





KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Nina Hickson on 02/16/2017

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5	E-mail correspondence with top e-mail	
6	dated 1/6/15 from Ms. Hickson to several	
7	recipients, Subject: Suspension of	
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11	E-mail dated 1/13/15 from Ms. Hickson	
12	to Mr. Roberts, Subject: Investigative	
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**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
Nina Hickson on 02/16/2017

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Also Present: Kelvin J. Cochran

Videographer: Brandon Brantley

- - -

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1 THE VIDEOGRAPHER: This is the  
2 beginning of Media Number 1 in the  
3 deposition of Nina Hickson in the matter of  
4 Kelvin Cochran versus City of Atlanta,  
5 et al., case number 1:15-cv-00477. Today's  
6 date is February 16th, 2017. The time on  
7 the monitor is 9:54 a.m.

8 My name is Brandon Brantley and I'm  
9 the videographer. The court reporter is  
10 Suzanne Beasley. We are here with  
11 Huseby Global Litigation.

12 Counsel, please introduce yourselves,  
13 after which the court reporter will swear  
14 in the witness.

15 MR. WARDLOW: Doug Wardlow,  
16 Ken Connelly, Kevin Theriot,  
17 Christiana Holcomb and Jeana Hallock for  
18 Plaintiff Kelvin Cochran.

19 MS. HINTON: Kathryn Hinton for the  
20 Defendants.

21 (The signature of the witness to the  
22 deposition was reserved.)

23 NINA HICKSON,  
24 having been duly sworn, was examined and testified  
25 as follows:

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1 EXAMINATION

2 BY MR. WARDLOW:

3 Q. My name is Doug Wardlow. I'll be taking  
4 your deposition today. Could you state your name for  
5 the record?

6 A. My name is Nina Romelle Hickson.

7 Q. Could you spell your middle name?

8 A. R-o-m-e-l-l-e.

9 Q. So just a few introductory matters. Have  
10 you had your deposition taken before?

11 A. About 20 years ago.

12 Q. Okay. So the court reporter and the  
13 videographer are going to be recording your answers  
14 to my questions and my questions, so it's important  
15 to keep your answers verbal and very clear. The  
16 court reporter can't record nods and gestures.

17 A. Right.

18 Q. Try to keep everything verbal. Also,  
19 please wait for me to finish asking a question before  
20 you answer it so we don't talk over each other. That  
21 helps the court reporter as well and makes for a  
22 cleaner transcript. If a question is unclear to you,  
23 ask for me to clarify it. Does that sound okay?

24 A. That's fine.

25 Q. If at any point you want to take a break,

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1 just let me know, and I'll finish the line of  
2 questioning I'm on, and then we can go ahead and take  
3 a break. Does that sound fair?

4 A. That sounds fair.

5 Q. So if you respond to a question and then  
6 five, ten, 15 minutes later, an hour later you think  
7 of something you want to add, just go ahead and at  
8 any time, an appropriate time, let me know that you  
9 want to add something, clarify a question previously,  
10 and go ahead and we'll put that on the record. Does  
11 that sound okay?

12 A. Will do.

13 Q. Are you taking any medications or drugs of  
14 any kind that might make it difficult for you to  
15 answer questions today?

16 A. No.

17 Q. Are you under the influence of any  
18 substance at all that would influence your ability to  
19 answer questions today?

20 A. I am not.

21 Q. Are you sick today?

22

23

24

25 Q. Have you ever been party to a lawsuit?

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1 A. I'm sure I have, yes.

2 Q. Do you recall what those lawsuits were?

3 A. I'm sure I've been sued in my official  
4 capacity, but I can't -- there's nothing specific  
5 that comes to mind, but I've held various leadership  
6 positions and have been named in litigation related  
7 to that.

8 Q. Have you ever been sued in your personal  
9 capacity?

10 A. I've been -- let's see. I was in a  
11 divorce, but I'm not a -- I think that's it.

12 Q. Have you ever testified in court?

13 A. Yes.

14 Q. In what matter?

15 A. My divorce. And there was litigation when  
16 I was the city attorney for the City of East Point  
17 where I had to provide some testimony.

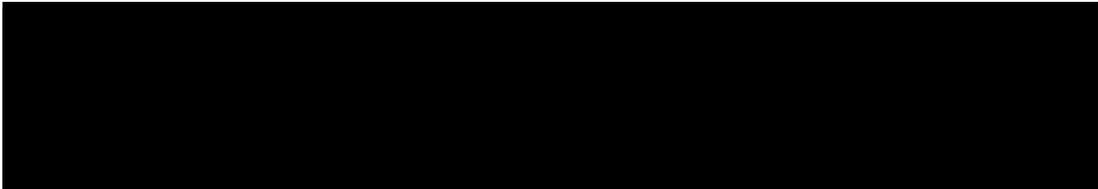
18 Q. And what did that involve?

19 A. It was an issue of whether I had accepted  
20 service on behalf of the City of East Point. So it  
21 was a matter of whether the court had proper  
22 jurisdiction or based on whether I could accept  
23 service on behalf of the city.

24 Q. So you understand you're under oath and  
25 that's --

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Q. Thank you for adding that.

So you understand you're under oath, and the testimony you give today has the same import as if you were testifying in a court of law?

A. I do.

Q. Are you represented today?

A. No, I'm not.

Q. Have you had any conversations with counsel for the city following the time when you left employment with the city about this matter?

A. Yesterday.

Q. And what did you discuss?

MS. HINTON: We do represent her in terms of her former managerial role with the city.

THE WITNESS: Okay.

MS. HINTON: So you can't -- I mean, she should not be speaking with respect to privileged communications.

BY MR. WARDLOW:

Q. With whom did you meet?

A. Your partner, David Gevertz I think is his

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1 name.

2 Q. Did you review any documents in  
3 preparation for this deposition?

4 A. The ethics code and my notes -- or copies  
5 of notes that I'd taken.

6 Q. Anything else?

7 A. No, that was it.

8

9

10

11 Q. How long have you been living in Atlanta?

12 A. I've been in that house since September of  
13 2012. I'd been -- I've lived in the metro Atlanta  
14 area since August of '81 when I came to law school,  
15 with the exception of two years.

16 Q. Where are you from originally?

17 A. Orangeburg, South Carolina.

18 Q. Are you married?

19 A. I am not.

20 Q. Any children?

21 A. Yes. I have one daughter. Her name is  
22 Leslie Victoria Hickson. She's 17 years old. I  
23 adopted her in 2000.

24 Q. What's the -- you mentioned that you  
25 attended law school. What's the highest level of

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1 schooling that you've completed?

2 A. My JD at Emory.

3 Q. Where did you go to college?

4 A. Howard University.

5 Q. What was your major in?

6 A. Journalism.

7 Q. And where did you go to law school?

8 A. Pardon me?

9 Q. Where did you go to law school?

10 A. Here at Emory.

11 Q. So tell a little bit about your employment  
12 history from the time that you left law school until  
13 you entered employment with the city.

14 A. I finished Emory in May of 1984.  
15 September of '84 I began with the U.S. Department of  
16 Justice through the Attorney General's honors  
17 program. I was with the Office of Immigration  
18 Litigation. I spent about eight months there and  
19 then came back to Atlanta where I was an assistant  
20 United States attorney in the civil division.

21 After then I went to a law firm. It  
22 was a labor and employment law firm called  
23 Mack & Bernstein. It is now part of McGuireWoods. I  
24 left -- while I was there, I was sent on loan to the  
25 Atlanta Housing Authority and was its acting general

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1 counsel, then was hired as deputy general counsel,  
2 and then eventually became general counsel.

3 After then I was with Atlanta Life  
4 Insurance Company as the general counsel and vice  
5 president for human resources. After then I went to  
6 Primerica Financial Services corporate office in  
7 Duluth where I was vice president and associate  
8 general counsel.

