



City of Fairburn Investigating Committee Agenda

December 23, 2025
7:00 PM

The Honorable Mayor Mario Avery

The Honorable Mayor Pro Tem Alex Heath
The Honorable Hattie Portis-Jones

The Honorable Linda J. Davis
The Honorable Ulysses J. Smallwood

Mr. Rory Starkey
Ms. Brenda B. James

City Attorney
City Clerk

- I. Roll Call: City Clerk
- II. Adoption of the Investigating Committee Agenda and Impeachment Council Agenda:
- III. Regular Agenda:

1. Approval of the minutes of the Investigative Committee for April 7, 2025

Recommendation: Approval of the minutes of the Investigative Committee for Ethics Complaint 2025-01 , Hudson vs Heath. Only Mayor Avery and Council Members Portis Jones and Davis may vote to approve these minutes. **(City Clerk)**

2. Approval of the minutes of the Investigative Committee for July 22, 2025

Recommendation: Approval of the minutes of the Investigative Committee of July 22, 2025, for Ethics Complaint 2025-03, Whitmore vs Portis-Jones. Only Mayor Avery, Mayor Pro Tem Heath and Council Member Davis may vote to approve these minutes. **(City Clerk)**

3. Approval of the minutes of the Investigative Committee for August 19, 2025.

Recommendation: Approval of the minutes of the Investigative Committee for August 19, 2025, for the Ethics Complaint 2025-04, Avery vs Hudson. Only Mayor Pro Tem Heath and Council Members Davis and Portis Jones may vote to approve these minutes. **(City Clerk)**

4. Approval of the minutes of the Impeachment Council of October 30, 2025

Recommendation: Approval of the minutes and transcript of the Impeachment Council on October 30, 2025. Only Mayor Pro Tem Heath and Council Members Davis, Portis-Jones and Smallwood may vote to approve these minutes. **(City Clerk)**

5. Approval of the written minutes of the Special Called Meeting of December 23,

2025

Recommendation: The mayor and Committee Members to approve the written minutes of the December 23, 2025, meeting. **(City Clerk)**

IV. Adjournment:

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



CITY OF FAIRBURN INVESTIGATING COMMITTEE AGENDA ITEM

SUBJECT: Approval of the minutes of the Investigative Committee for April 7, 2025

ITEM TYPE: Minutes

SUBMITTED: 12/19/2025 **WORK SESSION:** MM/DD/YYYY **COUNCIL MEETING:** 12/23/2025

DEPARTMENT: City Clerk

BUDGET IMPACT:

PUBLIC HEARING: No

PURPOSE:

HISTORY:

FACTS AND ISSUES:

FUNDING SOURCE:

RECOMMENDED ACTION:

Approval of the minutes of the Investigative Committee for Ethics Complaint 2025-01 , Hudson vs Heath. Only Mayor Avery and Council Members Portis Jones and Davis may vote to approve these minutes.

ATTACHMENTS:

1. 04_07_2025 Special Called Investigative Committee Minutes



**Special Called Investigative
Committee Meeting Minutes
April 7, 2025
6:30 pm**

- I. The meeting was called to order by the Honorable Mayor Mario Avery.
- II. Roll Call by City Clerk, Brenda James found the following investigative committee members present:

The Honorable Mayor Mario Avery
The Honorable Hattie Portis-Jones

The Honorable Linda J. Davis
City Attorney Rory Starkey

The following members were absent:
The Honorable Ulysses Smallwood
The Honorable James Whitmore

Also present was City Clerk Brenda James.

- III. Adoption of the Investigating Committee Agenda:

Committee Member Davis made a motion to adopt the Investigative Committee agenda. Committee Member Portis-Jones provided the second. **The motion carried unanimously.**

- IV. Approval of the Minutes:

1. Committee Member Portis-Jones made a motion to adopt the minutes of the Investigative Committee Meeting of March 17, 2025. Committee Member Davis provided the second. **The motion carried unanimously.**

- V. Regular Agenda:

2. Consideration of Section 2-35(h) (10) of the Ethics Ordinance in Re: **Ethics Complaint No.: 2025-01.**

Mayor Avery read the following statement into the record:

Pursuant to Section 2-35(h) (10) of the City of Fairburn Code of Ethics, this the consideration of whether a public reprimand should be issued to formally address the dismissed complaint filed by Councilwoman Samantha Hudson against Mayor Pro Tem Alex Heath.

Findings: The Investigative Committee constituted in accordance with Section 2.35(h) of the City of Fairburn Code of Ethics, conducted a thorough review of the complaint and associated evidence. During this process, video footage of the February 10, 2024, City Council meeting was examined, and no evidence was found to support Councilwoman Hudson's assertions that Mayor Pro Tem Heath engaged in rude, verbally, or physically abusive conduct, or criminal behavior as prohibited under Section 2-35(c) (13). The complaint was dismissed as being insufficient consistent with Section 2-35(h) (9) of the Code of Ethics.

Mayor Avery said the question is, was the complaint frivolous. This is what we are here to decide.

Mary Avery said for the record, frivolous litigation refers to legal claims or defenses that lack any basis in law or fact, often brought to harass or maliciously injure the opposing party rather than to achieve a legitimate legal aim. Under Georgia law, a claim or defense is considered frivolous if it is:

- Wholly unsupported by fact or law, or
- Interposed for improper purposes, such as to harass, delay, or unnecessarily increase litigation costs.
Statutory Authority: **Georgia Code § 9-15-14 (2024) allows attorney's fees where a party asserts a claim, defense, or other position that is 'substantially frivolous, substantially groundless, or substantially vexatious.'**
- Intent: Discourage the abuse of the judicial process by imposing financial penalties on those who engage in frivolous litigation.

Mayor Avery read examples of frivolous Litigation:

- 1. Repetitive Filings:** Continuously refileing the same lawsuit after dismissal for lack of merit. E.g., a pro se plaintiff filing multiple suits against a government official over the same alleged wrong that was already determined to be non-actionable.
- 2. No Legal Basis:** Filing a lawsuit that contradicts well-established law with no legitimate argument for a change in that law. E.g., suing for breach of contract when no contract exists.
- 3. Improper Motive:** Initiating legal action to harass or intimidate someone rather than to resolve a genuine legal dispute. E.g., filing a lawsuit against a business competitor purely to burden them with legal costs.

Mayor Avery stated for the record:

'Patently unfounded' describes claims or allegations that are obviously or manifestly without merit, typically unsupported by facts or resting upon absurd or implausible arguments.

While not explicitly defined in Georgia statutory law, courts generally interpret the term to mean claims so clearly lacking in factual or legal foundation that they require no detailed analysis to dismiss.

Georgia's Administrative Procedure Act (APA) **authorizes Administrative Law Judges (ALJs) to address frivolous or groundless filings in contested cases.**

- Under O.C.G.A. § 50-13-41, an ALJ may impose civil penalties if a party submits pleadings or papers 'for an improper purpose or containing frivolous arguments or arguments that have no evidentiary support.' Penalties can range from \$100 to \$1,000 per violation, and fines collected are payable to the Office of State Administrative Hearings (OSAH).

Mayor Mario Avery made a motion to deem complaint No. 2025-01 as frivolous. Committee Member Portis-Jones provided the second. **The motion carried unanimously.**

Mayor Avery read the following statement into the record:

The City of Fairburn has a vested interest in ensuring that all ethic complaints are filed in good faith and are supported by credible evidence. Frivolous complaints that lack substantive merit unnecessarily drain governmental resources, disrupt efficient operations, and divert attention from legitimate public policy issues. Allowing baseless accusations to progress through the administrative process without sufficient factual foundation undermines the integrity of the City's ethical standards and hampers effective governance.

Furthermore, fostering an environment of mutual respect and professionalism among city officials is essential for the effective operation of government. The integrity of Fairburn's governmental processes depends on the ability of officials to engage in debate and discussion without fear of harassment or intimidation through unsubstantiated ethics complaints. When false allegations are made, they erode the trust and cooperation necessary to maintain a collegial and respectful working environment. This lack of collegiality ultimately harms the public by distracting officials from their duties and impairing efficient governance.

The governing authority of the City of Fairburn hereby issues this public reprimand to caution against the filing of frivolous ethics complaints. Such actions not only undermine the credibility of the City's ethics review process but also threaten to erode public confidence in the integrity and fairness of governmental operations.

In accordance with Section 2-35(H) (10) of the City of Fairburn Code of Ethics, this reprimand is issued as a formal and public resolution condemning the filing of a baseless complaint by Councilwoman Samantha Hudson. Future filings of similarly unfounded complaints may be met with further disciplinary measures, as allowed under the Code of Ethics.

VI. Adjournment:

Committee Member Davis made a motion to adjourn the meeting at 6:40 p.m. Committee Member Portis-Jones provided the second. **The motion carried unanimously.**

Brenda James, City Clerk

Mario Avery, Mayor

DRAFT



CITY OF FAIRBURN INVESTIGATING COMMITTEE AGENDA ITEM

SUBJECT: Approval of the minutes of the Investigative Committee for July 22, 2025

ITEM TYPE: Minutes

SUBMITTED: 12/19/2025 **WORK SESSION:** MM/DD/YYYY **COUNCIL MEETING:** 12/23/2025

DEPARTMENT: City Clerk

BUDGET IMPACT:

PUBLIC HEARING: No

PURPOSE:

HISTORY:

FACTS AND ISSUES:

FUNDING SOURCE:

RECOMMENDED ACTION:

Approval of the minutes of the Investigative Committee of July 22, 2025, for Ethics Complaint 2025-03, Whitmore vs Portis-Jones. Only Mayor Avery, Mayor Pro Tem Heath and Council Member Davis may vote to approve these minutes.

ATTACHMENTS:

1. 07_22_2025 Investigative Committee Meeting Minutes Whitmore vs Portis-Jones



Investigative Committee Meeting Minutes
July 22, 2025
6:30 pm

- I. The meeting was called to order by the Honorable Mayor Avery.
- II. Roll Call by Deputy City Clerk, Deannia Ray found the following investigative committee members present:

The Honorable Mayor Mario Avery
The Honorable Alex Heath
City Attorney Rory Starkey

The Honorable Linda J. Davis
The Honorable Samantha Hudson

Absent: The Honorable Ulysses Smallwood

Also present was City Attorney LaTonya Wiley and Deputy City Clerk Deannia Ray.

- III. Adoption of the Investigating Committee Agenda:

Mayor Pro Tem Heath made a motion to approve the Investigating Committee Agenda. Council Member Davis provided the second. **The motion carried unanimously.**

Mayor Avery said we are missing two council members because we've convened as an Investigating Committee to consider the ethics complaint filed by Council Member James Whitmore against Council Member Hattie Portis-Jones. Under the ethics code, the people involved in the complaint are excluded from participating in the committee's discussion, deliberation, and public vote on the disposition of the complaint.

Mayor Avery explained how the meeting will proceed per our ethics code. First, we will review the ethics complaint by having the Assistant City Clerk read it and its attachments into the public records. Second, I will entertain a motion to go into Executive Session for the purpose of deliberation only. Third, after deliberations have concluded we will convene into a public session to vote on whether to issue subpoenas for witnesses and documents which require the committee to reconvene at a later date or whether our review of the complaint, the attachments and our personal knowledge of these events are sufficient to determine if the complaint should be forwarded to the Ethics Board for final disposition or if the complaint should be dismissed by this committee which will conclude this matter tonight.

- IV. Regular Agenda:

1. Discussion of Ethics Complaint #2025-03 Whitmore vs Portis-Jones

Mayor Avery asked Deputy City Clerk Deannia Ray to read the Ethics Complaint including the attachments into the record.

Ms. Ray read the formal complaint received from Council Member Whitmore regarding the Executive Session on May 12, 2025 involving Council Member Portis-Jones into the record.

Please see nine pages attached to be included in the minutes.

Attorney Rory Starkey said before we go into Executive Session may I approach briefly. Mayor Avery said yes sir, go ahead. Attorney Starkey said I am 6'2" with a 78-inch wing span. Council Member Portis-Jones, I think is maybe 5'1" with a 40-inch wingspan. I just want the record to show that as he reached his arm over the dais.

2. Executive Session for Deliberations of the Ethics Complaint

Mayor Avery asked for a motion to go into Executive Session.

Mayor Pro Tem Heath made a motion to go into Executive Session with Council Member Davis providing the second.

Council Member Hudson said discussion.

Mayor Avery said point of order, this discussion is to be had in executive session.

Council Member Hudson said this is a prejudice case, we were all witnesses.

Council Member Hudson said I'm not deliberating, I'm making a statement. I do get the right to discuss.

Attorney Wiley said for clarification purposes, please reconsider restating your motion to make certain we are entering executive session for the purpose of deliberation only.

Mayor Avery asked for a motion to go into Executive Session for deliberations only.

Council Member Davis amended a motion to go into Executive Session for deliberation only. Mayor Pro Tem Heath provided the second. **The motion carried unanimously.**

Council Member Hudson said discussion, I asked for discussion.

Mayor Avery said point of order. Council Member Hudson said I get to do that.

Attorney Wiley said there is a discussion that can be made during that discussion time.

