



**City of Fairburn
Ethics Board
Agenda**

December 23, 2025
6:00 PM

***Special Called Meeting
Maya Osun, Chairperson***

Rodney Anderson
Thomas Cochran
Danita Jones

Vera Raglin
Tony Smith
Kenneth Williams

Mr. Rory Starkey
Ms. Deannia Ray

City Attorney
Deputy City Clerk

- I. Meeting Called to Order: Maya Osun, Chairperson
- II. Roll Call: Deputy City Clerk
- III. Adoption of the Ethics Board Agenda:
- IV. Approval of the Minutes:
1. **Approval of the Minutes: Ethics Board Minutes of September 23, 2025, and September 30, 2025:**
- V. Regular Agenda:
2. **Set Ethics Board 2026 Meetings**
- VI. Executive Session:
3. **Litigation Update**
- VII. Adjournment:

When an Executive Session is required, one will be called for the following Issues:
Deliberations Only



Ethics Board Meeting Minutes

September 23, 2025
6:00 p.m.

- I. The meeting was called to order by Chairperson Maya Osun.
- II. Roll Call by Deputy City Clerk Deannia Ray found the following members present:

Rodney Anderson
Danita Jones
Vera Raglin

Thomas Cochran
Maya Osun
Tony Smith

Absent: Kenneth Williams

- III. Adoption of the Ethics Board Agenda

Danita Jones made a motion to approve the agenda. Thomas Cochran provided the second. **The motion carried unanimously.**

- IV. Regular Agenda

1. **Hearing Training by Special Counsel (Robert Ashe) for the Board of Ethics Recommendation**

Attorney Robbie Ashe said he was appointed by Mayor and Council for the upcoming ethics hearing scheduled for September 30, 2025. He is here to support the ethics board as outside legal counsel for the hearing process. He discussed his background and said he was a native Atlantan, nearly 20 years legal experience (government/municipal), former City of Atlanta counsel.

Mr. Ashe reviewed the following hearing process with the Ethics Board:

Outline of Hearing Procedure

1. Opening Steps
 - o Call to order, confirm quorum, approve agenda and minutes.

- Optional: approval of minutes from current meeting at next meeting.
- 2. Chair's Statement
 - Explanation of process and burden of proof for all attendees.
 - Burden of Proof: Preponderance of the evidence (“more likely than not”); not criminal or “clear and convincing”—to be read aloud by Chair or Special Counsel as preferred.
 - Robbie Ashe to prepare a written draft of opening/standard to assist.
- 3. Opening Statements
 - Up to 15 minutes per side (complainant and respondent); board may enforce strictly or loosely.
- 4. Presentation of Cases
 - Complainant (mayor or counsel) presents evidence and witnesses.
 - Respondent presents their case through counsel or self.
 - Opportunity to call any relevant witness—witness does not have to be party to the complaint (clarified process for third-party complainants).
 - Witnesses will be sworn in; court reporter will prepare transcript.
- 5. Board and Counsel Questioning
 - Board may question any witnesses.
 - Special Counsel may ask clarifying questions but emphasizes this is the board's decision-making process.
- 6. Rules on Public Involvement
 - No public comment permitted during evidentiary hearing per board's adopted procedures.
 - Hearing is open to public observance, but only parties and witnesses may participate.
- 7. Calling Additional Witnesses
 - Board, complainant, or respondent may call and subpoena witnesses.
 - Clarified process if witnesses are not initially put forward (e.g., clerk can be subpoenaed or come voluntarily).
- 8. Statements by Adversely Affected Persons
 - Opportunity for someone directly affected (not yet called as witness) to make sworn statement if desired.
- 9. Closing Arguments
 - Both parties given set amount of time for closing.
- 10. Executive Session for Deliberation
 - Motion to enter executive session; public and parties exit.
 - No official action or voting permitted in executive session (Georgia Open Meetings Act/Sunshine Law applies).
 - Deliberation occurs; once ready, board returns to open session to officially vote.
- 11. Post-Vote Actions
 - If a violation is found, board must determine and recommend a consequence (not impose).

- Formal recommendation and findings will be written (by Special Counsel) and presented to the governing body for final determination of penalties.
- Board’s recommendation is not binding on penalty—governing body makes final decision.

Thomas Cochran made a motion to allow counsel to communicate with all responsible parties to extend the witness/exhibit list to Thursday, September 25, 2025. Rodney Anderson provided the second. **The motion carried unanimously.**

Tony Smith made a motion to subpoena City Clerk Brenda James, Mayor Mario Avery, and Council Member Samantha Hudson to attend the September 30, 2025, Ethics Hearing. Thomas Cochran provided the second. **The motion carried unanimously.**

Attorney Ashe reminded all Ethics Board members they could not talk about this matter with anyone, and they will need to report it if someone talks to them about it.

After discussion and questions were clarified, gratitude was expressed to Special Counsel and confirmation of hearing logistics for September 30, 2025, was made.

V. Adjournment:

Danita Jones made a motion to adjourn the meeting at 7:11 p.m. Thomas Cochran provided the second. **The motion carried unanimously.**

Deannia Ray, Deputy City Clerk

Maya Osun, Chairperson



Ethics Board Meeting Minutes

September 30, 2025
6:00 p.m.

- I. The meeting was called to order by Chairperson Maya Osun.
- II. Roll Call by Deputy City Clerk Deannia Ray found the following members present:

Maya Osun
Thomas Cochran
Vera Raglin

Rodney Anderson
Danita Jones
Tony Smith

Absent: Kenneth Williams

Other attendees: Special Counsel Robert Ashe and Deputy City Clerk Deannia Ray, and Court Reporter Safaa Sammander

- III. Adoption of the Ethics Board Agenda

Vera Raglin made a motion to approve the agenda. Danita Jones provided the second.
The motion carried unanimously.

For complete minutes, please see transcript of minutes below from the court reporter.

Transcript:

FAIRBURN ETHICS BOARD

MARIO AVERY,

Complainant,

COMPLAINT

NO. 2025-04

v.

SAMANTHA HUDSON,

Respondent.

ETHICS COMPLAINT HEARING BEFORE
THE FAIRBURN ETHICS BOARD

September 30, 2025

6:00 p.m.

56 Southwest Malone Street Fairburn, Georgia

Prepared through electronic media by: Vivian R. Adams,

CER, CET, CCR

6028-2453-8691-9936

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APPEARANCES OF COUNSEL

On behalf of the Complainant:

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On behalf of the Fairburn Ethics Board:

ROBERT L. ASHE, III, Esquire
Bondurant, Mixson & Elmore, LLP
1201 West Peachtree Street, Northwest
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Also present:

MAYA OSUN, Fairburn Ethics Board Chairperson
DANITA JONES, Fairburn Ethics Board Member
VERA RAGLIN, Fairburn Ethics Board Member
RODNEY ANDERSON, Fairburn Ethics Board Member
THOMAS COCHRAN, Fairburn Ethics Board Member
TONY SMITH, Fairburn Ethics Board Member
DEANNIA RAY, Deputy City Clerk
MICHAEL SMITH, A/V Technician
SAFAASAMMANDER, Court Recorder

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19	transcript.)	
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1 Ethics Complaint Hearing Before

2 The Fairburn Ethics Board

3 September 30, 2025

4 MS.OSUN: Goodevening.

5 VARIOUS: Goodevening.

6 MS.OSUN: Myname is Maya Osun, and I'm the Chair

7 of the Fairburn Ethics Board. We will call this

8 meeting to order. Madam Clerk, will you please call

9 the roll?

10 THE CLERK: Rodney Anderson.

11 MR. ANDERSON: Present.

12 THE CLERK: Vera Raglin.

13 MS. RAGLIN: Present.

14 THE CLERK: Thomas Cochran.

15 MR. COCHRAN: Present.

16 THE CLERK: Tony Smith.

17 MR. SMITH: Present.

18 THE CLERK: Danita Jones.

19 MS. JONES: Present.

20 THE CLERK: And Kenneth Williams is absent. You

21 have a quorum.

22 MS.OSUN: Thank you, Madam Clerk. May I please

23 have a motion to approve the -- tonight's agenda?

24 VARIOUS: So move.

25 MS.OSUN: Is there a second?

1 MS.JONES: Second.

2 MS.RAGLIN: Second.

3 MS.OSUN: All in favor?

4 VARIOUS: Aye.

5 MS.OSUN: Any opposed?

6 THE CLERK: Who provided the second?

7 MS.RAGLIN: There were two people. I was one,
8 Raglin.

9 MS.JONES: Jones.

10 MS.OSUN: And none opposed. We will now move on
11 to the agenda. We will-- which will be the
12 evidentiary hearing of Complaint Number 25-04. The
13 complainant is the Honorable Mario Avery, and the
14 respondent is the Honorable Samantha Hudson.

15 At the offset, let me caution everyone. We're
16 going to maintain decorum and professionalism this
17 evening. We have a court reporter present who will be
18 transcribing this hearing, so it's important that we
19 only have one person speaking at a time.

