

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

Helen Hardiman, Esquire
helen@hardimanlaw.com
HARDIMAN LAW, PLLC
2722 Griffin Avenue
Richmond, Virginia 23222



Jimmy F. Robinson, Jr.

Page 1		Page 3
1 V I R G I N I A :		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 VIDEORECORDED DEPOSITION OF		11 804.663.2342
12 PETULA BURKS		12 jimmy.robinson@ogletree.com
13 September 9, 2025		13 ryan.waddell@ogletree.com
14 9:27 a.m. - 4:37 p.m.		14 ALSO PRESENT:
15		15 CONNIE CLAY
16		16 JACOB NURNEY, LEGAL VIDEO SPECIALIST
17		17
18 HALASZ REPORTING & VIDEO, LLC		18
19 1011 East Main Street, Suite 100		19
20 Richmond, Virginia 23219		20
21 804.788.0025		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 APPEARANCES OF COUNSEL:		11 BURKS DEPOSITION EXHIBITS
12 On Behalf of the Plaintiff:		12 Exhibit 1 LinkedIn Profile
13		13 Exhibit 2 December 3, 2021 Letter
14 SARAH ROBB, ESQUIRE		14 Clay 03365-03366
15 SARAH ROBB LAW		15 Exhibit 3 July 19, 2022 Letter
16 919 East Main Street, Suite 1000		16 Clay 03399
17 Richmond, Virginia 23291		17 Exhibit 4 Electronic Media Document
18 804.482.1536		18 Clay 03383
19 sarah@sarahrobblaw.com		19 Exhibit 5 Electronic Media AR 2.5
20		20 Exhibit 6 Administrative Regulations
21 HELEN HARDIMAN, ESQUIRE		21 Receipt Statement
22 HARDIMAN LAW, PLLC		22 Clay 03385
23 6841 Forest Hill Avenue, Unit #124		23 Exhibit 7 Statement of Ethics
24 Richmond, Virginia 23225		24 Clay 03386
25 804.852.2528		25 Exhibit 8 Anti-Retaliation Policy AR 4.21
26 helen@hardimanlaw.com		26 Virginia Freedom of Information
27		27 Policy AR 3.1
28		28 Exhibit 9 First Amended Complaint and
29		29 Jury Demand
30		30

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	P R O C E E D I N G S
4	Exhibit 11 Team Briefing December 28, 2023	181	4	
	Clay-00044		5	THE VIDEOGRAPHER: Today is Tuesday,
5	Exhibit 12 Team Briefing January 12, 2024	182	6	September 9th, 2025. We are on the video record
6	Clay-00050		7	at approximately 9:27 a.m.
7	Exhibit 13 CONFIDENTIAL Emails	184	8	This is the deposition of Petula Burks,
	City of Richmond 000001-000003		9	taken in the case styled Connie Clay v. City of
8	Exhibit 14 Petition for Mandamus and	207	10	Richmond and Petula Burks, filed in the Circuit
9	Injunctive Relief		11	Court of the City of Richmond, Case Number
	Clay 05023-05041		12	CL24-929.
10	Exhibit 15 Emails Stanfield Exhibit 1	209	13	We are meeting today at the office of
11	Exhibit 16 Emails Stanfield Exhibit 2	216	14	Ogletree Deakins, at 901 East Byrd Street,
12	Exhibit 17 Emails Stanfield Exhibit 4	224	15	Suite 1300, Richmond, Virginia, 23219.
13	Exhibit 18 Emails Stanfield Exhibit 5	226	16	My name is Jake Nursey. I am the legal
14	Exhibit 19 Dismissal Order	231	17	video specialist. Our court reporter today is
15	Clay 05023, 05062-05063		18	Kari Hrumezi. We are here today on behalf of
16	Exhibit 20 CONFIDENTIAL Email	231	19	Halasz Reporting & Video.
	Clay-00041		20	Would counsel please introduce yourselves
17	Exhibit 21 Text Messages	234	21	and the parties you represent, beginning with
18	BURKS000001-000049		22	plaintiff.
19	Exhibit 22 Emails	255	23	MS. ROBB: Good morning. My name is
	Clay 05104-05110		24	Sarah Robb, and I'm from Sarah Robb Law; and
20	Exhibit 23 February 28, 2023 Letter	265	25	with Helen Hardiman of Hardiman Law, we
21	Clay 05059			
22	Exhibit 24 Email	267		
	Clay 05060			
23	Exhibit 25 Emails	270		
24	Clay 05084-05088			
25		276		
		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,
	Clay 05140-05151		5	we represent the city and Petula Burks.
5	Exhibit 27 Email	276	6	THE VIDEOGRAPHER: Would the court
6	Clay 05089-05092		7	reporter please swear in the witness.
7	Exhibit 28 January 19, 2024 CORR	322	8	/
	Clay-00054-00055		9	PETULA BURKS,
8	Exhibit 29 December 26, 2023 CORR	323	10	having been first duly sworn, was examined and
	Clay-00042-00043		11	testified as follows:
9	Exhibit 30 January 19, 2023 Letter	342	12	EXAMINATION
	Clay-00056		13	BY MS. ROBB:
10	*****		14	Q. Good morning, Ms. Burks.
11			15	A. Good morning.
12			16	Q. Could you please state your full name for
13			17	the record.
14			18	A. Sure; Petula Celeste Burks.
15			19	Q. Okay. And is that loud enough for
16			20	everybody?
17			21	Okay. So when we're talking together
18			22	today, there are obviously people watching us and
19			23	writing down what we say, so it's important that we
20			24	speak up and make sure that we don't talk over each
21			25	other.
22				
23				
24				
25				

<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?</p> <p>4 A. Okay.</p> <p>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.</p> <p>12 A. Okay.</p> <p>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?</p> <p>16 A. Yes.</p> <p>17 Q. Have you been deposed before?</p> <p>18 A. No.</p> <p>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.</p> <p>22 Do you understand that?</p> <p>23 A. I do.</p> <p>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."</p> <p>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.</p> <p>6 Do you understand?</p> <p>7 A. I do.</p> <p>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.</p> <p>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."</p> <p>15 Does that make sense?</p> <p>16 A. It does.</p> <p>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.</p> <p>23 If I have the document before you, you 24 can look at it and then answer.</p> <p>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-huh or um-huh is hard for our court 4 reporter.</p> <p>5 Do you understand that?</p> <p>6 A. Yes.</p> <p>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?</p> <p>13 A. No.</p> <p>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.</p> <p>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.</p> <p>22 A. Okay.</p> <p>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.</p> <p>2 Q. All right. Ms. Burks, where do you live?</p> <p>3 A. In Richmond, Virginia.</p> <p>4 Q. Okay. What is your address?</p> <p>5 A. 5300 Wingfield Street.</p> <p>6 Q. Okay. Do you own that property?</p> <p>7 A. I do not.</p> <p>8 Q. Okay. How long have you lived there?</p> <p>9 A. Over a year.</p> <p>10 Q. Over a year; okay. How long have you 11 lived in Richmond in total?</p> <p>12 A. Just over three years now.</p> <p>13 Q. Okay. Had you lived in Richmond before 14 you came here to work?</p> <p>15 A. No.</p> <p>16 Q. Had you visited before?</p> <p>17 A. No.</p> <p>18 Q. Do you have any other residences?</p> <p>19 A. No.</p> <p>20 Q. Does anyone else live with you?</p> <p>21 A. No.</p> <p>22 Q. Are you married?</p> <p>23 A. No.</p> <p>24 Q. Do you have any kids?</p> <p>25 A. No.</p>

13..16

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

17.20

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

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

	Page 25		Page 27
1	And then sort of tooling around the city,	1	Q. Okay. And what was your title? I think
2	I was like, well, this is a really cool city, so why	2	your title is on here. Let me make sure. You said
3	not. You know, pretty much every city that I've gone	3	it was wonky, so I want to make sure we know what it
4	to, it's just been me. So it wasn't anything sort of	4	was. Director of citizen service and response.
5	new not -- to go to a city that I didn't know	5	A. Deputy director; yeah.
6	anybody. So yeah.	6	Q. Oh, I see that.
7	Q. That makes sense. When you were hired --	7	A. Yes.
8	strike that, please.	8	Q. You're right, of course. I see. So --
9	What did the City of Richmond do for	9	go ahead.
10	communications before, if they didn't have a	10	A. And let me just say this.
11	dedicated department? I don't want to say the wrong	11	Q. Uh-huh; of course.
12	word.	12	A. When -- the way that the job was
13	A. Right. That would be correct. They did	13	advertised, it was advertised as director of public
14	not have a dedicated or centralized department.	14	information and engagement.
15	Q. Okay. Thank you.	15	Q. Okay.
16	A. So you had public information officers in	16	A. So that is the job that I applied for.
17	various departments, but there were a lot of	17	This is the job that I walked into, because at the
18	departments within the larger agency that had nobody	18	time Peter was holding PIE under CSR, until a person
19	speaking to it.	19	could come in and then be moved into that position.
20	And that meant information about the	20	Q. So you moved into the position that was
21	department and the work was not getting out to the	21	there, with the understanding that the position you
22	general public. But, also, there was no internal	22	actually really were accepting was going to be
23	apparatus. So that's one.	23	created?
24	And it's my understanding that at the	24	A. Correct.
25	time the press secretary for the mayor's office would	25	Q. Okay.
	Page 26		Page 28
1	pick that up as needed. But because they are the	1	MS. HARDIMAN: Do you want that marked?
2	press secretary for the mayor's office, then -- there	2	MS. ROBB: Oh, yes. Could you please
3	you go; right.	3	mark that as Exhibit 2.
4	Q. That sounds like an onerous position.	4	MR. ROBINSON: Can I get a copy of that?
5	A. Yeah.	5	MS. ROBB: I did; right there.
6	Q. So when you first came, what was your	6	MR. ROBINSON: Okay. Thanks.
7	title?	7	MS. ROBB: Sorry. With the screen, it's
8	A. So that's the interesting part. I was	8	a little --
9	deputy director of customer services, whatever. And	9	MR. ROBINSON: Yeah.
10	it was like this hybrid title. It was like deputy	10	(Deposition Exhibit 2 marked for
11	director of CSR, but director of communications.	11	identification.)
12	And that was very wonky in someone's	12	BY MS. ROBB:
13	signature, but that's kind of the line we were	13	Q. All right. Next -- it's a document-heavy
14	walking. Because at the time, the director of CSR	14	day. I'm sorry.
15	was kind of holding the communication piece until	15	A. No worries.
16	they got somebody in that space.	16	MS. ROBB: And this will be 3. I'll just
17	Q. Okay. I'm going to hand you a document	17	start trying to slide them -- where would you
18	from the city RVA HR.	18	prefer I put it?
19	Ms. Burks, do you recognize this	19	MR. ROBINSON: Right here.
20	document?	20	MS. ROBB: Okay.
21	A. I do.	21	MR. ROBINSON: If you just hand it to me,
22	Q. And what is it?	22	that'll be great.
23	A. It is my offer letter.	23	MS. ROBB: Okay. I will.
24	Q. And that's for the first position?	24	MR. ROBINSON: Thank you.
25	A. Correct.	25	MS. ROBB: However you like.