Council Member Hudson said I'll be very brief. Tonight, I want to let this committee know that all of you were witnesses, even the attorney that just walked to the dais to give whatever example that he wanted to go on record. Being witnesses and I was the victim, I was a part of it and it is a biased process. If the Investigative Committee is to meet to discuss and deliberate whether this complaint is valid to move toward ethics, then as witnesses, this process is skewed. We don't move to hire a third party firm to investigate this situation without coming to council for approval. I cannot be a part of an illegitimate process, but I want this process to be fair. I want it to be clear that I'm here and I want this process to move forward. But going into an Executive Session further now skews this committee's ability to be nonbiased. One, everybody saw it; everybody was here so the responsible thing to do is send this directly to the Ethics Board. I cannot be used in illegitimate processes and I'm asking this committee respectfully remove ourselves from this so that there is no biases in play for this committee. This happened to me and so we have to avoid legal liability Mr. Attorney. So I won't justify going into an Executive Session, this needs to go directly to the Ethics Board.

Attorney Starkey said unfortunately Council Member Hudson per Section 2.35 (h) of the Ethics Policy. The Ethics Committee, notwithstanding everything just laid out, has to make a preliminary decision. There could be a motion to move it forward after we deliberate, there could be a motion to dismiss. Those motions have to be acted upon and the policy Section 2.35 (h) (4) specifically states committee members may rely on their personal knowledge when considering such complaints and shall not be prohibited from doing so merely because they have been identified in the complaints as having such personal knowledge. Now, I will respectfully submit that there are parts about this Ethics Policy that I don't quite like, but until we can get it amended and there is some work behind the scenes making that happen. We have to follow it as it is.

Council Member Hudson said that does not give me any recourse for this board making any decisions over this. Formerly, this has been unfair and I'm uncomfortable going into an Executive Session with members who have made biased decisions against me before. My name is listed in this complaint and I deserve due process. Let's make the right decisions, send this to the Ethics Board and let them decide. It's the best thing, we have to protect this city from legal recourse and I'm respectfully asking this committee to consider that. I was the victim in this and I now remove myself and you don't have a quorum to continue.

Mayor Avery said we do have a quorum.

Council Member Hudson left the chambers.

Attorney Starkey said we've had the discussion per the request of Council Woman Hudson and said we are now in Executive Session at 6:49 p.m.

3. Decision of the Investigative committee on the Ethics Complaint

Mayor Avery asked for a motion to reconvene into regular session.

Mayor Pro Tem Heath made a motion to reconvene into regular session with Council Member Davis providing the second. **The motion carried unanimously.**

Mayor Avery asked for a motion to approve the Executive Session Affidavit.

Council Member Davis made a motion to approve the Executive Session Affidavit with Mayor Pro Tem Heath providing the second. **The motion carried unanimously.**

Attorney Wiley said it will be appropriate, Mr. Mayor to consider motions concerning the disposition of Ethics Complaint # 2025-03 Whitmore vs Portis-Jones.

Mayor Avery asked for a motion regarding the complaint for # 2025-03 Whitmore vs Portis-Jones.

Mayor Pro Tem Heath made a motion to dismiss the complaint # 2025-03 Whitmore vs Portis-Jones. Council Member Davis provided the second. **The motion carried unanimously.**

V. Adjournment:

Council Member Davis made a motion to adjourn the meeting at 7:00 p.m. Mayor Pro Tem Heath provided the second. **The motion carried unanimously.**

Brenda James, City Clerk

Mario Avery, Mayor



CITY OF FAIRBURN INVESTIGATING COMMITTEE AGENDA ITEM

SUBJECT: Approval of the minutes of the Investigative Committee for August 19, 2025.

ITEM TYPE: Minutes

SUBMITTED: 12/19/2025 **WORK SESSION:** MM/DD/YYYY **COUNCIL MEETING:** 12/23/2025

DEPARTMENT: City Clerk

BUDGET IMPACT:

PUBLIC HEARING: No

PURPOSE:

HISTORY:

FACTS AND ISSUES:

FUNDING SOURCE:

RECOMMENDED ACTION:

Approval of the minutes of the Investigative Committee for August 19, 2025, for the Ethics Complaint 2025-04, Avery vs Hudson. Only Mayor Pro Tem Heath and Council Members Davis and Portis Jones may vote to approve these minutes.

ATTACHMENTS:

1. August 19, 2025 Investigative Committee Minutes



**Investigative Committee Meeting Minutes
August 19, 2025
6:30 pm**

The meeting was called to order by the Honorable Mayor Pro Tem Alex Heath.

- I. Roll Call by Deputy City Clerk, Deannia Ray found the following Investigative Committee members present:

The Honorable Mayor Pro Tem Heath
The Honorable Hattie Portis-Jones
City Attorney Rory Starkey

The Honorable Linda J. Davis
The Honorable James Whitmore

Absent: The Honorable Ulysses Smallwood

Also present was City Attorney LaTonya Wiley, City Attorney Serena Nowell, and Deputy City Clerk Deannia Ray.

- II. Adoption of the Investigating Committee Agenda:

Council Member Portis-Jones made a motion to approve the Investigating Committee Agenda. Council Member Davis provided the second. **The motion carried unanimously.**

- III. Regular Agenda:

1. Discussion of Ethics Complaint #2025-04 Avery vs Hudson

Mayor Pro Tem Heath said I will explain how tonight's meeting will proceed as required by our Ethics Code:

- First, we will review the Ethics Complaint by having the Clerk read it and its attachments into the public record.
- Second, after this public reading, if there are no questions or comments from Committee members regarding, I will entertain a "Motion to Convene into Executive Session for the purpose of Deliberations."
- Third, after Executive Session, we will come back into public session to take a vote on:
 - 1). Whether the Investigative Committee should subpoena more witnesses or documents in this matter; OR
 - 2). Whether the complaint should be forwarded to the Ethics Board for a hearing; OR

3). Whether the complaint should be dismissed.

Mayor Pro Tem Heath asked the Clerk to read Ethics Complaint #2025-04, including attachments, into the record.

Deputy City Clerk Deannia Ray read Ethics Complaint #2025-04 and the attachments into the record. Please see five pages attached to be included in the minutes.

Council Member Davis discussed adding the words in part to item number two of the complaint since there is more in the letter than this statement . Attorney Starkey said we cannot amend the complaint, we can make reference to it, and you can consider that in your deliberations.

Council Member Portis-Jones asked if it could be read into the record. Attorney Wiley said it was emailed to you all. Attorney Starkey said at some point this evening you will deliberate and one of the items is whether or not you should subpoena evidence or witnesses. The rules allow you at Section 2-35 to consider your personal knowledge in this process, the emails were delivered to each of you, and we know they are not here, but you can consider that as your personal knowledge and if you chose to subpoena additional witnesses or evidence, that would be something that could also be subpoenaed.

Council Member Portis-Jones said this is a statement from Mayor Avery and these are his words, we cannot interject into his statement and agrees that this should be additional information that should be requested and reviewed during deliberation.

Council Member Whitmore said my colleague just identified the fact that this ethics complaint was generated from Mayor Avery and did not receive the EEO complaint filed by Ms. James in this packet. He said what I recall from reading my emails, there were four charges but there is no documentation for them to review or discuss. Attorney Wiley said that it is correct, you all have received the EEO, and we did not want to put that in the packet for public discussion because we would be doing what the complainant alleges was done, that the EEO complaint was made public outside of council's decision making.

2. Executive Session for Deliberations of the Ethics Complaint

Council Member Davis made a motion to convene into Executive Session to deliberate. Council Member Portis-Jones provided the second.

Council Member Whitmore said discussion.

Mayor Pro Tem Heath said all in favor say aye. Council Member Davis and Council Member Portis-Jones said aye. Mayor Pro Tem Heath said all opposed. No one answered.

Council Whitmore said parliamentary procedure.

Council Member Portis-Jones said call for the question, we had discussion.

Council Member Whitmore said he was asking for the parliamentarian. There was a motion, a second, and a vote and I said discussion, I wanted to talk about something else. Procedurally speaking, I did not get an opportunity to have that discussion. Attorney Wiley asked the clerk to read the motion. Deputy City Clerk Deannia Ray said the motion was made to convene into Executive Session to deliberate. Attorney Wiley said there was a second, by whom. Ms. Ray said Council Member Portis-Jones. Attorney Wiley said Mayor Pro Tem, it is appropriate to have discussion at this time.

Mayor Pro Tem Heath said call for discussion.

Council Member Whitmore said my question is to the attorney. I noticed the complainant is the Mayor and that leans towards not seeing anything from the clerk. My question is, we are proceeding moving forward on an ethics complaint from the mayor without any documentation from the clerk.

Attorney Wiley said we can all recognize there is a conflict of interest with respect to the clerk being involved in the process of getting the Investigative Committee convened, sending the complaint out to the relevant parties. The Deputy Clerk is the next logical choice and legal secondary individual to take place when there is a conflict. The underlying complaint that was filed, the ethics complaint involves a personnel issue concerning the City Clerk. The City Clerk is the subject of the EEO complaint, and she is a subject of the complaint that was filed by the Mayor, the subject of discussions by Council Member Hudson . You all recall the notarized complaint that the Mayor sent was sent to you all by your duly authorized Deputy Clerk. Per your charter, she steps in when the Clerk cannot. All of the processes have been in order to keep the process from being tainted by someone who has a conflict of interest.

Council Member Whitmore said I had the official complaint that the Mayor put Together, outlining the Ethics and Georgia code. My comment was that the Mayor filled out the ethics complaint, but I do not see anything from the clerk. I know the Deputy Clerk is fulfilling the job as the official scribe and keeping accurate notes. In the documentation that was left for review and to go into Executive Session for deliberation, I have no comment from the Clerk Ms. James.

Attorney Wiley said thank you for clarification, this is a stage where you all are making a preliminary determination as to whether the complaint as written and received and notarized meets the bar for either you all decide to come out of executive session and do a motion for subpoenas and other witnesses to come forth to give you additional information, before you can make that decision. Or you can forward it to the Ethics Board for a hearing or dismiss it. In your previous ethics complaint proceedings, you never had the person coming who tangentially involved coming to speak to you all at this stage of the proceeding. Council Member Whitmore said he was not asking

Ms. James to be here physically. What is her official complaint? The Mayor identified four charges, it is not mentioned in this complaint and asked where is the information from the actual complainant?

Attorney Wiley said the complainant in this matter is not Brenda James, it is Mayor Mario Avery. He has filed a complaint that there was an improper divulgence of confidential information pertaining to an underlying EEO complaint filed by Ms. James, the City Clerk. You all have seen the complaint and know from your personal knowledge what it entails. This complaint is about the disclosure of that information that you already know about. While it may become relevant, the contents of it as we move forward, your charge tonight is to make a preliminary finding based on your personal knowledge and what was alleged in the complaint as to whether or not there is sufficient information before you that can allow you to do one of the three things.

Council Member Whitmore said you covered what I was looking for but let me state for the record, when I sit in this type of forum, I am looking for everything, so I do not have to ask for anything. In that context, when we go into deliberations, I may have a question about conversations that took place between the two, the clerk and the mayor. Without her statement, the mayor put out an email out to our colleague, which led us to be here today. Attorney Wiley said there are some disclosures on the website, on the internet about this confidential EEO personnel proceeding, which is what spurred this, not the actual discourse that occurred before that disclosure was made.

Council Member Whitmore said I understand why we are here, and I have the formal complaint from the Mayor dated on August 11, 2025. He said you added the post, "When Transparency is Replaced with Silencing Tactics." You had no statement from Miss James in the packet. You answered that by saying if we need additional information, we can either call witnesses, and so forth.

Attorney Wiley said at this stage, you do not take witnesses right now, you will go in and deliberate and while you all are deliberating on whether the complaint is filed is sufficient with what was filed and what is in your personal knowledge. You can then come back out and make a recommendation.

Council Member Whitmore said what happened here tonight is not the first time it happened, as soon as the question is asked or a motion is made and you get a second, there's a question. History is someone will say call for the question, stop all conversation, knowing that procedure was wrong and wants to make sure moving forward that we are conscious of that because this is not the first time that has happened.

Mayor Pro Tem Heath called for the vote at 7:07 p.m. **The motion carried unanimously.**

3. Decision of the Investigative committee on the Ethics Complaint

Council Member Davis made a motion to re-convene into regular session at 7:43 p.m. Council Member Whitmore provided the second. **The motion carried unanimously.**

Council Member Whitmore made a motion to approve the Executive Session affidavit. Council Member Davis provided the second. **The motion carried unanimously.**

Council Member Portis-Jones made a motion to forward Ethics Complaint # 2025-04 Avery vs. Hudson pursuant to Section 2-35 (h) (11) to the Ethics Board for a hearing and final determination. Council Member Davis provided the second. **The motion carried unanimously.**

IV. Adjournment:

Council Member Hattie Portis-Jones made a motion to adjourn the meeting at 7:46 p.m. Council Member Whitmore provided the second. **The motion carried unanimously.**

Deannia Ray, Deputy City Clerk

Alex Heath, Mayor Pro Tem



CITY OF FAIRBURN INVESTIGATING COMMITTEE AGENDA ITEM

SUBJECT: Approval of the minutes of the Impeachment Council of October 30, 2025

ITEM TYPE: Minutes

SUBMITTED: 12/19/2025 **WORK SESSION:** MM/DD/YYYY **COUNCIL MEETING:** 12/23/2025

DEPARTMENT: City Clerk

BUDGET IMPACT:

PUBLIC HEARING: No

PURPOSE:

HISTORY:

FACTS AND ISSUES:

FUNDING SOURCE:

RECOMMENDED ACTION:

Approval of the minutes and transcript of the Impeachment Council on October 30, 2025. Only Mayor Pro Tem Heath and Council Members Davis, Portis-Jones and Smallwood may vote to approve these minutes.