20 Our agenda sets forth the process and order of the
21 proceedings we'll be using tonight. Our hearing will
22 be governed by the Board's duly adopted
23 parliamentary rules and hearing procedures. In
24 terms of the burden of proof for tonight's hearing,
25 that is set forth in Hearing Rule 8.5, which states

1 that, quote, "The standard of proof for proving an
2 alleged violation of the Code of Ethics shall be a
3 preponderance of the evidence."

4 With that, we will now entertain opening
5 statements. Opening statements have been set at 10
6 minutes. We will hear from the complainant first, and
7 then it is now my understanding a few moments ago that
8 her respondent and her attorney are not available
9 tonight. The Board has voted to continue. With that,
10 opening statements.

11 MR. BRANT: May I proceed?

12 MS. OSUN: Yes, please.

13 MR. BRANT: Good evening, everyone.

14 MR. ASHE: Madam-- Madam Chair, before you
15 proceed, I would suggest you have a motion and a
16 second to proceed with the hearing in spite of the
17 respondent's absence.

18 MS. OSUN: Board, is there a motion to proceed
19 given that our respondent and her attorney are
20 unavailable this evening?

21 MR. COCHRAN: So move.

22 MR. ANDERSON: Second.

23 MS. OSUN: Second. Who gave the second?

24 MR. ANDERSON: Second.

25 MS. OSUN: Okay. Anderson, second.

1 THE CLERK: Anderson, second.

2 MS. OSUN: All in favor?

3 VARIOUS: Aye.

4 MS. OSUN: Any opposed? That carries. And you may
5 proceed. Thank you.

6 OPENING STATEMENT

7 MR. BRANT: Good evening, everyone. My name is
8 Charles Brant, and I represent Mayor -- Mayor Mario
9 Avery in -- in these proceedings. We appreciate the
10 opportunity to appear before this board and address
11 the series of allegations made by Councilmember
12 Hudson.

13 Let me state at the onset, the mayor and the city
14 clerk have acted at all times within the boundaries of
15 the law, in accordance with the City Charter, Georgia
16 Open Records Request, and the meeting -- and Open
17 Meetings Act, and ethical obligations that govern the
18 public service. All the allegations presented here
19 are not only legally unsupported; they are a part of a
20 long and troubling pattern of harassment,
21 mischaracterization, and personal targeting of City
22 Clerk, and by extension, the mayor and members of the
23 city administrative team.

24 Since late 2024, Councilmember Hudson has engaged
25 in a sustained campaign of -- of antagonism against

1 the clerk, beginning with complaints over routine
2 agenda placement and escalating into formal
3 accusations of ethical and legal violations. The
4 record is extensive: 1) multiple emails demanding
5 documents that are explicitly protected by statute; 2)
6 repeated threats of legal action; 3) false public
7 accusations of impropriety; 4) a persistent refusal to
8 accept legal interpretations provided by the city
9 attorney.

10 Councilmember Hudson has claimed violations of the
11 Georgia Open Records Act, specifically concerning
12 access to executive session materials. Yet the law is
13 clear. Executive sessions minutes are not public
14 records. They are confidential and may only be
15 disclosed under court order and not at any -- not at
16 the unilateral demand of an individual council member.

17 The clerk provided everything she was legally
18 permitted to provide, and the City Attorney repeatedly
19 clarified the position of the -- Councilmember Hudson.
20 When her demands were not met, not because of -- of
21 obstruction but because of legal constraints,
22 Councilmember Hudson proceeded to file formal
23 complaints, including the Georgia attorney's general
24 -- including with the Georgia Attorney General's
25 Office. The complaint was fully reviewed and

1 ultimately dismissed without finding of any
2 wrongdoing.

3 Instead of accepting those findings, Councilmember
4 Hudson pivoted to accusations of defamation,
5 retaliation, and the creation of a hostile work
6 environment. She has alleged misconduct against the
7 clerk, demanded that the clerk's assistant be
8 reassigned, and implied that routine administrative
9 behavior is part of a broader conspiracy against her
10 and her office.

11 Her conduct alone has gone far beyond a legitimate
12 oversight. It has created a toxic and destabilizing
13 atmosphere in the City Hall, one that has interfered
14 with the city's ability to perform its duties and
15 placed under -- undue pressure on staff members. As a
16 result, the clerk has forced -- has been forced to
17 file an EEOC complaint in July 2025 citing harassment,
18 retaliation, and discrimination.

19 Mayor Avery has also been drawn into the matter
20 unnecessarily, accused of withholding information and
21 -- and embattling misconduct, claims that are
22 unsupported, inflammatory, and categorically false.

23 The mayor has constantly advocated for transparency
24 and lawful governance. When he saw the clerk being
25 publicly maligned, despite legal compliance, he

1 stepped in to de-escalate the situation and affirm the
2 professionalism of his staff.

3 The hearing should not serve as a platform
4 political grievance or weaponizing ethics procedures
5 [sic]. The board -- the Ethics Board's role is to
6 uphold integrity, not to facilitate character attacks
7 or distort law personal potential advantages [sic].
8 Either Councilwoman Hudson doesn't understand the Code
9 of Ethics the city and the council members have to
10 uphold, or she just purposefully does not care for the
11 ethic code and the laws governing the City of Fairburn
12 Code of Ordinances and is persistent in her actions
13 not to follow the rules.

14 We ask that the review -- that -- that you review
15 the timeline, the correspondence, and the legal
16 standards at issue. When you do, the facts will be
17 clear. The city followed the law, the mayor acted
18 appropriately, and that the council -- councilwoman
19 ethically acted outside of the scope of her position.
20 We believe you'll find that after you hear everything,
21 and we appreciate your attention and look forward to
22 proceeding with all that you have to present before
23 this panel this evening.

24 MS.OSUN: Thank you very much. Can we move
25 forward with the complainant's case?

1 MR. BRANT: Yes, we can. I think at this time --
2 okay. I think we're going to go -- we're going to
3 jump for all -- so at this time, I think I would like
4 to call...

5 MS. OSUN: Madam Clerk, is someone keeping time? I
6 think we wanted to keep this portion down to 20
7 minutes.

8 THE CLERK: It's on the clock.

9 MS. OSUN: Okay.

10 THE CLERK: I mean, it's on the screen.

11 MS. OSUN: Thank you.

12 MR. BRANT: At this time, we'd like to call Ms.
13 James. Ms. James, Brenda James.

14 MS. OSUN: Ms. James, the podium is fine. Or
15 where...

16 THE CLERK: And when you speak, if you will, speak
17 in the microphone.

18 MR. BRANT: Good evening, Ms. James.

19 MR. ASHE: Why don't we swear the witness in first?

20 THE CLERK: Ma'am -- okay. Would you state your
21 full name for the record, please?

22 MS. JAMES: Brenda B. James.

23 BRENDA B. JAMES,
24 after having been first duly sworn, was examined and
25 testified under oath as follows:

1 MR. BRANT: Okay. And you've already stated your
2 full name for the record, correct?

3 MS. JAMES: Yes.

4 MR. BRANT: Okay. So, Ms. James, I want to talk to
5 you about your relationship with the councilmember
6 that has you here this evening. Are you familiar with
7 -- do you have experiences with Councilmember Hudson?

8 MS. JAMES: Experiences, yes.

9 MR. BRANT: Well, have you had antagonistic
10 experiences with her while on your job?

11 MS. JAMES: Yes, I would say so.

12 MR. BRANT: Would you describe for the panel these
13 coincidence -- well, when did the conflicts or the
14 coincidence that has brought trouble to your job and
15 to the city that you believe are meaningful, that you
16 could present to this panel [sic]? Would you go
17 through those things that you have?

18 MS. JAMES: Well, I -- I would say it started 2024.
19 I put something on the agenda, and I was accused of
20 targeting Councilmember Hudson. And then --

21 MR. BRANT: Okay. Hold on. Before you go on,
22 could you explain? Do you know exactly what you put
23 on? So they can have clarity and understanding.

24 MS. JAMES: I put an item that Councilmember Hudson
25 Asked to go on the agenda. And when I do, I tried to

1 list what councilperson asked for that, and she said
2 that I didn't do it for someone else. Well, no one
3 else had asked for anything to be on the agenda.

4 MR. BRANT: Okay. So I want to be clear so they
5 can understand. What you said -- what you're telling
6 the panel is that Ms. Hudson asked you to put
7 something on?

8 MS. JAMES: She requested something beyond the
9 agenda --

10 MR. BRANT: You put it on the agenda.

11 MS. JAMES: I did.

12 MR. BRANT: And then she attacked you for doing it.

13 MS. JAMES: She said that she felt if I put her
14 name, it was targeting her.

15 MR. BRANT: Okay.

16 MS. JAMES: So I removed it from the agenda.

17 MR. BRANT: And whatever came of that?

18 MS. JAMES: Nothing.

19 MR. BRANT: Okay. Go on. You may go on.

20 MS. JAMES: There was an ethics complaint filed in
21 -- I believe in March. Councilwoman Hudson filed an
22 ethics complaint against another councilperson. And
23 after that complaint was filed, I started getting
24 questions about executive session protocol. There
25 should not have been an executive session. What was

1 the consistency of handling a ethics complaint?
2 Access to the meeting minutes, records, potential
3 violations of Open Meeting Act.