9 After then I was appointed to the  
10 Fulton County Juvenile Court bench. After then I  
11 spent a year in south Georgia as chief assistant  
12 public defender for the Atlantic circuit, so I was  
13 there about a year.

14 And then I came back and then was  
15 general -- city attorney for the City of East Point.  
16 Served in that capacity until I became acting city  
17 manager, and I think I did that for six months.

18 And then I was hired as the ethics officer  
19 for the City of Atlanta, which would have been, I  
20 want to say May or June of 2012. Served in that  
21 capacity until April of 2016, where I am now at the  
22 Atlanta BeltLine as the vice president and general  
23 counsel.

24 I also was adjunct professor at  
25 Emory University in the -- in the law school for

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1 legal writing and research.

2 Q. So it's fair to say you have a very broad  
3 and deep experience in the law, including litigation  
4 and service on the bench?

5 A. Yes.

6 Q. And human resources, correct?

7 A. That's correct.

8 Q. And just to be clear, so you started your  
9 position with the City of Atlanta in May or June of  
10 2012?

11 A. That's correct.

12 Q. And what was the title of that position?

13 A. Ethics officer.

14 Q. Did you hold any other position with the  
15 City of Atlanta?

16 A. No, I have not.

17 Q. So you were ethics officer from May or  
18 June of 2012 through April of 2016?

19 A. That's correct.

20 Q. And why did you leave employment with the  
21 city in April of 2016?

22 A. Because I had this opportunity at the  
23 BeltLine.

24 Q. So how did you decide to join the City of  
25 Atlanta?

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1           A.       I was -- I was aware that there was an  
2 opening in the ethics department and I was contacted  
3 by a headhunter, who was handling it pro bono, and  
4 applied.

5           Q.       And you obviously need to be a lawyer for  
6 the position of ethics officer?

7           A.       It requires -- their position requires a  
8 law degree.

9           Q.       And that's because you need to be able to  
10 understand ethics code and deal with legal matters?

11          A.       I don't know that I would say that's the  
12 case. That's what they decided, meaning the Board of  
13 the City of Atlanta, and the city council, when they  
14 passed the legislation, decided that. I think there  
15 are other places where an ethics officer is not  
16 required to have a law degree, but in this case there  
17 is a requirement of a law degree.

18          Q.       But the board and the city decided it was  
19 important to have a law degree for the ethics officer  
20 position in this city.

21          A.       All I can say is they made a decision to  
22 have it. Whether they thought it was important or  
23 not, that was the way that the role was written.

24          Q.       Did you rely on your law degree and legal  
25 knowledge and general familiarity with law in your

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1 position as ethics officer?

2 A. I did.

3 Q. So why don't you just tell me in your own  
4 words about the duties of the ethics officer.

5 A. I -- I reported to a seven-member board  
6 with my responsibilities involving providing  
7 education and training on the ethics code, providing  
8 advice and counsel when employees or citizen  
9 representatives or public officials had questions  
10 related to the ethics code.

11 I oversaw investigations where there were  
12 complaints or anonymous complaints or, you know,  
13 on-the-record complaints of violations of the ethics  
14 code. I supervised the associate ethics officer  
15 and -- and the person who is now the business  
16 manager, oversaw the financial disclosure process,  
17 conducted -- or helped to conduct the monthly board  
18 meetings.

19 In general, those are were my  
20 responsibilities as the ethics officer.

21 Q. Anything else?

22 A. I'm sure there are other things, but  
23 that's generally what I did.

24 Q. So you were educated and trained with  
25 respect to the ethics code, advised and gave advice

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1 and counsel to employees, public officials and  
2 members of the public --

3 A. And citizen --

4 Q. -- with respect to --

5 A. -- volunteers who served on city boards.

6 Q. Okay. And citizen volunteers. Oversaw  
7 complaint investigations, supervised associate ethics  
8 officer, and then you said also -- and the person who  
9 is now the --

10 A. -- business manager. She was -- I forgot  
11 what her title was. She was essentially the  
12 administrative person. But I got her position  
13 promoted to business manager because she ran the  
14 office.

15 Q. So as business manager, you oversaw her in  
16 that role as well?

17 A. Yes.

18 Q. What was her name?

19 A. Sherry Dawson.

20 Q. And what was the name of the associate  
21 ethics officer at the time?

22 A. Jabu Sengova. Before I left, there was  
23 another position created, investigator attorney,  
24 whose name is Carlos Santiago.

25 Q. So Carlos Santiago was an attorney?

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1           A.     Well, he didn't start as an attorney. He  
2     came to me as a law student. He finished law school,  
3     took the bar, eventually became an attorney, but he  
4     came first as an intern and then as an investigator.  
5     And then once he got his law degree, the title was  
6     changed to investigator attorney.

7           Q.     And Jabu Sengova, was he or she an  
8     attorney?

9           A.     She is an attorney, and she was there  
10    prior to my coming.

11          Q.     And Sherry Dawson?

12          A.     No, she is not.

13          Q.     So you oversaw -- at the end of your  
14    tenure, you were overseeing two attorneys and one  
15    non-attorney.

16          A.     That's correct.

17          Q.     What were the duties of the investigator  
18    attorney?

19          A.     To actually conduct the investigations  
20    when we got complaints. We had a -- we could get  
21    complaints directly to us or through a hotline where  
22    people could call anonymously, and so he essentially  
23    prepared -- or did the investigation along with the  
24    associate ethics officer.

25          Q.     So those were situations where there would

1 be a complaint brought to you. Would you make a  
2 determination as to whether there was need for an  
3 investigation before you went forward with an  
4 investigation?

5 A. Just -- I mean, just sort of a cursory if  
6 whether the facts as stated would constitute a  
7 violation of the ethics code or if the complaint was  
8 over someone over whom we had jurisdiction.  
9 Occasionally we would get complaints about matters  
10 that were more appropriately human resources or it  
11 may have involved a neighborhood planning unit  
12 dispute, and we didn't have jurisdiction over those,  
13 or very limited jurisdiction.

14 Q. So if you received a complaint and you  
15 didn't have jurisdiction, you would dismiss the  
16 complaint?

17 A. We would write a letter saying that there  
18 isn't -- you know, that there isn't a basis to move  
19 forward on the matter. So I don't know that I would  
20 say a dismissal so much as just making them aware  
21 that it wasn't a matter that was within our  
22 jurisdiction.

23 Q. But you wouldn't move forward with  
24 anything on the complaint at that point?

25 A. Generally, no.

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1 Q. And you said also that you would look at  
2 the facts to see whether --

3 A. If the facts as stated, that was the  
4 cursory or the preliminary review. If the facts as  
5 stated would constitute a violation of the ethics  
6 code, then it would move to the investigatory stage.

7 Q. And you would make a determination as to  
8 whether the allegation or the fact -- allegations or  
9 the facts as stated actually, if true, would violate  
10 the code?

11 A. That was the basis of my evaluation to  
12 determine whether we move toward, yes.

13 Q. And then you would hand the investigation  
14 over to -- if you were going to move forward, over to  
15 Carlos Santiago to pursue?

16 A. Not necessarily. At the time, most of the  
17 time it would go to Jabu Sengova and he would provide  
18 assistance to her, but yes. Sometimes I conducted  
19 the investigations depending on the workload.

20 Q. So you also said that you helped conduct  
21 monthly board meetings.

22 A. Yes.

23 Q. Are you talking about the ethics board?

24 A. That's correct.

25 Q. So why don't you tell me a little about

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1 your duties with respect helping conduct the monthly  
2 board meetings.

3 A. Under the code the ethics board was  
4 required to meet every third Thursday. It had to be  
5 a televised meeting, so making sure we had the  
6 appropriate room, that we had the technology or the  
7 folks from the city who did the broadcast, helping  
8 the chair to set the agenda, making sure it was  
9 appropriately posted pursuant to the Open Meetings  
10 Act, speaking with the board chair about setting the  
11 agenda.