ATTACHMENTS:

1. Impeachment CouncilMinutes 10302025

XII. Executive Session:

Council Member Davis made a motion to go into Executive Session for closed deliberation. Council Member Portis-Jones provided the second. **The motion carried unanimously.**

Council Member Smallwood made a motion to close the Executive Session and reconvene back to regular session. Council Member Davis provide the second. **The motion carried unanimously.**

XIII. Regular Session:

Mayor Pro Tem Heath said we make a motion in the decision to impeach, all in favor say yes. Council Member Smallwood said yes, Council Member Davis said yes, Council Member Portis-Jones said yes. Mayor Pro Tem Heath asked those not in favor to impeach. No one replied. **The motion carried unanimously to impeach.**

XIV. Adjournment:

Council Member Davis made a motion to adjourn the meeting at 8:45 p.m. Council Member Portis-Jones provided the second. **The motion carried unanimously.**

Deannia Ray, Deputy City Clerk

Mayor Pro Tem Alex Heath

<p style="text-align: center;">CITY OF FAIRBURN</p> <p style="text-align: center;">CITY COUNCIL</p> <p>IN RE:</p> <p style="text-align: center;">IMPEACHMENT PANEL</p> <hr/> <p style="text-align: center;">TRANSCRIPT OF ELECTRONICALLY RECORDED MEETING</p> <p style="text-align: center;">October 30, ^{In Re: Impeachment Panel}₂₀₂₅ ^{City of Fairburn Trial}</p> <p style="text-align: center;">6:30 p.m.</p> <p style="text-align: center;">56 Malone Street Southwest</p> <p style="text-align: center;">Fairburn, Georgia</p> <p style="text-align: center;">Prepared from electronic media by</p> <p style="text-align: center;">Elizabeth R. Hollingsworth, CCR B-1319</p>	<p style="text-align: right;">Page 2</p> <p style="text-align: center;">APPEARANCES</p> <p>1 H. ALEX HEATH, Mayor Pro Tem 2 LINDA J. DAVIS, Council Member 3 HATTIE PORTIS-JONES, Council Member 4 ULYSSES SMALLWOOD, Council Member 5 ROBERT L. ASHE III, Esquire, City Attorney 6 7 - - -</p> <p style="text-align: center;">APPEARANCES OF COUNSEL</p> <p>8 9 On behalf of Mario B. Avery, Mayor: 10 CHARLES T. BRANT, Esquire 11 Colom & Brant Law 12 191 Peachtree Street Northeast 13 Suite 3270 14 Atlanta, Georgia 30303 15 404.522.5900 16 cbrant@colomandbrantlaw.com</p> <p>17 On behalf of Council Member Hudson: 18 MARIO B. WILLIAMS, Esquire 19 Humanity Dignity and Rights, LLC 20 3480 Peachtree Road Northeast 21 Atlanta, Georgia 30326 22 470.257.2485 23 mwilliams@hdrattorneys.com 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX TO EXAMINATIONS 2 Opening Statement by Mr. Brant 7 3 Opening Statement by Mr. Williams 12 4 5 MARIO B. HUDSON 6 Direct Examination by Mr. Williams 27 7 Cross-Examination by Mr. Brant 37 8 Redirect Examination by Mr. Williams 42 9 10 SAMANTHA L. HUDSON 11 Direct Examination by Mr. Williams 45 12 Cross-Examination by Mr. Brant 51 13 14 BRENDA JAMES 15 Direct Examination by Mr. Brant 55 16 Cross-Examination by Mr. Williams 67 17 18 - - - 19 Closing argument by Mr. Brant 74 20 Closing argument by Mr. Williams 77 21 22 - - - 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX TO EXHIBITS 2 EXHIBIT DESCRIPTION PAGE 3 Exhibit 1 USPS Tracking; Notice; 24 4 Code of Ordinances 5 Exhibit A RE: Notice of EEO Complaint 12 6 And Cease and Desist Directive 7 Exhibit C Ethics Complaint 73 8 (REPORTER'S NOTE: The original exhibits described 9 above were attached to the original transcript.) 10 - - - 11 INDEX TO REFERENCED DOCUMENTS 12 DESCRIPTION PAGE 13 www.Gallo.Legal/Scheduling 14 Impeachment Council Agenda 6 15 16 Transcript of Ethics Complaint Hearing 10 17 on 9/30/25 18 RE: Notice of EEO Complaint from Mayor 19 Avery to Councilwoman Hudson on 8/6/25 15 20 21 Filing by City Clerk Brenda James 21 22 On 10/29/2025 23 (REPORTER'S NOTE: The referenced documents 24 Described above were attached to the original 25 transcript.) (End of Index)</p>



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1 Transcript of Electronically
2 Recorded Meeting
3 October 30, 2025
4 MAYOR PRO TEM: The meeting is now
5 called to order. Good evening, everyone. My name
6 is Alex Heath, and I'm the Mayor Pro Tem in the
7 City of Fairburn Council.
8 As both Mayor Avery and Council Member
9 Hudson are precluded from sitting on this
10 impeachment panel, I will be presiding tonight,
11 and I'm joined by three remaining members of the
12 City Council.
13 We'll call this meeting to order. And
14 in order to accommodate the ~~City of Fairburn~~ ^{In Re: Impeachment Panel} for
15 Ms. Hudson, he cannot arrive until 6:30, we're
16 going to postpone the starting of the meeting
17 until then. Thank you.
18 (Proceedings in recess, 6:00 p.m.
19 to 6:30 p.m.)
20 UNIDENTIFIED SPEAKER. It is now 6:30.
21 MAYOR PRO TEM: The meeting is now
22 called to order.
23 Ms. Ray, would you read the roll call,
24 please?
25 MS. RAY: The Honorable Linda J. Davis.

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1 everyone that we're going to maintain decorum and
2 professionalism this evening.
3 These are serious matters and deserve
4 to be addressed accordingly. So for the parties,
5 council, and the public, I ask that you treat the
6 proceedings with respect and do not act
7 disruptively.
8 We have a court reporter present who
9 will be transcribing this hearing. So it is very
10 important that we only have one person speak at
11 once.
12 Our agenda has set forth the process
13 and order of proceedings we'll be using tonight.
14 Our hearing will be conducted as set forth in the
15 Code of Ordinances and applicable Georgia law and
16 as laid out in the agenda we've just adopted.
17 In fact, we are now entertaining
18 opening statements. Each side has 15 minutes. We
19 will hear from Mayor Avery first and then
20 Councilwoman Hudson next.
21 Thank you.
22 MR. BRANT: Good evening, members of
23 the Board and Council. My name is Attorney
24 Charles Brant, and I represent Mayor Mario Avery
25 in these proceedings.

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1 COUNCIL MEMBER DAVIS: Present.
2 MS. RAY: The Honorable Hattie
3 Portis-Jones.
4 COUNCIL MEMBER JONES: Present.
5 MS. RAY: The Honorable Ulysses J.
6 Smallwood.
7 COUNCIL MEMBER SMALLWOOD: Present.
8 MS. RAY: Mayor Pro Tem, you have a
9 quorum.
10 MAYOR PRO TEM: Thank you.
11 We'll all rise now for invocation.
12 (Whereupon the invocation and the
13 Pledge of Allegiance were given.)
14 MAYOR PRO TEM: Okay. May I please
15 have a motion to approve the agenda?
16 COUNCIL MEMBER SMALLWOOD: So moved.
17 COUNCIL MEMBER DAVIS: Second.
18 MAYOR PRO TEM: All in favor, say aye.
19 All opposed?
20 (Motion passes unanimously.)
21 MAYOR PRO TEM: Thank you.
22 Okay. As we proceed to the regular
23 agenda, the Statement of Process and Burden of
24 Proof is where we're at now.
25 And at the outset, let me caution

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1 We appreciate the opportunity to appear
2 before you at this time to go forward with the
3 impeachment hearing of Council Member Hudson.
4 At the onset, let me state clearly, the
5 Mayor and the City Clerk have acted lawfully,
6 transparently, and in full compliance with the
7 City Charter, Georgia's Open Records, and Open
8 Meetings Act and ethical standards that guide
9 public service.
10 The allegations that have brought us
11 here today are supported by facts and/or law, and
12 they show a long and troubling pattern of
13 harassment, ~~mischaracterization~~ ^{www.gallolegal.com 404.389.1155}, the personal
14 targeting of the City's Clerk by extension, the
15 Mayor and members of the City Council
16 administrative team.
17 Since late 2024, Council Member Hudson
18 has engaged in a sustained campaign of antagonism
19 towards the clerk. What began as a routine
20 disagreement over an agenda placement escalated
21 into formal accusations of ethical and legal
22 violations.
23 The document records show, one,
24 multiple emails, demands for documents that are
25 exclusively protected by statute, repeated threats



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1 of legal action, false public accusations of
2 impropriety and a persistent refusal to accept the
3 legal interpretation provided by a lawyer, the
4 City Attorney.

5 Council Member Hudson has claimed
6 violations of the Georgia Open Records Act
7 specifically regarding access to executive session
8 material, yet the law is unambiguous. Executive
9 session meetings are confidential and they only
10 can be disclosed under court order, not a
11 unilateral demand of the individual council
12 member.

13 The clerk provided all documents she
14 was legally authorized to release and the City
15 Attorney confirmed that position in writing on
16 multiple occasions.

17 I will point out again, the City has an
18 attorney who can be held liable who has given
19 advice repeatedly that this was okay, and it was
20 in order. When those legal explanations were
21 provided, City Council Member Hudson escalated
22 further filing complaints including one with the
23 Georgia Attorney General's Office. That complaint
24 was fully reviewed and dismissed with no finding
25 of wrongdoing.

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1 for October the 24th, 2025; however, the email
2 referenced stated only that the hearing was to be
3 held on or before October the 24th, 2025, not on
4 that date.

5 The formal notice establishing
6 September the 30th, 2025, as the hearing date was
7 properly issued, distributed, and acknowledged in
8 accordance with the City procedures and applicable
9 law.

10 Despite this, neither Council Member
11 Hudson nor her counsel sought clarification,
12 requested a continuance, or provided notice of any
13 scheduling conflict before the hearing date.

14 The Evidence Board, therefore,
15 proceeded properly, received evidence and
16 testimony, and completed its review.

17 Council Member Hudson's absence was the
18 result of her own failure to confirm or respond,
19 not any procedural or administrative fault on the
20 part of the City or the Board.

21 The record reflects that due process
22 with proper notice was satisfied.

23 That is the end of my opening
24 statement. So thank you very much.

25 MAYOR PRO TEM: Thank you.

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1 Instead of accepting those findings,
2 she expanded her accusations to include claims of
3 defamation, retaliation, and hostile work
4 environment, even suggesting that routine
5 administrative actions were part of a conspiracy
6 against her.

7 This behavior has gone far beyond the
8 realm of a legitimate oversight. It has created a
9 toxic and destabilizing environment in City Hall,
10 disrupted the Clerk's ability to perform her
11 duties, and placed undue pressure on the City
12 itself.

13 The situation became so severe that in
14 July 2025, the clerk filed an EEOC complaint
15 alleging harassment, retaliation, and
16 discrimination.

17 Before proceeding further, it is
18 important to address the record of the September
19 30th, 2025 ethics hearing. Council Member Hudson
20 did not appear at the hearing, nor did her
21 counsel.

22 More than 28 minutes before the hearing
23 began, the City received an email from Attorney
24 Williams, counsel for Council Member Hudson,
25 stating that he believed the hearing was scheduled

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1 MR. WILLIAMS: Good evening. How are
2 you?

3 UNIDENTIFIED SPEAKER: Good evening.

4 MR. WILLIAMS: I appreciate you-all
5 starting at 6:30, I do, to give me time to get
6 here. I appreciate that.

7 My name is Mario Williams and I
8 represent City Councilman Samantha Hudson.

9 I don't really want to get into --
10 because we just talked a while about the whole
11 issue of September 30th. I'm here to talk right
12 now, dealing is the present moment, with this
13 issue. 404.389.1155

14 And so what I would like to point
15 out -- and I want to put on record some procedural
16 things that I think that I would love for you-all
17 to consider. The notice that was sent on
18 August 6th, 2025 -- and I'll give you a moment to
19 pull that up -- it says Notice of EEO Complaint
20 and Cease and Desist directive.

