A. I think I said the chief of staff, so
6	Q. Okay. Who else complained, specifically?	6	Maggie Anderson.
7	A. The mayor's office complained.	7	Q. Okay. And was that in conjunction with
8	Q. Who?	8	Laura Harrison?
9	A. Laura Harrison.	9	A. No.
10	Q. Okay.	10	Q. Okay. Separate?
11	A. And the chief of staff.	11	A. It was separate.
12	Q. How did that take -- what form did that	12	Q. And what was the basis?
13	take?	13	A. I don't know that there was really a
14	A. There was an email back and forth, I	14	basis. I think there was a -- there was a FOIA
15	think, between Ms. Clay and Laura Harrison.	15	request that came in. And I'm not sure if they met
16	Q. I just have a question.	16	about it in person or not.
17	A. Yes.	17	There was something that made Maggie say
18	Q. Is there a Hairston and a Harrison?	18	like, "She's just so, you know" --
19	A. Yes.	19	Q. What did she say exactly, to your
20	Q. Okay; thank you.	20	recollection? If you don't remember --
21	A. So there's Paige Hairston and Laura	21	A. I don't want to say -- "cantankerous" is
22	Harrison; yes.	22	the best word that I can remember, but that's not the
23	Q. Thank you.	23	word that she used.
24	A. Okay.	24	Q. Okay.
25	Q. Okay.	25	A. Forgive my memory like, you know, as far

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<p>1 as verbiage goes.</p> <p>2 Q. Okay. Who else do you remember</p> <p>3 complaining?</p> <p>4 A. Well, of course, IT. I got that irate</p> <p>5 call.</p> <p>6 Q. Yes; and when was that, again? And</p> <p>7 ballpark is fine.</p> <p>8 A. Probably late October, early November.</p> <p>9 Q. Okay.</p> <p>10 A. And then of -- Lincoln complained,</p> <p>11 because he was getting complaints to him.</p> <p>12 Q. Okay. What did Lincoln say? And was</p> <p>13 this in an email, or a call, or what do you remember?</p> <p>14 A. It was a -- we were finishing a meeting,</p> <p>15 and he said, "Hey, can you hang back?" And he said,</p> <p>16 "Hey, listen, I'm getting complaints about Connie.</p> <p>17 What are we doing?"</p> <p>18 Now, this was the second time. The first</p> <p>19 time was early on in her tenure.</p> <p>20 Q. Uh-huh.</p> <p>21 A. And I believe Sabrina had complained to</p> <p>22 him, and she also complained to me. And I was very</p> <p>23 clear with both of them that, "This is not what we're</p> <p>24 going to do."</p> <p>25 And I don't -- I'm trying not to base it</p>	<p>1 about Ms. Clay?</p> <p>2 A. She -- well, she didn't like the handling</p> <p>3 of, of course, the FOIA around the overtime and/or</p> <p>4 how -- I think there were some conversation and</p> <p>5 emails between Robin, Ms. Redmond, and Clay, I</p> <p>6 believe. But just did not like that handling at all.</p> <p>7 Q. Okay.</p> <p>8 A. Sheila White complained because she felt</p> <p>9 as if Ms. Clay was harassing her.</p> <p>10 Q. The director of finance --</p> <p>11 A. Yes.</p> <p>12 Q. -- felt that Ms. Clay was harassing her?</p> <p>13 A. Yes. Because I think it is the sense of,</p> <p>14 "Hey, I'm going to need more time to get these</p> <p>15 records together. We're understaffed. We're in tax</p> <p>16 season," all of the things.</p> <p>17 And it did not seem as if Ms. Clay wanted</p> <p>18 to work with her on that.</p> <p>19 Q. Ms. Clay did not work for the city during</p> <p>20 what I would normally think of as tax season. So</p> <p>21 what do you mean by that?</p> <p>22 A. So, you know, there's preparation leading</p> <p>23 up to -- well, and if you're honest, it almost always</p> <p>24 feels like it's tax season in the city; right?</p> <p>25 Q. Okay.</p>
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<p>1 off of someone's like or dislike of a person; right?</p> <p>2 Q. Okay.</p> <p>3 A. It was not that. She deserved a chance</p> <p>4 to get in the job and do the job; right?</p> <p>5 When Lincoln came back and said, "Petula,</p> <p>6 I'm still getting complaints" --</p> <p>7 Q. Did he have an independent complaint from</p> <p>8 him, or was he simply relaying from other people?</p> <p>9 A. He relayed from other people. But he</p> <p>10 also did not like dealing with Ms. Clay.</p> <p>11 Q. What did he say?</p> <p>12 A. He just said, "I'm getting" -- he said,</p> <p>13 "I'm getting complaints. And you've got to determine</p> <p>14 what you want to do."</p> <p>15 Q. And was that verbal only --</p> <p>16 A. Verbal.</p> <p>17 Q. -- or was there some written --</p> <p>18 A. No; it was verbal.</p> <p>19 Q. Are any of these in writing that you</p> <p>20 haven't said there's an email for?</p> <p>21 A. No.</p> <p>22 Q. Okay. And Sabrina Joy-Hogg was the next</p> <p>23 person you said?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And what did she didn't she like</p>	<p>1 A. Because you've got property tax, you've</p> <p>2 got ongoing -- as you all know, the ongoing meals tax</p> <p>3 situation; trying to build out FVAPay, which was,</p> <p>4 hopefully, an IT technical solution to some of the</p> <p>5 issues that were going on around the meals tax</p> <p>6 situation.</p> <p>7 Q. Okay.</p> <p>8 A. So she was juggling a lot, with a lot</p> <p>9 less staff.</p> <p>10 Q. Okay.</p> <p>11 A. And so just that.</p> <p>12 Q. Okay.</p> <p>13 A. I think if I could sort of sum it up,</p> <p>14 people just didn't feel like they had a partner.</p> <p>15 Q. Well, I -- that's fair. I heard you.</p> <p>16 You said "everyone." And so I want to know, who does</p> <p>17 everyone entail?</p> <p>18 A. So let -- I shouldn't say that. So --</p> <p>19 Q. Okay.</p> <p>20 A. -- you know, very specific people. And I</p> <p>21 would say leadership who were supervising and/or a</p> <p>22 part of many of the FOIAs that came across the desk,</p> <p>23 many of those folks are who I heard from.</p> <p>24 Q. Okay. Did any of these people, to your</p> <p>25 knowledge, talk with Connie about their feelings, to</p>