Exhibit D

29.32

Page 29		Page 31	
1	So does everyone have that one?	1	A. -- of what we were going to be. And at
2	THE WITNESS: Okay.	2	some point this became -- you've got to -- this is
3	(Deposition Exhibit 3 marked for	3	the formality of the full transition into that
4	identification.)	4	office.
5	BY MS. ROBB:	5	Q. I understand. How was the new office
6	Q. And do you recognize this document	6	announced so that everybody knew that this was
7	from --	7	accessible to them?
8	A. I do.	8	A. So, one, I think it was sort of the work
9	Q. -- July 19th, 2022?	9	that we did between January and July, to be quite
10	A. Uh-huh.	10	honest.
11	Q. And what is that?	11	Q. Uh-huh; and what is that work?
12	A. This is the, I guess, technically,	12	A. We were building relationships with our
13	promotion into the actual position of director of the	13	deputy CMs, our directors, those PIOs within those
14	office of strategic communications and civic	14	departments that had them.
15	engagement.	15	Q. When you say "PIO" --
16	Q. It had a substantial pay grade upgrade,	16	A. Oh, I'm sorry. Public information
17	which is --	17	officers.
18	A. Right.	18	Q. I can't always keep all the acronyms
19	Q. -- nice. But did you take a pay cut to	19	straight.
20	come here originally?	20	A. Public information officers within the
21	A. No.	21	departments that had them.
22	Q. Okay. Was it -- so it was a raise, and	22	Q. Okay.
23	then a raise?	23	A. But also working with those areas that
24	A. Yes.	24	did not have a direct public information officer, to
25	Q. Okay. Now, tell me about the transition	25	help them get information out and whatnot.
Page 30		Page 32	
1	from working for someone who had communications while	1	Q. And what would you say to them when you
2	also creating a section where you were the head. I'm	2	met these PIOs? Is that --
3	just interested.	3	A. Right. Well, one, some of them were on
4	A. So when I came in, it was -- it's going	4	my interview panel.
5	to be sort of wonky to sort of explain it. I always	5	Q. Oh, okay.
6	was -- I created the office of strategic	6	A. So they kind of knew I was coming,
7	communications and civic engagement.	7	whenever they were notified I was coming. And so we
8	Q. Okay.	8	talked through with them how I could help them.
9	A. So we transitioned PIE into OSCE.	9	We -- you know, I don't want to say mentoring
10	Q. Okay.	10	sessions, but a lot of times it was that.
11	A. So, one, that it was easily recognizable	11	Because while they had been in the city
12	to other communication offices that we were doing	12	for a while, local government is very different, you
13	communications and then also civic engagement.	13	know. So while I had some PIOs --
14	Q. Okay.	14	Can I say that now?
15	A. And so that came long before this	15	Q. Yes.
16	happened.	16	A. Okay.
17	Q. All right.	17	Q. Yes.
18	A. So --	18	A. -- some PIOs who had extensive City of
19	Q. Yeah; because it's, what, six, seven	19	Richmond experience and had worked in different
20	months' difference?	20	departments, the thought process of how I looked at
21	A. Yeah.	21	our residents was very different.
22	Q. Okay.	22	So it was just a matter of even changing
23	A. Because I started in January. We named	23	the wording from citizen to resident.
24	the office probably by the end of January --	24	Q. Okay.
25	Q. Okay.	25	A. Understanding that we're not doing

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Page 33	Page 35
1 community engagement, we're doing civic engagement. 2 And why do we do that? Because civics is about the 3 people.	1 several artists. And they gave of their time. We 2 sponsored that.
4 Q. Okay.	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.
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 Q. Okay. So you talked about engaging with 9 homeowners associations. But a lot of Richmond 10 doesn't have that construct.
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.	11 A. Correct.
13 Q. How did you learn who the citizens of 14 Richmond are, as compared to Augusta residents, when 15 you moved here?	12 Q. How did you make sure that they were also 13 able to communicate with the City of Richmond, and 14 vice-versa?
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.	15 A. So we started building an apparatus 16 probably in '24 with neighbor support.
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	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 --
Page 34	Page 36
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.	1 Q. Okay. Who did you hire?
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?	2 A. Umm --
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.	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 --
16 Q. Okay.	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?
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" --	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.
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.	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.
24 I think one of the last things that we 25 did was the mural over on Carytown garage with	23 A. Uh-huh. 24 Q. When you on-boarded, could you explain to 25 me the training as an employee that you received?

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

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1 Q. Yes.		1 to witness me signing everything. But the things	
2 A. I want to say it was more than likely		2 that were important for us to go through, she made	
3 links, and then the specific ones that we had to		3 sure that I was aware of them.	
4 sign.		4 Q. And what was important, in terms of what	
5 MS. ROBB: Can you mark that one.		5 she was presenting to you, to her?	
6 THE WITNESS: Oh, sorry.		6 A. What I would say is, you know, if you're	
7 THE COURT REPORTER: That's Exhibit 6.		7 going to be leading people, certain things that --	
8 (Deposition Exhibit 6 marked for		8 the ones that we were signing were of major	
9 identification.)		9 importance.	
10 BY MS. ROBB:		10 And then just understanding various	
11 Q. And a lot of this is just rote, and for		11 policies, i.e., like the one that you just put in	
12 the record. The next document I am sharing with you		12 front of me.	
13 is the Statement of Ethics.		13 Q. Are these fairly similar to other cities'	
14 A. Uh-huh.		14 policies, or was there anything different about the	
15 Q. Did you read that and then sign it --		15 City of Richmond's policies from where you'd been?	
16 A. I did.		16 A. I would say these are pretty standard.	
17 Q. -- at some point? What is the date on		17 Q. Okay. When you first came on, did you	
18 that?		18 come on with people who reported directly to you, or	
19 A. 1/4.		19 were they added later?	
20 Q. Of what year?		20 A. So --	
21 A. '22.		21 Q. Do you understand my question?	
22 Q. Okay. Sorry. There are so many pages, I		22 A. Yes, I do.	
23 don't want to give you the wrong order of anything.		23 Q. Okay.	
24 (Deposition Exhibit 7 marked for		24 A. Again, it's going to be a wonky answer.	
25 identification.)		25 Q. That's okay.	
Page 42		Page 44	
1 MS. ROBB: And this document is the Anti --		1 A. So, yes, I came on with people who	
2 And I'd like this to be marked, as well.		2 reported directly to me. I want to say it was three	
3 I'd like most -- all of them to be marked, unless		3 people.	
4 I say otherwise, if that's okay with you.		4 Q. Okay.	
5 THE COURT REPORTER: Thank you. That's		5 A. They had been in the mayor's office and	
6 fine.		6 sort of moved over into PIE. So, you know,	
7 MS. ROBB: That way, you don't have to ask		7 technically, I inherited those staff members.	
8 me every time.		8 Q. When you say "PIE," I get hungry.	
9 (Deposition Exhibit 8 marked for		9 A. Yeah; I know.	
10 identification.)		10 Q. And what did those staff members do	
11 BY MS. ROBB:		11 before, and what did they do after you inherited	
12 Q. What is this one, Ms. Burks?		12 them, if there was any difference?	
13 A. Oh, this is the Retaliation Policy -- or		13 A. There really wasn't any difference,	
14 the Anti-Retaliation Policy; uh-huh.		14 except for the one young lady who became a public	
15 Q. Makes sense. And how did you -- well, let		15 information officer. She had started in the mayor's	
16 me ask you this. There was a lot to review.		16 office as an intern.	
17 A. Uh-huh.		17 Q. Okay. And who was that, if you remember?	
18 Q. Did you have anybody go through it with		18 A. Sam? Yeah.	
19 you, or someone who said, "Hey, I'm from HR. I just		19 Q. There should be like a yearbook that we	
20 want to make sure you have this"? You said you had a		20 can look at.	
21 like a half-a-day orientation.		21 A. I know; yeah.	
22 A. Yeah. So -- and I can't remember her name.		22 Q. All right. And then at some point did	
23 Q. Uh-huh; that's okay.		23 you add employees to your section?	
24 A. But my -- at that point, whoever our HR rep		24 A. We did.	
25 was, she came up to the office. Because, one, she had		25 Q. What is the process in the City of	

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1	Richmond for doing that?	Page 45	1	Getting someone to actually manage the	Page 47
2	A. It is actually somewhat arduous.		2	office was also important. Because as you are	
3	Q. All right.		3	bringing on more people, you need someone who can	
4	A. And so really didn't start the hiring of		4	manage for you sort of when you're not there.	
5	people until that July.		5	Bringing in deputies and all of those	
6	Q. Okay.		6	things, so really getting the office structured. And	
7	A. One, new budget season, and the office		7	that took a lot of time; yeah.	
8	is officially stood up now.		8	Q. I'm interested -- is there a studio in	
9	Q. Okay.		9	city hall, like a TV studio?	
10	A. And so sort of looking at what all of		10	A. Yes.	
11	those jobs/positions would look like, having to write		11	Q. Okay.	
12	them, work with HR around that, and then putting them		12	A. Yes.	
13	out.		13	Q. Is that for like press conferences and	
14	Of course, HR does all of that work. You		14	whatnot?	
15	know, we knew what we were looking for, and, "Let's		15	A. No.	
16	go."		16	Q. Or what happens there?	
17	Q. Okay.		17	A. So the idea was, one, we have our public	
18	A. So --		18	access channels. And so being able to help shore	
19	Q. And what were you looking for?		19	that up was important.	
20	A. At the time -- so let me take a step		20	Q. Okay.	
21	back.		21	A. But also being able to create our own	
22	Q. Please.		22	sort of, you know, Richmond TV, and being able to	
23	A. When we stood the office up in July, the		23	tell city stories the way the city wanted to tell	
24	public information officers that were in departments		24	them.	
25	were transitioned into the budget.		25	So that we could, you know, showcase not	
1	Q. Okay.	Page 46	1	just what's going on in city hall, but what people	Page 48
2	A. Which meant they were then transitioned		2	around the city are doing. And so we started with	
3	into this office. They still represented their		3	like small businesses, and telling that story, and	
4	departments, but also could have work that would help		4	what it looks like to do business, why you're still	
5	other departments.		5	here, all of those things.	
6	Q. Okay.		6	So being -- what we wanted to build and	
7	A. For example, the PIO that was with parks		7	are continuing to build is a comprehensive television	
8	and recs sat in a portfolio that looked at human		8	station for the City of Richmond, both for the use of	
9	services, looked at office of community wealth		9	staff, but also residents to be able to use, as well.	
10	building.		10	Q. Now, you were saying you were building	
11	So then instead of just supporting parks		11	with deputies and with other employees. What	
12	and recs, you're now going to help support these		12	exactly -- or who exactly -- what -- let me ask that	
13	other offices that also need your help.		13	in a coherent way.	
14	Q. Okay.		14	Which job titles did you bring on, that	
15	A. And so that was that transition. And so		15	you can remember, in that first cohort of employment?	
16	we understood that we needed some other public		16	A. We brought on --	
17	information officers.		17	Q. Or just what sticks out to you.	
18	Q. Okay.		18	A. Probably one of the first hires -- I'm	
19	A. We were looking at someone to handle our		19	trying to think how that worked. One of the first	
20	control room. Because we actually had a television		20	hires was a young man from the state.	
21	studio. And so before I got there, a lot of that		21	Q. Okay.	
22	infrastructure had been built out.		22	A. He ended up becoming a junior PIO,	
23	So finalizing that infrastructure was		23	because he had not had that experience. And so --	
24	important, and then getting someone in that space to		24	and at the time, shared him with the mayor's office.	
25	work with our in-house camera person.		25	Because the person in the mayor's office that was	

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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.	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
Page 50	Page 52
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	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.