21 Okay. If you go down to the paragraph,
22 and it cites the City's Personnel Policy and
23 Procedure's manual, and it actually invokes an
24 investigation pursuant to the manual, but it also
25 says -- and this is very important when you talk



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1 about contract interpretation, ordinance
 2 interpretation, standard interpretation
 3 principles -- although -- and this is an admission
 4 by the City -- although elected officials such as
 5 yourself are expressly excluded from policy
 6 coverage under Section 2-53.
 7 Now, our contention to start this off
 8 is the City already admitted that the personnel
 9 policy doesn't cover the conduct of City
 10 Councilwoman Hudson.
 11 If the City admits in a written
 12 document signed -- now, I want you to note this,
 13 it's signed by the Mayor, that her conduct isn't
 14 covered, then the harassment policy in the policy
 15 can't cover her conduct regarding alleged
 16 harassment.
 17 City Councilman Hudson is an elected
 18 official. I'm a former elected official from a
 19 neighboring city down, Clarkston. And I'm going
 20 to talk about this executive session situation
 21 also.
 22 So point number one, and this is going
 23 to end up -- if you--all vote in favor of
 24 impeachment, we're going to end up doing this in
 25 Court of Appeals for a few years -- is that you

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1 Point number two, on, they say,
 2 August 9th, public disclosure of a violation of
 3 confidentiality. No, it wasn't.
 4 On August 9th, 2025, there was no
 5 agenda published that said this issue was going
 6 into executive session. In fact -- and I want to
 7 read exactly what Mario Avery's letter said on
 8 August 6th, 2025. Even though in this particular
 9 other letter on official ethics complaint, even
 10 though that says, because this is a pending
 11 personnel matter and any discussion must be
 12 conducted only in a duly convened executive
 13 session, not in public meetings, that's not what
 14 the August 6th letter said.
 15 The August 6th letter said, and this is
 16 actually true, the appropriate forum for any
 17 discussion of this issue is duly convened closed
 18 executive sessions, the appropriate forum, not the
 19 only forum, until --
 20 Our argument is this and it's real
 21 simple because we don't need to be here all
 22 night -- you're going to vote for it, and we're
 23 going to appeal it. But our argument is this,
 24 until that issue hits an agenda to be voted on --
 25 and that's one.

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1 cannot expressly state that Councilman Hudson is
 2 not governed by the personnel policy and then try
 3 to govern her by the personnel policy and
 4 instigate an investigation pursuant to the
 5 personnel policy. That's point number one.
 6 Point number two, there's been a big
 7 to-do of saying that she violated because she
 8 published this particular notice and complaint
 9 publically.
 10 Now, I disagree with my colleague,
 11 who's very articulate, and I mean that sincerely,
 12 about what he said about executive session. This
 13 is my experience with executive session. You
 14 cannot prohibit somebody from doing something
 15 especially expressing her right to talk about an
 16 issue prior to it being put on an agenda.
 17 Point number one is that when she -- I
 18 think it was April 9th. Let me make sure I get my
 19 dates right. I think it was -- no. August 7th,
 20 she says, "Let me be clear. I will not comply
 21 with any directives that unlawfully restrict my
 22 ability to perform my duties as an elected
 23 official." The policy doesn't govern her. The
 24 City admitted that in writing and decided to go
 25 forward anyways.

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1 I could also argue until it's voted on
 2 to go into executive session. That's point two.
 3 And I can also argue, and as we all know, as me
 4 being a former city council member and most of
 5 you--all being a current one, once it's in
 6 executive session, it's a misdemeanor crime, and
 7 you signed off on that, to talk about what was
 8 discussed in executive session.
 9 Contrary to what my colleague said,
 10 nothing made it to an executive session, nothing
 11 made it to a vote to go into executive session,
 12 and nothing was put on an agenda designating this
 13 as an executive session prior to her exercising
 14 her right to choose what she thought was the
 15 appropriate forum to discuss a complaint lodged
 16 against her.
 17 Now, my colleague also said, and made
 18 kind of a big deal about this, he said, well, she
 19 went to the AG. She then said retaliation and
 20 access, but that's all First Amendment -- I do
 21 this all day, all day long. That's all First
 22 Amendment access to court rights.
 23 You cannot take an action against a
 24 resident because they threaten a lawsuit. You
 25 cannot take -- and then you're really going to get



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1 in trouble if you actually take an action against
2 a resident for filing a lawsuit against you.
3 Going to the AG was well within the
4 purview of her First Amendment rights. Actually
5 alleging a violation of law was well within her
6 purview of Constitutional rights, and alleging
7 hostile work environment is well within the
8 purview of her Constitutional rights.
9 You can't take action here today saying
10 that because you did those things, you caused
11 disruption because that's what my colleague wants
12 you to believe.
13 Hey, we don't like -- see, this is what
14 the Constitution is all about. We don't like what
15 you're doing. We don't like you threatening
16 lawsuits. We don't like you filing lawsuits. So
17 we're going to discipline you. That's called
18 First Amendment retaliation.
19 So to wrap this up, I'm not sure how
20 you-all are going to get past the express language
21 of a City admission -- because I would say this is
22 a City administration. It's on a document City
23 letterhead signed by the Mayor that says,
24 "Although elected officials such as yourself" --
25 talking about Ms. Hudson -- "are expressly" --

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1 So when you take that into
2 consideration, when you take into consideration --
3 and this is our argument, and I won't go any
4 further than this -- not on an agenda as a
5 protected issue, as a private issue, not on
6 the -- wasn't voted to go into executive session.
7 I'm sorry. I just lost it for a minute.
8 Not on the agenda as an executive
9 session, not voted on to go for an executive
10 session, and not discussed in executive session
11 prior to her actually making the comment on her
12 Webpage that says, "Hey, look what they're doing
13 to me."
14 Because it's obvious. I understand it.
15 You know, I was on a city council, and there was a
16 lot of friction. We had Ted Terry. We had
17 Beverly Burks, the current mayor. I served with
18 her.
19 And I understand, when you get this
20 internal conflict and you don't like what other
21 people are doing, it can get very -- there can be
22 a lot of animus, but you've still got to abide by
23 the rules and the law.
24 You can't punish her because she
25 decided to go to the AG's office or file a lawsuit

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1 that means word for word -- "excluded from policy
2 coverage." So how are you applying a policy that
3 you actually in the same letter say she's not even
4 covered by.
5 And this is how they tried to get
6 around it, and this is where I disagree with my
7 colleague about talking about lawyers and
8 interpretations. Huh-uh (negative).
9 The starting point -- and a lot of
10 lawyers in this room understand this -- for
11 statutory construction, construction of contracts,
12 is the express language of what you're dealing
13 with. If that is clear, you go no further.
14 So for them to say -- and this is what
15 I really disagree with. For them to say although
16 elected officials such as yourself are expressly
17 excluded from policy coverage under section 2-53,
18 although now they go on to do what they want to
19 do, the policy nonetheless --
20 See, now you're saying I don't care
21 what it expressly says. I don't care if I'm going
22 to acknowledge that you're not covered by the
23 policy, nonetheless protects all employees.
24 You're right. It protects all the employees that
25 are covered by the policy.

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1 or threaten a lawsuit, and you can't make a policy
2 cover her when in writing you actually say it
3 expressly doesn't cover you.
4 That's all I have. Thank you.
5 MAYOR PRO TEM: Next we have the
6 Complainant's case. You have one hour, sir.
7 MR. BRANT: First off, everybody's been
8 given a notebook. These are the documents that
9 are in that notebook. I'll share this with you.
10 MR. WILLIAMS: Okay. Oh, this is the
11 notebook you gave me?
12 MR. BRANT: Yeah. So I'm introducing
13 these documents into evidence. The panel and
14 everybody has a copy of the folder I gave you. So
15 I'm introducing these documents into evidence.
16 CITY ATTORNEY ASHE: Mr. Mayor Pro Tem,
17 I would suggest that without objection from
18 opposing counsel, those are offered, then they are
19 deemed admitted.
20 MR. WILLIAMS: No objection.
21 MAYOR PRO TEM: Okay. Thank you.
22 CITY ATTORNEY ASHE: Attorney Brant, do
23 you have multiple copies of this?
24 MR. BRANT: No. No. No. It's in
25 everybody's folder.



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1 CITY ATTORNEY ASHE: I want to make
2 sure the court reporter has the original. Nobody
3 trusts me with original copies.
4 MR. BRANT: On August the 6th, 2025,
5 City Clerk Brenda James filed an equal employment
6 opportunity complaint with the HR director naming
7 Council Member Hudson.
8 The letter confirmed the complaint was
9 proper and actionable under the section 2-50.6(a)
10 of the City Personnel Policy and Procedure manual.
11 Ms. Hudson was advised that
12 retaliation, direct or indirect, against Ms. James
13 was strictly prohibited under section 2-50.6(b)
14 and could result in additional consequences.
15 She was explicitly instructed because
16 this is a pending personnel matter any discussion
17 must be conducted only in duty convened executive
18 session, not in public meeting.
19 August the 7th, 2025, in a rebuttal
20 letter at 12:16 p.m., Ms. Hudson stated, "Let me
21 be clear. I will not comply with any directive
22 that unlawfully restricts my ability to perform my
23 duties as an elected official."
24 Later that day, City Attorney in an
25 email sent to Ms. Hudson and full council members

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1 convened by Mayor Pro Tem Heath. On August the
2 19th, 2025, investigative committee convened to
3 section 2-35(h) of the City of Fairburn Code of
4 Ethics. At the meeting, the committee voted to
5 forward the ethics complaint to the City of
6 Fairburn Ethics Board for a hearing and final
7 determination.
8 August the 27th, 2025, email from
9 deputy clerk sent to Ms. Hudson stating
10 investigative committee referred matter to the
11 Ethics Board. The email notice included the
12 notice of referral, the official ethics complaint,
13 a copy of the overnight notice mailed to parties,
14 and chapter to the City ordinance.
15 She was advised -- Ms. Hudson -- the
16 Ethic Board's hearing would take place on or
17 before October 24th because of her -- because per
18 Section 2-35(i) 2(b), hearing had to occur within
19 60 days of August 27th, 2025, referral to the
20 Ethics Board.
21 On August the 29th, 2025, City Council
22 [Member] Hudson and Mayor received the same notice
23 and package email on 8-27-2025 via overnight
24 delivery and signed it herself. That is -- what
25 is the exhibit?

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1 confirmed that the Mayor's August 6th directive
2 was legally appropriate and fully aligned with the
3 City policies. Compliance was necessary to
4 protect employees' rights, prevent retaliation,
5 and reduce legal liability.
6 The EEOC matter that the city clerk
7 filed on August 6th, 2025, would be discussed in
8 the August 11th, '25, executive session and would
9 not be addressed publicly.
10 On August the 9th, 2025, two days
11 after her rebuttal, despite clear directives,
12 Ms. Hudson posted an article on public forum
13 Fairburnforward.com titled When Transparency is
14 Replaced With Silencing Tactics.
15 The post made direct public reference
16 to the pending EEOC complaint, information she has
17 been specifically instructed was confidential and
18 to be discussed totally in executive session.
19 August the 11, 2025, official complaint
20 [sic] filed an emailed to Council [Member] Hudson
21 that the process of what we were going through now
22 is officially starting.
23 Deputy clerk noticed Councilwoman
24 Hudson on the ethics complaint and provided a copy
25 of the complaint. Investigation committee

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1 So what I want to do, we have an
2 exhibit of that. I'm going to give everybody a
3 copy.
4 CITY ATTORNEY ASHE: Do you have one
5 for the court reporter?
6 She can have mine.
7 MR. BRANT: Thank you. There you go.
8 Okay. Councilwoman Hudson's lawyer
9 received the notice on 9-30-2025; hearing date, 11
10 days before the hearing. September the 30th,
11 2025, Ethics Board hearing convened and Ms. Hudson
12 and her lawyer were a no-show. Ethics Board
13 recommended impeachment and -- let's see.
14 I also want to introduce into evidence
15 what is -- you have the -- that exhibit you have
16 now is Exhibit 3. This is Exhibit 1. It is also
17 in your notes. This is a --
18 CITY ATTORNEY ASHE: Counselor, if
19 you'll hold on for a second.
20 MR. BRANT: Yeah. I'm sorry.
21 CITY ATTORNEY ASHE: Counselor, do you
22 have any objection to the admission of this as an
23 exhibit?
24 MR. WILLIAMS: No, I don't have any.
25 MR. BRANT: Thank you.