4 And I responded to everything that I could respond
5 to as the clerk. Some of those questions, actually, I
6 feel should have been sent to the city attorney, but
7 everything was addressed to the clerk. I received
8 another email that-- that was on the 17th. That was
9 the 18th. I received another email right after that
10 requesting the minutes, the transcripts, the video
11 footage. I sent the video footage where you could get
12 the link. I sent all of the minutes. But no matter
13 what I sent, it was not what she felt she should have
14 received. Then I was asked for the--

15 MR. BRANT: Sorry, I don't mean-- I just want to
16 -- I just want to make sure you answered the question
17 that you presented.

18 MS. JAMES: Okay.

19 MR. BRANT: You sent her what you had that was
20 available to send to her. You did respond by sending
21 her what she requested?

22 MS. JAMES: Yes, I did.

23 MR. BRANT: I want to make sure that's clear. So
24 is that-- is that correct?

25 MS. JAMES: I responded. I sent a copy of the

1 minutes, the action minutes, the affidavit, and the
2 letter of dismissal that the board had done.

3 MR. BRANT: Okay. And what came out of that?

4 MS. JAMES: And -- well, and I sent a link where
5 you can go and find the video. After that, it was --
6 I received another email. And the email said that the
7 affidavit was not correct, that she deserved to get
8 the -- the executive session minutes, and that I
9 didn't need to talk to the attorney. So what I did, I
10 turned around and I sent the law that states that you
11 cannot get executive session minutes, that the
12 executive session minutes -- she was not in executive
13 session; therefore, she was not privy to executive
14 session minutes. So then I received another email
15 that said that I was bound by ethical standards to do
16 principles of transparency -- be honest. And after I
17 sent that, I'm trying to --

18 MR. BRANT: Excuse me. Before you go. So -- so
19 you got that -- when your response to her was that you
20 could not comply with her about this request she made,
21 she sent you an email telling you something about
22 transparency or something to that nature?

23 MS. JAMES: Yes.

24 MR. BRANT: As if you weren't being transparent and
25 that you didn't give her the information to answer her

1 question, correct?

2 MS.JAMES: Correct.

3 MR.BRANT: Okay. So I guess so we can be clear,
4 you answered the question, and she continues to look
5 for things and try to elevate things that are not
6 there. Am I correct?

7 MS.JAMES: Yes. Anything that I send, there was
8 another email that came that I didn't do -- she said
9 she had issues with the copy of the affidavit that was
10 sent.

11 MR.BRANT: What was the issues?

12 MS.JAMES: It wasn't proper. I don't know what
13 the issues were, because the affidavit came exactly --
14 it came from the attorney as to how it was supposed to
15 be signed. She said I was neglecting to follow the
16 law and that --

17 MR.BRANT: Did she give you the law that you were
18 neglecting to follow?

19 MS.JAMES: No.

20 MR.BRANT: Did she raise a point -- a point to you
21 any place where the law was saying that you should do
22 something different other than what you were doing?

23 MS.JAMES: No. She said my actions suggested that
24 I was attempting to evade transparency.

25 MR. BRANT: Okay. And she didn't quote or point

1 you to anywhere where something had been established
2 where your pattern fit that pattern of doing what she
3 accused you of?

4 MS.JAMES: No.

5 MR.BRANT: Okay. You can proceed.

6 MS.JAMES: Then on March the 29th, the city
7 attorney answered everything again that I had sent and
8 told him that -- gave his legal opinion on what had
9 been sent.

10 MR. BRANT: What was that opinion, if you --

11 MS.JAMES: His opinion was the same thing that I
12 had sent, the law where the executive sessions could
13 not be given out and that I had done all that I could
14 do legally.

15 MR. BRANT: Okay. Go ahead.

16 MS.JAMES: I was threatened with further legal
17 action. And --

18 MR. BRANT: Specifically, what?

19 MS.JAMES: She said, "Failure to comply with the
20 law will not be tolerated, and I reserve the right to
21 take further legal action if required against you."

22 MR. BRANT: Okay. Go ahead.

23 MS.JAMES: So on March the 31st, I sent an email
24 to the city attorney and the mayor stating that I was
25 aware of my duties and responsibilities and that I was

1 being harassed with the further emails because those
2 emails were Councilwoman Hudson's opinion. They were
3 not facts. As the clerk, I have a right to deal with
4 the attorney. I have to, because the attorney is the
5 one that tells us the laws. And I didn't--I didn't
6 go to the attorney. I just quoted what the open
7 records law was regarding the executive session.

8 I told them that I was further reviewing the
9 podcast because my name had been called out on the
10 podcast several times for violating Open Meetings Act
11 and not being transparent, that I had not violated any
12 Open Meetings Act and I had not invaded any
13 transparency, that I was continued to be threatened
14 with further legal action. And I asked them if they
15 could stop this.

16 So on April the 1st, the mayor sent a letter to
17 Councilwoman Hudson, asking her -- telling her that
18 she kept falsely accusing the clerk and asked her to
19 stop. And of course, she responded back to the mayor
20 that she was an elected official and would be not
21 [sic]. Then April the 2nd, I got another email where
22 she asked me to provide her an update on her filing,
23 where she had filed a complaint against everybody that
24 was on the ethics -- that heard the ethics complaint
25 against her.

1 Then I got one, another one on April the 2nd,
2 Asking me to send a list of the Investigative
3 Committee. Then I received another one asking me to
4 send the emails for all of the Ethics Board members.
5 And then again, the email that I received on March
6 31st with all the threats in was sent again on April
7 the 4th.

8 MR. BRANT: Excuse me, Councilmember, I want to ask
9 you, so we can clear--how much of this information
10 she is asking for does she have the ability to go
11 retrieve herself?

12 MS. JAMES: Well, she knew who the Investigative
13 Committee was because I had sent out an email. I sent
14 out an email with the list of the people who were on
15 the Investigative Committee, but this was for -- an
16 email -- this was for a case that had been filed
17 against somebody else, not -- this case was against
18 her and Mr. Heath.

19 She thought that the case was against -- the one
20 that she had filed against the Investigative Committee
21 because I had them listed on it, which was incorrect.
22 It was -- it went to the Investigative Committee,
23 which consisted of every other person on the council
24 except for Councilmember Heath and Councilmember
25 Hudson. She thought I was sending it to the people

1 that she had filed the ethics complaint against, which
2 was the current Investigating Committee.

3 MR. BRANT: She was wrong in her assumption.

4 MS. JAMES: Yes.

5 MR. BRANT: You explained that to her?

6 MS. JAMES: No, sir.

7 MR. BRANT: But--

8 MS. JAMES: Because I had sent it to her, I didn't
9 say anything else.

10 MR. BRANT: Okay. Do you know if the-- if the
11 city attorney talked to her about --

12 MS. JAMES: The city attorney responded on April
13 the 14th on all the complaints dealing with all of
14 that.

15 MR. BRANT: And what did -- how did he respond?

16 MS. JAMES: He just explained everything that had
17 been going on and what was happening.

18 MR. BRANT: That-- at any point in his
19 explanation, did he say you were doing anything wrong
20 or you were hindering the process of the -- of the
21 city government moving forward in -- in what it was
22 doing?

23 MS. JAMES: No.

24 MR. BRANT: Go ahead, ma'am.

25 MS. JAMES: So on May the 1st, Councilmember Hudson

1 submitted a formal complaint against me with the
2 Georgia Attorney General's Office that I had violated
3 Open Meetings Act, obstruction of elected official
4 rights, and unethical conduct, that I unlawfully
5 refused to provide executive session minutes and --
6 despite her entitlement to it, and that I obstructed
7 transparency by assisting the mayor in concealing
8 information, which were all not true.

9 MR. BRANT: So did that go before the panel? Did
10 they make a -- did they rule on it?

11 MS. JAMES: Yes, they did.

12 MR. BRANT: And what was the ruling that they made
13 on that?

14 MS. JAMES: They dismissed the case because they
15 didn't find anything that I had done wrong.

16 MR. BRANT: Okay. So up to that point, she had a
17 -- she had a number of complaints, correct? She
18 formalized those complaints. She sent them up. And
19 some independent body, other than anybody here in
20 Fairburn, looked at it, correct?

21 MS. JAMES: Yes.

22 MR. BRANT: And they concluded that she had no
23 basis for her complaints. Am I correct?

24 MS. JAMES: Correct.

25 MR. BRANT: Okay. So what happened after that?

1 MS.JAMES: Then on July the 23rd, Councilmember
2 Hudson asked that I no longer do any of her travel and
3 training, that my assistant would do her travel and
4 training. And the mayor explained to her that that
5 was not the way it worked. And she accused me of
6 making disparaging remarks and having -- creating a
7 hostile work environment and that --

8 MR.BRANT: I apologize to you. Did she say what
9 the comments of what it was you were supposed to have
10 said?

11 MS.JAMES: She said I said I was tired of her.

12 MR.BRANT: Did you ever say that?

13 MS.JAMES: Nope. I said I was tired of what was
14 happening at -- at the council meeting. I did say
15 that.

16 MR.BRANT: Okay. Go ahead.

17 MS.JAMES: She said that -- she further said that
18 any member of the mayor's administration who engages
19 in speech and conduct that aims to portray her as the
20 problem, she would file a formal complaint or take
21 legal action against. So on July the 24th, I filed
22 the EEO complaint with the City of Fairburn Personnel
23 Office.