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<p>1 try to work it out?</p> <p>2 A. I do not believe so.</p> <p>3 Q. Okay. And did anyone write to HR about</p> <p>4 their dislike?</p> <p>5 A. Not to my knowledge.</p> <p>6 Q. How many employees, if you remember, does</p> <p>7 the City of Richmond have, ballpark? It's okay if</p> <p>8 you don't remember. It's a fact that we can find.</p> <p>9 A. 3,000-plus, I'm assuming.</p> <p>10 Q. Okay.</p> <p>11 A. Something like that.</p> <p>12 Q. Okay. And how many at this point were in</p> <p>13 your department?</p> <p>14 A. 20 -- so we were probably around 30</p> <p>15 total.</p> <p>16 Q. Okay. And how often did you talk with</p> <p>17 Ms. Clay about what you were hearing?</p> <p>18 A. Some of it -- let me just be clear. I</p> <p>19 didn't talk to her about all of it, especially</p> <p>20 initially, because I was really taking her at her</p> <p>21 word.</p> <p>22 When she said, "Someone said X," or,</p> <p>23 "Someone was this way to me," I took it as, okay,</p> <p>24 that person was a butt to her.</p> <p>25 So it did not start to resonate with me</p>	<p>1 this space, because you know how this works."</p> <p>2 Q. Okay.</p> <p>3 A. "So like FOIA officer to FOIA officer,</p> <p>4 could you have a conversation with her, you know,</p> <p>5 help" -- it was sort of like she was acting in my</p> <p>6 stead.</p> <p>7 And that's sort of where the sugar and</p> <p>8 vinegar came from. Because I think that was sort of</p> <p>9 what was relayed, you can get more with honey than</p> <p>10 you can with salt, type of deal.</p> <p>11 And Ms. Clay told her she didn't know how</p> <p>12 to do that.</p> <p>13 Q. But can you tell me that -- everything</p> <p>14 you know about that conversation?</p> <p>15 A. I just did, really and truly.</p> <p>16 Q. Okay, all right.</p> <p>17 A. Yes.</p> <p>18 Q. All right. And how did that conversation</p> <p>19 take place? Was it email?</p> <p>20 A. It was in person.</p> <p>21 Q. Did Ms. Richardson send you an email</p> <p>22 saying what was discussed, since you'd asked her to</p> <p>23 talk with her?</p> <p>24 A. She came and we talked about it after the</p> <p>25 fact.</p>
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<p>1 that there was sort of a issue back and forth until</p> <p>2 multiple people from various departments had an issue</p> <p>3 with how, at the very least, they were being spoken</p> <p>4 to.</p> <p>5 Q. And when was that --</p> <p>6 A. The shift?</p> <p>7 Q. The shift.</p> <p>8 A. I would say probably late October, going</p> <p>9 into November-ish.</p> <p>10 Q. And what did you discuss with Ms. Clay</p> <p>11 around that time period about what you were hearing?</p> <p>12 A. Really, it was we -- communication. But</p> <p>13 more importantly, I had someone else talk to her, as</p> <p>14 well.</p> <p>15 Q. Who?</p> <p>16 A. Cynthia Richardson, who was my office</p> <p>17 manager. But she was also my HR person in the</p> <p>18 office.</p> <p>19 Q. Okay. How --</p> <p>20 A. What --</p> <p>21 Q. Go ahead. Sorry.</p> <p>22 A. The reason I asked her was because she</p> <p>23 had also done FOIA in another jurisdiction.</p> <p>24 Q. Okay.</p> <p>25 A. So I was like, "I need your assistance in</p>	<p>1 Q. Did you take any notes?</p> <p>2 A. No.</p> <p>3 Q. Okay. Now, between November and</p> <p>4 January -- or let me back up.</p> <p>5 How did it come to pass that in January,</p> <p>6 January 19th, you decided to terminate Ms. Clay?</p> <p>7 A. I think it just came down to timing. And</p> <p>8 when I say timing, it was sort of timing of when it</p> <p>9 could happen, schedule, the whole nine. Because me</p> <p>10 trying to carve out time had almost become almost</p> <p>11 impossible.</p> <p>12 Q. Okay.</p> <p>13 A. I think the team would say, you know, I</p> <p>14 went from meeting with them on a weekly basis to</p> <p>15 maybe once a month as individuals, just because work</p> <p>16 had ramped up.</p> <p>17 Q. Uh-huh.</p> <p>18 A. So trying to keep them on my schedule was</p> <p>19 not easy.</p> <p>20 Q. Okay.</p> <p>21 A. And so -- and, again, I will tell you,</p> <p>22 for me, terminating someone was not an easy decision.</p> <p>23 Q. Can I ask you something about that?</p> <p>24 A. Uh-huh.</p> <p>25 Q. Had you, in your capacity in the City of</p>

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<p>1 Richmond, terminated anyone prior?</p> <p>2 A. No.</p> <p>3 Q. Did you terminate anyone after?</p> <p>4 A. Yes.</p> <p>5 Q. How many people?</p> <p>6 A. One.</p> <p>7 Q. Okay. I don't know all the positions in</p> <p>8 your department. What position did you terminate?</p> <p>9 A. I'm trying to think of what that position</p> <p>10 really was. They were the business liaison, I</p> <p>11 believe.</p> <p>12 Q. Okay. And was that for cause, or not for</p> <p>13 cause?</p> <p>14 A. It was for -- I mean, they, too, were an</p> <p>15 at-will employee. Let me be clear.</p> <p>16 Q. Yes.</p> <p>17 A. But, yes, it -- in that case, it was for</p> <p>18 cause.</p> <p>19 Q. And by that, I simply mean the discipline</p> <p>20 policy was involved in that.</p> <p>21 A. No.</p> <p>22 Q. Okay, okay.</p> <p>23 A. No.</p> <p>24 Q. So when you say that other person was for</p> <p>25 cause, what do you mean?</p>	<p>1 A. I did not.</p> <p>2 Q. Okay.</p> <p>3 A. There were multiple conversations with</p> <p>4 us, because they understood that they did not have</p> <p>5 the skill set needed to be in that office.</p> <p>6 Q. Did they say that?</p> <p>7 A. Yeah; we've had that -- we had that</p> <p>8 conversation.</p> <p>9 Q. Oh, what I --</p> <p>10 A. Yes.</p> <p>11 Q. What I'm asking is you said they</p> <p>12 understood it.</p> <p>13 A. Yes.</p> <p>14 Q. And I want to know how --</p> <p>15 A. We had the --</p> <p>16 Q. -- you knew that they understood it.</p> <p>17 A. Uh-huh; because we had the conversation.</p> <p>18 Q. Okay.</p> <p>19 A. Yes.</p> <p>20 Q. All right. Did you ever have that</p> <p>21 conversation with Ms. Clay?</p> <p>22 A. No.</p> <p>23 Q. Okay, okay. Walk me through, okay, it's</p> <p>24 time to terminate Ms. Clay. Was that on the 19th,</p> <p>25 that Friday?</p>
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<p>1 A. There -- well, in many ways, it's similar</p> <p>2 to Ms. Clay. Was not the best fit for the position.</p> <p>3 Q. Okay.</p> <p>4 A. Inherited, holdover from another</p> <p>5 department --</p> <p>6 Q. Okay.</p> <p>7 A. -- massaged into mine.</p> <p>8 Q. Okay.</p> <p>9 A. Did not have relatable skill sets to</p> <p>10 anything in the department.</p> <p>11 Q. And you're just talking about that</p> <p>12 individual.</p> <p>13 A. Correct; that --</p> <p>14 Q. Okay. Got it.</p> <p>15 A. That individual.</p> <p>16 Q. Okay.</p> <p>17 A. And so there were some things that that</p> <p>18 person and I discussed.</p> <p>19 Q. Uh-huh.</p> <p>20 A. They were aware. And it got to the place</p> <p>21 where this is -- this can't -- we're not doing this.</p> <p>22 Again, the same consternation around how I felt about</p> <p>23 firing Ms. Clay, I had the same around this person.</p> <p>24 Q. Did you document performance failings for</p> <p>25 that individual prior to termination?</p>	<p>1 A. It was on the 19th.</p> <p>2 Q. Okay. Prior to the 19th, had you made</p> <p>3 the decision to terminate Ms. Clay?</p> <p>4 A. Yes.</p> <p>5 Q. At what time was that decision made, or</p> <p>6 on what day?</p> <p>7 A. I couldn't tell you on what day it was</p> <p>8 actually made that this was going to happen. I do</p> <p>9 remember going down to HR early in January and</p> <p>10 saying -- sort of revisiting the conversation that</p> <p>11 Gerald and I had had maybe late November, early</p> <p>12 December.</p> <p>13 Q. Okay. I want to unpack that. Did you</p> <p>14 meet with Mr. Westry?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. He is the person you met with?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Did you meet with him on the 19th</p> <p>19 of January?</p> <p>20 A. I don't remember.</p> <p>21 MR. ROBINSON: If you remember.</p> <p>22 THE WITNESS: I don't remember. I know</p> <p>23 that at that time my HR liaison had changed. So</p> <p>24 I remember meeting with her.</p> <p>25 /</p>