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1 CITY ATTORNEY ASHE: Without objection,
2 I would like to amend its administration.
3 MAYOR PRO TEM: So moved.
4 (Whereupon an off-the-record discussion
5 ensued.)
6 MR. BRANT: Okay. So I think we've
7 already introduced everything in that pack we
8 gave.
9 MR. WILLIAMS: Okay. No problem.
10 MR. BRANT: Okay. We've already done
11 that. I think you-all have it. It's in that
12 package we introduced.
13 So I think I started on October the
14 13th, 2025, in this council In Re: Impeachment Panel
City of Fairburn Trial recommended
15 to impeach and remove Samantha Hudson from office
16 by a 5:1 vote. The one vote that went against it
17 was her voting in her place.
18 Notice of said impeachment trial
19 announced in City Council meeting and hearing date
20 set forth on 10-30-25.
21 October the 17th, she was served
22 notoriously because there's an issue about the
23 service and how she was served. She was served
24 notoriously. The notice was left. That means the
25 notice was left because her daughter wouldn't take

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1 DIRECT EXAMINATION
2 BY MR. WILLIAMS:
3 Q I know different circumstances in
4 meeting, but nice to meet you, Honorable Mayor
5 Avery.
6 A Yes, sir.
7 Q Do you know Samantha Hudson?
8 A I know she sits on the council.
9 Q Okay. And did you sign a letter dated
10 August 6th, 2025, notice of EEO complaint and
11 cease and desist directive?
12 A I did.
13 Q Did you read that letter prior to
14 signing it?
15 A I did.
16 Q Okay. Then you do know that it says
17 although elected officials such as yourself are
18 especially excluded from the policy coverage under
19 Section 2-50.3? You know that it said that?
20 A Yes.
21 Q You knew that it said that prior to
22 signing it?
23 A Yes.
24 Q Did you submit the actual -- I know you
25 submitted a lot of things in this black binder, a

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1 it. You leave it on the door. That is a legal
2 form of service. It was served. So it was left.
3 And then on October the 19th, 2025, she
4 was served by the same process server Hudson had
5 used to serve the City.
6 On October the 29th, 2025, at a TRO
7 hearing to stop the impeachment, she admitted in
8 open court she and her lawyer were both aware of
9 the 9-30-2025 Ethics Board hearing, and she
10 admitted she was in town on 9-30-2025, but left
11 town again after just getting back.
12 That is my case in chief.
13 MAYOR PRO TEM: All right. The
14 Respondent's case. You have one hour, sir.
15 MR. WILLIAMS: May I call witnesses or
16 just me talking?
17 CITY ATTORNEY ASHE: You may.
18 MR. WILLIAMS: I just wanted to make
19 sure. I'd like to call Honorable Mayor Mario
20 Avery as a witness.
21 MARIO B. AVERY,
22 being first duly sworn, was examined and
23 testified as follows:
24 - - -
25 - - -

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1 lot of official documents, certified documents.
2 And I can let you look at this, but did
3 you ever submit for the review of the honorable
4 panel, City Council Members, and so forth, the
5 actual City's Personnel Policy and Procedures
6 manual?
7 A I don't remember me submitting it to
8 them, but I'm sure they had it.
9 Q Let me refresh your memory, give you
10 this to try to refresh your memory and let you
11 look at what you submitted.
12 www.Gallo.Legal/Scheduling
404.389.1155
13 Q I'll give you one second to look at
14 that, and then I'll take it back and I'll ask you
15 the question.
16 Is that an index page on the front
17 page?
18 A Yes, here it is.
19 Q I've got to take it. I can't question
20 you --
21 Now that I've tried to refresh your
22 memory, did you submit a certified copy that said
23 City's Personnel Policy and Procedures manual
24 that's referenced in your letter dated August 6th,
25 2025?



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1 A I believe I did, sir.
2 Q Okay. Well, let me read it.
3 City Ordinance, Chapter 2,
4 Administration; agenda; hearing exhibits; hearing
5 transcript; verdict findings; recommendation;
6 resolution; charters; hearing date; City
7 Ordinance, Chapter 35, Law Enforcement; Police
8 service of charges hearing date; private process
9 charges hearing date; City Charter, Section 7,
10 Amendment Number 9820.
11 Did you hear me call out at all the
12 City's Personnel Policies and Procedure manual?
13 A I didn't hear you say it.
14 Q Okay. So it's a fact that the alleged
15 inve- -- well, the investigation that was
16 triggered and discussed in your August 6th, 2025,
17 letter was actually made pursuant to the city's
18 Personnel Policy and Procedures manual; correct?
19 A Yes, sir.
20 Q Okay. Now, if it's true --
21 hypothetical for you, Honorable Mayor. If it's
22 true that Ms. Hudson is not governed by the policy
23 manual, her conduct's not governed by the policy
24 manual, then how do you trigger an investigation
25 about her conduct which is not governed by the

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1 Q Okay. So let's talk about the
2 executive session.
3 A Okay.
4 Q At the time that Councilwoman Hudson
5 made this public notice about the investigation of
6 her and all this stuff, had there been a City
7 agenda with this issue on it as an executive
8 session issue?
9 A I don't remember that right offhand,
10 but I'm pretty -- I'm sure we didn't do it in
11 violation of the code. I'm sure of that.
12 Q So you don't know?
13 A I don't remember offhand, but I'm
14 pretty sure that it was in accordance with our
15 policy.
16 Q Did you present any evidence today that
17 at the time that -- because it's your burden; not
18 mine.
19 A Okay.
20 Q So did you present any evidence that at
21 the time that City Councilman Hudson made these
22 alleged disclosures, public disclosures, of this
23 investigation that a City agenda existed that had
24 this issue put on it for executive session?
25 Did you put on any evidence to

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1 policy manual?
2 A The document that I have actually
3 literally states council members being governed
4 about confidential information.
5 I'm actually trying to find the code
6 section.
7 Q Okay. We'll get to -- confidential
8 information --
9 A Yes, sir.
10 Q -- is one thing.
11 A Okay.
12 Q But isn't it true that you used the
13 policy manual to trigger an investigation of
14 Hudson?
15 A I used a policy to state why I have a
16 problem with what she's doing. Yes, sir.
17 Q Okay. Did you-all present any evidence
18 that would contradict -- today did you-all present
19 any evidence that would contradict the actual
20 admission made in this August 6th, 2025, letter
21 that says that City Councilman Hudson is expressly
22 excluded from the policy coverage of the City's
23 policy manual? Did you present any evidence?
24 A Not that I'm aware of. Actually, this
25 is in accordance with what governs it.

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1 demonstrate that to this panel?
2 A The information would have actually
3 been on the agenda with the actual City Attorney's
4 office.
5 Q Okay. So did you present the agenda
6 today?
7 A The agenda? No. Actually, really, me
8 and my attorney I guess I should say. Yes.
9 Q There's an agenda that had it as an
10 executive session? Where is that? Could you find
11 it for me?
12 A I don't have it with me. I don't have
13 that with me, sir.
14 Q Does your attorney have it?
15 A I'm not sure.
16 Q Okay. What date did you-all discuss
17 this issue in executive session?
18 A It would have been the following next
19 council meeting after -- it was, I guess, actually
20 an event following council meeting as relates to
21 the issue of the complaint.
22 Q So this actually says, Public
23 disclosure in violation -- I'm just going to read
24 this to you. It's a little bit -- I'm trying to
25 get a little bit informal.



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1 Public disclosure in violation of
2 confidentiality occurred on August 9th, 2025. Do
3 you agree with that?
4 A August the 9th?
5 Q 2025. Is that the date that -- would
6 you agree that that's the date that Ms. Hudson
7 made this public disclosure?
8 A I don't have that with me, but I
9 think -- I think you're right.
10 Q Okay. Was there a City Council meeting
11 prior to that August 9, 2025, date that discussed
12 this particular issue in executive session?
13 A I don't think so.
14 Q Okay. So is it fair to say that
15 Ms. Hudson's alleged disclosure, violated rules
16 allegedly, happened prior to an agenda being put
17 out that placed it as an executive session issue?
18 A Yes, sir. Yes, sir.
19 Q Okay. So then that means it happened
20 prior to it actually being voted on to go into
21 executive session?
22 A Yeah. But our code is very clear about
23 what you can and can't talk about.
24 Q Okay. But then it also happened prior
25 to. It actually happened in executive session;

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1 went to the Attorney General to file a complaint;
2 correct?
3 A I was aware of that, yes.
4 Q Now, just based on your knowledge and
5 experience, does she have a right to do that under
6 the US Constitution?
7 A Does she have a right what?
8 Q Does she have a right to go to the
9 Attorney General and file a complaint?
10 A I'm sure she sent an official
11 complaint. That's my understanding, yes, sir.
12 Q Well, let me ask you a different way.
13 Is there anything in the City Charter or any City
14 rules or regulations that prohibited her from
15 going to the AG and filing a complaint?
16 A I'm not a lawyer. You'll have to ask
17 our City Attorney.
18 Q Well, you know you're charged as the
19 mayor with knowing the City Charter; correct?
20 A Right.
21 Q Okay. So did the City Charter prohibit
22 her from doing that?
23 A I'm not sure anymore at this very
24 moment.
25 Q Okay. Did the City Charter prohibit

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1 correct?
2 A Yes.
3 Q Now, tell us what -- we're going to
4 leave the whole issue that she's not even governed
5 by the very document you used to start up the
6 investigation.
7 Tell me where in the code that says
8 that she cannot -- she's absolutely prohibited
9 before something goes into executive session to
10 discuss it.
11 A In this case, it talks about under
12 Section 2-35, paragraph (c) (3) prohibits
13 disclosure of confidential information by virtue
14 of position -- official positions.
15 In Section 2-35, paragraph (c) (11)
16 prohibits disclosure of confidential information
17 without approval of the governing body.
18 Q Okay. Let me ask you this then, where
19 does it say on your letter or anywhere that it's a
20 confidential matter?
21 A It says it's confidential as a result
22 of the code that I quoted.
23 Q Okay. And so that's your argument?
24 A Well, that's partially my -- yes, sir.
25 Q Okay. Now, you know that Ms. Hudson

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1 her from voicing her particular belief that she
2 was experiencing a hostile work environment?
3 A No. It doesn't stop her from freedom
4 of speech, no.
5 Q Okay. And in this particular letter --
6 I just want to make one last point on the record.
7 August 6, 2025, do you have that letter in front
8 of you, Mayor?
9 A Yes, sir.
10 CITY ATTORNEY ASHE: If you'll look at
11 the white binder, the one we created, it's behind
12 tab Exhibit A.
13 Q (By Mr. Williams) Tab Exhibit A right
14 here. I'll get it for you.
15 A Okay. Okay, sir.
16 Q Tell me in this -- just go ahead and
17 look at the two pages.
18 A Okay.
19 Q Tell me where you signed this document.
20 You signed it -- correct -- on page 2? Is that
21 your signature?
22 A Yes, sir.
23 Q All right. Tell me where it says the
24 only place that you can discuss this is in an
25 executive session.



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1 A It doesn't.
2 Q I'm sorry. Would you say that again?
3 A It does not.
4 MR. WILLIAMS: All right. That's all I
5 have.
6 MAYOR PRO TEM: Okay. Next, would
7 impeachment counsel --
8 MR. WILLIAMS: I was going to call --
9 MAYOR PRO TEM: Oh, I thought you said
10 you were done.
11 MR. WILLIAMS: I'm sorry.
12 CITY ATTORNEY ASHE: That's all you had
13 for the Mayor?
14 MR. WILLIAMS: In Re: Impeachment Panel
City of Fairburn Trial
15 (Whereupon an off-the-record discussion
16 ensued.)
17 CROSS-EXAMINATION
18 BY MR. BRANT:
19 Q So, Mayor, do you have a City Attorney?
20 A Yes, I do.
21 Q What is your relationship to that
22 attorney?
23 A He's very credible.
24 Q Do you go to him for advice on how to
25 proceed with matters?

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1 any response to that except to -- let me just
2 rephrase the question.
3 CITY ATTORNEY ASHE: Okay, sir.
4 Q (By Mr. Brant) Do you rely on the City
5 Attorney -- do you rely on the City Attorney for
6 advice in matters such as this?
7 A Absolutely.
8 Q Did he explain to you why it was legal,
9 procedurally and lawfully, otherwise, to go
10 forward the way you did?
11 A He indicated that all of my efforts of
12 what we were trying to do was in accordance with
13 the law as it was written, if I believe correctly.
14 Q And you were shown at different points
15 and you've heard arguments at different points
16 about things that he shared with you about what
17 the law stated that you had a right to do;
18 correct?
19 A Yes, sir.
20 Q Okay. And do you remember doing
21 anything outside of what was advised by the City
22 Attorney that you could or could not do?
23 A No, sir.
24 Q Okay. And it is your -- you did answer
25 it and I just want to be correct. He did advise

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1 A I do.
2 Q Did you go to that attorney, to the
3 City Attorney, concerning this matter?
4 A I did.
5 Q Did you express concern about what was
6 going on and what's being discussed here before
7 this council this evening?
8 A I did.
9 Q Were you advised -- on the thing that
10 you did that is a part of this hearing, were you
11 advised by the City Attorney that those things
12 were appropriate after you researched them, looked
13 into them, and that they were legal to go about
14 doing what you did the way you did it?
15 A I did.
16 CITY ATTORNEY ASHE: I'm going to
17 object to further discussion about the Mayor's
18 confidential privileged conversations in his
19 official capacity with the City Attorney.
20 MR. BRANT: I'll withdraw it.
21 CITY ATTORNEY ASHE: And I think given
22 the four members of the council, they understand
23 the relationship between the City Attorney and the
24 City.
25 MR. BRANT: Okay. Well, I don't have

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1 you on this matter, on the proceedings leading up
2 to where we are now; correct?
3 A Yes, sir.
4 Q Okay. I know you were asked a question
5 about her disclosing confidential information, and
6 you said you couldn't show him where she was not
7 allowed to do that; correct?
8 A Correct.
9 Q Can you show me where she's allowed to
10 do it, or is it up for interpretation? Does it
11 specifically give her permission to do what she
12 did? www.Gallo.Legal/Scheduling
404.389.1155
13 A No.
14 Q Okay. So you were advised that she was
15 going by the City Attorney; correct?
16 A That's correct.
17 Q Okay. So that's an interpretation, but
18 you was given that information by another attorney
19 who you felt knew the statute and codes; right?
20 A That's correct.
21 Q And I guess just to point out, the only
22 thing that you were asked was to tell the panel
23 where she is allowed to disclose -- where she's
24 not allowed to disclose.
25 I mean, either way you don't know