Exhibit D

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

Page 57	Page 59
1 you're going to a scene.	1 Q. Okay.
2 Q. Okay.	2 A. -- you know --
3 A. But you're not going to the water office	3 Q. Yes.
4 over on Commerce; right? And you don't know what	4 A. -- oftentimes. Was the mayor involved?
5 that looks like. And they've got labs, and they've	5 Maybe, maybe not. But if my boss is calling, then
6 got technicians, and they've got, "Oh, this is a part	6 I'm walking out the door.
7 of the city."	7 Q. Yes.
8 Absolutely. We have scientists that work	8 A. If we're having -- there's a police-
9 here. You know, so it was also that. So it was the	9 involved shooting, I'm walking out the door. You
10 learning for folks, as well.	10 know, if there is a homeless emergency, if we've got
11 Q. How did you manage -- as a manager with	11 weather, those things are going to take up your time.
12 employees who were also employees of the City of	12 Q. Uh-huh.
13 Richmond, how did you make sure that you were able to	13 A. A good example of that was when we had
14 have that one-on-one manager/employee time?	14 the shooting at the Altria. That changed days of my
15 A. We still had it. I want to say we went	15 work.
16 to maybe once a month. And then the other thing is	16 Q. Yeah.
17 if I'm in my office, I have an open-door policy.	17 A. And, you know, I don't think people
18 Q. Okay.	18 recognize that. Everything stops in those moments.
19 A. So, I mean, people would pop in and say,	19 Q. Yes.
20 "You have a second?" I knew what that meant. "Yes,	20 A. When we're getting ready for bad weather;
21 I have a second." I was not standoffish in that way.	21 we're trying to make sure we've got messaging going
22 And then sometimes people would pop in	22 out; how are we making sure that the homeless are
23 and I didn't have a second, or I thought I did and	23 getting this messaging; we're shooting a quick,
24 then something would come up and I would have to	24 30-second video that's got to go out; like all of
25 bolt.	25 those things.
1 And as, you know, the city sort of came	1 So whatever's on my plate for that day
2 back to life, there were a lot of bolting times,	2 goes to whenever I get back to it. And it may be a
3 unfortunately, so yeah.	3 day or two later. And so I think that's the pieces
4 Q. And what were the jobs that took up the	4 that people don't get to see.
5 bulk of your hours of the day? Because you're one	5 Q. Okay.
6 person, and there are 24 hours in a day. And	6 A. You know, when something heavy may be
7 presumably, one likes to sleep a little.	7 coming down, I don't know that it's coming until I
8 A. So they say.	8 get the call to say, "Hey, can you come to this
9 Q. Exactly.	9 meeting?"
10 A. It's hard to say --	10 And then you walk in the room, and you're
11 Q. I feel that way.	11 like, "Oh, holy crap. What happened?"
12 A. -- like what took up the bulk of my day.	12 Q. Yeah.
13 Meetings, of course, you know. But --	13 A. You know, and so then you're talking
14 Q. But in terms of departments, like was	14 through whatever that thing is, you know. But then
15 there a department, because you were higher up, that	15 also maybe on the, quote/unquote, joyful side of
16 drew you in or made you -- was the reason you bolted,	16 things, like when we got the triple bond rating, that
17 for lack of a better term?	17 was a called meeting, "We want to do this."
18 A. Well, usually, it was something that came	18 And I'm like, "Well, when do you want to
19 at like the city --	19 do it?"
20 Q. Okay.	20 "Tomorrow."
21 A. -- administrative level that would cause	21 "Well, that's not even 24 hours from
22 me to bolt. If there --	22 now." So it's, okay, put all of these things to the
23 Q. Like the mayor's office? I didn't mean	23 side, call the team in that needs to work on this
24 to cut you off.	24 with me, give direction. But then there are calls
25 A. Oh, no; so the city administrator --	25 that they can't make, that I have to make.

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

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

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

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

Exhibit D

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

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

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

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<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?</p> <p>5 A. Correct.</p> <p>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?</p> <p>9 A. We were building and flying the plane at 10 the same time.</p> <p>11 Q. Okay.</p> <p>12 A. And I was very clear about that.</p> <p>13 Q. All right. How were you clear? Like 14 what did you say, if you remember?</p> <p>15 A. This is an opportunity to build, you 16 know, this office --</p> <p>17 Q. Yeah.</p> <p>18 A. -- and what it looks like --</p> <p>19 Q. Okay.</p> <p>20 A. -- to be quite honest. Because I did not 21 know where the city wanted fully to end up.</p> <p>22 Q. Okay.</p> <p>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>1 Q. Okay.</p> <p>2 A. Right? And so needing to get us into the 3 21st century around those things.</p> <p>4 Q. And do you mean like physically the like 5 information management?</p> <p>6 A. The information --</p> <p>7 Q. Okay.</p> <p>8 A. -- management of how we are documenting 9 all of the FOIA's; right?</p> <p>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.</p> <p>14 We did not have a place on the internet 15 where we could send people to see all of the FOIA's 16 that had been answered. So for me, I'm not -- I'm 17 looking at the right now.</p> <p>18 Q. Uh-huh.</p> <p>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?</p> <p>22 Q. Uh-huh.</p> <p>23 A. We will have a web page where, "Here are 24 all of the thousands of FOIA's that we've answered."</p> <p>25 And so when someone's calling, we're not having to</p>
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<p>1 were overworked, and we needed to get this 2 centralized.</p> <p>3 Q. When you say FOIA officers who were 4 overworked, do you just mean in each of the agencies?</p> <p>5 A. Correct; yes.</p> <p>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?</p> <p>9 A. So none of them liked the idea that they 10 were personally responsible based on statutes; right?</p> <p>11 So --</p> <p>12 Q. And what do you -- can you explain that 13 to me?</p> <p>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?</p> <p>17 Q. Very.</p> <p>18 A. And so you work under this fear space.</p> <p>19 Q. Uh-huh.</p> <p>20 A. So that would be one. Two, it was, "I'm 21 on deadline for my boss, and I" -- those things.</p> <p>22 Q. Uh-huh.</p> <p>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>1 dig again.</p> <p>2 Q. Yes.</p> <p>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.</p> <p>6 Q. Uh-huh.</p> <p>7 A. Oh, no; we can just point you.</p> <p>8 Q. Yes.</p> <p>9 A. That was the ultimate goal.</p> <p>10 Q. That makes sense.</p> <p>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?</p> <p>15 Q. And when you say that, do you mean for 16 the agencies or for this FOIA office?</p> <p>17 A. For the FOIA office.</p> <p>18 Q. Okay.</p> <p>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."</p> <p>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>

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

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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,	
14	if you remember, reported to you in each role. And	
15	if you don't remember, it was too far, you know,	
16	before, you can say so.	
17	A. Uh-huh.	
18	Q. So we don't need to start with -- some of	
19	these are more antiquated than others --	
20	A. Okay.	
21	Q. -- in terms of the relevance here.	
22	Why don't we start with your -- when you	
23	came home to Miami Gardens. When you were in	
24	Florida, how many people reported to you?	
25	A. So you want me just to work up from City	
		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

Exhibit D

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

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

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

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

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

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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.	1 A. Right? 2 Q. So is that -- that's how it was set up, 3 was that they --
4 A. That's a whole body of itself; yeah. 5 Q. Exactly. But then 911 is its own -- 6 there are a number of different emergency side --	4 A. Yeah. 5 Q. Now, my question is, how did you know -- 6 I guess it's a wonky question.
7 A. Yes. 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?	7 A. Uh-huh. 8 Q. How do you know the FOIAs that you don't 9 know? Because anyone can receive a FOIA, right? 10 A. Right. 11 Q. In the City of Richmond. 12 A. I mean, we got one -- it was an odd FOIA, 13 the way it came in.
13 Is there something you did to make sure 14 that happened, or was that --	14 Q. Okay. 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.
15 A. No. Because, again, we're building and 16 flying the plane --	20 Q. Uh-huh. 21 A. And it somehow got to 311.
17 Q. Yes. 18 A. -- at one time. 19 Q. Uh-huh; that makes sense.	22 Q. Can you put that on -- what 311 is, for 23 the record?
20 A. And so we're trying to build in what that 21 would look like,	24 A. Yeah; so -- sorry. So it is --
22 Q. Yes. 23 A. Because we did not know. Because this is 24 the first time that we've had a person, you know.	25 Q. No, no; you don't have to apologize.
25 Q. Uh-huh.	
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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.	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?
4 Q. Yes. 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?"	6 Q. An endless list of things. 7 A. Correct. And so I don't know how long 8 this particular I'm just going to say conversation 9 had lingered.
8 Q. Uh-huh. 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.	10 Q. Sure. 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 --
13 And it was almost like, "Oh, she's here? 14 Here you go."	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."
15 Q. Okay. 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."	19 And I remember when Peter Breil 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 --
22 Q. Okay. 23 A. "But you still are responsible for 24 gathering the information and getting it to her."	23 Q. Okay. 24 A. -- to Ms. Clay to handle. 25 Q. Uh-huh.
25 Q. Okay.	