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<p>1 BY MS. ROBB:</p> <p>2 Q. And who was that?</p> <p>3 A. Timeko Hunter-Brown? Yeah.</p> <p>4 Q. It's Hunte. I think it has an E at the</p> <p>5 end.</p> <p>6 A. Oh, okay, okay.</p> <p>7 Q. Yeah, yeah; if that's right. I don't</p> <p>8 want to --</p> <p>9 Okay. So you met with Mr. Westry two</p> <p>10 times. And what was the purpose of those</p> <p>11 conversations with Mr. Westry regarding my client?</p> <p>12 MR. ROBINSON: I'm going to object. I</p> <p>13 don't think she testified that she only met with</p> <p>14 him two times.</p> <p>15 MS. ROBB: Oh, oh.</p> <p>16 MR. ROBINSON: She said that's what she</p> <p>17 remembers.</p> <p>18 BY MS. ROBB:</p> <p>19 Q. How often then do you remember meeting</p> <p>20 with Mr. Westry?</p> <p>21 A. Well, about?</p> <p>22 Q. Yes; about Ms. Clay.</p> <p>23 A. I don't remember how many times.</p> <p>24 Q. Okay. How often did you meet with him</p> <p>25 about other individuals?</p>	<p>1 space having to deal with a termination, that I am</p> <p>2 doing it by the book.</p> <p>3 Q. Okay. And what did that mean in this</p> <p>4 situation, doing it by the book?</p> <p>5 A. Are we following the procedure; am I in</p> <p>6 the right -- whatever I'm supposed to say. You know,</p> <p>7 this is what it is; right? You don't ever want to</p> <p>8 get over your skis, so to speak; right?</p> <p>9 And so it came down to her. Whatever her</p> <p>10 termination was, right, just to do it clean.</p> <p>11 Q. All right. Now, I know you don't</p> <p>12 remember when you met with Mr. Westry, or if there</p> <p>13 was a third time. What do you remember him telling</p> <p>14 you about terminating my client?</p> <p>15 A. Well, like I said, he walked me through</p> <p>16 the fact that because she was still on probation --</p> <p>17 Q. Okay.</p> <p>18 A. -- one.</p> <p>19 Q. He said -- and he said that? I want to</p> <p>20 make sure we're --</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 A. So she was a probationary employee.</p> <p>24 Q. Okay.</p> <p>25 A. So -- and there was no grievance, and she</p>
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<p>1 A. As needed.</p> <p>2 Q. How often would you say that was?</p> <p>3 A. Once every a couple of months. And a lot</p> <p>4 of it was just making sure, "Hey, we're about to</p> <p>5 hire." Like we were doing other things in HR; right?</p> <p>6 So, "Hey" -- whatever those things are, so just basic</p> <p>7 HR things.</p> <p>8 Q. Uh-huh.</p> <p>9 A. He was my go-to person.</p> <p>10 Q. Okay.</p> <p>11 A. And so when it came time for termination,</p> <p>12 I wanted to make sure that me, but also the city, was</p> <p>13 walking through the steps correctly; right?</p> <p>14 Q. Okay. And what did he tell you?</p> <p>15 A. Well, it was, one, she's pro -- she's</p> <p>16 still on probation. So in that space, you can</p> <p>17 terminate, because she is still on probation, she's</p> <p>18 an at-will employee.</p> <p>19 There is no -- oh, what's the word I'm</p> <p>20 looking for? -- grievance for her.</p> <p>21 Q. Okay.</p> <p>22 A. Those types of things. And so what I</p> <p>23 asked was for them to -- whatever the procedure was,</p> <p>24 to make sure that we had it. And then for me, as a</p> <p>25 director, and also this being the first time in this</p>	<p>1 wasn't entitled to certain things; right?</p> <p>2 Q. Okay.</p> <p>3 A. And that was pretty much it.</p> <p>4 Q. Did he -- oh, I didn't -- if you have</p> <p>5 more to say, please say it.</p> <p>6 A. And then at some point I was introduced</p> <p>7 to Timeko, or Timeka.</p> <p>8 Q. Did he introduce you to Timeko?</p> <p>9 A. Yes; because it was sort of a soft</p> <p>10 hand-off.</p> <p>11 Q. Do you remember when?</p> <p>12 A. Maybe the first of the year.</p> <p>13 Q. Okay. Did Mr. Westry advise you to</p> <p>14 terminate Connie Clay?</p> <p>15 A. No.</p> <p>16 MR. ROBINSON: Objection to the word</p> <p>17 "advised."</p> <p>18 BY MS. ROBB:</p> <p>19 Q. Okay.</p> <p>20 A. No.</p> <p>21 Q. Did he tell you to?</p> <p>22 A. No one told me to.</p> <p>23 Q. Okay. What did he say about whether you</p> <p>24 should or should not, if anything, fire Connie Clay?</p> <p>25 A. He didn't say whether I should or should</p>

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<p>1 not.</p> <p>2 Q. Okay. Did anyone tell you that you</p> <p>3 should terminate Connie Clay?</p> <p>4 A. So very early on, and I think I've</p> <p>5 already stated that, Sabrina Joy-Hogg came to me, I</p> <p>6 want to say September-ish -- because it was very</p> <p>7 early in Ms. Connie's tenure with the city --</p> <p>8 Q. Okay.</p> <p>9 A. -- and was like "You need to get rid of</p> <p>10 her."</p> <p>11 Q. Okay. And was that surrounding the</p> <p>12 assessment of fees for FOIAs?</p> <p>13 A. It may have been.</p> <p>14 Q. Okay.</p> <p>15 A. And what I said to her was, "Not going to</p> <p>16 happen."</p> <p>17 Q. Okay.</p> <p>18 A. "We are going to give her a fair shake."</p> <p>19 Q. Okay.</p> <p>20 A. "Growing pains."</p> <p>21 Q. Okay. Did you document the meeting with</p> <p>22 Sabrina Joy-Hogg?</p> <p>23 A. No.</p> <p>24 Q. Okay. Is there any calendar invite that</p> <p>25 would indicate that's the day you guys were talking</p>	<p>1 A. No.</p> <p>2 Q. -- terminate?</p> <p>3 Did anybody say, in their opinion, you</p> <p>4 should terminate?</p> <p>5 MR. ROBINSON: Objection. Asked and</p> <p>6 answered. You can answer it.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MS. ROBB:</p> <p>9 Q. Okay. In the two weeks or so -- so let's</p> <p>10 just say January 1st on.</p> <p>11 A. Uh-huh.</p> <p>12 Q. At what point were you like, "When I have</p> <p>13 time, I will terminate Connie Clay"?</p> <p>14 MR. ROBINSON: Objection to form.</p> <p>15 THE WITNESS: I don't know that I --</p> <p>16 yeah; that's one that's hard for me to answer,</p> <p>17 because I don't know that I thought about it in</p> <p>18 the way that you just sort of -- "Today is the</p> <p>19 day."</p> <p>20 BY MS. ROBB:</p> <p>21 Q. Okay; that's fair. I want to know how</p> <p>22 you thought about it.</p> <p>23 A. It was things are getting to a place</p> <p>24 where it's just untenable. And I wish I could tell</p> <p>25 you exactly what that felt like.</p>