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1 specifically a statute that says either way one
 2 way or another whether she can or can't. You was
 3 just interpreting the section as it was put forth.
 4 Am I correct?
 5 A Yes, sir.
 6 Q Okay. Tell me about how you -- the
 7 process you went through to get to the point where
 8 you filed what you did. Walk the panel through
 9 that.
 10 A I was already being aware of historic
 11 efforts to harass the City clerk. And so now when
 12 I was made aware -- it was a holiday. I was made
 13 aware that Ms. Hudson had actually posted
 14 information, an EEOC complaint on the public -- which
 15 I knew from being the Mayor that's a violation.
 16 Any EEOC information, that's just prohibited for
 17 you to put it out in the public.
 18 So as such I actually took time and
 19 tried to write, draft -- and went through and
 20 drafted a letter, as you see in this case. You
 21 know, I asked the City manager would he review it
 22 for me just to make sure it was in the course of
 23 the event.
 24 And I sent them to the City Attorney
 25 and just said in my efforts to address what I

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1 of even governing Ms. Hudson, Council City Woman
 2 Hudson [as said], by a policy that the City
 3 already admitted doesn't govern. So that's one
 4 separate issue.
 5 And then the other issue is you take
 6 umbrage and filed a complaint saying that when on
 7 August 9th she did disclose this information, you
 8 say that also in addition to the harassment was a
 9 violation; correct?
 10 I just want to make sure we get the
 11 record straight because there was a little
 12 confusion up there.
 13 A All right.
 14 Q Now, I hear a lot of talk about
 15 directing somebody, that Councilwoman Hudson
 16 didn't obey directives.
 17 So do you believe -- as Mayor, do you
 18 have the authority to tell City Councilman Hudson
 19 to direct her not to do something even if it
 20 doesn't comply with the personnel policies?
 21 A I have the right as a Strong Mayor of
 22 formal government, which is unusual for this area
 23 of the City of Atlanta, I have the right to advise
 24 her what is in violation and the legal exposure
 25 that her conduct has exposed the City to. I have

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1 believe is a violation of the law, exposing an
 2 EEOC complaint on the Internet. I said to the
 3 City Attorney, I said, I want to send this to
 4 Ms. Hudson, and I need to know if it is legally
 5 sound. And he wrote back -- you know, he told me,
 6 yes, it is a legal -- it's legally sound.
 7 MR. BRANT: Okay. No further
 8 questions.
 9 MR. WILLIAMS: I'll just do a quick
 10 redirect.
 11 REDIRECT-EXAMINATION
 12 BY MR. WILLIAMS:
 13 Q I'll just do a quick, you know,
 14 redirect. So just to get a timeline correct -- so
 15 there's two issues going on. One is sparking the
 16 investigation. August 6th, send a letter out,
 17 spark the investigation pursuant to the personnel
 18 policies; correct?
 19 A That's -- okay. That's my
 20 understanding.
 21 Q Okay. So there was no publication of
 22 this EEO and all the stuff that you just said at
 23 the August 6th date or prior; correct?
 24 A It wasn't public, no.
 25 Q Right. So one issue is the legitimacy

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1 that right to advise.
 2 Q So there's a distinction between
 3 advising and directing. Directing seems to imply
 4 commanding somebody. Advising is giving advice
 5 and saying "Hey, I'm going to advise you on this
 6 because I think this is my opinion, but you take
 7 with it what you want"; correct? Is that a fair
 8 distinction?
 9 A No, sir. You're playing on words. And
 10 my position is simply, I advised and told her,
 11 here what you're doing is literally placing the
 12 City in a liable state.
 13 And so it's my job to tell you that
 14 whether you receive it -- which you made it clear
 15 you would not receive it from me. You're going to
 16 abide by your own rules. You were real clear in
 17 writing with that.
 18 So, no, sir. Me trying to command
 19 her -- I simply advised her what I would do to any
 20 other council member as relates to what I believe
 21 is potential liability.
 22 Q You advised her about potential
 23 liability; right?
 24 A Yes, sir.
 25 MR. WILLIAMS: Okay. That's all I



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1 have.

2 I'd like to call Samantha Hudson.

3 SAMANTHA B. HUDSON,

4 being first duly sworn, was examined and

5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. WILLIAMS:

8 Q Hey. How you doing, Councilwoman

9 Hudson?

10 A Great.

11 Q I'm going to try my best to kind of

12 stay within open-ended questions. This is not a

13 cross-examination with leading questions. So I'm

14 going to ask you some open-ended questions, and

15 then you just answer to the best of your ability.

16 Who is it that the City has accused you

17 of harassing?

18 A The City clerk.

19 Q Okay. What is her name?

20 A Brenda James.

21 Q Okay. And what is the conduct that you

22 allegedly engaged in as far as the accusations of

23 harassment?

24 A Request for open records, request for

25 executive session minutes, request for documents

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1 that he's a Strong Mayor, and the City Attorney

2 supports that because Mayor Mario Avery is a

3 Strong Mayor, that he gets to decide what

4 documents elected officials get.

5 Q Okay. All right. And then let me ask

6 you this, because I don't want to be up here all

7 day, two years trying to go over every time you

8 contacted this person. But when was the last

9 contact you had with her?

10 A I would say early July.

11 Q Okay. And do you have like an email

12 or --

13 A Yeah. July 17th, without her knowledge

14 or the Mayor's knowledge, I contacted the City

15 administrator, and I requested that Brenda James

16 no longer provide any clerical support for me

17 because I was concerned about how I was being

18 treated and was informed about some information

19 from another county and an elected official about

20 my name being used disparagingly while she was in

21 the process of interviewing at Clayton County.

22 She had resigned from Fairburn and sent

23 a notice that she was going to retire. She

24 rescinded that. And when I -- at the time that

25 she rescinded it, it was a time where I received

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1 pertaining to financial documents, ARPA,

2 contracts, financial records. I mean, just open

3 records for two -- nearly two years.

4 Q Okay. How many times did you request

5 the documents from this particular individual?

6 A To be specific, when I took office

7 January, I initiated an email. I initiated an

8 email in December of 2023 during orientation to

9 get a list of items to bring me up to speed on

10 what was going on in the City.

11 When I took office, I received some

12 documents from the City Attorney, but there was

13 some information that I needed to clarify in what

14 I read. When I began to ask for the clarifying

15 documents, this is where we started the contention

16 from the Mayor.

17 I was thrown back by the Mayor having

18 me to request documents through him, the City

19 manager, and all of council.

20 Q Now, let me ask you something. What,

21 if any, personnel policy, even though it doesn't

22 govern you, or code ordinance or anything that the

23 Mayor tells you authorize him to make you do your

24 records request through him personally?

25 A He sent an email. He uses the term

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1 the information that there was some conversation

2 in Clayton County about me.

3 So in a respectful way to try to keep

4 the drama down, I contacted the City administrator

5 and asked if he will redirect anything that she

6 would have to do for me to the deputy clerk.

7 The Mayor responded back saying that I

8 don't get to control the day-to-day. I thought I

9 was just trying to -- conflict resolution.

10 Q Were you trying to control the

11 day-to-day?

12 www.Gallo.Legal/Scheduling
404.389.1155

13 Q Was that your intent to control

14 day-to-day?

15 A No.

16 Q Whose job is it really to manage the

17 day-to-day operations?

18 A The City manager.

19 Q That's right. Who is that?

20 A Tony Phillips.

21 Q Okay. Now, just to kind of let you

22 speak your peace because we're in a public forum,

23 why did you contact the AG?

24 A I contacted the AG because there is a

25 consistent pattern of the Mayor and the attorney

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1 interfering with public records, asking for
2 records.
3 I stopped asking the Mayor and Council,
4 and putting in a "Reply All." After a year, I had
5 to step back and say, listen, if I'm going to
6 advocate for equity in our processes, then
7 everybody has to be accountable for the role that
8 they do.
9 The clerk is the record keeper. I
10 should not have to go to the Mayor nor the City
11 Attorney or the City manager or have permission
12 from council to vote on anything for me to review
13 public records.
14 Q Okay. And then In Re: Impeachment Panel
City of Fairburn Trial getting a
15 response, did you ever -- was there ever an
16 instance where you did an open records request and
17 you just didn't get a response?
18 A I would request in an email, and I was
19 directed by the City Attorney and City manager to
20 do open records request.
21 Q Okay.
22 A Prior to that, I understood by my
23 former colleague James Whitmore that that was not
24 the protocol, that we are elected officials and
25 more so I know even more now.

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1 Q Let me ask you -- let me ask you
2 something. Isn't it true that you -- you know, we
3 all have like disagreements about the outcome. I
4 have a disagreement about the outcome of what
5 happened yesterday. But you've got to live with
6 that.
7 So are you prepared to just live with
8 that? Just live with the outcome that, hey, the
9 complaint got tossed?
10 A That's it.
11 MR. WILLIAMS: Okay. Okay. All right.
12 That's all I have.
13 MR. BRANT: We have two portions.
14 CROSS-EXAMINATION
15 BY MR. BRANT:
16 Q Ma'am, just, I want to start with where
17 you kind of left off.
18 You said that -- you talked about -- so
19 you -- you have been having some problems, you
20 said, with the clerk; correct?
21 A My issue was about the receipt of
22 public records. That's it. That's all.
23 Q Did she ever express to you that some
24 information you weren't entitled to?
25 A The Mayor and the attorney expressed

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1 Georgia Constitution defines elected
2 officials as trustees --
3 Q Ma'am?
4 A -- which means we are entitled.
5 Q Okay. That's okay. But that's kind of
6 like a legal interpretation debate.
7 So let's just stick to this: Who did
8 you tell that you felt or express to that you felt
9 like you were experiencing a hostile work
10 environment?
11 A I expressed that to the AG's office
12 because during a council meeting, my colleague
13 Alex Heath in a debate began to stare me down to
14 the point where he was redirected three times to
15 stop by the Mayor on public view. It's all out
16 there.
17 I filed an ethics complaint against
18 Alex Heath. The investigation committee met.
19 They reviewed the evidence, played the evidence
20 publicly, and went into a closed session.
21 I was confused at that time, why was a
22 closed session needed. So I wanted to know more
23 about how they got to where they arrived at the
24 decision to throw away this complaint that was to
25 me visibly proving that this hostility occurred.

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1 that I wasn't entitled to this information.
2 Q And you did file a complaint with the
3 AG; correct?
4 A Yes, I did.
5 Q It was dismissed; correct?
6 A No, it was not that the complaint was
7 dismissed. I'm glad you asked that question
8 because I want to clarify.
9 The complaint that was launched with
10 the AG's office had several things in it. One of
11 the things was spoliation of public records by
12 Mario ~~Wright~~ where he destroyed public records
13 during a discovery hearing in June of 2024.
14 Q Excuse me. I'm sorry.
15 A The second history --
16 Q You're answering something I didn't
17 ask.
18 A You told me --
19 Q I'm asking you, did the Attorney
20 General, did they dismiss your case?
21 A The Attorney General closed the case
22 after the attorney gave a response to the item of
23 executive session.
24 Q Okay.
25 A Because when they accepted the case,

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1 they excluded other items and referred me to the
2 Fulton County District Attorney's office.
3 Q So the question is, what did they do
4 in --
5 A When Rory Starkey gave his answer, they
6 closed the case.
7 Q Okay. So no determination and nothing
8 you asked for from the Attorney General was
9 granted to you?
10 A They wanted to clarify.
11 Q You're saying what they wanted to do.
12 I'm asking you what they did, ma'am.
13 A After the clarification of the use of
14 executive session for that, the City Attorney given by the
15 attorney, they closed it.
16 Q And what was the interpretation of the
17 use of executive session?
18 A I can't give interpretation. I can
19 tell you exactly what happened.
20 Q No. How about telling me what they
21 said, not what you think happened, what they said
22 in the letter response to you?
23 A The email response to me from the AG's
24 office said that they received -- she forwarded me
25 Rory's response, and they closed the case.

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1 Thank you.
2 MR. WILLIAMS: All right. No further
3 questions.
4 MAYOR PRO TEM: Do you want to go ahead
5 and call --
6 CITY ATTORNEY ASHE: Good evening,
7 ma'am. Could you please state your name for the
8 record, please?
9 MS. JAMES: Brenda James.
10 BRENDA JAMES,
11 being first duly sworn, was examined and
12 testified as follows:
13 DIRECT EXAMINATION
14 BY MR. BRANT:
15 Q Ms. James, state your full name for the
16 record, please.
17 A Brenda James.
18 Q Okay. Ms. James, how long have you
19 been working here in Fairburn?
20 A For my second term, I've been here
21 three and a half years.
22 Q All right. Tell us about your first
23 term.
24 A I worked six years before here.
25 Q So combined total of nine years?

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1 Q So they did nothing with the --
2 A She forwarded the response to me, and
3 they closed the case.
4 Q Okay. So let me just ask you this way,
5 did you get anything you asked for from the
6 Attorney General?
7 A Yes, I did get clarification.
8 Q You got clarification?
9 A Yes.
10 Q All right. Well, good. All right.
11 And they closed the case. And that's all
12 you -- that's all you -- you went to the Attorney
13 General, not the City Attorney, for clarification?
14 A Oh, I went to the City Attorney many
15 times.
16 Q Okay. And so that's why you felt you
17 had to go to the Attorney General?
18 A Yes.
19 Q And did you get the clarification you
20 wanted?
21 A I did.
22 MR. BRANT: All right. No further
23 questions on that.
24 I have no further questions of this
25 witness, but I will be calling a rebuttal witness.