12 And so I would answer questions. I would  
13 provide a monthly report and answer questions that  
14 would arise from the board.

15 Q. So the monthly report would be a report on  
16 the activities of your office --

17 A. Yes.

18 Q. -- during the month?

19 A. Yes. As well as the budget.

20 Q. You said before that you provided advice  
21 and counsel to employees and officials and  
22 citizens --

23 A. That's correct.

24 Q. -- with respect to the ethics code?

25 A. That's correct.

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1 Q. Can you tell me a little bit more about  
2 that?

3 A. Just that I would get calls or I'd have  
4 people make appointments to ask for interpretations  
5 of the code or ask advice on whether something would  
6 arise to or fall under the ethics code. So, I mean,  
7 I would hear from any number of people.

8 I was also contacted by people who had  
9 other questions that were not ethics related, and I'd  
10 have to tell them I couldn't provide them any advice  
11 and counsel on that.

12 Q. So you would get calls and contacts from  
13 city employees who had questions about the ethics  
14 code and you would tell them whether or not the  
15 matter they're concerned about fell under the ethics  
16 code?

17 A. If that was their question, yes.

18 Q. And you would give them an interpretation  
19 of the code?

20 A. If it was appropriate for me to do so, I  
21 would.

22 Q. So you provided advice to employees about  
23 how the Atlanta code of ethics may apply to their  
24 situation?

25 A. If that's what they asked, that's what I

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1 would do. I would also direct them, because the  
2 other resource we had was our website where we had  
3 formal advisory opinions in addition to the code of  
4 ethics.

5 Q. I'm going to have the court reporter place  
6 in front of you what has been previously marked as  
7 Plaintiff's Exhibit 1.

8 A. Thank you.

9 Q. See on the front page of the document that  
10 it is identified as -- captioned as "The City of  
11 Atlanta Code of Ethics, Division 2, Standards of  
12 Conduct." Do you see that?

13 A. Yes.

14 Q. Is this part of the ethics code?

15 A. I'm trying to see if this is the current  
16 version or not. I know there have been some  
17 amendments. I'm not certain if this is the current  
18 version. What I'm seeing is that this appears to be  
19 the version as of 2002, but I believe there have been  
20 some amendments.

21 Q. Well, if you look on -- if you look on the  
22 third page, you can see -- let's see, the third page  
23 of the exhibit.

24 A. Uh-huh.

25 Q. Did you find that? I believe if you look

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1 at the third page and you --

2 A. Okay. Yes.

3 Q. See that?

4 A. Yeah.

5 Q. Where it indicates 2016?

6 A. Yeah. Yeah. So that's -- those are the  
7 last -- and that would have been after I left, so  
8 this appears to be the current version of it. I  
9 don't know if there has been any other amendments,  
10 but --

11 Q. And just to remind you, it's important for  
12 the court reporter and for a clear transcript that we  
13 not talk over each other, so I'll try not to talk  
14 over you and if you could try not to interrupt or  
15 talk over me, I'd appreciate that. Does that sound  
16 okay?

17 A. I agreed to that at the beginning.

18 Q. So if you'd turn, please, to  
19 Section 2-805, ethics officer.

20 A. Uh-huh.

21 Q. And if you'd turn the page, 2-805(d)  
22 states that, "The duties of the ethics officer shall  
23 include, but not be limited to, the following."  
24 Could you just quickly review that list and confirm  
25 that this is a list of duties that you performed as

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1 ethics officer.

2 A. Yes. I've reviewed it, and these are  
3 among the duties that I carried out as the ethics  
4 officer.

5 Q. Are there any additional duties that are  
6 not in this piece or that you did not previously talk  
7 about that you'd like to add?

8 A. Only thing that's not clearly stated is  
9 preparation of the budget and having to defend it to  
10 the city council. I don't see that.

11 Q. If you look under subparagraph 7 under D,  
12 it says one of the duties is to notify the subject of  
13 a report of any alleged violation of the ethics code.

14 A. Uh-huh, yes.

15 Q. So that means if a -- if a report was made  
16 about a possible violation, you would tell the person  
17 that was involved in the violation about the problem?

18 A. I would send a formal notice.

19 Q. And under subparagraph 8, it states that  
20 you would notify the Board of Ethics of any report of  
21 an alleged violation of the ethics code that you  
22 received. Is that correct?

23 A. That's correct.

24 Q. So you would relay any report of an  
25 alleged ethics code violation to the board?

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1 A. That's correct.

2 Q. And then the next, subparagraph 9,  
3 "Reporting, as appropriate, suspected ethical  
4 violations to the city board of ethics."

5 Does that mean that you would tell the  
6 board if you yourself came upon information that led  
7 you to believe there was a possible ethics violation?

8 A. Yes.

9 Q. So you would tell the board about -- or  
10 report to the board of possible ethics violations  
11 either of reports that were made to you from  
12 citizens, employees or public officials --

13 A. Or on the hotline.

14 Q. -- or on the hotline, and you would report  
15 to the board anything that you yourself suspected  
16 that would be a possible ethics violation; is that  
17 correct?

18 A. That is correct.

19 Q. And what would the board do with that  
20 information?

21 A. It depends. It just depends. I mean,  
22 they didn't conduct investigations. We would have to  
23 conduct them.

24 My responsibility was to make them aware,  
25 so it might have been a part of my monthly report, it

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1 might have been -- whether that was written or oral,  
2 but they would just receive the information. They  
3 didn't act until I made some formal -- we were at a  
4 stage, either beyond probable cause or at a stage  
5 that required board action.

6 Q. And at what stage would board action  
7 generally be required?

8 A. If as a result of an investigation we  
9 determined or believed that there was probable cause  
10 and the person did not -- and they disagreed with  
11 that finding, then that's a matter that would come  
12 before the board through a probable cause hearing.

13 What would often happen is once we talked  
14 to the person and showed them what we had in terms of  
15 probable cause, we would give them an opportunity to  
16 attempt to resolve the matter. But in any event,  
17 whether they resolved it or it went to probable cause  
18 hearing, the final determination was made by the  
19 Board of Ethics.

20 Q. When you said you would allow the  
21 individual to "resolve the matter," how -- what did  
22 you mean by that? How can a person resolve the  
23 matter?

24 A. In other words, if they -- if they admit  
25 yes, this occurred and I also admit that this is

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1 probable cause to believe I violated the ethics code,  
2 then the discussion would become, all right, these  
3 are the potential sanctions. And we would negotiate  
4 pretty much as to whether they would agree to enter  
5 into a consent agreement, which was still subject to  
6 approval of the ethics board, but we would negotiate  
7 a resolution where they would admit, because we -- we  
8 as a practice did not enable resolution unless there  
9 was an admission of an ethics violation.

10 Q. So if a person admits an ethics violation  
11 after you've done your preliminary investigation and  
12 brought this to them --

13 A. Uh-huh.

14 Q. -- you would enter into a negotiation with  
15 them and --

16 A. If that's what they wished to do. If they  
17 didn't, then we'd go through the process of the  
18 actual probable cause hearing.

19 Q. But if they -- if they opted to negotiate,  
20 you would do that and come up with some kind of  
21 sanction, allowable sanction?

22 A. Well, we would -- we would recommend it.  
23 The board would have to approve it, but we would  
24 recommend a sanction.

25 Q. So whatever agreement you came to, the

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1 board would then approve?

2 A. Pardon me?

3 Q. Whatever agreement you came to, the board  
4 would then be able to approve or disapprove?

5 A. That's correct.

6 Q. And if they -- if the person involved in  
7 the matter did not want to negotiate, then it would  
8 go to the board for a formal probable cause hearing?