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

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

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

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

		Page 141	Page 143
1	A.	Freedom of Information Policy.	
2	Q.	For the City of Richmond?	
3	A.	Yes.	
4	Q.	Okay.	
5	A.	Put my glasses on.	
6	Q.	What is the effective date there?	
7	A.	2/1/2007.	
8	Q.	Okay. At any time, as the boss of the	
9	A.	FOIA officer, did you all think, "Hey, we should	
10	A.	reset on this, maybe update"?	
11	A.	Oh, yeah.	
12	Q.	Okay.	
13	A.	I think Ms. Clay actually suggested --	
14	Q.	Okay.	
15	A.	-- that.	
16	Q.	And what did she say?	
17	A.	I couldn't remember. But I just remember	
18	A.	there was a suggestion around this; yes.	
19	Q.	Okay. And did you support that?	
20	A.	Yes.	
21	Q.	What would have gone into making that	
22	A.	happen, I guess?	
23	A.	Probably sitting down with the city	
24	A.	attorney's office and, you know, with Lincoln at some	
25	A.	point, to say, "These are the suggested changes."	
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1	Q.	Okay.	
2	A.	And then following whatever legal steps	
3	A.	were for that. So yeah.	
4	Q.	Do you remember what the suggested	
5	A.	changes were from Ms. Clay or from you?	
6	A.	I do not remember all of her changes.	
7	Q.	Did she actually put pen to paper on this	
8	A.	document or --	
9	A.	I don't -- I don't remember.	
10	Q.	Okay.	
11	A.	I do remember, I will tell you, the one	
12	A.	main thing that we did talk about I think was how we	
13	A.	charged people.	
14	Q.	Okay. And why was that something that	
15	A.	would have come up in things that might need to	
16	A.	change or evolve?	
17	A.	I think she was seeing, especially from	
18	A.	just the layperson -- she felt that some of the cost	
19	A.	estimates were probably cost prohibitive --	
20	Q.	Okay.	
21	A.	-- for just a regular resident.	
22	Q.	Okay. And can you explain what you mean	
23	A.	by that in the FOIA context?	
24	A.	So you charge by the person -- the hourly	
25	A.	rate of the person who actually does the FOIA. So --	

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

Exhibit D

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

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

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

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

Exhibit D

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

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

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

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

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

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

Exhibit D

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Page 189	Page 191
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 FOIA's? 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?	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 FOIA's, 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?
Page 190	Page 192
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	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?

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Page 193		Page 195	
1 A.	So I'll stick to then the overtime one.	1	the lawsuit and everything kind of hit, boom, at one
2 Q.	Please. And I'm going to get these	2	time.
3 documents -- obviously, they've gotten away from me.		3 Q.	All right.
4 I'm going to get --		4 A.	Because she also told him in an email how
5 A.	No worries.	5	to sue the city.
6 Q.	Over lunch, I'll get them all together.	6 Q.	Did she say, "Here's how you sue the
7 A.	The overtime one was dicey, right?	7 city"?	
8 Q.	Okay.	8 A.	In words, you know. And I have
9 A.	And so initially when it came in, and I	9	paraphrased, right?
10 think it was kind of said the city at this point		10 Q.	Okay. Had Mr. Stanfield sued the or any
11 doesn't believe -- Connie and I had a conversation,		11 city prior, to your knowledge?	
12 and --		12 A.	Yes, right. We then had a meeting.
13 Q.	Well, can you finish the rest -- the	13 Q.	Okay.
14 sentence you just --		14 A.	In that meeting -- because it's like,
15 A.	-- doesn't believe that they have to turn	15 "Okay. Wait a minute. If the city is saying this is	
16 those records over.		16 not how we want to operate, but this is where you	
17 Q.	Okay. And why not?	17 really want us to be, there's a disconnect here."	
18 A.	And that was based on my conversation at	18 Q.	Okay.
19 the time with the deputy chief administrative		19 A.	So we -- I called a meeting, city
20 officer.		20 attorney's office; CAO; deputy CAO; the HR	
21 Q.	Okay. Who was that?	21 representative, being Robin; myself; and Ms. Clay.	
22 A.	Sabrina Joy-Hogg.	22 Q.	That's a lot of people to coordinate.
23 Q.	Okay.	23 A.	Yes.
24 A.	And, you know, I said to Connie, very	24 Q.	Okay.
25 clearly, "Okay. If the city feels they have a		25 A.	But at that point, my hair was on fire.
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1 remedy, they have a remedy, right? However, in my		1	And they had also seen the response.
2 experience, I've not known a city not to share		2	Q.
3 overtime records."		3	Okay.
4 Q.	Okay.	4	A.
5 A.	Right? But that's also locality to	5	So their hair was also on fire.
6 locality. Again, mind you, I've lived in numerous		6	Q.
7 places.		6	Now, was this before he sued the city,
8 Q.	Uh-huh.	7	or -- before he sued the city, or had he threatened
9 A.	But if this is where the city is landing,	8	to sue the city? If you don't --
10 this is where the city is landing.		9	A.
11 Q.	Okay.	9	I don't recall the time.
12 A.	It's not my opinion. It's not based on	10	Q.
13 anything other than this is where the City of		10	Okay.
14 Richmond is landing.		11	A.
15 So the response that went back out --		11	Because it was like boom, boom, boom,
16 Q.	Uh-huh.	12	boom, boom, boom. We all got on a call.
17 A.	-- was -- whoever in HR, I believe it was	12	Q.
18 Robin Redmond --		12	Okay.
19 Q.	Okay.	13	A.
20 A.	-- "does not believe that she -- she's	13	And this is where I learned that Ms. Clay
21 the holder of the records -- does not believe that		13	had asked the city attorney for their opinion on
22 she has to turn these over" --		14	this.
23 Q.	Okay.	15	Q.
24 A.	-- "to you."	15	Oh, okay.
25 Okay. And I'm not sure. I think maybe		16	A.
		16	And that they had said that there was an
		17	exemption that they would go -- or use for this
		18	particular request.
		19	Q.
		19	Okay.
		20	A.
		20	And it was apparent that she disagreed
		21	with that --
		22	Q.
		22	Okay.
		23	A.
		23	-- based on the response that was given
		24	to Mr. Stanfield.
		25	Q.
		25	Did she release the records, over

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

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1 give it," meaning the records that are being 2 requested; or does an exemption mean, "We have the 3 option, as the city"?	1 you can sue the -- you have the option to sue the 2 city, blah-de-da-de-da"; right? Like --
4 A. That's a legal conversation.	3 Q. Did she say that?
5 Q. Yes.	4 A. Yes; in the email.
6 A. I'm not sure, but I --	5 Q. Do you know offhand if any of the other
7 Q. That's fair.	6 cities maybe that -- how about any city, had been
8 A. In my head -- or my interpretation --	7 tasked with answering this same question of overtime
9 Q. Yes.	8 records?
10 A. -- would be it's an exemption that we 11 would use to not give that information.	9 A. I don't remember which cities there were.
12 Q. If there is a question, is the FOIA 13 Council an entity -- and I mean the Virginia FOIA 14 Council.	10 Q. Uh-huh.
15 A. Uh-huh.	11 A. But I do remember that there were other
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?	12 cities in the commonwealth that had been tasked with
20 MR. ROBINSON: Objection to form.	13 answering those questions, as well.
21 MS. ROBB: Yes.	14 Q. Okay. Were there any that ended up in
22 THE WITNESS: I think they are an 23 advisory role.	15 court? And if you don't remember, it's fine.
24 BY MS. ROBB:	16 A. I don't remember.
25 Q. Uh-huh; yes.	17 Q. It was a while ago.
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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.	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 Q. Uh-huh.	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?
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.	8 A. I think it's the essence of --
9 Q. Understood.	9 Q. Okay.
10 A. 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.
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.	13 Q. Yes.
14 A. It's fine.	14 A. But it's the fact that a city staff
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?	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 A. Not how to sue the city.	18 Q. Understood.
19 Q. Okay.	19 A. It just struck odd to me.
20 A. Like not how to sue a city.	20 Q. Okay.
21 Q. Okay.	21 A. And, unfortunately, it struck odd to a
22 A. But how to use whatever information -- I 23 can't remember the email, you know, verbatim.	22 lot of folks --
24 Q. Yes.	23 Q. Okay.
25 A. But that was the feel of it, like, "And	24 A. -- around that.
	25 Q. Did that situation, for anyone it struck

Exhibit D

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1 odd for, go to, say, HR 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 /	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
Page 206	Page 208
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" --	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?

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

1 BY MS. ROBB:	1 A. Yes.
2 Q. Oh, here we go. You're right.	2 Q. Okay. So we've roped in the city
3 A. Yeah; okay.	3 attorney's office, now that he's saying his rights
4 Q. It's just tucked at the --	4 have been violated.
5 A. Okay. It's tucked; yeah.	5 MR. ROBINSON: Well, he roped it in.
6 Q. -- very, very bottom of the second page.	6 MS. ROBB: Yeah, yeah; that's what I'm
7 It says she responded 15 minutes later, and said,	7 saying.
8 "I'll forward your request to the HR department, and	8 MR. ROBINSON: Oh, you said, "We roped
9 I'll email you an estimate for the research;	9 in."
10 retrieval; review; and, if necessary, redaction of	10 MS. ROBB: Oh, I didn't --
11 the requested records."	11 MR. ROBINSON: I just want to make it
12 So as an initial matter, was that an	12 very clear that he is the one that's including
13 appropriate and timely response from Ms. Clay to a	13 her.
14 requester?	14 MS. ROBB: Noted.
15 A. Yes.	15 MR. ROBINSON: Not Ms. Clay.
16 Q. Okay. And then between August 1st and	16 BY MS. ROBB:
17 August 11th, as he is stating it, he doesn't receive	17 Q. I understand. But the city attorney's
18 a response.	18 office is now on these emails.
19 And he says, "More than five working days	19 And then Ms. Clay says, "Good morning,
20 have passed. You're not in compliance. Every	20 Mr. Stanfield. Thank you for responding to my email.
21 additional day that elapses makes the violation of my	21 I received the records, and need to review and redact
22 rights under Virginia FOIA more egregious."	22 them before releasing them to you."
23 Ms. Clay follows up an hour-and-a-half	23 Was there anything inappropriate in that
24 later, indicating that she did follow up with HR; the	24 response?
25 city can charge for research; retrieval; review; and	25 A. Not that I can see; no.

1 redaction.	1 Q. From your perspective; okay. So that's --
2 And she says, "When I receive the	2 we're just going to go through these to make sure.
3 records, I'll need a business day to review. Will	3 Okay. Exhibit 2. Oh, I think I missed
4 you agree to an extension?"	4 the last page. Pardon.
5 Was anything, from your perspective,	5 MR. ROBINSON: I can get it. Thank you.
6 inappropriate in that email?	6 (Deposition Exhibit 16 marked for
7 A. No.	7 identification.)
8 Q. Okay. And he says, "I don't agree to	8 BY MS. ROBB:
9 grant any kind of extension, given that my rights	9 Q. And if you would like to move some of
10 have already been violated."	10 those exhibits in front of you, to give yourself some
11 And then he says that there is a Norfolk	11 more space --
12 Circuit Court case. And he talks about that, that	12 A. I'm good.
13 you -- he is saying that the case says --	13 Q. Okay.
14 I'm not saying he -- you know, I haven't	14 A. Because I didn't know if we were coming
15 perused it.	15 back to these or --
16 -- "A public body may only validly invoke	16 Q. Right now, we're going to stay on these
17 Section 2.2-3704(B)(4), quote, if the response is	17 exhibits --
18 made within five working days. Because the city did	18 A. These? Okay.
19 not abide by this requirement, it was not entitled to	19 Q. -- and the writ of mandamus.
20 any time beyond that initial five days."	20 A. Okay; cool.
21 Okay. And then Ms. Clay says -- let's	21 Q. The subject line of this one is all in
22 see.	22 caps, and says "Warning Unscannable Extraction Failed
23 Oh, and Ms. Drewry -- I want to make sure	23 FOIA Request." I'll let you read the actual emails.
24 we're clear. The city attorney, Laura Drewry, is on	24 MR. ROBINSON: There you go.
25 that email; is that right?	25 MS. ROBB: Thanks.