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1 A (Nods head affirmatively.)
2 Q What is your duties and
3 responsibilities?
4 A I'm the City Clerk. I am the keeper of
5 the records. I run the council meetings, do the
6 minutes, open records.
7 Q Is there a situation where you had
8 a -- where you had a conflict -- was there ever a
9 matter that came up where you and Ms. Hudson had a
10 conflict which got -- sort of got us here -- let
11 me withdraw that.
12 Explain to the council members,
13 everybody, what has been your experience with
14 Council Member Hudson and what has got us to this
15 point.
16 A Okay. Council Member Hudson ever since
17 she's come in, we've had some issues. But,
18 actually, all of it mainly started when there was
19 the ethics complaint filed by Council Member
20 Hudson on Council Member Heath.
21 And after that, she asked me for some
22 records. She wanted the executive session, and
23 what she sent me was the consistency in
24 complaints.
25 Her following complaints were



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1 consistency in handling ethic complaints, access
2 to meeting minutes and records, potential
3 violations of open meetings. She requested a
4 response by the close of the day detailing what
5 and where she could get these items.
6 And she said transparency and adherence
7 to legal protocols are vital for maintaining
8 public trust. That was on March the 17th.
9 On March the 19th, I received another
10 email from Council Member Hudson requesting the
11 following, she wanted the minutes, transcripts,
12 video footage, executive session policy, which I
13 sent her each one of those. I sent her a copy of
14 the minutes, the action minutes, the affidavit for
15 the closed meeting, and the letter for the
16 complaint dismissal. I did not send her executive
17 session minutes.
18 On March the 24th, I --
19 Q Why did -- why did you not send her
20 that?
21 A Because the executive session was not
22 in executive session, and executive session
23 minutes are only open to the public if they go to
24 the court. I did send her the action minutes
25 which detailed what was in executive session.

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1 that govern the conduct of public officials.
2 They included principles of
3 transparency, honesty, and accountability and that
4 I had an ethical obligation to give her those
5 records.
6 So what I did was I sent to
7 Councilwoman Hudson along with the video of the
8 meeting again, and I quoted the Georgia Open
9 Meetings Law, executive session minutes.
10 I quoted what it said about the
11 executive session minutes, and they would have to
12 go to court to get them.
13 On March the 21st, Council Member
14 Hudson came and filed a complaint against the
15 members of the board that had heard her complaint
16 and filed another complaint against Council Member
17 Heath.
18 Then on March the 28th, I received
19 another email from Council Member Hudson. She
20 stated she had issues with the affidavit that I
21 had sent to her, that she said by neglecting the
22 law, my actions suggested an attempt to evade
23 transparency and a responsibility that cannot be
24 compromised.
25 Q Okay. I want to stop you. Have you

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1 Q Okay.
2 A Okay. On March the 24th, I received an
3 email from Councilwoman Hudson once again stating
4 that she was entitled to those minutes and urged
5 me to follow the legal framework.
6 Q Excuse me. So I want to ask you a
7 question before you go on. Had you already sent
8 her information?
9 A Yes, I did.
10 Q Okay. But even though you sent her the
11 information, you got the email following up
12 telling you to follow instructions?
13 A Yes, I did.
14 Q Had you done or has anybody pointed out
15 to you, the City Mayor -- I mean, the City
16 Attorney or anybody else that you had done
17 anything wrong up to that point?
18 A No.
19 Q Although you hadn't been informed by
20 anybody else that you had done anything wrong, did
21 Councilman Hudson continue to come at you about
22 that situation?
23 A Yes. She said that, once again, I was
24 in violation of the Open Meeting Act. As the
25 municipal clerk, I was bound by ethical standards

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1 since looked back or had anybody look at the
2 affidavit that you sent her?
3 A Yes. I sent it to the --
4 Q Did anybody else find fault with that
5 affidavit that you sent her?
6 A No. It's the affidavit we use.
7 Q Okay. But although no one else -- she,
8 I guess, rebuked and criticized about sending her
9 that affidavit; correct?
10 A Yes.
11 Q Okay. But when you consulted with
12 others, nobody else had a problem or saw anything
13 wrong with what you had sent; correct?
14 A No.
15 Q All right. Go ahead. Go further.
16 A She further said the violation of the
17 Open Records Law could result in fines, even
18 imprisonment.
19 She went on to tell me how
20 sorry --
21 Q I'm sorry. How did you take that? How
22 did you personally take that being sent to you?
23 A I took it as a threat.
24 Q Okay. And later on, the Mayor brought
25 an action about her on your behalf trying to



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1 protect you about what he thought he saw going on
2 between you and the council member; correct?
3 A Well, that was later.
4 Q That was later, but these are the
5 things that are building up to that; right?
6 A Yes.
7 Q All right. Go ahead, ma'am.
8 A Well, so on March the 29th, the City
9 Attorney responded to Council Member Hudson and
10 gave his legal opinion on that. Of course, he
11 responded that that was misapplication of the law.
12 On March the 31st --
13 Q On whose behalf, misapplication of the
14 law?
15 A On the attorney's behalf.
16 Q Okay. Go ahead.
17 A On March the 31st, I sent an email to
18 the City Attorney and the Mayor stating that I was
19 aware of my duties and responsibilities, and I
20 felt that I was being harassed with Council Member
21 Hudson's opinions that were not facts.
22 And as the clerk, I did have a right to
23 talk to the City Attorney; however, I did not, and
24 that I was sick of seeing her podcast because she
25 was still spreading untrue opinions about me, and

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1 A On April the 1st, Mayor Avery sent an
2 email to Councilwoman Hudson asking her to stop
3 falsely accusing me of violating the Open Records
4 Act and asked her to refrain --
5 Q I'm sorry. I don't mean to stop you.
6 I just want to ask you, he sent a letter to her
7 telling her to stop harassing you; correct?
8 A Yes.
9 Q Now, let me ask you for clarification.
10 Did you, in fact, feel harassed?
11 A Did I feel harassed?
12 Q Yes.
13 A Yes.
14 Q Okay. Go ahead.
15 A He asked her to refrain from making
16 additional demands and threats on the City clerk
17 because everything said something about fines and
18 imprisonment or violating the Open Records Act.
19 So, of course, Councilwoman Hudson
20 responded. I kept all of these. On April the
21 2nd, Councilwoman Hudson sent me and asked for a
22 list of the investigative committee. On the 2nd,
23 she sent another email again of her March the 31st
24 request.
25 And then on April the 4th, she sent me

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1 I had not violated the Open Meetings Act nor had I
2 attempted to evade transparency.
3 Q Excuse me. When you say she had a
4 negative opinion about you, I think I'm
5 summarizing, what did the podcast display you as
6 having done or said which was incorrect or
7 negative?
8 A I'm violating open records.
9 Q Okay.
10 A I'm not giving the open records.
11 Q And nobody has found that to be true;
12 is that correct?
13 A No.
14 Q But she continued to say that online?
15 A Right, because the open records that
16 she spoke about earlier, wanting the offer and all
17 that, that was not sent to me. That was sent to
18 the City administrator. That was not sent as an
19 open records to the City clerk's office. That was
20 sent to the City administrator. They did not
21 release whatever she was asking for.
22 If an open records is sent to our
23 office, we do whatever we need to do to fill that
24 open records request.
25 Q All right. Go ahead, ma'am.

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1 an email with her concerns again. And her
2 concerns had to do with the agenda packet, that we
3 had not put the right -- we had not -- I put the
4 accusers on the agenda, but this was actually a
5 different case. On April the 14th, the City
6 Attorney explained all of that.
7 So on May the 1st, Councilwoman Hudson
8 submitted a formal complaint against me with the
9 Georgia Attorney General's office. She said that
10 I was in violation of the Georgia Open Records
11 Act.
12 I, W.S. Chiswick
13 www.Gallo.Legal.Scheduling 404.389.1155
14 rights and unethical conduct in managing records,
15 that I unlawfully refused to provide executive
16 sessions minutes to her despite the lawful
17 entitlement, that I obstructed transparency by
18 assisting the Mayor in concealing information from
19 lawful inquiry.
20 She asked them to have an ethical
21 investigation against me, she asked that they have
22 an open record investigation against me, and that
23 they mandate training and potential administration
24 penalties against me.
25 On July the 23rd, Councilwomen Hudson
asked that my assistant be the one to work with



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1 her because she had heard some disparaging things
2 against me.
3 I understand -- I heard her say that I
4 resigned. Yes, I did. I resigned, and I took it
5 back. And the reason I took it back was because
6 when you filed the report with the Attorney
7 General's office, I was not going to leave out of
8 here without clearing my name.
9 It had nothing to do with Clayton
10 County. I'm not going -- I've never been -- I
11 worked at Clayton County before. I wasn't fixing
12 to go to Clayton County. So I didn't talk to
13 nobody at Clayton County.
14 But she said I was disrespectful and
15 that anybody that was on the Mayor's
16 administration who engages in speech or conduct
17 that aims to portray her as a problem or
18 interferes with the execution of her duties
19 without evidence was subject to formal complaint
20 and legal action.
21 So on July the 24th, I filed a
22 complaint with HR. And I told them that I felt
23 that I was getting constant harassment with emails
24 regarding my relationship with the Mayor, constant
25 lies and defamation of my character in emails, on

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1 like to take the opportunity to remind you that
2 the contents of this investigation and any topics
3 relating to it are confidential and would not be
4 disclosed -- will be disclosed only to the
5 individuals who have a legitimate business need to
6 raise it.
7 Now, I never talked about it because we
8 were told that personnel matters are confidential,
9 and I would not have wanted all the staff to know
10 that it had come to this point that I had to file
11 an EEO against a council person.
12 Q Who informed the rest of the staff that
13 you filed?
14 A It's on Facebook.
15 Q Whose Facebook?
16 A Councilwoman Hudson's Facebook.
17 MR. BRANT: Thank you. No further
18 questions.
19 CROSS-EXAMINATION
20 BY MR. WILLIAMS:
21 Q How you doing, Ms. James?
22 A I'm fine.
23 Q I'm Mario Williams. Obviously, you can
24 see I represent Councilwoman Hudson.
25 A Yes, sir.

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1 Facebook, and even to the Attorney General,
2 discrimination of my age, creating a hostile work
3 environment, constant retaliation against me
4 because of my relationship with the Mayor.
5 Then in August, it was sent to me --
6 someone sent to me a copy of the letter that the
7 Mayor had sent to Councilwoman Hudson regarding
8 the EEO charge and said that they were both on
9 Facebook. They sent me a copy of that.
10 I didn't know that the Mayor had
11 written a letter because I was not in an executive
12 session because the executive session was
13 regarding me. So I could not be in there. That's
14 why we're here.
15 Q Okay. And that's what you know about
16 Ms. Hudson, and that's been your relationship with
17 her?
18 A Yes.
19 Q All right. Thank you, ma'am.
20 Is there anything else you would like
21 to share before I --
22 A I received -- when I filed my EEO, I
23 will say this, I did receive a letter from HR and
24 they told me that they had received my complaint.
25 But they also told me that "I would

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1 Q I'm just going to ask you a few
2 questions. Okay. The first thing I want to know
3 is you just referred to an HR document that was
4 sent to you. Who signed that?
5 A The HR director.
6 Q Who is that?
7 A TaLisha Champagne.
8 Q Do you know if Ms. Champagne sent a
9 letter to Councilwoman Hudson?
10 A No, I don't know that.
11 Q Okay. Any idea if -- Ms. Champagne had
12 already sent you a letter saying it was an
13 investigation. Do you have any idea why Mario
14 Avery took it upon himself on August 6th to send
15 out another letter?
16 A Well, this was sent to me because I
17 filed it. This had nothing to do with sending it
18 to council. This was to me because I filed it in
19 HR.
20 Q That's right. And HR handles those
21 matters; right?
22 A Yes.
23 Q Okay. Now, I know it's documented and
24 you said that she filed a complaint with the AG
25 that included you. And then did you ever get word

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1 that that complaint was dismissed?

2 A Yes, I did.

3 Q Did she ever contact you again after

4 the complaint was dismissed?

5 A No. I don't think we've talked since

6 July.

7 Q So she files a complaint against you,

8 it's dismissed by the AG, and then she stopped

9 talking to you?

10 A Right after that was when she asked

11 that my assistant be the person to work with her

12 and not me.

13 Q Okay. So you had no contact once the

14 AG resolved the issue and said we're not going
In Re: Impeachment Panel
City of Fairburn Trial

15 forward?

16 A Right.

17 Q And did you ask for any particular --

18 we're not even -- I'm not going to talk about the

19 whole person --

20 Are you charged with understanding the

21 City of Fairburn's personnel policy? Are you

22 charged with having to understand it and having

23 read it?

24 A We have to read it, yes.

25 Q Okay.

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1 remedy from the HR like, "Hey, this is the result

2 I want"?

3 A I talked to HR once before I sent this.

4 Before I sent the EEO, I had talked to HR. And

5 then after I got this, I sent this to HR. And it

6 was supposed to have been --

7 Someone was supposed to contact me

8 about this so that we could talk about it. But

9 then this case came up. So I haven't met with

10 anybody yet about it.