9 A. That's correct.

10 Q. And then what was the process from that  
11 point?

12 A. At that point there would be a hearing  
13 where we'd have to call witnesses and present  
14 evidence and the person who was accused would have  
15 that same opportunity, and the board would determine  
16 whether or not probable cause existed to move to the  
17 next stage, which would be an actual formal hearing  
18 on the charges.

19 Q. Okay. So there would be an initial  
20 probable cause hearing.

21 A. Uh-huh.

22 Q. And then a formal hearing on the charges.

23 A. If -- if the board determined probable  
24 cause existed.

25 Q. And then was there a separate hearing on

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1 sanctions then after that or was that part of the --

2 A. It could be handled either way. It could  
3 be a part of the actual formal hearing or they could  
4 request that it be held separately. It was just up  
5 to what the individual requested and what the board  
6 was willing to do.

7 Q. But at all times the individual accused  
8 had notice of the charges and an opportunity to be  
9 heard --

10 A. Yes.

11 Q. -- in these formal hearings?

12 A. That's correct.

13 Q. So any person who was the subject of a  
14 report that you made to the board about a possible  
15 ethics violation, if that ethics violation went  
16 through your preliminary investigatory process and  
17 led to -- and you weren't able to negotiate something  
18 with them, then that person would have notice and  
19 opportunity to be heard?

20 A. That's correct.

21 Q. Is there any time you can think of where a  
22 person suspected of a possible ethics violation would  
23 not be given that process, notice and opportunity to  
24 be heard?

25 A. A person suspected of a -- I mean, that's

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1 kind of broad. Because a lot of people are suspected  
2 of violations.

3 Q. Let me rephrase. Thank you.

4 Any person for whom you made the  
5 preliminary investigation to determine that there  
6 could be probable cause --

7 A. Yes.

8 Q. -- was there any time when a person at  
9 that stage would not be given notice and opportunity  
10 to be heard?

11 A. Not that I'm aware of.

12 Q. So that would -- that would violate the  
13 code of ethics, to follow that -- to not give notice  
14 and opportunity to be heard?

15 A. Well, I mean, it's a due process --

16 MS. HINTON: Object to the form.

17 THE WITNESS: -- yeah, it's a due  
18 process issue. They need to have notice  
19 and an opportunity to be heard.

20 I apologize.

21 BY MR. WARDLOW:

22 Q. Let's just talk a little bit more about  
23 that preliminary investigation of an ethics  
24 complaint.

25 A. Uh-huh.

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1 Q. So what exactly were you trying to  
2 determine during -- during a preliminary  
3 investigation?

4 A. Whether the actions, if as stated by the  
5 complainant or whoever made the allegation,  
6 constituted a violation of the ethics code, or what's  
7 also known as the standard of conduct.

8 So, I mean, the preliminary evaluation was  
9 if we agreed with what you say is true, is this a  
10 violation of the ethics code, if we determined that  
11 that was the case, then we would go further to  
12 determine if we had additional information that would  
13 support or refute the allegations that were made,  
14 that those may be through interviews, it may be  
15 through documents. You know, we would pursue it to  
16 determine whether there was anything to substantiate  
17 or corroborate what was reported.

18 But we would also give the person an  
19 opportunity, once we had that, to say -- you know, to  
20 explain or to provide evidence that may be  
21 exculpatory or explanatory.

22 Q. So you would make an initial determination  
23 about probable cause before allowing the board to  
24 review that?

25 A. I don't know that I would put it

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1 that -- what I would say is we would evaluate to  
2 determine whether we believed there was probable  
3 cause. The board made the final probable cause  
4 determination unless the individual admitted and said  
5 there is probable cause.

6 Q. So did you ever receive any complaints  
7 about possible ethics violations regarding  
8 Chief Kelvin Cochran?

9 A. I'm not aware of having received any  
10 regarding Chief Kelvin Cochran.

11 Q. Would you have been aware if such a  
12 complaint had been made?

13 MS. HINTON: Object to form.

14 THE WITNESS: I mean, I would know if  
15 the person either called the hotline or  
16 filed an actual complaint.

17 BY MR. WARDLOW:

18 Q. So if anyone called the hotline or filed  
19 an actual complaint about a possible ethics violation  
20 with respect to Chief Cochran, then you would have  
21 known about it?

22 A. If it happened during my tenure as the  
23 ethics officer, I would have known about it, that's  
24 correct.

25 Q. And you never became aware of any -- any

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1 like that?

2 A. I'm not aware of any involving  
3 Chief Cochran. There were some coming out of his  
4 department, but I'm not aware of any that directly  
5 impacted Chief Cochran.

6 Q. So you're not aware of any possible ethics  
7 violations or complaints where Chief Cochran was the  
8 subject of the complaint?

9 A. I'm not aware of any that occurred while I  
10 was -- while I was the ethics officer for the city.

11 Q. From May or June of 2012 through April of  
12 2016?

13 A. That's correct.

14 Q. And you didn't report any possible ethics  
15 violations that you suspected Chief Cochran may have  
16 committed to the board?

17 A. No.

18 Q. And so then you didn't ever conduct any  
19 investigation of any possible ethics violation for  
20 Chief Cochran or that Chief Cochran was the subject  
21 of?

22 A. Not that he was the subject of. There  
23 were complaints that arose about the fire department  
24 and we investigated those, but not any where he was  
25 directly implicated.

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1 Q. What city-issued equipment do you have for  
2 use in -- did you have for use in your job as ethics  
3 officer?

4 A. A BlackBerry.

5 Q. Is that a BlackBerry cell phone?

6 A. Yes.

7 Q. So you could make calls on it?

8 A. Yes.

9 Q. Did you have a laptop computer?

10 A. Yes, but it was on a docking station that  
11 remained in my office.

12 Q. Did you ever remove it from the docking  
13 station?

14 A. Maybe for repairs, but I never took it  
15 home.

16 Q. Any other equipment that you had?

17 A. No.

18 Q. Did you have a city e-mail account?

19 A. Yes, I did.

20 Q. Did you ever use your BlackBerry, your  
21 city BlackBerry or city e-mail account or your  
22 city-issued docked laptop for any personal use at  
23 all?

24 A. If I did, it was occasional. I'm not  
25 aware of any personal -- well, maybe to call my

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1 daughter.

2 Q. So you'd make occasional calls to family  
3 members on your cell phone?

4 A. Occasionally. It was not often, because I  
5 had two. I've been through this before, and I know  
6 that it's important to keep the stream separate,  
7 particularly for open records purposes.

8 Q. Did you ever send any personal e-mails  
9 from your City of Atlanta account?

10 A. It would be rare. I'm not aware of any.  
11 Most of the time --

12 Q. But you may have sent one or two?

13 A. I may have.

14 Q. Have you ever --

15 A. It's possible.

16 Q. I apologize.

17 Have you ever checked your Facebook  
18 account from your city computer? Or do you have a  
19 Facebook account personally?

20 A. I do have a Facebook account.

21 Q. Did you ever check it from your city  
22 computer?

23 A. I may have.

24 Q. Probably?

25 A. I don't know about probably. I'm trying

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1 to think the time period, because I got a Facebook  
2 account very late. I may have. I'm not aware.

3 I know that -- no, I'll take it back. I  
4 know there were occasions that I did check Facebook  
5 because sometimes there was information relevant to  
6 an ethics complaint that would be contained on  
7 Facebook, so I know I've checked -- not on mine, but  
8 I have checked Facebook from the city -- from the  
9 city computer.

10 Q. Have you ever typed up a personal document  
11 or paid a bill or done anything like that using your  
12 city computer?

13 A. I may have. Probably a bill, yeah.

14 Q. Paid a bill online?

15 A. No, because I actually would go downstairs  
16 and pay my water bill, so no, I didn't pay -- I  
17 didn't pay -- I didn't use the city -- no, I don't  
18 think so.

19 Q. But it's fair to say that you would make  
20 an occasional phone call from a city cell phone and  
21 there may have been some very occasional personal use  
22 of your city equipment?