24 And I asked them if they would -- I filed it
25 because of all the emails that I was getting, the

1 constant harassment because every email that I got, I
2 answered. The constant lies and defamation of my
3 character that was being sent to Mayor and Council,
4 that was being on Facebook, that was being sent to the
5 Attorney General's Office. Discrimination of my age.
6 She said several times that "I'm sick of dealing with
7 you old people." I am 70 years old. And creating a
8 hostile work environment. I never knew what I was
9 going to be up against when I came in here the next
10 morning. So I filed that, and I felt that I was
11 getting retaliated against because the Attorney
12 General's Office said that I had not done anything
13 wrong.

14 So after that, I received from someone a copy in
15 August -- and I'm not sure of the date because I have
16 it on my phone -- a copy of the letter that the mayor
17 had sent to Councilmember Hudson in executive session,
18 asking her to -- informing her that I had filed an EEO
19 complaint against her. That was on the Facebook page,
20 which I thought was supposed to have been with
21 Personnel. Now that -- therefore all of the employees
22 know that I had filed an EEO against a council member.

23 MR. BRANT: Excuse me. I want to be very clear
24 about this. Is it protocol that you publish that
25 stuff for other people to see?

1 MS.JAMES: No, sir. That was in executive
2 session. It's a personnel matter.

3 MR.BRANT: Okay. So--so I want to be clear what
4 you're stating in front of the-- the-- this body,
5 that she published something that was not supposed to
6 be published. That was very private information.

7 MS.JAMES: Yes, sir.

8 MR.BRANT: And who did she publish it to?

9 MS.JAMES: It was on the Facebook page.

10 MR.BRANT: Okay. So it's to anybody who wanted to
11 go to the Facebook page. And this is despite the fact
12 that she's accusing you of doing something of the
13 same. She's literally doing this. And I think she
14 makes a comment that she's not going to listen to the
15 board or something to that effect, right?

16 MS.JAMES: Right.

17 MR.BRANT: And she's very clear about that, right?

18 MS.JAMES: Yes, sir.

19 MR.BRANT: Okay. Go ahead.

20 MS.JAMES: That was the last thing I received
21 that. And that was when the complaint was filed for
22 filing personnel information out on the Facebook page.

23 MR.BRANT: All right. Thank you. I--I don't
24 know how the board wants to do this, but that's all I
25 have for her. If you want to ask her a question, I

1 would -- I do have 20 minutes, so I'd like to call the
2 mayor so he can state his portion.

3 MS. OSUN: Board members, are there any questions
4 at this time for Ms. James?

5 MR. ANDERSON: Yeah, I have a question. You
6 mentioned that there was a podcast that some
7 disparaging remarks were made. Which podcast was
8 that? Who's the administrator for that podcast?

9 MS. JAMES: It says Fairburn Voters Matter Council
10 -- and Councilmember Hudson.

11 MR. ANDERSON: Okay. And you also mentioned that
12 she asked for the name of -- the names for the
13 Investigative Committee.

14 MS. JAMES: Right.

15 MR. ANDERSON: Did she ever say why she wanted
16 that?

17 MS. JAMES: No.

18 MR. ANDERSON: You also mentioned that --

19 MS. JAMES: Well, she -- she filed a letter back to
20 me stating that I couldn't put those people on the
21 Investigative Committee. But I was saying those
22 people were not the people for that particular ethics
23 complaint. The people that I sent the email to were
24 for the complaint between Hudson and Heath, not
25 between -- she filed against, I think, Davis, Hudson

1 -- I mean, Hattie, and one other.

2 MR.ANDERSON: Okay. And to your knowledge,
3 referring to the Investigative Committee, did you or
4 anyone else explain to her that the Investigative
5 Committee is already set? It's nothing that anybody
6 puts in place at any -- to your knowledge, did anybody
7 explain that to her?

8 MS.JAMES: Well, the Investigative -- I didn't
9 explain to her then. The Investigative Committee is
10 always the remaining council members who are not
11 included in the case.

12 MR.ANDERSON: I just want to make sure that the
13 public knows that.

14 MS.JAMES: Yes.

15 MR.ANDERSON: And, now, you mentioned the podcast.
16 You also mentioned a Facebook page. What is the
17 particular name of that Facebook page? And who's the
18 administrator, if you know?

19 MS.JAMES: The same. Councilwoman Hudson. It
20 could be Fairburn Voters Matter or Fairburn Forward.
21 But a lot of it is -- and the -- the communications
22 person and some of the others will get it -- when we
23 come out the council meeting, Councilwoman Hudson
24 would go out and the -- sit in the -- outside and have
25 her podcast about what went on in the council meeting.

1 MR.ANDERSON: Thankyou.

2 MS.JONES: I have a question. With the filing of
3 -- not filing, but placing on Facebook and the
4 podcast, was there any retaliation from you -- from
5 the residents of the City of Fairburn, from that?

6 MS.JAMES: For the -- from the residents?

7 MS.JONES: Yes.

8 MS.JAMES: Not to me, but it -- it could -- if I
9 was trying to get another job, it could hurt me. It
10 could mean that I'm violating the Open Meetings Act,
11 or I'm doing something that I should not do, and
12 that's not true.

13 MS.JONES: I just want to -- I want to know
14 whether you was feeling threatened from some of the
15 comments. Any retaliation from her Facebook posting
16 and her iPod [sic]?

17 MS.JAMES: I felt that it was defamation of my
18 character. I've been a clerk since 1999, and I've
19 never been to the attorney general or never had anyone
20 to say that I'm violating Open Meetings or Open
21 Records or that I'm doing something because you and
22 the mayor have an issue and therefore it's put on.

23 MS.JONES: Okay. So you just had -- it -- it
24 really brought defamation to your character.

25 MS.JAMES: Yes, ma'am.

1 MS.JONES: But you didn't have any result from the
2 citizens of the City of Fairburn?

3 MS.JAMES: No, ma'am. A lot of citizens came to
4 me and said, "I'm praying for you" or I -- you know, I
5 mean, I don't know what it was for, but they would say
6 that to me.

7 MS.JONES: Okay. Thank you.

8 MS.RAGLIN: I want to ask: After the state
9 offices turned her down, did she in any way try to
10 appeal that decision from the state?

11 MS.JAMES: I don't know, because it goes to --

12 MS.RAGLIN: I'm sorry.

13 MS.JAMES: I don't -- I don't know. I mean, she
14 always says, "I'm taking you all to the attorney
15 general, or I'm -- I'm doing this." So you don't know
16 until they send it to you. When they send it, they
17 sent the -- they called and asked for the attorney's
18 address, the attorney's information, and they sent it
19 to the attorney, and the attorney had to respond to
20 the complaint.

21 MS.RAGLIN: Okay.

22 MS.JONES: I have one more question. With all
23 that has taken place during this time, this duration,
24 has it been anyone that have tried to sit down with
25 you and her to explain the procedure of how it works

1 as a city councilperson with the city clerk?

2 MS.JAMES: I don't think anybody would sit down
3 with us. Right now, we don't have any correspondence
4 at all. I mean, when I send out stuff, if it goes to
5 the entire council, I do, but we don't have straight
6 communications because I feel that I don't need to
7 have communications with her.

8 MS.JONES: I was talking about in the beginning,
9 when it first started.

10 MS.JAMES: Oh, we--we spoke long time ago when
11 it first started, and it was-- you know, "I-- I
12 heard things, but I have no hard feelings towards you.
13 You know, we work together." And I said, you know
14 what? I'm a professional. I treat everybody the
15 same. And I always used to joke and say I like the
16 mayor, but I only wear orange for Brenda James, not
17 for Mayor Avery, so.

18 MS.RAGLIN: Do you think that the city made
19 available to her all the training she would have
20 needed to understand the materials that she was
21 sending out concerning laws and procedures?

22 MS.JAMES: Oh, yes.

23 MS.RAGLIN: She at any time take advantage of the
24 trainings that the city set up?

25 MS.JAMES: All council members go to-- go to

1 training. They go--they go to office--

2 MS. RAGLIN: She takes advantage of it.

3 MS. JAMES: Yes. She's been to--been to
4 training.

5 MS. OSUN: I have a question, Ms. James. Can you
6 expound on the age discrimination comment? What
7 context, what phrase, what form was that used?

8 MS. JAMES: "I'm not going to fool with you old
9 Folk no more. I'm tired of being up here with all you
10 old folk."

11 MS. OSUN: And she told you that directly?

12 MS. JAMES: She--not to me. But she would say
13 it.

14 MS. OSUN: To whom?

15 MS. JAMES: Just on the mic. It could be me. It
16 could be Councilmember--any council member. It's
17 just the fact. "I'm sick of fooling with you old
18 folk."

19 MS. OSUN: And is that--

20 MS. JAMES: Not directly at me, but I'm sitting
21 here when it's said.

22 MS. OSUN: Can--do you recall the context it was
23 used in? Was it at a recorded City Council meeting?

24 MS. JAMES: It should be recorded. Now, if--for
25 Me to go find it, I don't know, but it's been said a

1 couple of times.