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<p>1 about that?</p> <p>2 A. So it was an impromptu.</p> <p>3 Q. Okay.</p> <p>4 A. So, you know, we're all on the 14th</p> <p>5 floor. So you go and peek in to see if -- does she</p> <p>6 have a minute. And I think she just popped over.</p> <p>7 And the conversation was probably all of -- less than</p> <p>8 ten minutes.</p> <p>9 Q. Okay.</p> <p>10 A. And that was it.</p> <p>11 Q. Okay. Did Ms. Joy-Hogg come back at any</p> <p>12 time and say, "No; remember when I said that? Like</p> <p>13 now you really need to," or words to that effect?</p> <p>14 A. Yeah; we never had another conversation</p> <p>15 about it.</p> <p>16 Q. Okay, all right. Did you have a</p> <p>17 conversation with April Bingham the week or two</p> <p>18 leading up to terminating my client?</p> <p>19 A. In regards to termination?</p> <p>20 Q. Yes, yes.</p> <p>21 A. No.</p> <p>22 Q. All of my questions will be about that.</p> <p>23 A. Okay; no.</p> <p>24 Q. Did Ms. Bingham say or -- say you should,</p> <p>25 in her opinion --</p>	<p>1 Q. Okay.</p> <p>2 A. But --</p> <p>3 Q. What was untenable about it?</p> <p>4 A. The folks that had to work with Ms. Clay</p> <p>5 really just did not want to work with Ms. Clay</p> <p>6 anymore.</p> <p>7 Q. So we've gone through specifics. And</p> <p>8 none of them seemed to be at the same time, please</p> <p>9 correct me if that's wrong, with the actual</p> <p>10 termination. None of these complaints from everyone.</p> <p>11 A. Correct. So it's sort of the lead up to.</p> <p>12 And I think the straw that broke the camel's back --</p> <p>13 Q. Okay.</p> <p>14 A. -- became the overtime pay piece.</p> <p>15 Q. Wasn't the overtime pay back in November?</p> <p>16 A. Yeah; and it was all finalized. But</p> <p>17 that's when I started having the --</p> <p>18 Q. Okay.</p> <p>19 A. -- this isn't -- it didn't start -- it</p> <p>20 started to feel like it just didn't feel right</p> <p>21 anymore.</p> <p>22 Q. And what happened between November and</p> <p>23 then January 19th that was -- each day that went by,</p> <p>24 you didn't terminate her, but you did on</p> <p>25 January 19th. Why?</p>

<p style="text-align: right;">Page 317</p> <p>1 A. I can't tell you why it was specifically 2 -- I wish I could say, "This is the thing that made 3 it January 19th." 4 Q. Okay. 5 A. There was the thought -- if I'm -- 6 knowing myself, we're going into the holidays, all of 7 the different things. Again, when I tell you 8 termination is not something that I take lightly -- 9 because you are taking something away from somebody; 10 right? 11 Q. Okay. 12 A. So it's their livelihood and all of the 13 things that go along with that. So those were all of 14 my considerations. And I am not one -- you can see, 15 I think, I'm not going to just, for lack of a better 16 way to say it, pull the trigger really fast. 17 I really wanted her to have the 18 opportunity. But it was just to the place where -- I 19 think my last conversation was probably after the 20 holidays, when Lincoln pulled me back into the office 21 and was just like, "Petula, this isn't working. And 22 you're going to have to make a decision one way or 23 the other." 24 Q. When was that? 25 A. It would have been in the new year.</p>	<p style="text-align: right;">Page 319</p> <p>1 A. No. 2 Q. Okay. Who had to, if anybody, approve 3 this decision? 4 A. It was my decision. 5 Q. Okay. Did anyone in HR have to sign off 6 on it? 7 A. Not to my knowledge. 8 Q. Okay. Walk me through the 19th, to your 9 recollection. It's the day that you are going to let 10 someone go. 11 A. Uh-huh. I think earlier that day 12 Ms. Clay came in and hand-delivered a list of things 13 in an envelope. 14 Q. Okay. 15 A. At some point during that day, Timeko 16 came up and just sort of walked me through the steps 17 of how this actually works when you terminate someone 18 in the city. 19 Q. What did she say? 20 A. So the two of us would be in the room 21 with Ms. Clay. 22 Q. Okay. 23 A. The security director stands outside the 24 door. When we are finished with the conversation 25 with Ms. Clay, we leave. And then the security</p>
<p style="text-align: right;">Page 318</p> <p>1 Q. Okay. Do you remember when in 2 relationship to terminating her? 3 A. I do not. 4 Q. What did you tell Lincoln when he said 5 that? 6 A. I said, "I have a lot of things that I 7 have to consider." 8 Q. Okay. Did you talk with Mr. Westry after 9 that, to your recollection? 10 A. Well, I did. I did talk to him. 11 Q. Uh-huh. 12 A. Because in getting ready for the 13 termination piece, Timeko -- so Timeko was in the 14 room for that conversation, because that was where 15 the soft hand-off -- 16 So there was some timing -- my 17 conversation with Lincoln had nothing to do with my 18 conversation with Gerald and Timeko, because I had 19 already initiated my conversation with Gerald prior 20 to my conversation with Lincoln. 21 Q. And when you say initiated your 22 conversation with Gerald, did he have to sign off on 23 or approve this decision? 24 A. Who? 25 Q. Mr. Westry.</p>	<p style="text-align: right;">Page 320</p> <p>1 director takes over from there, escorting the person 2 back to their office, et cetera. 3 Q. Okay. 4 A. So that's what that day looked like. Of 5 course, I had other -- you know, whatever that -- the 6 rest of the day looked like. 7 Q. Uh-huh. 8 A. But Timeko and I met probably 30 minutes 9 maybe before the actual meeting with Ms. Clay. 10 Q. And when was that meeting in the day? 11 A. It would have been in the afternoon, 12 early afternoon. 13 Q. Had you met Timeko before that? 14 A. Yes. 15 Q. How many times, would you say? 16 A. Just that one time, when I was -- when 17 Gerald was handing me off to her in that meeting in 18 his office. 19 Q. Okay. At what point in the day did you 20 schedule a meeting with my client for the 21 termination? 22 A. I want to say it was like 2:00 o'clock in 23 the afternoon or something like that. 24 Q. Had you received the envelope of 25 information from Ms. Clay at that point?</p>