23 A. There may have been, but as I indicated,  
24 because of the open records, I was very aware that  
25 all of that is city property subject to city use -- I

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1 mean, subject to being reviewed, and so I tried to  
2 keep it separate.

3 Q. And are you aware of anyone ever having  
4 been disciplined for any incidental use of  
5 city-issued equipment for personal use?

6 A. How are you defining "incidental"?

7 Q. Along the lines of what you were  
8 describing that you used the city equipment for, just  
9 as an occasional bill being paid or a personal call  
10 on a city cell phone.

11 A. I'm aware there have been instances of  
12 discipline for use of city property. The frequency,  
13 I mean, I wouldn't say it was incidental. It would  
14 have to have been something that was pretty regular.  
15 But more than likely, the concern would have been if  
16 they were using it for personal remuneration. In  
17 other words, if they were running a side business or  
18 using their -- using city resources to conduct  
19 business that was not city -- that was not business  
20 for which they were being paid, and there have been  
21 situations where people have been disciplined for  
22 that.

23 Q. Can you think of any particular instances?

24 A. Yes. I can't remember the names, but I'm  
25 trying to think of the department. It might have

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1 been permitting. There was a department where  
2 individuals were using the city -- the city phone as  
3 well as e-mails to conduct a business where they were  
4 reproducing -- they were doing printing jobs, and  
5 they were doing fraudulent GEDs, fraudulent mortgage  
6 statements, other official statements. And I can't  
7 remember the department, but they -- they had a  
8 scheme going where they were using it to make -- to  
9 make money.

10 Q. Well, that is very disturbing.

11 Did -- so then that was a case where there  
12 was fraud going on. There were other issues other  
13 than just the use of city equipment, it sounds like,  
14 right?

15 A. That was a situation where there  
16 was -- yes. I know there were cases involving city  
17 officials where there was the use of a telephone and  
18 city equipment to support a high school reunion,  
19 which would have been a violation, where they used  
20 city staff to actually do the work, to plan and carry  
21 out their high school reunion, which was a violation  
22 of the ethics code.

23 Q. So these were instances -- the instances  
24 you're talking about were instances where there was a  
25 complaint made to you as ethics officer or an ethical

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1 violation was at issue?

2 A. There was another ethical violation, but  
3 that as a result of an investigation, we determined  
4 that these other things were going on. That wasn't  
5 the subject of the ethics investigation  
6 preliminarily.

7 Q. But in the investigation process you found  
8 out about those other things. And then those are  
9 other -- those other things are also ethical  
10 violations?

11 A. Yes.

12 Q. And those persons would either get some  
13 kind of a negotiated agreement or a --

14 A. Not necessarily. They would --

15 Q. -- or a notice and a hearing?

16 A. It depends. In the case of the city  
17 council person, they were given an opportunity to  
18 negotiate a resolution, but they had to admit to the  
19 violations.

20 As relates to those other individuals, a  
21 lot of that came out as a result of a criminal  
22 investigation that did not come to us. It was  
23 initially a -- the compliance office for the city was  
24 handling that, and the report was then forwarded to  
25 us.

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1           So we didn't actually conduct the  
2 investigation, but once they conducted and did what  
3 they did, then we were asked to look at it for any  
4 ethical violation.

5           Q.     But any individual who was the subject of  
6 an ethics investigation where either there had been a  
7 complaint of or investigation that revealed possible  
8 ethics violations involving the use of city  
9 resources, those persons would have either been able  
10 to negotiate something or they would have been given  
11 an opportunity to be heard in a hearing?

12          A.     If it was -- if it rose to the level of an  
13 ethics -- I mean, an ethics violation. In other  
14 words, if we received a formal complaint or received  
15 a hotline complaint and we investigated and made that  
16 determination, then yes, but, I mean, there was no  
17 way with 8,000 employees that we would have  
18 affirmatively gone out and we would know every  
19 instance or everybody who was doing something wrong.

20          Q.     Right. But if you were in the process of  
21 investigation and you discovered these ethical --

22          A.     Right.

23          Q.     -- issues involving the use of city  
24 resources --

25          A.     Right.

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1 Q. -- and it rose to the level where you made  
2 a determination that yes, this is -- there's  
3 probably -- there may be probable cause here --

4 A. Yes.

5 Q. -- then those persons would get a hearing?

6 A. They would get notice of the -- and then  
7 if they wanted a hearing, they would get a hearing.

8 Q. To your knowledge, was anyone ever  
9 punished or sanctioned for any incidental use of city  
10 equipment or property?

11 MS. HINTON: Object to form.

12 THE WITNESS: Yeah, that's kind of  
13 broad. I don't know, first of all, how  
14 you're defining "incidental," and secondly,  
15 I would be aware of what was going on in  
16 terms of ethics. I don't know on a human  
17 resources -- I didn't -- you know, what  
18 might have happened on a human resources  
19 level. I just am aware of what would have  
20 happened from an ethical standpoint.

21 And while I was there, that was not  
22 typically the case. It might have come out  
23 in an investigation. It would be one of  
24 several ethics charges.

25 BY MR. WARDLOW:

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1 Q. So you're not aware of any case where  
2 there was a single ethics charge of use of city  
3 equipment for personal reasons and that led to  
4 punishment or sanction?

5 A. I'm not going to agree to that because I  
6 know we had a council person who, for instance, used  
7 the e-mail related to campaigning or they were  
8 combining their campaigning with their work as a city  
9 council person, and we would have -- we've taken  
10 action in that regard, or if they used city employees  
11 to do work that was outside of their city business.

12 So I can't say that I'm not aware of it or  
13 that where it happened there wasn't some kind of  
14 action taken. Yeah, that's as far as I can go with  
15 that.

16 Q. Are you aware of any situation --

17 A. Oh, I do know there was a situation in  
18 permitting where we had an individual who was  
19 soliciting on behalf of her daughter, who was  
20 selling -- who was asking for contributions for a  
21 People to People program or something, but she was  
22 doing it through the city e-mail as well as on city  
23 time and with people who were doing city business,  
24 and we did take an action with that.

25 Q. Do you recall the name of that person?

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1           A.     No.  It's a young lady, but I can't think  
2     of her name right now.

3           Q.     Do you remember what the sanction was?  
4     Was there a formal hearing?

5           A.     She ended -- there was a probable cause  
6     hearing, and then afterwards she ended up -- once  
7     probable cause was determined, she did end up  
8     negotiating a resolution and the board accepted it.  
9     I know she had a fine to pay and a reprimand that  
10    went to her personnel file, but I can't recall what  
11    the amount was.

12          Q.     So she was given notice and opportunity to  
13    be heard and she received a fine and a reprimand?

14          A.     That's correct.

15          Q.     Did you ever talk to Chief Cochran about  
16    his plan to author a book entitled Who Told You That  
17    You Were Naked?

18          A.     No.

19          Q.     Did you ever have any conversations with  
20    Chief Cochran about the possibility that he would be  
21    authoring a book?

22          A.     Yes.

23                   (Exhibit 23 was marked for  
24    identification.)

25

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1 BY MR. WARDLOW:

2 Q. I'm going to have the court reporter set  
3 in front of you what will be marked as Plaintiff's  
4 Exhibit 23. This is a two-page document showing  
5 handwritten notes. Is this your handwriting?

6 A. It is my handwriting, but these were two  
7 separate documents. They were not together.

8 Q. So these two pages are your notes?

9 A. They are my notes. And then there's a  
10 sticky note and that's a separate -- that would be a  
11 third separate document.

12 Q. So this on the first page here --

13 A. Yes.

14 Q. -- it says, "T/C 10:34 a.m." It's dated  
15 the 31st of October, 2012. Do you see that?

16 A. Yes.

17 Q. And I believe it says, "Advise regarding  
18 non-city-related book he is authoring." Is that a  
19 reference to Chief Cochran's a book?