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1 (Pause.)	Page 217	Page 219
2 MS. HARDIMAN: She's ready.		1 "Hello, Mr. Stanfield. Attached is HR's response to
3 BY MS. ROBB:		2 your FOIA request. This document has the same
4 Q. Okay. Sorry.		3 password as the last document I sent you."
5 All right. Ms. Clay, reading these --		4 Is there anything inappropriate, from
6 sorry. Ms. Burks, reading Ms. Clay's emails		5 your perspective, in that email?
7 backwards, so in chronological order, August 17th, at		6 MR. ROBINSON: I'm going to object the
8 the very bottom of Clay 5050.		7 characterization of what is and is not
9 A. Uh-huh.		8 appropriate. She can answer.
10 Q. She says, "Hello, Mr. Stanfield. I		9 BY MS. ROBB:
11 received two FOIA requests for employees' salaries		10 Q. Okay.
12 the same week. The human resources professional		11 A. So, you know -- and I've noticed this, I
13 thought that those requests were for 2022, so that is		12 think, maybe more so in this tranche of emails than
14 the information she released to me.		13 the first one.
15 "I asked her for the 2023 report, and I		14 Q. Uh-huh; okay.
16 will email that to you upon receipt. The 2022 report		15 A. It's really -- it's not HR's response.
17 is password-protected. I will send you a second		16 It's the city's response.
18 email."		17 Q. Okay.
19 Is there anything inappropriate in that		18 A. Right? So HR provides documents on
20 email?		19 behalf of the city, but the city is responding.
21 A. Technically, no.		20 Because, again, HR isn't going to defend the
22 Q. Okay. The next one says -- is Saturday,		21 position. The city is going to defend whatever the
23 August 19th. So, obviously, it's -- I'm assuming		22 position is.
24 people aren't in the office.		23 Q. Okay.
25 Mr. Stanfield says, "Thank you, Ms. Clay,		24 A. Yeah.
		25 Q. I understand the distinction you're
Page 218		
1 for this document. That's not what I requested."		Page 220
2 I'm paraphrasing.		1 drawing.
3 A. Uh-huh.		2 A. Okay.
4 Q. "And it doesn't include overtime. The		3 Q. In these -- well, I see -- and you can
5 city is operating wildly outside the bounds of what		4 tell me where you differ, and it's okay if we do --
6 FOIA allows. Does the HR department realize that		5 that she's just saying this is where the documents
7 these requests must be fulfilled by law within		6 are coming from, like explaining what's going on, to
8 certain time frames?"		7 kind of calm down someone who has a lot of feels.
9 So he's, you know --		8 Do you see it differently?
10 A. Right.		9 MR. ROBINSON: Objection to form.
11 Q. He has a lot of feelings about this,		10 THE WITNESS: I'm not sure how saying the
12 let's just say. Is that fair to say, that he has		11 HR department is calming whatever his feelings
13 some feelings about --		12 are.
14 A. Yes.		13 BY MS. ROBB:
15 Q. Okay.		14 Q. Uh-huh.
16 A. Yes.		15 A. It's almost as if you're making sure he
17 Q. Is it something you experienced, that		16 knows it's not you, it's the HR department. And it's
18 when you're dealing with citizens that sometimes they		17 really just the city.
19 have a lot of feelings about things?		18 Q. Okay. Could it be considered giving
20 A. Yes. You know, typically, people feel		19 context to the process?
21 however they're going to feel, you take it in and		20 A. Possibly. But I would also say, with
22 still do your job.		21 Mr. Stanfield's sort of knowledge of the land, he
23 Q. Okay.		22 knows what department these types of records would
24 A. Yes.		23 come from.
25 Q. So then Ms. Clay says, on August 23rd,		24 Q. That's fair.
		25 Okay. On August 24th, the same day, like

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Exhibit D

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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	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.
Page 222	Page 224
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.	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

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<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>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>
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<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>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>

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<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.</p> <p>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."</p> <p>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. --</p> <p>17 MR. ROBINSON: Go ahead.</p> <p>18 BY MS. ROBB:</p> <p>19 Q. I'll -- do you know if that is -- that 20 happened, Ms. Burks?</p> <p>21 MR. ROBINSON: Objection to your 22 characterization as to what you believe.</p> <p>23 BY MS. ROBB:</p> <p>24 Q. I understand. Do you know how this came to 25 pass, that they agreed to dismiss the case, or</p>	<p>Page 229</p> <p>1 overtime records.</p> <p>2 Q. Okay.</p> <p>3 A. And I --</p> <p>4 Q. Thank you. You're being very good about 5 that. I appreciate it.</p> <p>6 (Deposition Exhibit 19 marked for 7 identification.)</p> <p>8 (Discussion off the record.)</p> <p>9 BY MS. ROBB:</p> <p>10 Q. All right. This is -- I'm passing you, 11 is Exhibit --</p> <p>12 THE COURT REPORTER: 20.</p> <p>13 MS. ROBB: Goodness.</p> <p>14 (Deposition Exhibit 20 marked for 15 identification.)</p> <p>16 BY MS. ROBB:</p> <p>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.</p> <p>21 A. Yes; because that was the -- sort of the 22 catch-all email address. Both she and I had access.</p> <p>23 Q. Did you review that email address?</p> <p>24 A. Not on a regular basis, because I knew 25 she was reviewing it on a daily basis.</p>
<p>1 Mr. Stanfield agreed to dismiss the case?</p> <p>2 A. So there were -- there are different 3 pieces here.</p> <p>4 Q. Okay.</p> <p>5 A. Right? So as far as the overtime, we 6 agreed to release that information.</p> <p>7 Q. Okay.</p> <p>8 A. So I'm -- but I'm assuming it's the 9 dismissal for the entire piece.</p> <p>10 Q. That is my understanding.</p> <p>11 A. Okay.</p> <p>12 Q. Only because it does not say it's parsing 13 it out.</p> <p>14 A. Right. So then the environmental 15 study -- and this is where I'm not sure of. Let me 16 just be clear.</p> <p>17 Q. Okay.</p> <p>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.</p> <p>22 Q. I understand; okay.</p> <p>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>Page 230</p> <p>1 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.</p> <p>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.</p> <p>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."</p> <p>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?</p> <p>24 A. I'd probably have to see the other email 25 that goes along with this. But--</p>

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		Page 233	Page 235
1		MR. ROBINSON: You can ask for that.	1 A. Oh, okay. These are out of order. I'm
2	BY MS. ROBB:		2 like -- okay. I got it. Okay. By date, it's not --
3	Q. I don't have any other attached to this,		3 okay. Got it.
4	but I have the text messages.		4 MS. ROBB: I agree.
5	A. Okay.		5 MR. ROBINSON: Can we take a break?
6	MR. ROBINSON: Is she responding to an		6 MS. ROBB: Absolutely.
7	email here, or is she responding to a text		7 MR. ROBINSON: I need to take a quick
8	message here?		8 break.
9	MS. ROBB: It looks like Ms. Clay --		9 MS. ROBB: Oh, please. Whatever you
10	MR. ROBINSON: A text message?		10 need.
11	MS. ROBB: -- Ms. Clay is discussing a		11 THE VIDEOGRAPHER: Off the video record.
12	text message that was sent.		12 The time is 2:25 p.m.
13	MR. ROBINSON: Okay.		13 /
14	MS. ROBB: So if we go to the text		14 (Brief recess.)
15	messages, we can see. This is January 4th. So		15 /
16	we need --		16 THE VIDEOGRAPHER: Back on the record.
17	MR. ROBINSON: November the 15th.		17 The time is 2:34 p.m.
18	MS. ROBB: Yeah. No; I just need -- if		18 BY MS. ROBB:
19	you give me both the packets, I know them --		19 Q. Okay. Hi, Ms. Burks. We're back, and we
20	MS. HARDIMAN: So you want Burks or Clay?		20 are done journeying through the Joshua Stanfield
21	MS. ROBB: You can just give me both,		21 lawsuit.
22	please, and thank you.		22 As a -- although I do have one question.
23	BY MS. ROBB:		23 As a result of the emails that we went through, did
24	Q. I will tell you before I pass you this		24 you utilize the discipline policy in any way for
25	whole pile -- and we have three copies -- that where		25 Ms. Clay's verbiage in the emails?
		Page 234	Page 236
1	we're looking at starts, I believe, on BURKS 34.		1 A. No.
2	A. Okay.		2 Q. Okay.
3	Q. And this is just the stack of text		3 A. No.
4	messages that were produced to us from your phone,		4 Q. Meaning no --
5	not including, I believe, there's something that was		5 A. No written anything. She and I had
6	added last evening. We don't have that.		6 conversations.
7	MR. ROBINSON: It was just a cut off --		7 Q. Okay.
8	MS. ROBB: No; I understand. I'm not --		8 A. Right? Because, again, new in a role.
9	I just want to make sure the record's clear what		9 So everybody's trying to get acclimated to all the
10	we have and what we don't have; right.		10 nuances and whatnot.
11	(Deposition Exhibit 21 marked for		11 Q. Okay.
12	identification.)		12 A. So yeah.
13	MR. ROBINSON: I think you do have that.		13 Q. All right. Now, do you recall during
14	I think it was just Ryan wanted to -- you had		14 your time at the city an issue with FOIA that --
15	asked for a date stamp or something that was cut		15 well, a FOIA topic that was brought up numerous times
16	off at the bottom of a text message. And he was		16 by Michael Sarahan about what he called a Confederate
17	trying to make sure you could get that.		17 shrine or Confederate monument? He used a lot of
18	MS. ROBB: Oh, I haven't had time to		18 different terms. Do you recall that concept?
19	analyze it, because it was sent late last night.		19 A. I do.
20	I just didn't -- I just haven't had time. So I		20 Q. Okay. My understanding from the
21	can look at that. I just wanted to be clear on		21 emails -- and we'll go -- I won't make you go through
22	the record what I had and what I didn't have.		22 his -- every single email he sent.
23	BY MS. ROBB:		23 A. Okay.
24	Q. So we're at -- it's BURKS 35. I		24 Q. I will -- there are numerous emails, if
25	apologize.		25 you recall.

Exhibit D

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

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1 questions. And if you can't fully answer, that is
2 okay.

3 When you say, "We've spoken about this,"
4 in what form had you spoken about it, if you recall?

5 A. Conversation.

6 Q. Okay.

7 A. So it was the -- we don't -- we're not
8 trying to throw a person; right? So when --

9 MR. ROBINSON: Wait. Finish your
10 thought. Throw a person?

11 THE WITNESS: Under the bus; right?

12 When Sarah asks for information, the
13 response really should not be -- and I'm just
14 going to use Robin, because she was used
15 before -- Robin and/or even HR, but Robin, the
16 holder of the records, does not believe that she
17 has to give them. It is the city.

18 BY MS. ROBB:

19 Q. Okay.

20 A. So it's not personal, person to person.
21 It's the city believes that we do not have to
22 respond, based on X-exemption; right?