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<p>1 A. Yeah; because she'd hand-delivered it to 2 me earlier that day. 3 Q. Okay. 4 A. That same day. 5 Q. I see. And that was before you set the 6 meeting? 7 A. No; the meeting was on the calendar 8 already. 9 Q. Yeah; and that's what I'm trying to 10 ascertain -- 11 A. Yes, yes. 12 Q. -- is what happened first. 13 A. Oh, the meeting was on the calendar 14 first. 15 Q. When did you set it? 16 A. Probably the day before. Because I don't 17 -- I'm not -- I may have put it on the calendar that 18 morning. I don't remember. 19 Q. Okay. 20 A. It was like either the day before or the 21 day of. 22 Q. Okay. 23 A. I want to say somewhere around maybe 24 10:00-11:00 o'clock -- 25 Q. Okay.</p>	<p>1 Q. Okay. And I'm going to hand you this, as 2 well. 3 I have a question before we -- and -- I'm 4 sorry. Let me back up. Did we mark that one? 5 THE COURT REPORTER: We did. Thank you. 6 THE WITNESS: So this is a new marking? 7 MS. ROBB: Uh-huh; it is. 8 THE COURT REPORTER: Number 29. 9 (Deposition Exhibit 29 marked for 10 identification.) 11 BY MS. ROBB: 12 Q. All right. Had you had an evaluation, 13 like a six -- say six-month evaluation -- 14 A. Uh-huh. 15 Q. -- of Ms. Clay's work performance as an 16 employee with her? 17 A. No; because we hadn't gotten to that 18 point yet. 19 Q. Okay. Had you done that with other 20 employees? 21 A. No; I hadn't had an opportunity to do it 22 with anybody, unfortunately. 23 Q. Okay. 24 A. No. 25 Q. All right. Had you noted for her, aside</p>
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<p>1 A. -- Ms. Clay brought me her -- the list. 2 Q. Okay. Did she -- and by that, I mean, to 3 your knowledge, did Ms. Clay know she was going to be 4 terminated when she handed you the list? 5 A. Not to my knowledge. 6 Q. Okay. Had you told her? 7 A. No. 8 Q. Had you sat down one last time and said, 9 "Hey," paraphrasing, "you're going to -- like it's 10 going to be the end of the road if we can't work this 11 out?" 12 A. No. 13 Q. Okay. Had she asked for a meeting? 14 A. She had. 15 MS. ROBB: Okay. 16 (Deposition Exhibit 28 marked for 17 identification.) 18 BY MS. ROBB: 19 Q. Is this the list that you're talking 20 about, this January 19th, 2024 -- I'm going to call 21 it a memo -- 22 A. Sure. 23 Q. -- to Petula Burks from Connie Clay, 24 "Reason, Today's Meeting." 25 A. It looks as such.</p>	<p>1 from I believe you said, "We're going to say city, 2 not the person in emails" -- 3 A. Uh-huh. 4 Q. -- had you told her she needed to do 5 something better to make this work? 6 A. I don't recall a specific conversation. 7 Q. Okay. Now, I've handed you something 8 that has December 26th at the top, of 2023. 9 A. Uh-huh. 10 Q. And that was also to you from Ms. Clay. 11 And it's "FOIA Accomplishments and Challenges." 12 A. Uh-huh. 13 Q. Did you ask for like a summation of how 14 the year went from your employees that year, or was 15 this something she simply offered? 16 A. So we were coming up into state of the 17 city. And so state of the city, we ask for 18 accomplishments from all departments. 19 Q. Okay. 20 A. And so I am assuming that this is a part 21 of that -- 22 Q. Okay. 23 A. -- ask. 24 Q. Did you review this document when she 25 sent it?</p>

<p style="text-align: right;">Page 325</p> <p>1 A. I'm sure I perused it at the time.</p> <p>2 Q. So on the front page it says</p> <p>3 "Accomplishments." It lists that she has received</p> <p>4 291 FOIAs. Does that sound about right? Or put</p> <p>5 another way, did that sound --</p> <p>6 A. It's probably correct.</p> <p>7 Q. Okay. Now, she lists a number of things</p> <p>8 that she did to build out her job, I'll say.</p> <p>9 A. Uh-huh.</p> <p>10 Q. Did you, at the time that you perused</p> <p>11 this, take issue with any of the things that she</p> <p>12 listed?</p> <p>13 A. Oh, I don't remember.</p> <p>14 Q. Did you send her an email with like</p> <p>15 feedback of this?</p> <p>16 A. I did not.</p> <p>17 Q. Okay. On the second page it says</p> <p>18 "Challenges." And under Challenges, it lists four</p> <p>19 things, including, "Internal stakeholders obviously</p> <p>20 untrained in FOIA law, rights, and responsibilities.</p> <p>21 "City's inconsistent handling of FOIA</p> <p>22 requests, from billing to responsiveness and</p> <p>23 decision-making. Needless lawsuits caused by the</p> <p>24 ignorance, arrogance, and pride of internal</p> <p>25 stakeholders.</p>	<p style="text-align: right;">Page 327</p> <p>1 right? It was just the beginning.</p> <p>2 You know, so that's what I'll say about</p> <p>3 the challenges. That, you know --</p> <p>4 Q. Well, I want to know what, if anything,</p> <p>5 you agree with or you don't. You said the inc -- I</p> <p>6 want to make sure I understand your testimony. You</p> <p>7 said the inconsistency was a function of having gone</p> <p>8 from decentralization to centralization.</p> <p>9 A. And I think that there was probably</p> <p>10 inconsistency prior to; right? Because the left hand</p> <p>11 doesn't know what the right hand's doing.</p> <p>12 Q. Uh-huh.</p> <p>13 A. So the purpose for centralization is to</p> <p>14 get those things under control.</p> <p>15 Q. Okay.</p> <p>16 A. You're not going to get it under control</p> <p>17 in five months, what have you.</p> <p>18 MR. ROBINSON: Let me ask a question. I</p> <p>19 know -- I thought we got some grace because we</p> <p>20 started off a little -- 10, 15 minutes --</p> <p>21 MS. ROBB: Oh, it's about timing? Yes.</p> <p>22 MR. ROBINSON: It's 4:20.</p> <p>23 MS. ROBB: I'm wrapping up for the day.</p> <p>24 MR. ROBINSON: We don't -- we're happy to</p> <p>25 stay. It's just tomorrow is going to kind of</p>