20 A. That's a reference to a conversation I had  
21 with Chief Cochran, yes.

22 Q. And that's the book entitled Who Told You  
23 That You Were Naked?

24 A. No. No, because I didn't know -- I was  
25 not given a title. What I was told was he -- there

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1 was a leadership book that he was authoring. But I  
2 was never given a title or a content other than  
3 leadership.

4 Q. If he came to you -- well, first of all,  
5 did he contact you about this matter?

6 A. He called me. This indicates it was a  
7 telephone call. He called me.

8 Q. And what did he say?

9 A. My memory was that he was writing a  
10 non-city book on leadership, and was this a matter  
11 that the ethics -- that the ethics board would be  
12 concerned about or would this fall under the ethics  
13 code? That was my understanding of his question.  
14 And so I said yes.

15 And he said, well -- as I recall, he said  
16 it wasn't happening anytime soon, but he would get  
17 back with me in about six months. That was the  
18 extent of it. Or that's what I remember.

19 (Exhibit 24 was marked for  
20 identification.)

21 BY MR. WARDLOW:

22 Q. I'm placing in front of you what will be  
23 marked as Plaintiff's Exhibit 24. This is an e-mail  
24 from Sherry Dawson to you --

25 A. Uh-huh.

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1 Q. -- dated December 12th, 2015; is that  
2 correct?

3 A. That's what it appears to be, yes.

4 Q. Do you have any reason to doubt the  
5 authenticity of this document?

6 A. I don't see any reason to doubt it, no.

7 Q. Would you read the document to yourself  
8 and confirm that it is what it purports to be?

9 A. I mean, it speaks for itself. Yeah, I  
10 don't have any reason to believe it's not an accurate  
11 document.

12 Q. It refers to a call that you or your  
13 office received from John Roberts of Fox News; is  
14 that correct?

15 A. That's correct.

16 Q. Did you ever call Mr. Roberts back?

17 A. I did.

18 Q. And what did you talk about?

19 A. He asked about -- at this point it was in  
20 the press that -- about Chief Cochran's book, and I  
21 don't know if he had been disciplined at this point,  
22 but I know he was suspended. So he was asking me  
23 about that as well as what -- the ethics code, how it  
24 applied to this situation.

25 Q. Moving off the document for a moment, did

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1 you ever have any conversations with Chief Cochran  
2 about a multilevel marketing venture?

3 A. Yes.

4 Q. And did you advise him to get approval  
5 from the board about that venture?

6 A. Yes.

7 Q. And why did you advise him to do that?

8 A. Two reasons. It was an outside activity  
9 where he would be earning some money, and because of  
10 his level, under the code it would have been a matter  
11 that needed to be addressed by the Board of Ethics.

12 The second one, quite candidly, is that I  
13 didn't understand the way it worked, and so I needed  
14 an understanding of how it worked.

15 Q. The way --

16 A. In other words --

17 Q. The way the multilevel marketing  
18 scheme worked?

19 A. Right. Yeah. Yeah.

20 MS. HINTON: Let her finish.

21 THE WITNESS: Yes. Yes. I didn't  
22 understand how that worked, but I knew with  
23 multilevel marketing and the opportunity  
24 for remuneration, that it's a matter, given  
25 his level, that would have had to come to

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1 the ethics board for sign-off.

2 BY MR. WARDLOW:

3 Q. So you made a determination that this  
4 could be something falling with under -- under  
5 Section 2-820(d) of the ethics code, correct?

6 A. Let me see if that's the section. You  
7 said 820(d)?

8 Q. Yep.

9 A. Yes.

10 Q. And so you advised Chief Cochran and you  
11 gave him advice that he should seek board approval  
12 because this could fall under 820(d)?

13 A. I'm sure I didn't -- I didn't use the  
14 language 820(d). I just told him this was  
15 something -- because I see my notes here, I told him  
16 to clear it with the mayor and then get authorization  
17 from the Board of Ethics.

18 Q. So -- so we're talking about the  
19 multilevel marketing scheme. You also told him to --

20 A. But it also said something about  
21 mentioning -- and a book.

22 Q. Well, that's different than what -- did --

23 A. I don't know if it's different or not.

24 Q. Well, we'll get to that. Did --

25 A. Excuse me?

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1 Q. I said we'll discuss that, and just try to  
2 stick your -- to the answers to the questions I'm  
3 asking you. All right?

4 A. I was asking -- I was answering based on  
5 what was on my notes, and so there was a mention of  
6 the book as well as the multi.

7 Q. Oh, okay. Okay. But with respect to the  
8 multilevel marketing scheme, you told him to clear  
9 that with the mayor and to get board approval,  
10 correct?

11 A. But I also mentioned there was a book in  
12 here.

13 Q. Yes.

14 A. So I thought somehow they might have been  
15 related.

16 Q. Oh, you thought the multilevel marketing  
17 scheme and the book were related?

18 A. Yes.

19 Q. So you're looking at Exhibit 23 there,  
20 right, the notes?

21 A. The second page of 23.

22 Q. Okay. So what you're referring to is the  
23 top of the note. This is dated July 9th, 2013,  
24 correct?

25 A. Right.

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1 Q. At 2:22 p.m., right?

2 A. That's correct.

3 Q. Would that be the time of a telephone call  
4 from --

5 A. That's from Chief Cochran.

6 Q. Okay. And it says, "Fire Chief Cochran,  
7 mentioning in book." What do you recall about that  
8 note there?

9 A. Only thing -- I don't. I just remember  
10 that for some reason I tied -- because of the  
11 leadership part, I tied that to a book as well as  
12 multilevel marketing, that there was some -- some  
13 relationship, but I can't recall what he specifically  
14 said. That's just a note that I took, so I'm sure he  
15 said something about a book. But I thought there was  
16 a tie with the book and the multilevel marketing.

17 But as I said, I didn't really understand  
18 how the -- how it worked based on how he was  
19 explaining it.

20 Q. How the multilevel marketing scheme  
21 worked -- or venture worked?

22 A. Or. Or however the book worked -- I mean,  
23 if there was a situation. I just didn't understand  
24 what it was. I just knew that he was talking about  
25 making money through a multilevel marketing, and

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1 basically it wasn't anything that was city related,  
2 so it was a matter, given his level, that would have  
3 required board action.

4 Q. Now, when you look back at the first page  
5 of the notes --

6 A. Uh-huh.

7 Q. -- where it says that you gave advice  
8 regarding a non-city-related book, correct?

9 A. Uh-huh.

10 Q. Is that correct?

11 A. Yes.

12 Q. And then he'll check back in about six  
13 months; is that correct?

14 A. Right. That's correct.

15 Q. Did he ever check back?

16 A. I thought that's what this was.

17 Q. The next page?

18 A. Yes.

19 Q. So --

20 A. It was beyond the six months, but I really  
21 thought these were related.

22 Q. "These," you mean the two --

23 A. The conversations.

24 Q. So you had the first conversation  
25 October 31st, 2012.

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1 A. Uh-huh.

2 Q. Advice regarding the book.

3 A. Uh-huh.

4 Q. And why did you tell him to check back in  
5 about six months?

6 A. I did not. He said he would check back in  
7 six months.

8 Q. What did you tell him about the book?

9 A. I answered his question, which was whether  
10 this was a matter that the ethics board would be  
11 concerned with, yes. He says, well, it's not going  
12 to happen anytime soon, and I'll check back with you  
13 in six months.

14 But I interpreted the question as, is this  
15 something that I would need to run by the ethics  
16 board, that's the way I took it. Because he said it  
17 was non-city related but it was on leadership.

18 Q. And so you advised him to --

19 A. I didn't advise him of anything other than  
20 to say that this is an ethics matter. I  
21 didn't -- you know, and he said, okay, I don't  
22 think -- this is my memory, that he didn't think it  
23 would be happening anytime soon and he would check  
24 back with me in about six months.