23 Q. Uh-huh.

24 A. That's the response. Not a person.

25 Q. Right.

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1 that email, if I get my hands on it.

2 Did you consider this email about your
3 text message to be a report of wrongdoing by the
4 city, or by you, or by anyone else?

5 MR. ROBINSON: Objection to the form.

6 Report of wrongdoing to who?

7 MS. ROBB: A report of wrongdoing by the
8 city. She's her manager.

9 MR. ROBINSON: Oh, report by Connie Clay?

10 MS. ROBB: Yes, yes.

11 MR. ROBINSON: Oh.

12 BY MS. ROBB:

13 Q. Did this email constitute -- I can
14 rephrase --

15 A. It doesn't read that way. It reads as a
16 person who does not want to be responsible for, I
17 mean, unfortunately, said duties; right? Based on
18 code -- I always say code -- statute, you know, that
19 is the unfortunate piece of it; right?

20 Q. Uh-huh.

21 A. This, you know, responsible piece. But
22 it was already determined that the city would be
23 responsible for any fines imposed.

24 Q. Okay.

25 A. There were not fines imposed. But the

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1 A. Because the person, whomever that is, is
2 acting on knowledge based on statute, code, et
3 cetera, and/or an opinion by the city attorney's
4 office.

5 So in all things, we are representing the
6 city, not our own actual opinions in these things.

7 Q. Was she -- I understand the distinction
8 you're drawing. I just have a follow-up question.
9 Was she saying it was her opinion in those emails we
10 just read, or the HR professional's opinion?

11 Or was she basically saying that, "I can
12 just go on what they say, because I don't have access
13 to the records"?

14 A. The way it was worded, from what I just
15 read, was she -- the HR person does not believe
16 that --

17 Q. Okay. I see; okay.

18 A. -- she has to turn those records over.

19 Q. I understand. A question about that last
20 email that -- you say there is another email. And,
21 truly, there are so many emails in this case --

22 A. Correct; yeah.

23 Q. I will give you the opportunity, because
24 this is your opportunity to say your thoughts on
25 this; right? And I want to know your thoughts on

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1 city stands for that, because they are representing
2 what they're saying is the exemption, or why the city
3 with -- believes they can withhold a record.

4 Q. I understand what you are saying.

5 How would Ms. Clay have made a report of
6 her belief of wrongdoing by the city, if anything she
7 said she didn't agree with was simply saying she
8 didn't want to do her duties, when she told it to
9 you?

10 MR. ROBINSON: Objection to the form.

11 THE WITNESS: So how do I want -- I want
12 to be thoughtful about this. Let me be very
13 clear about that. But at the end of the day, we
14 all have a belief around certain things, i.e., I
15 go back to what I told you about overtime pay.

16 I believed, shared that belief, that at
17 some point the city's probably going to have to
18 share these records, just because I had worked
19 in other localities that at some point had to
20 turn over overtime records.

21 However, my belief does not supersede
22 what the city attorney office says the city is
23 going to say is the exemption.

24 BY MS. ROBB:

25 Q. Okay.

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<p>1 A. I can believe it all day. I could have 2 gone and argued with the city attorney.</p> <p>3 Q. Uh-huh.</p> <p>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.</p> <p>7 Q. Okay.</p> <p>8 A. Right?</p> <p>9 Q. Uh-huh.</p> <p>10 A. That does not mean it's wrong. It just 11 means my belief is my belief.</p> <p>12 Q. Okay. What if she did think it was 13 wrong? Like how would she report that?</p> <p>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."</p> <p>17 Q. Uh-huh.</p> <p>18 A. That also does not -- but that's her 19 opinion.</p> <p>20 Q. Okay.</p> <p>21 A. That does not make it right.</p> <p>22 Q. Okay.</p> <p>23 A. It's an opinion.</p> <p>24 Q. Understood.</p> <p>25 A. Okay.</p>	<p>1 A. -- from the IT director, based on an 2 email that she sent to an IT staff person.</p> <p>3 Q. Okay.</p> <p>4 A. Now, she was eliciting help from the 5 person.</p> <p>6 Q. Can I back up for just a second? 7 A. Uh-huh.</p> <p>8 Q. Who was the IT individual who contacted 9 you?</p> <p>10 A. Charles Todd.</p> <p>11 Q. Okay.</p> <p>12 A. Who was the IT director.</p> <p>13 Q. All right. And he was referencing an 14 email?</p> <p>15 A. Correct.</p> <p>16 Q. Was he on the email, or he received the 17 email?</p> <p>18 A. I don't believe he was on the email.</p> <p>19 Q. All right.</p> <p>20 A. I believe that the staff member, of 21 course, shared the -- I can't -- there were people on 22 the email. I --</p> <p>23 Q. Yeah; I'm not tying --</p> <p>24 A. It's been a minute.</p> <p>25 Q. I'm not tying you to direct knowledge of</p>
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<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 --</p> <p>5 A. I don't remember. But I'm assuming it's 6 probably somewhere in that same time frame.</p> <p>7 Q. Okay.</p> <p>8 A. Because it feels as if this was an 9 immediate response to whatever had just gone out.</p> <p>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?</p> <p>14 A. Well, yes; but not -- not always -- so 15 it's -- I'm going to say not to this specific -- yes.</p> <p>16 Q. Okay.</p> <p>17 A. There were complaints about -- period. 18 But there was -- especially internally, probably more 19 so than externally; right?</p> <p>20 Q. Okay.</p> <p>21 A. Around how things were worded to other 22 team members.</p> <p>23 Q. Okay.</p> <p>24 A. Right? So I got a frantic phone call --</p> <p>25 Q. Okay.</p>	<p>1 who was on the email and who wasn't. I just want to 2 know so we can look for it.</p> <p>3 A. But the person went immediately, and 4 maybe forwarded the email.</p> <p>5 Q. Okay.</p> <p>6 A. Because I get the phone call, irate.</p> <p>7 Q. Okay.</p> <p>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.</p> <p>12 Q. Okay.</p> <p>13 A. That was the tenet of the email.</p> <p>14 Q. And this was someone in IT?</p> <p>15 A. Correct.</p> <p>16 Q. Okay.</p> <p>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.</p> <p>21 Q. All right.</p> <p>22 A. To sort of get us back on the same page.</p> <p>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>
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1	understand is I have a lot of work, too."	1	A. Maybe start your email with that space,
2	Q. Uh-huh.	2	right, of, "Hey, I know we've had this. You've
3	A. You know, "And we've trained her on this	3	worked with me on it. I need some help, because I'm
4	system."	4	having issues."
5	And so I -- it's one thing to say, "I	5	You get more with just sort of an
6	need extra help." But it's another thing for you	6	ease-in, as opposed to directives to people you
7	basically to say, "I need you to do it because I	7	really can't give directives to anyway; right?
8	don't have time to do it."	8	You're asking for help.
9	Q. Okay. And that's how it was taken?	9	Q. I understand.
10	A. That was how it was taken.	10	A. Okay.
11	Q. Okay. What training did Ms. Clay have on	11	Q. Okay. Once Ms. Clay had training on this
12	searching the IT records for the City of Richmond?	12	wonky IT system, is it presumed that she's always
13	A. They worked with her. So I don't know	13	going to know how to do all the things on it?
14	how they worked that out. But --	14	MR. ROBINSON: Objection to form.
15	Q. Who's "they"?	15	THE WITNESS: It's presumed that if she
16	A. IT. Oh, gosh. I can't think of the	16	had a question about something she didn't know,
17	young man's name. Because they helped -- they worked	17	that she would ask.
18	with me, as well.	18	BY MS. RCEB:
19	Q. I understand.	19	Q. Okay, okay. I think that's all I have on
20	A. Right?	20	these text messages, unless we find the --
21	Q. What training did they provide?	21	A. Okay. The email.
22	A. They do hand -- they will do hands-on	22	Q. -- the email that you have --
23	training.	23	A. Okay.
24	Q. Okay.	24	Q. -- referenced.
25	A. They either remote into your computer, so	25	A. Okay.
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1	-- or they will come to your office.	1	Q. And now we'll move to the --
2	Q. Okay.	2	A. Okay.
3	A. So it's that. Because it's, again, a	3	Q. -- so -- and I'm going to say so-called,
4	wonky IT system.	4	because -- this is an interesting topic. Mr. Sarahan
5	Q. Uh-huh.	5	calls it at a Confederate shrine. And it is -- we'll
6	A. But it's also an older system, so they're	6	just talk about that.
7	very clear about that.	7	All right. And I want to make sure we're
8	Q. Okay.	8	starting from the time before Ms. Clay.
9	A. And so I think they were looking to	9	A. Okay.
10	enhance what -- this is where you would put the new	10	Q. And so that's why I'm going to look at
11	tires on the old car.	11	these dates, to make sure that we're on the right
12	Q. I understand.	12	page.
13	A. Right?	13	A. Put my glasses back on.
14	Q. Okay.	14	Q. Okay. Now, if we went through all the
15	A. That system. So it was slow and painful,	15	emails on this topic, we would be here for a month.
16	but it did its job.	16	A. Next year?
17	Q. Okay.	17	Q. Yes; I think you're right about that.
18	A. Right? So she'd had that.	18	A. Uh-huh.
19	Q. Okay.	19	Q. Talk about Jesus and his disciples.
20	A. And that was alluded to in the	20	What I am handing you is a chain of
21	conversation.	21	emails that seem to -- or it's a couple, actually,
22	Q. All right.	22	that seem to capture the situation. And there are a
23	A. And what she said, if I remember, was,	23	few in there that overlap, is what it is. And so
24	you know, "I need maybe some more training on that."	24	some of the emails within each chain might repeat, if
25	Q. Uh-huh.	25	that makes sense.