<p style="text-align: right;">Page 326</p> <p>1 "The media reported the city's</p> <p>2 noncompliance with the law, as well as the filing and</p> <p>3 the city's settling of lawsuits. And tremendous</p> <p>4 responsibility, but minimal authority, as the city's</p> <p>5 FOIA officer."</p> <p>6 My question is, is there anything that</p> <p>7 you agree with her on this, in her list of</p> <p>8 challenges?</p> <p>9 A. So it's hard for me to say I agree,</p> <p>10 because of the way things are worded in this.</p> <p>11 Q. Okay.</p> <p>12 A. Right?</p> <p>13 Q. Is there any piece of it that you agree</p> <p>14 with her challenge?</p> <p>15 A. So I would say that the inconsistency</p> <p>16 piece comes from, I think, one, decentralization,</p> <p>17 which is why were trying to centralize.</p> <p>18 Q. Okay.</p> <p>19 A. And so some of the challenges, we were</p> <p>20 trying to work on by creating the position.</p> <p>21 Q. Okay.</p> <p>22 A. We understood that you couldn't do</p> <p>23 everything all at once, and every problem with FOIA</p> <p>24 was not going to be solved with one position. Again,</p> <p>25 this was the start, not the end, not even the middle;</p>	<p style="text-align: right;">Page 328</p> <p>1 need to row the time that we're spending today.</p> <p>2 So we're happy to keep going.</p> <p>3 MS. ROBB: Well, we took breaks, too.</p> <p>4 But, yeah; I'm wrapping up for the day, because</p> <p>5 I've got to go get my kids, but --</p> <p>6 BY MS. ROBB:</p> <p>7 Q. Okay. We were back on the challenges.</p> <p>8 And you were saying the decentralization had its</p> <p>9 inconsistencies, too. Moving from one to the other</p> <p>10 and that transition was inconsistent, and you weren't</p> <p>11 expecting it to be perfect.</p> <p>12 A. Correct. And, you know, I think the --</p> <p>13 this is worded, you know, very derogatory towards</p> <p>14 people; right? So, you know, I don't think that --</p> <p>15 You know, when you say, "Needless</p> <p>16 lawsuits caused by the ignorance, arrogance, and</p> <p>17 pride," I think people would also maybe turn that</p> <p>18 around and say that same thing about her.</p> <p>19 Q. Okay.</p> <p>20 A. Right? Because at the end of the day,</p> <p>21 it's about, "I believe that my opinion supersedes</p> <p>22 that of someone else's."</p> <p>23 And that was very much seen in that</p> <p>24 overtime pay. You knew that the city attorney's</p> <p>25 office opined in one way. You decided to answer a</p>

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<p>1 different way, in many ways, right, without citing 2 the exemption that, to my understanding, was shared 3 with you. 4 Q. But you said that she didn't release 5 records against advice. 6 A. She did not -- 7 Q. Okay. 8 A. -- release them. But her response was 9 not what the response should have been. The response 10 shouldn't have been, "The HR person," or whatever she 11 said, "does not believe that" -- 12 Q. Okay. 13 A. -- "she has to give you the records." 14 Q. Uh-huh. 15 A. The response should have been, "The city 16 has records that are responsive" -- 17 Q. Yeah; you mentioned -- 18 A. -- "to your request. However, they're 19 withholding it based on X-exemption." 20 So in that space, now your opinion or 21 belief superseded what the city was prepared to go to 22 court and fight for. 23 Q. Okay. But she didn't -- did she get 24 fired for misconduct? 25 A. No.</p>	<p>1 I -- 2 Q. What is she saying? 3 MR. ROBINSON: Well, let her finish. 4 Please go on. 5 BY MS. ROBB: 6 Q. Oh, yeah. 7 A. I think there are ways to have said it in 8 a way -- in a document that's coming to me -- and 9 maybe I'm basing it on my own personal -- this is not 10 how I would have written a challenge. 11 Q. Okay. 12 A. The challenges are, "We need to have more 13 internal stakeholders who are trained in FOIA." 14 Q. Uh-huh. 15 A. There were -- there are a lot of internal 16 stakeholders who had been doing FOIA for a while, who 17 were trained, that she worked with -- 18 Q. Okay. 19 A. -- that she also bumped heads with. 20 Q. Okay. 21 A. Right? Like I said, I do agree there was 22 inconsistency in handling of FOIA. And that is why 23 we were trying to centralize FOIA, period. 24 You know, I think it's subjective when we 25 say "needless lawsuits." And what caused that? I</p>
Page 330	Page 332
<p>1 Q. Okay. And under the challenges -- I'm 2 going to go back to it again and ask you another 3 question, just so I understand your testimony. 4 When she says -- I'll grant you that 5 there's some derogatoriness about the language -- 6 A. Uh-huh. 7 Q. -- in the way that, you know, say Mike 8 Sarahan had some derogatoriness -- 9 A. Correct. 10 Q. -- about -- 11 But when I asked you about that, you 12 said, "Well, I understood what he was asking for, 13 even though it hurt my feelings." 14 A. Uh-huh. 15 Q. Do you understand what she's saying in 16 here? 17 A. I do -- 18 MR. ROBINSON: Objection. 19 MS. ROBB: I'm just asking her opinion. 20 MR. ROBINSON: You're comparing it to -- 21 Mike Sarahan, who's a requester, to an internal 22 employee for the city. You can answer. 23 BY MS. ROBB: 24 Q. Yes; I understand. 25 A. So, yeah, I understand what she's saying.</p>	<p>1 don't think it was -- the cause was not ignorance, 2 arrogance, and pride. 3 Q. Okay. What was it? 4 A. I think it's a differing of opinions of 5 what people saw as a withholding, or what -- right? 6 And when I say withholding, based on statute. 7 Q. Okay. 8 A. So I think there's that. And I think how 9 do we ferret that out might have been the challenge. 10 It's how do we get to it when there's a differing of 11 opinion. 12 Q. Okay. 13 A. Right? And then, yes, there was a 14 tremendous amount of responsibility and minimal 15 authority. But that's at most levels. Like I had a 16 tremendous responsibility. But at the end of the 17 day, I still had to answer to someone; right? 18 Q. Uh-huh. 19 A. And so I think, in this case, really not 20 wanting to answer to me -- and that was fine -- 21 Q. What do you mean by that? 22 A. I don't think that Ms. Clay wanted to 23 answer to me as her direct supervisor. 24 Q. I heard you just say that she asked for a 25 meeting with you.</p>

<p>Page 333</p> <p>1 A. Correct.</p> <p>2 Q. Yeah.</p> <p>3 A. Right. But if you go down to her</p> <p>4 recommendations, which I also, be clear, don't</p> <p>5 disagree with --</p> <p>6 Q. Okay.</p> <p>7 A. -- that she should -- the officer should</p> <p>8 report directly to the CAO.</p> <p>9 Q. Okay.</p> <p>10 A. To be quite honest, probably a reporting</p> <p>11 line that is to the city attorney's office, more so</p> <p>12 than the CAO.</p> <p>13 Q. Okay. Did the --</p> <p>14 MR. ROBINSON: Let her finish. She</p> <p>15 was --</p> <p>16 MS. ROBB: Oh, I didn't know she wasn't</p> <p>17 done. Sorry.</p> <p>18 THE WITNESS: So the other piece of this,</p> <p>19 under her recommendations, not every FOIA</p> <p>20 officer is a licensed attorney. And we didn't</p> <p>21 hire her as an attorney in this position.</p> <p>22 BY MS. ROBB:</p> <p>23 Q. Uh-huh; okay.</p> <p>24 A. So her legal opinion was not what we were</p> <p>25 going on. We were going on the legal opinion of the</p>	<p>Page 335</p> <p>1 MS. HARDIMAN: You want it?</p> <p>2 MS. ROBB: Oh, we have it.</p> <p>3 MS. HARDIMAN: There's only one copy.</p> <p>4 MS. ROBB: We only have one copy. I</p> <p>5 don't need to make it a -- I can bring it for an</p> <p>6 exhibit tomorrow, if you'd like.</p> <p>7 MR. ROBINSON: So if you don't want to</p> <p>8 ask her about it until tomorrow, we can bring it</p> <p>9 as an exhibit tomorrow.</p> <p>10 MS. ROBB: Okay. I can bring it as an</p> <p>11 exhibit tomorrow. It's not not wanting to. I</p> <p>12 just want to have three copies.</p> <p>13 BY MS. ROBB:</p> <p>14 Q. All right. Under Recommendations, it</p> <p>15 says "Mandatory annual training for directors" --</p> <p>16 MR. ROBINSON: So how long are we going?</p> <p>17 Because, remember --</p> <p>18 MS. ROBB: Just the recommendations, and</p> <p>19 then --</p> <p>20 MR. ROBINSON: Okay.</p> <p>21 MS. ROBB: -- I'm going to ask her a</p> <p>22 couple of questions about the 19th --</p> <p>23 MR. ROBINSON: Got it.</p> <p>24 BY MS. ROBB:</p> <p>25 Q. Okay. "Mandatory annual training for</p>