25 Q. So you did not advise him that it's a

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1 matter that he should bring to the ethics board?

2 MS. HINTON: Object to form.

3 THE WITNESS: No. I told him that it

4 was -- it was a matter that the ethics

5 board would be concerned with, but he

6 didn't -- the impression he gave me was

7 that this was something that he was

8 considering and is this something that

9 would come to the ethics board, that was

10 the question as I understood it.

11 I didn't understand that he already

12 had the book. I thought he was

13 contemplating writing the book, and it was

14 a book about leadership. That's all he

15 told me.

16 BY MR. WARDLOW:

17 Q. Do you recall any other details about this

18 first conversation on October 31st of 2012?

19 A. Just what I've told you.

20 Q. Turn to the second page of the notes, the

21 July 9th, 2013, notes. Tell me everything that you

22 recall about your discussion with Chief Cochran about

23 the book.

24 A. I just recall that I thought this was

25 related to his initial call about a leadership book,

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1 then he went on to say something about a multilevel  
2 marketing matter where he would be receiving a  
3 percentage of the profits. And I told him at that  
4 point I didn't understand it, but -- but it sounded  
5 to me that it was something he needed to clear with  
6 the mayor and that it would definitely have to come  
7 to the Board of Ethics given his level in the  
8 organization.

9 Q. What -- why did you tell him that he  
10 needed to get clearance from the mayor?

11 A. Because that's typically the -- he --  
12 that's who I understood he reported to. And our  
13 practice is when something -- when you're talking  
14 about outside remuneration, that it's something that  
15 has to be cleared with the supervisor. So to my  
16 knowledge, that was his supervisor and that's who he  
17 needed to get it cleared with.

18 Q. Is there a -- is there an ethics code  
19 provision that requires the supervisor's approval on  
20 something like this?

21 A. I'm not sure that there's an ethics code  
22 provision, but I know on our -- when we do our  
23 training and on the ethics pledge, we talk about if  
24 you're doing something outside of your regular job,  
25 that you need to go to your supervisor.

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1                   So I'm not -- I don't -- I can't think of  
2 a specific provision in here, but I know that's the  
3 practice.

4           Q.       And what's the basis for your  
5 understanding that that's the practice?

6           A.       Basically that's the way it was done when  
7 I got there. It's the way we continued to do it.  
8 And as I indicated, on our ethics pledge, that's what  
9 we essentially say if it's outside employment,  
10 because the supervisor needs to make the initial cut  
11 of if there's a conflict of interest. We don't know  
12 everything about a job.

13                   So if they -- you know, if they've  
14 determined that there's a conflict, then there's no  
15 need for it to come to -- to the board.

16           Q.       So if there's no -- if there's no conflict  
17 of interest between whatever the outside services or  
18 activities are and the job --

19           A.       Uh-huh.

20           Q.       -- then it doesn't need to come to the  
21 board?

22                   MS. HINTON: Object to form.

23                   THE WITNESS: No, that's not what I  
24 said. That's not what I said.

25

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1 BY MR. WARDLOW:

2 Q. Would you clarify what you said?

3 A. What I said was, initially if there is a  
4 conflict of interest, then it probably doesn't need  
5 to come to the board. There's a screening done at  
6 the point of the -- of the supervisor. In other  
7 words, they shouldn't be able to do it. They  
8 wouldn't be able to proceed.

9 Q. If a person doesn't get approval from a  
10 supervisor --

11 A. Uh-huh.

12 Q. -- and goes ahead with something and then  
13 there's an ethics complaint or a suspected ethics  
14 violation --

15 A. Uh-huh.

16 Q. -- there would be an investigation,  
17 correct?

18 A. That's correct.

19 MS. HINTON: Objection to form.

20 Go ahead.

21 BY MR. WARDLOW:

22 Q. I'm sorry?

23 A. That's correct.

24 Q. And then you did the whole process that we  
25 talked about before?

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1 A. Yes.

2 MS. HINTON: Object to form.

3 We've been going about an hour, so  
4 whenever you want to take a break, we could  
5 use one.

6 BY MR. WARDLOW:

7 Q. Do you recall Chief Cochran mentioning  
8 that the book referred to in these -- in your notes  
9 was a faith-based book for Christian -- for Christian  
10 men?

11 A. Not at all.

12 Q. Do you recall asking him for a copy when  
13 he was completed -- when the book was completed?

14 A. What I recall was running into him in the  
15 atrium in city hall and saying to him, I look forward  
16 to reading your book.

17 Q. And when was this approximately?

18 A. That I don't know.

19 Q. Do you know if it was after this second  
20 note?

21 A. I would suspect it was, but I don't know  
22 specifically. But I do recall saying that to him  
23 based on my understanding it was a leadership book.

24 Q. Do you recall anything else about that  
25 conversation in the atrium with Chief Cochran?

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1           A.     No, just -- I mean, it was a pleasant  
2 conversation and just I look forward to reading his  
3 book.

4           Q.     And you said it probably occurred after  
5 July 9th, 2013?

6           A.     I said probably, but I don't know for  
7 sure.

8           Q.     Now, if you told someone that they needed  
9 ethics board approval --

10          A.     Uh-huh.

11          Q.     -- for something --

12          A.     Uh-huh.

13          Q.     -- would your notes typically reflect  
14 that?

15          A.     I think they would, typically.

16          Q.     Looking at the July 9th, 2013 notes where  
17 it says "mentioning in book" --

18          A.     Uh-huh.

19          Q.     -- does that phrase jog your recollection  
20 at all about the substance of the conversation you  
21 had with Chief Cochran?

22          A.     I mean, no more than what I've already  
23 told you.

24          Q.     Do you recall Chief Cochran discussing  
25 whether he could mention the fact that he is the fire

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1 chief of Atlanta -- was the fire chief of Atlanta in  
2 the authorship portion of the book?

3 A. I don't recall that. It's possible that  
4 he did. But I don't recall. That may be where that  
5 note comes from, but I don't --

6 Q. So that could be what "mentioning in book"  
7 means?

8 A. It could be. It could be.

9 Q. And that could be why you wrote  
10 "Fire Chief Cochran"?

11 A. Well, no, I just would have -- that's the  
12 way I would have referred to him.

13 Q. Do you remember at the time of the second  
14 conversation whether the book was completed or almost  
15 completed?

16 A. He never mentioned whether it was  
17 completed or not. I was still under the impression  
18 he was thinking about writing it. I had no idea  
19 there was a -- if there was a completed book.

20 Q. At what point did you become aware the  
21 book was near completion or completed?

22 A. When it hit the news.

23 Q. Were you aware that it was near completion  
24 when you had a conversation in the atrium with  
25 Chief Cochran?

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1 A. No. No.

2 Q. But you were aware that he was actively  
3 working on the book at that point?

4 A. No, I was not.

5 Q. Why did you ask for a copy?

6 A. What I said was, I look forward to reading  
7 it. I was -- it was a pleasantry. He said it was  
8 about leadership. I'm aware of Chief Cochran's  
9 reputation having worked with President Obama, so I  
10 was looking forward to reading his book on  
11 leadership.

12 Q. Look at the first page of your notes.  
13 There's a sticky note on there.

14 A. Right.

15 Q. That appears to be attached to the --  
16 well, a photocopy of a sticky note --

17 A. Uh-huh.

18 Q. -- that is part of the document now.  
19 And it says -- is this your handwriting on  
20 the sticky note as well?

21 A. Yes, it is.

22 Q. It says, "Left message with Bob Godfrey at  
23 10:48 a.m."; is that right?

24 A. That's correct.

25 Q. "Monday, 24th November, 2014"; is that

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1 correct?