2 MS.OSUN: Okay. Do you remember what-- the
3 discussion?

4 MS.JAMES: It wasn't a discussion. I mean, it
5 could have been her and the mayor going at it.

6 MS.OSUN: Okay.

7 MS.JAMES: And then get-- you know, at the end of
8 it, "I'm just sick of fooling with you old folk." Or
9 her and Councilwoman Hattie Portis-Jones. "I'm sick
10 of fooling with you old folk." And it could have been
11 meant to her, but, you know, for me, I'm an old folk.

12 MS.OSUN: So you-- you took offense to it, but
13 you're not for sure if it was directly --

14 MS.JAMES: Yeah, directed for me--

15 MS.OSUN: --for you.

16 MS.JAMES: --but I took offense to it, yes.

17 MS.OSUN: Okay. And is-- your EEOC complaint's
18 pending investigation still?

19 MS.JAMES: Yes.

20 MS.OSUN: Okay. Thank you. Are there any other
21 questions?

22 MR.SMITH: I have one question. I want to be
23 clear about something, Ms. James. You stated-- you
24 stated a few minutes ago that if a council member is
25 not present in the executive session, they don't have

1 privilege to the information?

2 MS.JAMES: No. Well, see, in executive session,
3 when you go in to executive session, we don't really
4 have to record the minutes, but what we do have to
5 record is what was discussed. If there is a big
6 discussion in executive session -- say, for instance,
7 it's about property or whatever -- those minutes are
8 sealed after that. And when you come out and vote,
9 you come out and vote, and anybody can get that.

10 But all of the discussion in an executive session
11 is sealed, and they are opened by law. You go to
12 court, and when you go to court, the judge, they omit
13 to take pictures of it, of what's handwritten and
14 what's that. And this particular executive session
15 was an -- the -- the board between Hudson and Heath,
16 and neither one of them were in there and neither one
17 of them needed to know that you said what you said,
18 so.

19 MR.SMITH: All right. Thank you.

20 MS.OSUN: Thank you. Any other questions, Board
21 members? Council -- Mr. Cochran?

22 MR.COCHRAN: Good afternoon, everybody. My
23 question is back to the sequences on the codes, not
24 directly with -- with her. I don't know if it's the
25 proper time to ask.

1 THE CLERK: Sir, can you speak in your mic?

2 MR. COCHRAN: I-- the question I need to ask is--
3 to ask is about sequence events that happen with the
4 letters and the sequences that -- that the code is
5 addressing now, not directly with her and the clerk.
6 So do I need to answer that to the--

7 MS. OSUN: To counsel?

8 MR. COCHRAN: --to the attorney now, at this time?

9 MR. ASHE: My suggestion would be that if you have
10 a question for me or a question of the complainant in
11 general, but not of the clerk, that we conclude the
12 clerk's testimony, let her step down off the stand, or
13 off the -- off the table, as it were, and then you
14 move on to ask the -- whatever question it is.

15 (Ms. James dismissed from witness stand.)

16 MR. COCHRAN: Okay. What I need to do is get the
17 sequence of events. The sequence of events, as I have
18 it, is that the filing of the ECC-- EEO complaint,
19 and that got in to the mayor, who filed for the
20 complaint to go to -- to the Ethics, which went to
21 the, at that time, not the Ethics but to the City
22 Council for us to -- the City Council for us to deal
23 with the -- the complaints. Okay. During that time,
24 some things happened, at that time, if I'm not
25 mistaken, and that Ms. Hudson did some things before

1 that happened. What was the first thing she did?

2 MR. BRANT: Are you asking me?

3 MR. COCHRAN: I'm asking you.

4 MR. BRANT: Well, the first thing -- I understand
5 there was a problem with her and another one of the
6 council members prior to this escalating with the --
7 with the secretary. I -- then it turned -- turned
8 after she was in a prior altercation with another
9 council member. Then when they had a council meeting,
10 and then there was an issue came up as to whether or
11 not the meeting should be open or closed. They
12 indicated to her that the -- that the meeting -- that
13 they had the people there for the meeting, and it did
14 not have to go to the public. And -- and I think that
15 became an issue.

16 That's when the bigger part of this broke off into
17 something big. I think her and the secretary had
18 already had some issues going on prior to it spinning
19 around till it got to the mayor. So when -- when this
20 whole issue came up about whether or not the meeting
21 could be open or public, they -- they went on and had
22 the meeting. From that, another complaint came out
23 from Ms. Hudson, which has us here now. Because after
24 that, she goes and she starts attacking the secretary.
25 And then the mayor steps in on her behalf and says

1 cease and desist. And she basically makes it clear
2 she's not going to do any of that.

3 MR.COCHRAN: Okay. Okay. Okay. Let's--let's
4 backup a little bit. So the first thing happened is
5 we--we--we got a problem with her. We filed a
6 complaint first -- the first --

7 MR.BRANT: [Crosstalk] -- filed the complaint.

8 MR.COCHRAN: Okay. We threw the complaint with
9 her there. Okay. Then the next action was taken by
10 the mayor, right? Just said --

11 MR.BRANT: It was her filing -- well --

12 MR.COCHRAN: The action on her complaint was going
13 to go to the City Council, right?

14 MR.BRANT: Right.

15 MR.COCHRAN: Right. So she rejected that going to
16 the City Council. The next thing that happened was
17 she made a comment, and the mayor made the comment
18 that she could not talk about this to other people
19 because it's going to the City Council because -- had
20 set up to have the meeting and everything done in
21 closed sessions at City Council at this time, right?

22 MR.BRANT: Correct.

23 MR.COCHRAN: Okay. The next thing, after he gave
24 her the letter not to do it, she said she was going to
25 do it for transparency. Is that correct?

1 MR. BRANT: Yes, that's her explanation.

2 MR. COCHRAN: Okay. Next thing, the attorney sent
3 a letter saying, "You can't do that. The mayor's
4 correct, saying that you can't do this." Right?

5 MR. BRANT: Right.

6 MR. COCHRAN: The next thing that happened after
7 that was she did the public thing.

8 MR. BRANT: She posted.

9 MR. COCHRAN: Posted public thing.

10 MR. BRANT: Right.

11 MR. COCHRAN: Is that the correct sequence?

12 MR. BRANT: That was correct.

13 MS. OSUN: Counsel, I have a question. Going back
14 to the executive session meeting -- and my
15 understanding is this is kind of where this all kind
16 of had a domino effect and spiraled. Is that correct?

17 MR. BRANT: I think for this portion, yes.

18 MS. OSUN: Okay. For purposes of this hearing, is
19 that correct?

20 MR. BRANT: Yes, yes.

21 MS. OSUN: Are there allegations that you're aware
22 of by the respondent that that meeting was not
23 properly held?

24 MR. BRANT: I think--

25 MS. OSUN: What is the issue surrounding that

1 executive session, and is that why she was so adamant
2 to get the -- I need a better understanding on this
3 executive session that was held. And was it held in a
4 proper manner? Were--

5 MR. BRANT: I can call Ms. -- I can call back the
6 witness I just called. Can we call --

7 MS. OSUN: Absolutely. Please.

8 MR. BRANT: Ma'am, would you come up, please?

9 (Ms. James returns as a witness.)

10 MR. BRANT: You've -- you've previously been sworn
11 in, and so I want to follow up and just ask you
12 something. Are you familiar with the meeting that the
13 question has been presented me to about [sic]?

14 MS. JAMES: Okay. Are you talking about the first
15 executive session, or are you talking about the
16 meeting that they had where the mayor is now filing
17 the complaint?

18 MS. OSUN: The executive session that created the
19 spiral of emails in April --

20 MR. BRANT: If I may --

21 MS. OSUN: -- demanding records that she was
22 informed she wasn't privy to because she was not in
23 that executive session. Why was she not in that
24 executive session?

25 MS. JAMES: Okay. She was not there because she

1 filed a complaint against Councilmember Heath. When
2 you file the complaint, the Investigative Committee
3 hears the complaint. The Investigating Committee is
4 all remaining mayor and council members and the city
5 attorney. So neither of them were in that meeting.
6 What happened, we talked, just like you're talking
7 now, and then when they got ready to deliberate, they
8 went into executive session to deliberate so that they
9 can talk about what can't be talked about in the
10 public. Once they decided what they wanted to do,
11 they came back out in regular meeting to vote on what
12 they wanted to vote on, the same as you would do if
13 you wanted to deliberate. You would go into executive
14 session and then come out and vote.

15 MS.OSUN: I see. And so the records she was--
16 the respondent was requesting were all pertaining to
17 the executive session, the -- pertaining to the
18 complaint that she was pursuing against Councilmember
19 Heath.

20 MS.JAMES: Right.

21 MS.OSUN: Thankyou. That's all I have.

22 MR.BRANT: Any further questions?

23 MR.ANDERSON: I think I have one. So--

24 MS.JAMES: For me?

25 MR.ANDERSON: Yes. As far as--far as the

1 executive sessions, were there any other executive
2 sessions that were missed by Ms. Hudson? Like, did
3 she miss any other executive session?