<p>Page 334</p> <p>1 city attorneys who were hired to be our legal arm in</p> <p>2 the city.</p> <p>3 Q. In the job description that was the</p> <p>4 posting, did it not say you were looking for a</p> <p>5 paralegal or attorney?</p> <p>6 MR. ROBINSON: Objection. Do you have</p> <p>7 the job description or posting?</p> <p>8 MS. ROBB: I can bring it tomorrow.</p> <p>9 THE WITNESS: Okay.</p> <p>10 MR. ROBINSON: Well, I think she should</p> <p>11 wait until -- she can't answer what she doesn't</p> <p>12 see.</p> <p>13 MS. ROBB: I can ask her if she</p> <p>14 remembers.</p> <p>15 MR. ROBINSON: Okay. Go ahead.</p> <p>16 BY MS. ROBB:</p> <p>17 Q. Do you remember it said that?</p> <p>18 A. I believe I do. But it wasn't like a</p> <p>19 requirement, either.</p> <p>20 Q. Okay. And who wrote that document?</p> <p>21 A. Myself and HR.</p> <p>22 Q. Okay. Who in HR?</p> <p>23 A. I don't remember who that person would</p> <p>24 have been.</p> <p>25 Q. Okay.</p>	<p>Page 336</p> <p>1 directors and any other city employees who handle</p> <p>2 FOIA requests."</p> <p>3 Do you agree with that recommendation?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. "A consistent FOIA policy that is</p> <p>6 consistent with the VA FOIA statute."</p> <p>7 Do you agree with that?</p> <p>8 A. Yes. And that was something that she and</p> <p>9 I -- I think we previously touched on that. We</p> <p>10 talked about updating the city's FOIA policy.</p> <p>11 Q. And then it says "Updating of the city's</p> <p>12 FOIA website."</p> <p>13 A. Yes; but that was also on my list of</p> <p>14 things, as we've talked about, where I wanted us to</p> <p>15 go.</p> <p>16 Q. Okay. "The FOIA officer should report</p> <p>17 directly to the CAO." And you just touched on that;</p> <p>18 right? Was there anything else you wanted to say</p> <p>19 about that piece?</p> <p>20 A. No.</p> <p>21 Q. Okay. And then, "The FOIA officer's</p> <p>22 legal opinion should be final."</p> <p>23 And I understand what you're -- so --</p> <p>24 MR. ROBINSON: Is there a question?</p> <p>25 Because you're about to say something.</p>

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<p>1 MS. ROBB: I don't -- if I don't know 2 what I'm going to say, then how do you know what 3 I'm going to say? 4 MR. ROBINSON: Well, you said, "I 5 understand that," so you're about to tell -- 6 MS. ROBB: But she just said that legal 7 should be the opinions that everyone listens to; 8 right? 9 MR. ROBINSON: What's your question? 10 MS. ROBB: Well, now I forgot -- 11 BY MS. ROBB: 12 Q. "The FOIA officer should have the 13 authority, support, and resources to ensure the 14 city's compliance with Virginia FOIA." 15 Do you agree with that? 16 A. I'd have to understand what's meant by 17 authority. 18 Q. Okay. 19 A. I think, you know, we were building 20 support and resources for that. And, again, building 21 and flying the plane at the same time. 22 Q. Uh-huh. 23 A. And it's very hard to do. 24 Q. Okay. 25 A. And so in this space, it was creating</p>	<p>1 whatever you want to call that. And then you have 2 the support of the city attorney's office. 3 Q. Okay. 4 A. So, and then you had the support of your 5 liaisons, who had been doing FOIA for the departments 6 for some time. 7 Q. Okay. Now, did you consider the city 8 attorney's officer supportive of Ms. Clay? 9 A. I would think -- when she asked a 10 question, I believe they responded to her. 11 Q. Okay. Did they -- do you believe they 12 supported her in being the FOIA officer? 13 A. I can't speak for them. 14 Q. Okay; that's fine. Did you consider this 15 document a report of wrongdoing by the city? 16 A. No. 17 Q. Okay. Is it fair to say that Ms. Clay 18 made statements like the one we looked at regarding 19 the overtime records at other times, meaning -- 20 MR. ROBINSON: What statement? 21 BY MS. ROBB: 22 Q. Meaning she said, "I don't agree with 23 this approach"? 24 MR. ROBINSON: At what time? 25 /</p>
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<p>1 what this looks like, starting with a FOIA officer, 2 building in another FOIA officer, and hopefully 3 another one, and another one. 4 But having the city also see the need for 5 multiples. Much like they saw the need for, "Oh, we 6 need to centralize communications," they understood, 7 because it was on their work plan, that we needed to 8 centralize FOIA. 9 I think not understanding sort of the 10 copious amounts of work that fall in that frame of 11 reference was also -- so you don't start with all 12 guns blazing. 13 "Let's start with one and build out." So 14 that's where we were. So I think this statement, in 15 and of itself, is partial for me. 16 Q. Okay. 17 A. Because authority -- I don't know what 18 that means. 19 Q. Okay. 20 A. Because everybody looks at that word 21 differently. 22 Q. Sure. 23 A. But support and resources, of course, you 24 should have them. Part of that is why you have the 25 FOIA office, you know, at the state level, or</p>	<p>1 BY MS. ROBB: 2 Q. During her tenure. 3 A. So you're saying, did she make other 4 statements saying that she didn't agree with a 5 decision? 6 Q. Yes. 7 A. Yes. 8 Q. Did you consider any of those reports of 9 wrongdoing that needed to be investigated? 10 A. No. 11 Q. Okay. 12 MR. ROBINSON: Explain. 13 MS. ROBB: Yes. If she has more to say, 14 she can say it. 15 THE WITNESS: Because we're talking 16 about, to your word -- 17 BY MS. ROBB: 18 Q. Yeah, yeah. 19 A. -- it's an opinion. 20 Q. Okay. 21 A. Right? So she gave her opinion on what 22 she believed to be true and right. 23 On the opposite side of that, there were 24 other opinions and information at some points, you 25 know, that you would say, "Well, this is an opinion</p>