Exhibit D

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

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

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.	Page 261	Page 263
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	Page 262	Page 264

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

Exhibit D

269.272

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

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

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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	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
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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 3:28 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	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

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

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

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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 --	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."
7 Q. When you say "we" -- I'm sorry. I didn't 8 mean to interrupt you. But --	5 Because, you know, even with HR, and as 6 patient as Gerald is, he had also complained to me; 7 right?
9 A. Me; the office of communications and 10 civic engagement.	8 Q. When did he complain to you?
11 Q. Okay.	9 A. Dates are going to elude me. Because it
12 A. Those --	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.
13 Q. Is that inclusive of Ms. Clay or --	13 Q. Okay.
14 A. Yes.	14 A. And so the word that I kept hearing was
15 Q. Okay.	15 "abrasive" --
16 A. That is inclusive of --	16 Q. Okay.
17 Q. Okay; thanks.	17 A. -- "mean, disrespectful."
18 A. -- Ms. Clay.	18 Q. Okay. Was she ever given a performance
19 Q. Okay.	19 improvement plan or something along those lines?
20 A. You're trying to build these bridges, 21 because you're new.	20 A. No.
22 Q. Uh-huh.	21 Q. Okay.
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	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?"
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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.	1 What's not working?" 2 And, again, we are a fast-moving office.
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 --	3 Q. Okay.
9 Q. Okay.	4 A. So things are coming in very fast.
10 A. -- to have her here. And there was no 11 real way other than, "Okay. What are my options?"	5 Q. Okay.
12 Now, I will tell you, I do not take 13 terminating anyone lightly.	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.
14 Q. Have you -- oh, I didn't -- I'm so sorry. 15 I thought that you were done.	9 Q. Uh-huh.
16 A. I don't take that lightly.	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.
17 Q. Okay.	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?
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.	16 A. I don't remember.
21 Q. Who was that?	17 Q. Okay.
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.	18 A. But it would have been something that 19 dealt with HR.
25 Q. When?	20 Q. Okay. What form did the complaint take?
	21 A. Most times, people are going to call me 22 or they're going to come to my office and talk to me.
	23 Q. Did you take notes about that?
	24 A. I doubt it.
	25 Q. Would you have sent an email about that,

Exhibit D

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1	A. after?	
2	A. No.	1 A. And when Connie asked me, "Did you see
3	Q. Is it on a calendar somewhere?	2 the email?", I said, "No; but let me pull it up."
4	A. No.	3 Q. Okay.
5	Q. Would you have sent a text about it?	4 A. To be quite honest, the email was just
6	A. No.	5 factual information. You know, it was, "This is" --
7	Q. Okay. Who -- you said April Bingham.	6 Q. The one from Connie?
8	When did she complain?	7 A. The one from Connie was, "This is what I
9	A. Again, there was an email that was sent	8 need," or whatever the case may be.
10	that implied, again paraphrasing --	9 Q. Okay.
11	Q. Yes.	10 A. And the response back was just a direct
12	A. It implied that April and/or Johnetta	11 response.
13	Taylor, who was the FOIA liaison for DPB, were liars.	12 Q. Okay.
14	Now, that's not the word that was used, but that was	13 A. So I didn't see that, to be quite honest,
15	the implication. I think the word was "unethical"?	14 either side was being disrespectful. It was just
16	Q. Was it the same email where Ms. Bingham	15 everybody's being direct.
17	questioned Ms. Clay's motive?	16 Q. Okay. And when was that?
18	A. No.	17 A. That was maybe October-ish. I can't
19	Q. Okay.	18 remember. But some -- that -- dates are going to be
20	A. This one had to do with the -- a cost	19 hard for me. Let me just say that.
21	estimate, I believe, of something.	20 Q. That's okay.
22	Q. Okay. And when was that, thereabouts?	21 A. I'm not sure.
23	A. I don't know. I do not remember.	22 Q. And I'm just looking for just in the life
24	Q. Was it closer to termination or earlier?	23 span of Ms. Clay's time at the city --
25	A. Probably -- I really don't --	24 A. Right.
		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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1 as verbiage goes.	1 about Ms. Clay?
2 Q. Okay. Who else do you remember	2 A. She -- well, she didn't like the handling
3 complaining?	3 of, of course, the FOIA around the overtime and/or
4 A. Well, of course, IT. I got that irate	4 how -- I think there were some conversation and
5 call.	5 emails between Robin, Ms. Redmond, and Clay, I
6 Q. Yes; and when was that, again? And	6 believe. But just did not like that handling at all.
7 ballpark is fine.	7 Q. Okay.
8 A. Probably late October, early November.	8 A. Sheila White complained because she felt
9 Q. Okay.	9 as if Ms. Clay was harassing her.
10 A. And then of -- Lincoln complained,	10 Q. The director of finance --
11 because he was getting complaints to him.	11 A. Yes.
12 Q. Okay. What did Lincoln say? And was	12 Q. -- felt that Ms. Clay was harassing her?
13 this in an email, or a call, or what do you remember?	13 A. Yes. Because I think it is the sense of,
14 A. It was a -- we were finishing a meeting,	14 "Hey, I'm going to need more time to get these
15 and he said, "Hey, can you hang back?" And he said,	15 records together. We're understaffed. We're in tax
16 "Hey, listen, I'm getting complaints about Connie.	16 season," all of the things.
17 What are we doing?"	17 And it did not seem as if Ms. Clay wanted
18 Now, this was the second time. The first	18 to work with her on that.
19 time was early on in her tenure.	19 Q. Ms. Clay did not work for the city during
20 Q. Uh-huh.	20 what I would normally think of as tax season. So
21 A. And I believe Sabrina had complained to	21 what do you mean by that?
22 him, and she also complained to me. And I was very	22 A. So, you know, there's preparation leading
23 clear with both of them that, "This is not what we're	23 up to -- well, and if you're honest, it almost always
24 going to do."	24 feels like it's tax season in the city; right?
25 And I don't -- I'm trying not to base it	25 Q. Okay.
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1 off of someone's like or dislike of a person; right?	1 A. Because you've got property tax, you've
2 Q. Okay.	2 got ongoing -- as you all know, the ongoing meals tax
3 A. It was not that. She deserved a chance	3 situation; trying to build out EVAPay, which was,
4 to get in the job and do the job; right?	4 hopefully, an IT technical solution to some of the
5 When Lincoln came back and said, "Petula,	5 issues that were going on around the meals tax
6 I'm still getting complaints" --	6 situation.
7 Q. Did he have an independent complaint from	7 Q. Okay.
8 him, or was he simply relaying from other people?	8 A. So she was juggling a lot, with a lot
9 A. He relayed from other people. But he	9 less staff.
10 also did not like dealing with Ms. Clay.	10 Q. Okay.
11 Q. What did he say?	11 A. And so just that.
12 A. He just said, "I'm getting" -- he said,	12 Q. Okay.
13 "I'm getting complaints. And you've got to determine	13 A. I think if I could sort of sum it up,
14 what you want to do."	14 people just didn't feel like they had a partner.
15 Q. And was that verbal only --	15 Q. Well, I -- that's fair. I heard you.
16 A. Verbal.	16 You said "everyone." And so I want to know, who does
17 Q. -- or was there some written --	17 everyone entail?
18 A. No; it was verbal.	18 A. So let -- I shouldn't say that. So --
19 Q. Are any of these in writing that you	19 Q. Okay.
20 haven't said there's an email for?	20 A. -- you know, very specific people. And I
21 A. No.	21 would say leadership who were supervising and/or a
22 Q. Okay. And Sabrina Joy-Hogg was the next	22 part of many of the FOIAs that came across the desk,
23 person you said?	23 many of those folks are who I heard from.
24 A. Yes.	24 Q. Okay. Did any of these people, to your
25 Q. Okay. And what did she didn't she like	25 knowledge, talk with Connie about their feelings, to

Exhibit D

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Page 301	Page 303
1 try to work it out?	1 this space, because you know how this works."
2 A. I do not believe so.	2 Q. Okay.
3 Q. Okay. And did anyone write to HR about	3 A. "So like FOIA officer to FOIA officer,
4 their dislike?	4 could you have a conversation with her, you know,
5 A. Not to my knowledge.	5 help" -- it was sort of like she was acting in my
6 Q. How many employees, if you remember, does	6 stead.
7 the City of Richmond have, ballpark? It's okay if	7 And that's sort of where the sugar and
8 you don't remember. It's a fact that we can find.	8 vinegar came from. Because I think that was sort of
9 A. 3,000-plus, I'm assuming.	9 what was relayed, you can get more with honey than
10 Q. Okay.	10 you can with salt, type of deal.
11 A. Something like that.	11 And Ms. Clay told her she didn't know how
12 Q. Okay. And how many at this point were in	12 to do that.
13 your department?	13 Q. But can you tell me that -- everything
14 A. 20 -- so we were probably around 30	14 you know about that conversation?
15 total.	15 A. I just did, really and truly.
16 Q. Okay. And how often did you talk with	16 Q. Okay, all right.
17 Ms. Clay about what you were hearing?	17 A. Yes.
18 A. Some of it -- let me just be clear. I	18 Q. All right. And how did that conversation
19 didn't talk to her about all of it, especially	19 take place? Was it email?
20 initially, because I was really taking her at her	20 A. It was in person.
21 word.	21 Q. Did Ms. Richardson send you an email
22 When she said, "Someone said X," or,	22 saying what was discussed, since you'd asked her to
23 "Someone was this way to me," I took it as, okay,	23 talk with her?
24 that person was a butt to her.	24 A. She came and we talked about it after the
25 So it did not start to resonate with me	25 fact.
Page 302	Page 304
1 that there was sort of a issue back and forth until	1 Q. Did you take any notes?
2 multiple people from various departments had an issue	2 A. No.
3 with how, at the very least, they were being spoken	3 Q. Okay. Now, between November and
4 to.	4 January -- or let me back up.
5 Q. And when was that --	5 How did it come to pass that in January,
6 A. The shift?	6 January 19th, you decided to terminate Ms. Clay?
7 Q. The shift.	7 A. I think it just came down to timing. And
8 A. I would say probably late October, going	8 when I say timing, it was sort of timing of when it
9 into November-ish.	9 could happen, schedule, the whole nine. Because me
10 Q. And what did you discuss with Ms. Clay	10 trying to carve out time had almost become almost
11 around that time period about what you were hearing?	11 impossible.
12 A. Really, it was we -- communication. But	12 Q. Okay.
13 more importantly, I had someone else talk to her, as	13 A. I think the team would say, you know, I
14 well.	14 went from meeting with them on a weekly basis to
15 Q. Who?	15 maybe once a month as individuals, just because work
16 A. Cynthia Richardson, who was my office	16 had ramped up.
17 manager. But she was also my HR person in the	17 Q. Uh-huh.
18 office.	18 A. So trying to keep them on my schedule was
19 Q. Okay. How --	19 not easy.
20 A. What --	20 Q. Okay.
21 Q. Go ahead. Sorry.	21 A. And so -- and, again, I will tell you,
22 A. The reason I asked her was because she	22 for me, terminating someone was not an easy decision.
23 had also done FOIA in another jurisdiction.	23 Q. Can I ask you something about that?
24 Q. Okay.	24 A. Uh-huh.
25 A. So I was like, "I need your assistance in	25 Q. Had you, in your capacity in the City of