4 MS. JAMES: Well, I-- I-- I can't answer that
5 without going back to check and see whether she was at
6 the meeting or not. But the executive session is
7 called by the attorney. If he says we need to have an
8 executive session or -- and then they vote -- they
9 vote to go into an executive session, so a vote is
10 taken to go there. You cannot sit in an executive
11 session if you are part of the issue.

12 MR. ANDERSON: Got you.

13 MS. JAMES: Now, I'm sure there probably has been
14 another executive session because there was another
15 complaint or something that was filed. There -- there
16 was an executive session to discuss my EEO, and
17 neither one of us could go in it. She couldn't go in
18 it, and I couldn't go in it.

19 MR. ANDERSON: Got you.

20 MS. RAGLIN: So do you think this-- the labels and
21 the procedures that go with the labels for all these
22 meetings, councils, does that seem to be what's
23 missing? It's a matter of reading and understanding
24 material before making accusations. Do you think that
25 this is what has happened? That there was limited

1 understanding or investment before making the
2 accusations?

3 MS.JAMES: No, ma'am. The attorney explains
4 everything. The attorney has put everything in
5 writing. He has put in writing about the executive
6 session. He has put in writing why we can go in
7 executive session. The attorney general ruled that
8 the executive session was legal to go in there. And,
9 you know, Mr. Starkey gives papers and papers laying
10 out what the law is, where you can find this and
11 everything. But he doesn't know what he's talking
12 about as far as some people are concerned.

13 MS.RAGLIN: Thank you.

14 MS.OSUN: Thank you. That's all I have for Ms.
15 James. Any other questions for Ms. James?

16 MR.ANDERSON: I'm good.

17 MR.SMITH: Nothing.

18 MS.OSUN: Counsel, you may proceed.

19 MR.BRANT: At this time, I'd like to swear in
20 Mayor Avery and ask him some questions.

21 MARIO AVERY,
22 after having been first duly sworn, was examined and
23 testified under oath as follows:

24 MR.BRANT: State your full-- full name for the
25 record, sir.

1 MR.AVERY: Mayor Mario Avery. Mayor of the City
2 of Fairburn.

3 MR.BRANT: Okay. Mr.Avery, what do you know
4 about this situation, and when did you get involved
5 with it, and what -- explain to the panel, what did
6 you do?

7 MR.AVERY: I was actually apprised of an issue. I
8 want to say it was around early August. And basically
9 in this case, prior to that, actually Ms. James had
10 mentioned to me, you know, that, you know, "Mayor, I'm
11 -- I'm getting harassed and, you know, I may have to
12 ask the council, you know, to do something about it or
13 I'm about to take it into my own hands." And so, long
14 story short, I received on August the 6th a notice, a
15 notice of complaint. And so August the 6th, I was
16 told a notice of complaint was filed by the city
17 clerk, an EEO complaint.

18 And then at which time, I actually composed a -- I
19 composed a letter to basically ensure that it was --
20 well, you know, not me, the city attorney, if I'm
21 correct -- the city clerk's office properly informed
22 council as a whole that a notice of EEO complaint has
23 been filed. Then, at which time, on August the 7th,
24 my -- my records is Ms. Hudson pretty much made it
25 clear that she would not comply with any of the -- any

1 information that I'd given her as it relates to a
2 cease and desist.

3 I sent the letter to cease and desist in my -- in
4 my efforts to protect the government for what -- I'm
5 in the compliance business. And so I fully understand
6 in this case what I believe was creating a legal
7 exposure for the city. Because at this point, Ms.
8 James had never said she would sue anybody, and had
9 never alleged that, but having been in this business
10 long as I have, in the compliance business, if the
11 city did not take some type of affirmative action to
12 request her to stop harassing this woman, at which
13 point -- which is when I sent a cease and desist. At
14 which time, on August the 7th -- excuse me, at which
15 time, Ms. Hudson indicated in a letter, August 11th,
16 that she would not comply.

17 MR. BRANT: Let me ask you a question. Is it your
18 understanding that as a whole the city could be sued
19 and brought into this through a civil action by, I
20 guess, the secretary or anybody else who had a problem
21 with what she was doing?

22 MR. AVERY: That's correct.

23 MR. BRANT: And could have created exposure for the
24 city to be financially harmed or even sought after.
25 You would have to pay to defend yourself and otherwise

1 to even try to recoup from her. Is that correct?

2 MR.AVERY: That's correct.

3 MR. BRANT: With that being said, you informed her

4 of these things, and she did not slow down or -- or

5 even consider the onset of burden that she was putting

6 on the city and everybody involved in this process.

7 Am I correct?

8 MR.AVERY: That's correct.

9 MR. BRANT: Okay. You can go.

10 MR.AVERY: It will be -- and then also one of the

11 things that really concerned me was that in this case,

12 Ms. Hudson's actions are comprised -- you know, in

13 this case, created potential legal exposure for the

14 City of Fairburn. And it undermines the rights of our

15 employees, both federal, state, and municipal,

16 according to municipal law. So my major concern as

17 mayor was not only that you were exposing the city

18 clerk's personal information, but you were actually

19 exposing the government as a whole to legal liability

20 that we would -- that citizens' taxpayer money would

21 have to pay for.

22 At which time the city attorney came -- came behind

23 me on August the 7th and sent basically a verification

24 letter that the email that I sent to Ms. Hudson was

25 legally sound. In summary, that's what he was

1 indicating. Everything that I--I stated to Ms.
2 Hudson asking her to cease and desist was legally
3 sound.

4 MR. BRANT: Was there a response to your letter to
5 cease and desist?

6 MR. AVERY: Yes.

7 MR. BRANT: What was her response?

8 MR. AVERY: Her response, in summary, was that "you
9 have no authority over me and I will not -- I will
10 not" -- and I'm trying to --

11 MR. BRANT: Comply?

12 MR. AVERY: "I will not comply to what you have
13 mentioned." Okay. So then at which point, a
14 disclosure violation in -- of confidentiality on
15 August the 9th, basically, in this case, we were --
16 information was conveyed that we -- I apologize. I
17 got my notes mixed up. A public disclosure violation
18 of confidentiality. In this case, in summary, Ms.
19 Hudson was clearly made aware of the City Code clearly
20 says you cannot share confidential information, and so
21 she made that real clear that she was not going to
22 comply.

23 MR. BRANT: So let me ask you: I think it's come
24 out twice, sitting in front of this panel, they go
25 through a training process before they're brought in

1 to start working, correct?

2 MR.AVERY: That's correct.

3 MR.BRANT: Was that information given to her at
4 that training session? Are you aware of -- that she
5 -- what kind of information they could reveal to the
6 public and to their constituents?

7 MR.AVERY: GM -- yes. GMA does extensive training
8 as it relates to do's and don'ts. They actually, in
9 this case -- because I left off and came back, one of
10 the things that's very commendable for GMA, they
11 actually do a mock council meeting to show things that
12 can be done and things that cannot be done. So again,
13 as it relates to Ms. Hudson not being aware of what
14 was actually authorized, that's -- that's almost
15 virtually impossible. The other part, Ms. Hudson
16 brags about having a -- I believe, a doctorate degree
17 now recently in policy. There's no way in the world
18 if you got a background in that kind of policy -- I
19 have a MBA in business administration. There's no way
20 in the world that that type of information -- you
21 didn't read this policy. I've read through it six,
22 seven times.

23 MR.ASHE: Madam Chair, the 20 minutes for the
24 complainant's time has expired. If the Board would
25 like to hear additional information from the

1 complainant, I would recommend a motion to extend the
2 time limit to do so. I do have a few questions for
3 the complainant or for his counsel at -- at the
4 appropriate moment.

5 MS.OSUN: Thank you. Board, is there a motion to
6 extend the time to hear additional information from
7 the complainant?

8 MS.JONES: So moved.

9 MS.OSUN: Is there a second?

10 MR.ROBINSON: Second.

11 MS.OSUN: All in favor?

12 VARIOUS: Aye.

13 MS.OSUN: That carries.

14 MR.ASHE: How much additional time do you want to
15 give?

16 MS.OSUN: 10 minutes.

17 MR.SMITH: Motion to --

18 MS.OSUN: Is there a motion to extend by 10
19 minutes?

20 MR.ROBINSON: Make a motion to extend the time by
21 10 minutes.

22 MS.JONES: Second. 10 minutes.

23 MS.OSUN: All in favor?

24 VARIOUS: Aye.

25 MS.OSUN: That carries. Thank you.

1 MR. BRANT: I appreciate it, Counsel. I don't know
2 if we're going to need the 10--

3 MR. AVERY: Yeah, yeah, I'm finished.

4 MR. BRANT: I think the mayor was finished
5 explaining everything that the -- [indiscernible]
6 filed in violation and what he experienced. So I
7 think we're done with that. I may have a few--well,
8 I think I did that.