11 Q And in that documentation that you

12 submitted to HR, did you actually propose the

13 remedy that you wanted? What did you want to see

14 happen?

15 A I wanted to be able to do my job

16 without being harassed.

17 Q Did you ever ask for Ms. Hudson to be

18 removed from office?

19 A No.

20 Q Do you think that's an appropriate

21 penalty in this case?

22 A Well, I'm not going to answer that.

23 Q Okay. So that's -- so you're not going

24 to answer it means you're not going to say yes or

25 no?

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1 A But now, if I had to just sit here and

2 tell you everything that was in it, I couldn't do

3 that. But, yes, we do have to read it.

4 Q Well, let me ask you this, how long

5 were you working with the City of Fairburn?

6 A This will be my ninth year.

7 Q Had you ever seen the personnel policy

8 be applied to a city council person in your nine

9 years there prior to Ms. Hudson?

10 A I don't remember anybody being in the

11 situation I'm in either.

12 Q Have you ever -- did you get any

13 training -- have you ever received any training

14 that the personnel policy does not apply to a City

15 city council person?

16 A Well, I can't say it doesn't apply to

17 them. They -- I mean, the policy applies to me as

18 an employee. And an employee being harassed,

19 whether it's from you or who, the policy applies

20 to me.

21 Q Did you ever get any training that told

22 you that elected officials are expressly excluded

23 from policy coverage?

24 A No.

25 Q Okay. Now, did you ever ask for any

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1 A That's right. That won't be my

2 decision.

3 MR. WILLIAMS: That's it. I appreciate

4 your patience.

5 MR. BRANT: Can I take a ten-minute

6 break?

7 MAYOR PRO TEM: Sure.

8 CITY ATTORNEY ASHE: Do either of y'all

9 have anymore witnesses?

10 MR. WILLIAMS: No.

11 MR. BRANT: No, I don't.

12 CITY ATTORNEY ASHE: Then why don't we
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404.389.1155

13 stop. We're done with 4. So we'll move to 5 when

14 y'all come back.

15 MR. WILLIAMS: Okay. Appreciate you.

16 (Proceedings in recess, 7:48 p.m.)

17 to 7:59 p.m.)

18 MAYOR PRO TEM: Call the meeting to

19 order again, please.

20 I'm going to defer to the attorney here

21 for number 5, the impeachment questions.

22 CITY ATTORNEY ASHE: So I think where

23 we took a break was we were at the end of agenda

24 item number 4 which was the close of Respondent's

25 case.



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1 The next item is the Impeachment
2 Council and Special Impeachment Counsel Questions.
3 This is the opportunity if any member of the
4 council has a question for any of the witnesses,
5 if you have any questions you want to ask.
6 And it also gives us the opportunity to
7 ask -- I have one that I think will be relatively
8 straightforward. It is actually for Council
9 Member Hudson. It is Exhibit C in the binder, the
10 white binder.
11 Exhibit C was the complaint that the
12 Mayor filed against you. It had an attachment
13 that says when Transparency is Replaced with
14 Silencing Tactics. In Re: Impeachment Panel
City of Fairburn Trial
15 MS. JAMES: Yes.
16 CITY ATTORNEY ASHE: That was your
17 post; right?
18 MS. JAMES: Yes.
19 CITY ATTORNEY ASHE: Okay. That's my
20 only question.
21 I have nothing else. So I would
22 suggest that we then move to Statements by
23 Adversely Affected Persons.
24 That would be an opportunity for anyone
25 who believes themselves adversely affected by the

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1 entrusted to them.
2 Either City Council [Member] Hudson
3 fundamentally misunderstands the legal and ethical
4 framework that governs the City or she has
5 willfully chosen to disregard it.
6 In either case, her actions fall
7 outside the scope of the ethical public service.
8 We respectfully ask you to review the records, the
9 correspondence, and the governing legal standards.
10 And when you do, the facts will be clear on what
11 needs to be done.
12 I just have two points of clarification
13 of what was mentioned to this Council earlier.
14 EEOC complaints that the City clerk files is to
15 protect the employees, not the elected officials.
16 There was a lot of talk about it. That
17 policy is not to protect elected officials. It is
18 strictly to protect employees.
19 When Mayor Avery sent the letter to
20 Council Member Hudson, City Attorney Rory Starkey
21 sent an email to Hudson as well -- it's in your
22 binder. You have that in evidence. It's in your
23 binder. -- sent an email to Ms. Hudson stating
24 that she should -- that this situation -- that the
25 situation should be confidential and not expressed

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1 events in question to give sworn testimony
2 regarding them. Is there anyone who would like to
3 give sworn testimony under oath?
4 (No audible response.)
5 CITY ATTORNEY ASHE: Okay. Then,
6 Mr. Mayor, I would suggest that we move to closing
7 arguments. I would suggest that we give the
8 Respondent the choice of whether to close first or
9 second.
10 MR. WILLIAMS: Second.
11 MAYOR PRO TEM: We'll now have the
12 closing arguments. And if you don't mind, please
13 speak into the microphone. A spokesperson said
14 that we're not getting all the stuff that we need.
15 Thank you.
16 And you have 15 minutes each. Thank
17 you.
18 MR. BRANT: Thank you, Members. I'm
19 going to now do my closing.
20 And so Members of the Board, this
21 hearing must not be used as a political weapon or
22 a platform for personal vendettas. Your role is
23 to uphold the integrity of this institution and to
24 ensure that elected officials conduct themselves
25 in accordance with the law and the ethical duties

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1 in public.
2 She sent an email August the 7th that
3 she would not comply.
4 So this is not something that is in
5 happenstance or a misunderstanding. She was told
6 by the City Mayor not to do something
7 specifically.
8 She said, "I'm not going to comply."
9 And so for the purposes of my argument
10 in this case, I will say this, it is with much
11 regret that I find myself here doing this
12 procedure to impeach Ms. Hudson. I don't take any
13 pride in this, nor do I like this at all.
14 I'm doing this because as I was hired
15 and explained to me, the City has duties and
16 cities [sic] that it is trying to carry out and
17 protect. And in order to do that, you have to
18 have a functioning, smooth running council and
19 government to do that.
20 I think from the actions that have been
21 put forth in front of this committee, it is clear
22 that her actions are prohibiting the normal
23 activities of a city council and how it's supposed
24 to operate, and it's rendering it ineffective.
25 Thus, we would ask the Court to agree



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1 with what we're asking for and impeach her in this
2 case.

3 Thank you very much.

4 MAYOR PRO TEM: Thank you.

5 MR. WILLIAMS: Hello everybody. I'm
6 sorry I speak softly. So I'm glad we have this
7 microphone.

8 So I've already talked about the
9 policy, the express statement, actually, by the
10 City saying we know that people such as you are
11 not express -- the express language that you're
12 not governed on.

13 And I know Ms. James said, well, on the
14 back end, it's me as an ethics expert at the end
15 of the day, you really can't get around that. And
16 they provided no evidence to demonstrate that the
17 policy says anything other than "City" City
18 Council members are not covered by this personnel
19 policy that was used to invoke this investigation.

20 Now, the whole issue -- my colleague
21 said, well, I just want you to go by the law and
22 the rules. And then he said up here something
23 that I thought we've got to really think about.

24 He says, well, Mr. Williams is coming
25 up here talking about how this happened before it

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1 Number one, you know, Ms. James said,
2 hey, I never even requested that she be removed
3 from office. And she's the Complainant.

4 Then -- and I know because I have
5 served -- hey, the people are upset -- and I do
6 employee law all the time. Hey, do you want her
7 to be impeached and be removed from office? I'm
8 not going to answer that.

9 When you're mad, you say, oh, yeah.
10 Get her up on out of here. That wasn't her
11 position.

12 Now, having done opponent research for
13 former Congressman John Lewis, I've been around
14 this for a long time, Kasim Reed, everybody. This
15 is a tough arena. People complain about you.

16 I was called -- getting text messages
17 right before council meeting, called every name in
18 the book, had other city mayors and city
19 councilman, hey, Mario, we're going to go against
20 you on this and that. It happens.

21 I'm not saying it's right, but it
22 forges out due process, and it forges out results.
23 The City of Fairburn is effective. What he wants
24 you to do is punish her. Not necessarily for the
25 interchange between Ms. James. He wants you to

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1 was on an agenda, no vote. And saying, point me
2 to a regulation or rule or ordinance that says she
3 couldn't do it if it wasn't on the agenda, no
4 vote. And they tried to say, well, show me where
5 she could do it.

6 Now, that's not my burden. His burden,
7 looking to remove a public official, is show you
8 where she couldn't do it, and he didn't do that.
9 He failed in that. He failed in that.

10 He never presented one piece of
11 evidence, number one, to say she wasn't expressly
12 exempt from the chart -- from the policy that they
13 used to invoke the investigation.

14 He never showed you, hey, this isn't on
15 an agenda. If it's not on this -- voted on and
16 it's not actually discussed and she did this
17 before, he never showed -- his best response to
18 that was, put it back -- the burden back on Mario
19 and have him show you where the law says she could
20 do it. So he failed twice on the first burden,
21 the second burden.

22 But I do want to address the substance.
23 Just in case you-all say, hey, Mr. Williams,
24 you're going to have to take that up on appeal,
25 let's talk about the substance of the allegations.

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1 punish her because she's gone against some of
2 you-all.

3 Now, I know it doesn't feel good to get
4 an ethics complaint filed on you. That's not
5 cool. I know that that's -- people are thinking,
6 hey, what are you doing? We're colleagues.

7 Like I said, this is a difficult
8 situation. But what I want you-all to consider,
9 if you say, hey, I'm not sure about the first two
10 arguments, removal from office is not appropriate
11 for a situation that actually died off after the
12 AG said, hey, we're not dealing with this, never
13 contact her again, but Mr. Avery pursued forward
14 for somebody who never even requested to go for
15 impeachment.


16 So what I ask you to do respectfully,
17 because I know how this -- you know, it's just
18 difficult. I know your job's difficult, and
19 you're underpaid and underappreciated.

20 But I'm asking you if you are going to
21 impose a penalty, which I don't think should be
22 done here because I don't think it was lawful to
23 even have Ms. Hudson, City Councilwoman Hudson
24 governed by that policy in the first place, but if
25 you are, it shouldn't be removable. It shouldn't

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1 be taken.
2 Because what you're really doing is
3 you're negating a choice by your residents. So in
4 my opinion, that has to be way up here. I mean,
5 you've got to get high to take that type of step.
6 So I'm asking you to consider that, and
7 I'll leave you at that. Thank you.
8 CITY ATTORNEY ASHE: At the conclusion
9 of closing statements, it would now be
10 appropriate, if there's a motion, to go into
11 executive session for deliberation.
12 COUNCIL MEMBER DAVIS: So moved.
13 COUNCIL MEMBER PORTIS-JONES: Second.
14 MAYOR PRO TEM: ^{In Re: Impeachment Panel} ~~ALLEN FAVOR~~ say aye.
15 Opposed?
16 (Motion passes unanimously.)
17 (Proceedings in recess, 8:13 p.m.
18 to 8:42 p.m.)
19 MAYOR PRO TEM: We're back in open
20 session.
21 UNIDENTIFIED SPEAKER: Call back to
22 order.
23 MAYOR PRO TEM: Back to order, yes.
24 We make a motion in the decision as to
25 impeach. All in favor say aye.

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1 COURT REPORTER CERTIFICATE
2 STATE OF GEORGIA:
3 COUNTY OF DEKALB:
4
5 I hereby certify that the foregoing
6 transcript was taken down via electronic
7 media, as stated in the caption, and the
8 proceedings were reduced to typewriting
9 under my direction and control;
10 that the foregoing pages represent a true,
11 complete, and correct transcript of the
12 evidence given upon said deposition; and I
13 further certify that I am not of kin or
14 counsel to the parties in the case; am not
15 in the employ of counsel for any of said
16 parties; nor am I in any way interested in
17 the result of said case.
18 This, the 10th day of November, 2025.
19
20 
21
22
23 Elizabeth R. Hollingsworth, CCR B-1319
24
25

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1 Not to impeach?
2 Impeach has it. Thank you.
3 (Motion passes unanimously.)
4 UNIDENTIFIED SPEAKER: Call for
5 adjournment. Call for adjournment.
6 MAYOR PRO TEM: Call for adjournment.
7 COUNCIL MEMBER DAVIS: So moved.
8 COUNCIL MEMBER PORTIS-JONES: Second.
9 MAYOR PRO TEM: Thank you.
10 (Meeting concluded, 8:43 p.m.)
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CITY OF FAIRBURN INVESTIGATING COMMITTEE AGENDA ITEM

SUBJECT: Approval of the written minutes of the Special Called Meeting of December 23, 2025

ITEM TYPE: Minutes

SUBMITTED: 12/19/2025 **WORK SESSION:** MM/DD/YYYY **COUNCIL MEETING:** 12/23/2025

DEPARTMENT: City Clerk

BUDGET IMPACT:

PUBLIC HEARING: No

PURPOSE:

HISTORY:

FACTS AND ISSUES:

FUNDING SOURCE:

RECOMMENDED ACTION:

The mayor and Committee Members to approve the written minutes of the December 23, 2025, meeting.

ATTACHMENTS:

None