Page 305		Page 307	
1	Richmond, terminated anyone prior?	1	A. I did not.
2	A. No.	2	Q. Okay.
3	Q. Did you terminate anyone after?	3	A. There were multiple conversations with
4	A. Yes.	4	us, because they understood that they did not have
5	Q. How many people?	5	the skill set needed to be in that office.
6	A. One.	6	Q. Did they say that?
7	Q. Okay. I don't know all the positions in	7	A. Yeah; we've had that -- we had that
8	your department. What position did you terminate?	8	conversation.
9	A. I'm trying to think of what that position	9	Q. Oh, what I --
10	really was. They were the business liaison, I	10	A. Yes.
11	believe.	11	Q. What I'm asking is you said they
12	Q. Okay. And was that for cause, or not for	12	understood it.
13	cause?	13	A. Yes.
14	A. It was for -- I mean, they, too, were an	14	Q. And I want to know how --
15	at-will employee. Let me be clear.	15	A. We had the --
16	Q. Yes.	16	Q. -- you knew that they understood it.
17	A. But, yes, it -- in that case, it was for	17	A. Uh-huh; because we had the conversation.
18	cause.	18	Q. Okay.
19	Q. And by that, I simply mean the discipline	19	A. Yes.
20	policy was involved in that.	20	Q. All right. Did you ever have that
21	A. No.	21	conversation with Ms. Clay?
22	Q. Okay, okay.	22	A. No.
23	A. No.	23	Q. Okay, okay. Walk me through, okay, it's
24	Q. So when you say that other person was for	24	time to terminate Ms. Clay. Was that on the 19th,
25	cause, what do you mean?	25	that Friday?
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1	A. There -- well, in many ways, it's similar	1	A. It was on the 19th.
2	to Ms. Clay. Was not the best fit for the position.	2	Q. Okay. Prior to the 19th, had you made
3	Q. Okay.	3	the decision to terminate Ms. Clay?
4	A. Inherited, holdover from another	4	A. Yes.
5	department --	5	Q. At what time was that decision made, or
6	Q. Okay.	6	on what day?
7	A. -- massaged into mine.	7	A. I couldn't tell you on what day it was
8	Q. Okay.	8	actually made that this was going to happen. I do
9	A. Did not have relatable skill sets to	9	remember going down to HR early in January and
10	anything in the department.	10	saying -- sort of revisiting the conversation that
11	Q. And you're just talking about that	11	Gerald and I had had maybe late November, early
12	individual.	12	December.
13	A. Correct; that --	13	Q. Okay. I want to unpack that. Did you
14	Q. Okay. Got it.	14	meet with Mr. Westry?
15	A. That individual.	15	A. Yes.
16	Q. Okay.	16	Q. Okay. He is the person you met with?
17	A. And so there were some things that that	17	A. Yes.
18	person and I discussed.	18	Q. Okay. Did you meet with him on the 19th
19	Q. Uh-huh.	19	of January?
20	A. They were aware. And it got to the place	20	A. I don't remember.
21	where this is -- this can't -- we're not doing this.	21	MR. ROBINSON: If you remember.
22	Again, the same consternation around how I felt about	22	THE WITNESS: I don't remember. I know
23	firing Ms. Clay, I had the same around this person.	23	that at that time my HR liaison had changed. So
24	Q. Did you document performance failings for	24	I remember meeting with her.
25	that individual prior to termination?	25	/

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1 BY MS. ROBB:		
2 Q. And who was that?		1 space having to deal with a termination, that I am
3 A. Timeko Hunter-Brown? Yeah.		2 doing it by the book.
4 Q. It's Hunte. I think it has an E at the		3 Q. Okay. And what did that mean in this
5 end.		4 situation, doing it by the book?
6 A. Oh, okay, okay.		5 A. Are we following the procedure; am I in
7 Q. Yeah, yeah; if that's right. I don't		6 the right -- whatever I'm supposed to say. You know,
8 want to --		7 this is what it is; right? You don't ever want to
9 Okay. So you met with Mr. Westry two		8 get over your skis, so to speak; right?
10 times. And what was the purpose of those		9 And so it came down to her. Whatever her
11 conversations with Mr. Westry regarding my client?		10 termination was, right, just to do it clean.
12 MR. ROBINSON: I'm going to object. I		11 Q. All right. Now, I know you don't
13 don't think she testified that she only met with		12 remember when you met with Mr. Westry, or if there
14 him two times.		13 was a third time. What do you remember him telling
15 MS. ROBB: Oh, oh.		14 you about terminating my client?
16 MR. ROBINSON: She said that's what she		15 A. Well, like I said, he walked me through
17 remembers.		16 the fact that because she was still on probation --
18 BY MS. ROBB:		17 Q. Okay.
19 Q. How often then do you remember meeting		18 A. -- one.
20 with Mr. Westry?		19 Q. He said -- and he said that? I want to
21 A. Well, about?		20 make sure we're --
22 Q. Yes; about Ms. Clay.		21 A. Yes.
23 A. I don't remember how many times.		22 Q. Okay.
24 Q. Okay. How often did you meet with him		23 A. So she was a probationary employee.
25 about other individuals?		24 Q. Okay.
		25 A. So -- and there was no grievance, and she
Page 310		Page 312
1 A. As needed.		1 wasn't entitled to certain things; right?
2 Q. How often would you say that was?		2 Q. Okay.
3 A. Once every a couple of months. And a lot		3 A. And that was pretty much it.
4 of it was just making sure, "Hey, we're about to		4 Q. Did he -- oh, I didn't -- if you have
5 hire." Like we were doing other things in HR; right?		5 more to say, please say it.
6 So, "Hey" -- whatever those things are, so just basic		6 A. And then at some point I was introduced
7 HR things.		7 to Timeko, or Timeka.
8 Q. Uh-huh.		8 Q. Did he introduce you to Timeko?
9 A. He was my go-to person.		9 A. Yes; because it was sort of a soft
10 Q. Okay.		10 hand-off.
11 A. And so when it came time for termination,		11 Q. Do you remember when?
12 I wanted to make sure that me, but also the city, was		12 A. Maybe the first of the year.
13 walking through the steps correctly; right?		13 Q. Okay. Did Mr. Westry advise you to
14 Q. Okay. And what did he tell you?		14 terminate Connie Clay?
15 A. Well, it was, one, she's pro -- she's		15 A. No.
16 still on probation. So in that space, you can		16 MR. ROBINSON: Objection to the word
17 terminate, because she is still on probation, she's		17 "advised."
18 an at-will employee.		18 BY MS. ROBB:
19 There is no -- oh, what's the word I'm		19 Q. Okay.
20 looking for? -- grievance for her.		20 A. No.
21 Q. Okay.		21 Q. Did he tell you to?
22 A. Those types of things. And so what I		22 A. No one told me to.
23 asked was for them to -- whatever the procedure was,		23 Q. Okay. What did he say about whether you
24 to make sure that we had it. And then for me, as a		24 should or should not, if anything, fire Connie Clay?
25 director, and also this being the first time in this		25 A. He didn't say whether I should or should

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

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

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1 A. Yeah; because she'd hand-delivered it to	2 me earlier that day.	1 Q. Okay. And I'm going to hand you this, as	2 well.
3 Q. Okay.	4 A. That same day.	3 I have a question before we -- and -- I'm	4 sorry. Let me back up. Did we mark that one?
5 Q. I see. And that was before you set the	6 meeting?	5 THE COURT REPORTER: We did. Thank you.	6 THE WITNESS: So this is a new marking?
7 A. No; the meeting was on the calendar	8 already.	7 MS. ROBB: Uh-huh; it is.	8 THE COURT REPORTER: Number 29.
9 Q. Yeah; and that's what I'm trying to	10 ascertain --	9 (Deposition Exhibit 29 marked for	10 identification.)
11 A. Yes, yes.	12 Q. -- is what happened first.	11 BY MS. ROBB:	12 Q. All right. Had you had an evaluation,
13 A. Oh, the meeting was on the calendar	14 first.	13 like a six -- say six-month evaluation --	14 A. Uh-huh.
15 Q. When did you set it?	16 A. Probably the day before. Because I don't	15 Q. -- of Ms. Clay's work performance as an	16 employee with her?
17 -- I'm not -- I may have put it on the calendar that	18 morning. I don't remember.	17 A. No; because we hadn't gotten to that	18 point yet.
19 Q. Okay.	20 A. It was like either the day before or the	19 Q. Okay. Had you done that with other	21 employees?
21 day of.	22 Q. Okay.	21 A. No; I hadn't had an opportunity to do it	22 with anybody, unfortunately.
23 A. I want to say somewhere around maybe	24 10:00-11:00 o'clock --	23 Q. Okay.	24 A. No.
25 Q. Okay.		25 Q. All right. Had you noted for her, aside	
Page 322		Page 324	
1 A. -- Ms. Clay brought me her -- the list.	2 Q. Okay. Did she -- and by that, I mean, to	1 from I believe you said, "We're going to say city,	2 not the person in emails" --
3 your knowledge, did Ms. Clay know she was going to be	4 terminated when she handed you the list?	3 A. Uh-huh.	4 Q. -- had you told her she needed to do
5 A. Not to my knowledge.	6 Q. Okay. Had you told her?	5 something better to make this work?	6 A. I don't recall a specific conversation.
7 A. No.	8 Q. Had you sat down one last time and said,	7 Q. Okay. Now, I've handed you something	8 that has December 26th at the top, of 2023.
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	9 A. Uh-huh.	9 A. Uh-huh.
11 out"?	12 A. No.	10 Q. And that was also to you from Ms. Clay.	10 Q. And that was also to you from Ms. Clay.
13 Q. Okay. Had she asked for a meeting?	14 A. She had.	11 And it's "FOIA Accomplishments and Challenges."	11 And it's "FOIA Accomplishments and Challenges."
15 MS. ROBB: Okay.	16 (Deposition Exhibit 28 marked for	12 A. Uh-huh.	12 A. Uh-huh.
17 identification.)	18 BY MS. ROBB:	13 Q. Did you ask for like a summation of how	13 Q. Did you ask for like a summation of how
19 Q. Is this the list that you're talking	20 about, this January 19th, 2024 -- I'm going to call	14 the year went from your employees that year, or was	14 the year went from your employees that year, or was
21 it a memo --	22 A. Sure.	15 this something she simply offered?	15 this something she simply offered?
23 Q. -- to Petula Burks from Connie Clay,	24 "Reason, Today's Meeting."	16 A. So we were coming up into state of the	16 A. So we were coming up into state of the
25 A. It looks as such.		17 city. And so state of the city, we ask for	17 city. And so state of the city, we ask for
		18 accomplishments from all departments.	18 accomplishments from all departments.
		19 Q. Okay.	19 Q. Okay.
		20 A. And so I am assuming that this is a part	20 A. And so I am assuming that this is a part
		21 of that --	21 of that --
		22 Q. Okay.	22 Q. Okay.
		23 A. -- ask.	23 A. -- ask.
		24 Q. Did you review this document when she	24 Q. Did you review this document when she
		25 sent it?	25 sent it?

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

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1 different way, in many ways, right, without citing 2 the exemption that, to my understanding, was shared 3 with you.	1 I -- 2 Q. What is she saying? 3 MR. ROBINSON: Well, let her finish. 4 Please go on.
4 Q. But you said that she didn't release 5 records against advice.	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.
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" --	11 Q. Okay. 12 A. The challenges are, "We need to have more 13 internal stakeholders who are trained in FOIA."
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" --	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 --
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.	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.
23 Q. Okay. But she didn't -- did she get 24 fired for misconduct? 25 A. No.	24 You know, I think it's subjective when we 25 say "needless lawsuits." And what caused that? I
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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.	1 I 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.

Exhibit D

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

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

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

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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 <u>Katherine S. Hruneni</u>
18		18 Katherine S. Hruneni, Notary Public
19		19 Commonwealth of Virginia at Large
20		20 Notary Registration No. 113055
21		21
22		22
23		23
24		24
25		25

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