9 MS. OSUN: You do have closing remarks remaining.

10 MR. BRANT: Do I--do I--Counsel, want me to get
11 into that now you want me to go--

12 MR. ASHE: Madam Chair, if you'll permit me, I--
13 there are a few things I'd like to ask before...

14 MS. OSUN: Absolutely. And I--I do--and I'm
15 sorry if I missed this. I do have a question as well,
16 Mr. Ashe, before you proceed, if that's okay.
17 Counsel, can you confirm -- I'm sorry if I missed this
18 -- the date where -- of the formal filing of the EEOC
19 complaint and whom was it -- which departments was it
20 filed with?

21 MR. BRANT: One second. Yeah. Notice of the EEOC
22 Cease and Desist Directive, August the 6th, 2025. On
23 Wednesday, August the 6th, '25, Council Hudson
24 formally notified by letter copied to the entire City
25 Council that the city clerk, Brenda James, had filed a

1 written Equal Employment Opportunity Complaint with
2 the Human Resources Director, naming Ms. Hudson as the
3 subject.

4 The letter confirmed the complaint was proper and
5 actionable under the Section 2-5.6(A) of the City
6 Personnel Policy and Procedure Manual. Ms. Hudson was
7 advised that the retaliation, direct or indirect,
8 against Ms. James was strictly prohibited under
9 Section 2-50.6(B) and could result in additional
10 consequences, including formal council action or
11 referral to ethics and legal authorities. She
12 explicitly -- she was explicitly instructed that
13 because this is pending personal matter, any
14 discussions must be conducted only in a duly convened
15 executive session, not in public meetings. Despite
16 all that, she --

17 MS.OSUN: And council members are bound by that
18 procedural manual. Is that correct?

19 MR.BRANT: That is correct.

20 MS.OSUN: Okay. And so the EEOC complaint was
21 filed with the City of Fairburn. Was it filed with
22 any federal agency or any other entity?

23 MR.BRANT: My understanding was it was not filed
24 by federal -- with -- not with any other agency.

25 MS.OSUN: Okay. But council members are bound by

1 that Employee Procedural Manual.

2 MR. BRANT: Correct. Correct.

3 MS. OSUN: And they are aware of that in training.

4 MR. BRANT: Yes.

5 MS. OSUN: Okay. Thank you.

6 MR. BRANT: Everything we derived, she is aware.

7 It was explained to her, and she had more than enough

8 time. If she had it--in her dealings with the city

9 attorney, she could have gotten anything clarified.

10 It is my understanding, although we haven't asked

11 questions to it, that she not only was aware of the

12 city attorney. She's asking many questions, and she

13 sort of cherry-picks what she really wants to know and

14 what she doesn't want to know.

15 MS. OSUN: Understood. Thank you. Mr. Ashe?

16 MR. ANDERSON: I have one more question. So as far

17 as -- you issued the cease and desist, correct?

18 MR. AVERY: Yes, sir.

19 MR. ANDERSON: And then she-- she responded by

20 saying she would just refuse to comply.

21 MR. AVERY: Yes.

22 MR. ANDERSON: Did she give any particular reason

23 as far as why she decided?

24 MR. BRANT: I think the word--if I may, I think

25 the word that she continually used throughout is a

1 catchphrase, catch-all. She says "transparency."
2 That's what she means. That's the replete and
3 everything -- when she's approached about these things
4 and told that she's wrong for doing them, she goes
5 back to "free speech" and "transparency."

6 MR. ANDERSON: So in this case, the reason that she
7 gave for --

8 MR. BRANT: Transparency. That is literally the
9 reason she gave.

10 MR. ANDERSON: You said free speech too.

11 MR. BRANT: In this -- for that particular -- the
12 last she said, in an effort to be transparent, she's
13 going to let her council members know things that she
14 knows specifically as -- as her membership to this
15 body that she's not supposed to give out to the
16 public. But that's her rationale for giving it out.

17 MR. ANDERSON: So when you -- when she's using the
18 word "transparency," is she saying transparency
19 between herself and other council members, or is she
20 saying transparency between herself and the general
21 public? Or does she not make that clear?

22 MR. BRANT: Let me -- let me speculate, because I
23 don't know how she's -- how she's putting this
24 together. What my reading of what she's saying is
25 transparency with her public, her constituents, and

1 with this body, even though this body doesn't agree
2 with her definition and interpretation of what
3 transparency is and has instructed and informed her
4 that that's not transparent. That is you giving out
5 information that is not supposed to be shared with the
6 public.

7 MR.ANDERSON: That's what I'm trying to get
8 clarity on, so. Okay. Thank you.

9 MR.BRANT: Yeah. She keeps calling that being
10 transparent.

11 MR.ANDERSON: Okay. Gotcha.

12 MS.JONES: Okay. I have a question before you --
13 Mayor Avery, you said Ms. Hudson -- on August the 9th,
14 she broke the confidentiality. Was that with the
15 posting on Facebook and the iPod [sic] that she did,
16 or was it something else?

17 MR.AVERY: There's actually a posting -- give me
18 one second. I actually want to make sure. It was
19 actually a posting that she posted of this, and it's
20 called the -- in this case, "When Transparency is
21 Relaxed With -- With Silence." That was the title, I
22 believe, of it. And then in this case --

23 MR.BRANT: Do you have --

24 MR.AVERY: Yeah, I believe actually that's it.

25 MR.BRANT: Question. Can we mark this as Exhibit

1 1 and [indiscernible]?

2 MR. ASHE: So this is what I was suggesting. I
3 distributed both sides, Council, prior to the meeting,
4 three proposed consent exhibits. They are in your
5 notebooks as tabs 5, 6, and 7. If the Board will
6 permit me, I think I can authenticate them with the --
7 with the complainant and recommend their admission. I
8 did not receive a response or objection to -- to doing
9 so prior to the hearing but would suggest that it
10 would be helpful to have them as -- as part of the
11 record right now. And I think that the contents of
12 those may well answer some of the questions.

13 MR. BRANT: And I have no objection, Counsel.
14 [Indiscernible]

15 MS. OSUN: Is there a motion to --

16 MR. ASHE: May I -- Madam Chair, if I may --

17 MS. OSUN: Yes, sir.

18 MR. ASHE: -- go through the exercise of getting
19 them admitted.

20 MS. OSUN: Absolutely.

21 MR. ASHE: Thank you. Mayor Avery, would you
22 please take a look at what I've marked in the top
23 corner as Exhibit A? And this is, I believe, tab 6.

24 Excuse me. It's tab 6.

25 MS. OSUN: Okay.

1 MR. ASHE: Mayor, do you recognize that document?

2 MR. AVERY: I do.

3 MR. ASHE: Is this a copy of the cease and -- of
4 what you referred to as the cease and desist letter
5 earlier?

6 MR. AVERY: Yes, sir.

7 MR. ASHE: Okay. At this point, Madam Chair, I
8 would recommend that the Board admit this as Exhibit
9 A. But -- and that's a decision you can make subject
10 to being overruled by a majority vote of your Board.
11 But it is, by the rules of the -- of the Board, a
12 decision for you to make. But I would -- my role is
13 to recommend its admission to you, which I do.

14 MS. OSUN: Yes, I would -- there's no objection on
15 my end to this being admitted as Exhibit A.

16 (Exhibit A was admitted into evidence.)

17 MR. ASHE: All right. Next, I will give the
18 complainant what I've marked as Exhibit B. This, for
19 the Board's benefit, is tab 7 in your books. Mayor
20 Avery, do you recognize this document?

21 MR. AVERY: I do.

22 MR. ASHE: Is it a copy of an -- of the email chain
23 in which Councilmember Hudson responds to your cease
24 and desist letter, and then discusses the basis for
25 which she -- her opinions about said letter?

1 MR.AVERY: That's correct.

2 MR.ASHE: And this is what you were referring to
3 earlier when you said that she said she would not
4 comply with your letter, is that correct?

5 MR.AVERY: That's correct.

6 MR.ASHE: Okay. But you're familiar with this,
7 and it appears to be a true and correct copy of that
8 email exchange?

9 MR.AVERY: It is.

10 MR.ASHE: Madam Chair, I would recommend the Board
11 admit this as Exhibit B.

12 MS.OSUN: I have no objection to admitting Exhibit
13 B into evidence.

14 (Exhibit B was admitted into evidence.)

15 MR.ASHE: Last, I'll hand you what I've marked as
16 Exhibit C. Mr. Mayor, do you recognize this document?

17 MR.AVERY: I do.

18 MR.ASHE: Is this a copy of the ethics complaint
19 you submitted giving rise to this proceeding?

20 MR.AVERY: Yes, sir.

21 MR.ASHE: And is the attachment to the complaint
22 itself a copy of the posting you were referring to
23 earlier?

24 MR.AVERY: Yes, sir, it is.

25 MR.ASHE: On that basis, I recommend to the Board

1 it admit this document, which is tab 5 in your
2 notebooks, as Exhibit C.

3 MS.OSUN: No objection in admitting Exhibit C.

4 (Exhibit C was admitted into evidence.)

5 MR.ASHE: That is the sum total of my questions
6 for the witness.

7 MS.OSUN: Okay.

8 MR.SMITH: I have a question. Mayor, I wanted to
9 kind of make something clear and reiterate something
10 you said about as the CEO of this city, and it was
11 your duty to send out a stop and desist letter?