<p style="text-align: right;">Page 341</p> <p>1 that could also be true and right."</p> <p>2 Where is that line of demarcation of how</p> <p>3 we get to where we are; right?</p> <p>4 Q. Uh-huh.</p> <p>5 A. So --</p> <p>6 Q. Okay.</p> <p>7 MR. ROBINSON: Okay. I --</p> <p>8 MS. ROBB: I just have one more question.</p> <p>9 MR. ROBINSON: Okay.</p> <p>10 MS. ROBB: Or --</p> <p>11 MR. ROBINSON: Okay. One more.</p> <p>12 BY MS. ROBB:</p> <p>13 Q. What documents did you or Timeko, to your</p> <p>14 recollection, bring to the meeting to terminate my</p> <p>15 client?</p> <p>16 A. Oh, I don't remember.</p> <p>17 Q. Okay.</p> <p>18 A. I think there was just a termination</p> <p>19 letter. I'm not sure.</p> <p>20 Q. Okay.</p> <p>21 MR. ROBINSON: So you have more than one</p> <p>22 question?</p> <p>23 MS. ROBB: This is the last topic.</p> <p>24 MR. ROBINSON: One more topic.</p> <p>25 MS. ROBB: Well, this is a letter from</p>	<p style="text-align: right;">Page 343</p> <p>1 BY MS. ROBB:</p> <p>2 Q. Okay.</p> <p>3 A. So it starts with the complaints.</p> <p>4 Q. Uh-huh.</p> <p>5 A. Then it sort of dovetails into, "Well, if</p> <p>6 I don't think -- you know, if I feel like I don't</p> <p>7 want to -- if I don't agree with where the city's</p> <p>8 going, I need you to step in and handle the request."</p> <p>9 Q. Okay.</p> <p>10 A. Okay. Then it was the overtime pay</p> <p>11 piece, for me; and getting on a meeting about the</p> <p>12 overtime pay with all of the internal stakeholders</p> <p>13 involved, to find out that she knew information that</p> <p>14 she had at that point not shared, which was that the</p> <p>15 city attorney's office had opined to her.</p> <p>16 Because I was not on the city -- the</p> <p>17 email with her and the city attorney's office.</p> <p>18 Q. And there is an email?</p> <p>19 A. There is an email.</p> <p>20 Q. Okay, okay.</p> <p>21 A. So for me, with everything else that's</p> <p>22 going on -- there was a lot. I'm dealing with</p> <p>23 homeless issues. I'm dealing with getting -- going</p> <p>24 to winter weather, whatever the case may be. My day-</p> <p>25 to-day is now getting to be a lot.</p>
<p style="text-align: right;">Page 342</p> <p>1 her, so it's not really that extensive.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MS. ROBB:</p> <p>4 Q. Is this the letter, or is this -- is this</p> <p>5 the letter you gave to Connie Clay on the date of her</p> <p>6 termination?</p> <p>7 A. It appears to be; yes.</p> <p>8 Q. Okay. Did you give her any additional</p> <p>9 information in the meeting about why she was being</p> <p>10 terminated?</p> <p>11 A. I think it was just that she was not a</p> <p>12 good fit for the position.</p> <p>13 (Deposition Exhibit 30 marked for</p> <p>14 identification.)</p> <p>15 BY MS. ROBB:</p> <p>16 Q. Okay. Why was she not a good fit? I</p> <p>17 know we've talked about a lot. But if you could sum</p> <p>18 it up, why is she not a good fit?</p> <p>19 A. I mean, all the things that we discussed.</p> <p>20 Q. Okay, okay.</p> <p>21 A. I think, at some point, it just became --</p> <p>22 MR. ROBINSON: Go ahead and articulate</p> <p>23 all of them.</p> <p>24 THE WITNESS: The -- sort of the layered</p> <p>25 effect; right?</p>	<p style="text-align: right;">Page 344</p> <p>1 Q. Okay.</p> <p>2 A. Because, again, I'm flying that plane,</p> <p>3 also, and building it at the same time.</p> <p>4 Q. Okay.</p> <p>5 A. And then you're asking me, because you</p> <p>6 may not agree with something, and you don't want your</p> <p>7 name attached to it, then I have to deal with that,</p> <p>8 as well.</p> <p>9 Okay; fine. That's my responsibility as</p> <p>10 your supervisor. I'll take that on. I could have</p> <p>11 very easily said, "No; you're going to have to just</p> <p>12 do your job."</p> <p>13 But I did not do that, because it just --</p> <p>14 it was, "Okay. Let's just figure out how to make</p> <p>15 this work." And so that's what I did. But in making</p> <p>16 it work, it also meant more work for me.</p> <p>17 And, you know, when I have to then say --</p> <p>18 and I think this was probably December, as well --</p> <p>19 "You can't respond for the mayor's office anymore.</p> <p>20 They're taking back control of their FOIA," it was</p> <p>21 sort of just -- it was too much piling on.</p> <p>22 Q. Okay.</p> <p>23 A. And so it was the determination, "This</p> <p>24 is not working. This is not a good fit. We just</p> <p>25 need to part ways."</p>

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1	Q. You said "the determination." Was it	1	CHANGES REQUESTED TO THE DEPOSITION OF:
2	anyone else's but yours?	2	
3	A. It was --	3	PETULA BURKS
4	Q. I think we've already talked about it. I	4	TAKEN: September 9, 2025
5	just want to make sure.	5	
6	A. -- always just mine.	6	PAGE/LINE: DESCRIPTION
7	Q. Okay. I think that's good for today, but	7	
8	we're leaving this open, please.	8	
9	A. Oh, and I need to arrange --	9	
10	Q. You've been so good about that, and I	10	
11	really appreciate that.	11	
12	MR. ROBINSON: Did you mark these as a	12	
13	number? I think I may have missed that one.	13	
14	What number were they?	14	
15	THE WITNESS: Hold on.	15	
16	MR. ROBINSON: Because that's where I	16	
17	think I got off.	17	DATE: _____
18	THE WITNESS: 21.	18	SIGNATURE: _____
19	MR. ROBINSON: 21; I missed that one.	19	
20	THE VIDEOGRAPHER: Are we ready to go	20	NOTARY PUBLIC: _____
21	off?	21	MY COMMISSION EXPIRES: _____
22	MS. ROBB: I am; yes.	22	
23	MR. ROBINSON: We are.	23	
24	THE WITNESS: Oh, sorry.	24	REPORTED BY: KATHERINE S. HRUNENI, CCR
25	THE VIDEOGRAPHER: Off the video record.	25	

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1	The time is 4:37 p.m.	1	COMMONWEALTH OF VIRGINIA AT LARGE, to wit:
2	(Deposition recessed, 4:37 p.m.)	2	I, Katherine S. Hruneni, a Certified Court
3	* * * * *	3	Reporter and Notary Public in and for the Commonwealth
4		4	of Virginia at Large, whose commission expires July 31,
5		5	2028, do certify that the aforementioned appeared
6		6	before me, was sworn by me, and was thereupon examined
7		7	by counsel; and that the foregoing is a true, correct,
8		8	and full transcript of the testimony adduced.
9		9	I further certify that I am neither related
10		10	to nor associated with any counsel or party to this
11		11	proceeding, nor otherwise interested in the event
12		12	thereof.
13		13	Given under my hand and Notarial seal at
14		14	Midlothian, Chesterfield County, Virginia, this 14th
15		15	day of September, 2025.
16		16	
17		17	<i>Katherine S. Hruneni</i>
18		18	Katherine S. Hruneni, CCR, Notary Public
19		19	Commonwealth of Virginia at Large
20		20	Notary Registration No. 113055
21		21	
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