12 MR.AVERY: Yes, sir. It--it is my duty to
13 ensure that -- ensure that all employees, and even
14 council members, are dealt with respectfully and free
15 of harassment.

16 MR.SMITH: Okay. And that was based on the fact
17 that, you know, the city could have been held liable
18 for Ms. Hudson's action?

19 MR.AVERY: That's correct.

20 MR.SMITH: Okay. Thank you.

21 MS.OSUN: Board members, are there any other
22 questions for counsel or the complainant? Counsel, do
23 you have any closing remarks at this time?

24 MR.BRANT: Yes, and I'll be brief.

25 MS.OSUN: Absolutely.

CLOSING STATEMENT

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MR. BRANT: Ladies and gentlemen of the -- of this panel --

MR. ASHE: Would you move the microphone over?

MR. BRANT: I really just want to say thank you all for your patience and everything that you've gone through this evening. But what I want to say in closing is this. I think the facts of this have been rehashed at least several times in front of this panel here this evening. I've struggled with -- I think what's in front of this panel is making a decision on what to do with an elected official who, first, we have to decide, is making decisions not to follow rules on her own and willfully.

I think the City of Fairburn, to be successful and to succeed, I think this panel has to decide whether this individual is a hindrance to what is trying to be accomplished here for city purposes and the constituents, or if this is really a violation of somebody who's really trying to do work for its constituents.

I think when you have a city attorney who's being -- who's been selected and being paid to represent the city, who's knowledgeable of the law governing the city and the rules of this council, and that they give

1 the information to the council member that is needed
2 to help clarify her concerns, which has been stated
3 what has occurred in this particular case. And she
4 continues, despite being informed of the information,
5 to go out and do things against the law, against
6 procedure and code, and to put this city in jeopardy
7 of being exposed to civil litigation.

8 I don't know. I mean, I think for me, my first
9 concern, like the panel has gotten into earlier, is:
10 Is there a problem with her mental capacity in
11 understanding what she's being told and how she's
12 being trained? Does she have a capacity limit of
13 understanding what's being told to her? Because if
14 she doesn't, then we get to the clear disregard for
15 rules and following law. And that's kind of where we
16 are.

17 I don't envy the panel in the decision it has to
18 make. I think that that-- I think what is upon you
19 is really considering how you want this City Council
20 to work. I mean, I've never seen a clearer example of
21 it. You have a clear example of an individual who
22 doesn't want to hear anything the mayor has to say,
23 the city attorney. It's not like we have one person
24 on her side here saying, yeah, "I kind of agree with
25 her. She might be right. Let's look into the law."

1 Everybody has told her she's wrong and despite her
2 knowing that she's wrong, she keeps doing what she
3 does.

4 So I think that this body has to decide whether or
5 not she's prohibiting the function and the growth of
6 this body. Is she allowing for work to be done for
7 its constituents or is she single-handedly obstructing
8 and upholding progress here? I would answer that with
9 the response in the -- in the email exchanges I've
10 read, yes, she is. That's what I would argue. I
11 would ask the panel to go back and look at this and
12 then if you come up with a different verdict or
13 opinion, then I guess that's what you will come up
14 with.

15 But I -- I cannot -- even to find out that she has
16 a doctorate degree. We're not talking about a
17 comprehension issue here. We're talking about a
18 refusal to accept what is being told to you by an
19 attorney for the city, who has liability if he's -- I
20 mean, if he's telling her something wrong, she has a
21 right to go after him. She hasn't gone after anybody,
22 but she yet continues to do the same thing, hindering
23 the progress of this city to move forward with the
24 business of the city. We just -- I would ask that the
25 city -- that however you all rule, that you rule with

1 yourselves in mind and the city in mind and how you
2 want to move this city, and is she being a part of
3 your ability to do that? That's all I have to say to
4 you.

5 MS.OSUN: Thank you. Board, is there a motion to
6 go into executive session at this time?

7 MS.JONES: So moved.

8 MR.ASHE: For the purposes of deliberation.

9 MS.OSUN: For the purposes of deliberation.

10 MR.SMITH: Second.

11 THECLERK: Who made that motion?

12 MS.OSUN: Who--

13 MS.JONES: I did.

14 THECLERK: And who seconded it?

15 MR.SMITH: I did.

16 MS.OSUN: All in favor?

17 VARIOUS: Aye.

18 MS.OSUN: Any opposed? Thank you.

19 MR.BRANT: Ma'am, I do want to say one--I--I
20 forgot to say one last thing.

21 MS.OSUN: Okay.

22 MR.BRANT: And I do need to say this in this--in
23 this hearing. I think the other thing I would--I
24 would point out to the panel before you go back and
25 make your decision. Today, I mean, I--we come in

1 here today for this hearing. The information about
2 this hearing has been known for at least two, three
3 weeks, a month, minimum. The fact that she is not
4 here and on the day of the hearing, this -- her
5 reaction to this hearing is exactly what they're
6 dealing with on the council panel in meeting.

7 She knows she has a hearing. Half an hour before
8 we start the hearing, she -- there's an email sent out
9 saying, "I'm out of town." Despite the fact that you
10 know. And every arrangement that could have been made
11 legally and procedurally that you could have filed to
12 protect yourself, she just didn't do. So I guess the
13 panel also has to decide whether this is not knowing
14 the rules, not caring about the rules, or just not
15 doing anything.

16 I mean, I don't know how you decide that, but it's
17 evident that she's not here. She knew to be here. We
18 only found out about her being out of town today. I
19 don't know why, when we knew this was already
20 scheduled, it wasn't sent out: "Hey, I won't be
21 there. I'll be out of town." But this is the mindset
22 of the individual that you are dealing with. So I
23 guess it's not incumbent on me to tell you what to do.
24 It's incumbent on you for the protection of the city
25 and how it proceeds and how you want it to grow or not

1 grow, what you want out of the city to decide whether
2 or not she's a functioning, contributing, positive --
3 positive contributing member of this -- of this body.
4 And if not, then y'all need to decide what y'all want
5 to do about it. That's all I have. Thank you.

6 MS.OSUN: Thank you, sir. Mr. Ashe, will we be
7 deliberating and...

8 MR. ASHE: At this point, we'll move into executive
9 session and ask that the mics be turned off, the
10 cameras be turned off.

11 (Discussion continued off the record.)

12 MS.OSUN: Good evening. Tonight, we were tasked
13 with determining, by the preponderance of the evidence
14 and testimony presented tonight, if a violation has
15 occurred. Is there a motion tonight in that regard?

16 MR.SMITH: I make a motion that a violation has
17 occurred.

18 MS.OSUN: Is there a second?

19 MR.ANDERSON: Second.

20 MS.RAGLIN: Second.

21 THE CLERK: Whose seconded?

22 MR.ANDERSON: Anderson.

23 MS.OSUN: All in favor?

24 VARIOUS: Aye.

25 MS.OSUN: Any opposed? That -- that motion

1 carries. We were also tasked with recommending a
2 sanction for any violations that have occurred. All
3 right. Is there a motion or recommendation in that
4 regard as to what that sanction should be?

5 MR.SMITH: I make--I make a motion that the
6 sanction would be removal -- impeachment procedure.

7 THERAGLIN: A second.

8 MS.OSUN: All in--all in favor?

9 VARIOUS: Aye.

10 MS.RAGLIN: Second.

11 THE CLERK: Who seconded that?

12 MS.OSUN: Who seconded that motion?

13 MR.SMITH: Ms. Jones.

14 VARIOUS: Raglin. Raglin.

15 MS.OSUN: All in favor?

16 VARIOUS: Aye.

17 MS.OSUN: Any opposed? And I--I do oppose that
18 recommendation.

19 MR.ASHE: It's a 5:1 vote.

20 MS.OSUN: Yes, that is correct. Five to one. And
21 that--that motion carries. Is there a motion to
22 adjourn tonight's meeting?

23 MR.COCHRAN: So move.

24 MR.SMITH: Second.

25 MR.ROBINSON: Second.

1 MS. OSUN: Okay. Meeting adjourned.

2 (Proceeding concluded at 7:57 p.m.)

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CERTIFICATE

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STATE OF GEORGIA:
COUNTY OF CLARKE:

I hereby certify that the foregoing transcript was reported, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction and control.

I further certify that the transcript is a true and correct record of the evidence given at the said proceedings.

I further certify that I am neither a relative or employee or attorney or counsel to any of the parties, nor financially or otherwise interested in this matter.

This, the 5th day of October 2025. 18



Cert #: 6028-2453-8691-9936

Vivian R. Adams, CER, CET, CCR 22

Deannia Ray, Deputy City Clerk

Maya Osun, Chairperson

DRAFT



CITY OF FAIRBURN ETHICS BOARD AGENDA ITEM

SUBJECT: Set Ethics Board 2026 Meetings

ITEM TYPE: Other

SUBMITTED: 12/17/2025 **WORK SESSION:** MM/DD/YYYY **COUNCIL MEETING:** MM/DD/YYYY

DEPARTMENT: City Attorney

BUDGET IMPACT:

PUBLIC HEARING: No

PURPOSE:

HISTORY:

FACTS AND ISSUES:

FUNDING SOURCE:

RECOMMENDED ACTION:

ATTACHMENTS:

None