2 A. That's correct.

3 Q. Do you recall why you wrote that?

4 A. Yes. Because I had been told to call --  
5 from city law to call Bob Godfrey.

6 MS. HINTON: Now, I just want to give  
7 a little direction here.

8 THE WITNESS: Okay. That might have  
9 been privileged. Okay.

10 MS. HINTON: No. I just don't want  
11 you to talk about the substance --

12 THE WITNESS: Okay.

13 MS. HINTON: -- of any questions you  
14 were getting --

15 THE WITNESS: Okay.

16 MS. HINTON -- and what you all  
17 conveyed to each other since Bob Godfrey is  
18 employed as law counsel.

19 THE WITNESS: Okay. Got it. Got it.

20 I just had received a message, and I  
21 believe it was from the city attorney,  
22 Cathy Hampton, to reach out to Bob Godfrey,  
23 that he needed to talk with me about my  
24 communication with Chief Cochran. I left a  
25 message -- that's what this indicates, I

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1 left a message because he wasn't there when  
2 I called.

3 BY MR. WARDLOW:

4 Q. And you did have subsequent conversations  
5 can Bob Godfrey --

6 A. I did.

7 Q. -- on that subject?

8 MS. HINTON: -- object to form.

9 I don't think you should talk about  
10 the subject of what you discussed with  
11 counsel.

12 THE WITNESS: I think you're trying  
13 to preserve the privilege?

14 MS. HINTON: Yes. Don't answer.

15 Thank you.

16 BY MR. WARDLOW:

17 Q. Do you remember anything else at all about  
18 your conversation with Chief Cochran with respect to  
19 the book that you haven't already told me?

20 A. No.

21 Q. Did you discuss the advice you gave to  
22 Chief Cochran on October 31st, 2012, with respect to  
23 the book with anyone else?

24 A. That's kind of broad. That's a broad  
25 question. I mean, as she indicated, there may have

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1    been conversations with counsel.

2           Q.     Around the time of October 31st, 2012?

3           A.     No, no.

4           Q.     And with respect to the advice you gave  
5    Chief Cochran with respect to the book on July 9th,  
6    2013, did you discuss that with anyone else other  
7    than Chief Cochran around that time frame?

8           A.     No, I don't think so.

9           Q.     Have you now told me everything that you  
10   recall about your conversations with Chief Cochran  
11   about his book?

12          A.     Yes.

13                   MR. WARDLOW:  We can go ahead and  
14   take a break.

15                   THE VIDEOGRAPHER:  This concludes  
16   Media Number 1 in the deposition of  
17   Nina Hickson.  We're off the record at  
18   11:06 a.m.

19                   (A recess was taken.)

20                   THE VIDEOGRAPHER:  This begins Media  
21   Number 2 in the deposition of Nina Hickson.  
22   We are back on the record at 11:22 a.m.

23   BY MR. WARDLOW:

24           Q.     The court reporter will place in front of  
25   you what will be marked Plaintiff's Exhibit 24.

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1 (Off-the-record discussion.)

2 MR. WARDLOW: My apologies. It  
3 should be 25.

4 (Exhibit 25 was marked for  
5 identification.)

6 BY MR. WARDLOW:

7 Q. So, Ms. Hickson, this is an e-mail chain.  
8 The top e-mail chain is dated December 10th, 2014,  
9 and it appears to be from your city e-mail account;  
10 is that correct?

11 A. Yes.

12 Q. Turn to the second page of the document.  
13 The lowest e-mail on the chain is an e-mail from you  
14 to Jabu Sengova and Carlos Santiago dated  
15 November 20th, 2014, correct?

16 A. Yes.

17 Q. In this e-mail you asked Jabu Sengova and  
18 Carlos Santiago to put together a short list of  
19 advice, any advice given by the office, the ethics  
20 office, I assume, to Chief Cochran, correct?

21 A. Uh-huh, that's correct.

22 Q. And you say you want it, if possible,  
23 before the board meeting tonight. Is that referring  
24 to an ethics board meeting?

25 A. Yes.

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1 Q. That took place on November 20th, 2014?

2 A. That's correct.

3 Q. Do you recall what the subject of the  
4 board discussion was?

5 A. No. I mean, the agenda's online, but I  
6 don't know what was discussed that particular day. I  
7 probably was anticipating a question or something,  
8 but I don't know.

9 Q. Do you know why you wanted to give the  
10 board -- or why you wanted to have a compilation of  
11 the advice given to Chief Cochran before the board  
12 meeting?

13 A. I don't know, because I know this was the  
14 subject of an open records request and I believe it  
15 was from the press, and so whatever I had contact  
16 with the press, I would make the board aware so they  
17 wouldn't be blind-sided if it came up.

18 But I don't know if that was the subject  
19 of this one. But I suspect it was because I got an  
20 open records request.

21 Q. And you suspect that there was some  
22 contact with the press?

23 A. Yeah. What happened -- I know at some  
24 point they sent an open records request about advice  
25 that was given to Chief Cochran.

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1 Q. Who did?

2 A. I don't know who in the media, because I  
3 got several. But once an Open Records Act request  
4 comes, then you have to respond. And so what the  
5 media asked me for, that typically meant whatever was  
6 released was going to be publicized.

7 And so whenever I had media contact, I  
8 would, as a practice, let the board know. And I'm  
9 just -- I don't know if that's what it was, but I do  
10 recall having a records request to that effect.

11 Q. Do you recall whether this had anything to  
12 do with the -- Chief Cochran's book?

13 A. I don't know if it had to do with his  
14 book. I just know there was -- I don't know.

15 Q. Do you recall anything else about the  
16 subject matter of this e-mail?

17 A. No.

18 Q. If you look to the first page of the  
19 document --

20 A. Uh-huh.

21 Q. -- the next e-mail up in the chain is a  
22 response to you from Carlos Santiago --

23 A. Uh-huh.

24 Q. -- on the same day, later in the morning,  
25 and Carlos Santiago says that he searched the ethics

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1 database and there's just one piece of advice; is  
2 that correct?

3 A. That's correct.

4 Q. And so the ethics database would not --  
5 would the ethics database include oral advice you'd  
6 given to Chief Cochran?

7 A. No.

8 Q. It would only include formal, written  
9 advice?

10 A. It would only be formal, written advice.

11 Q. From the board or from you or from whom?

12 A. This one would have been from my  
13 predecessor, given the number. That's how she  
14 numbered it. So may have been an e-mail, it may have  
15 been a letter, but it's something that would have  
16 been in print and would have been in a file cabinet.

17 Q. And this has nothing to do with the book  
18 then. This is from prior -- before your time at the  
19 Board of Ethics?

20 A. That's correct.

21 Q. This advice that the e-mail refers to?

22 A. Yes.

23 Q. So the ethics database would not include  
24 any references to teleconferences you had or  
25 telephone calls you had with Chief Cochran about his

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1 book?

2 A. No.

3 Q. Look at the top e-mail chain --

4 A. Uh-huh.

5 Q. -- Wednesday, December 10th, 2014, from  
6 you. You're forwarding on the e-mail chain below to  
7 Robert Godfrey. Do you recall why you did that?

8 A. I'm sure because I was -- I'm sure he  
9 asked me for it. I don't know if it was --

10 MS. HINTON: Just again, my same  
11 instruction.

12 THE WITNESS: Okay.

13 MS. HINTON: Be careful about talking  
14 about anything that he advised you or --  
15 you know --

16 THE WITNESS: Okay.

17 MS. HINTON: -- the subject of these  
18 conversations.

19 THE WITNESS: I'm sure it was at his  
20 request.

21 BY MR. WARDLOW:

22 Q. When did you first learn of  
23 Chief Cochran's suspension from employment?

24 A. On the news, whenever it was reported on  
25 the news.

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1 (Exhibit 26 was marked for  
2 identification.)

3 BY MR. WARDLOW:

4 Q. The court reporter will be placing in  
5 front of you what we've marked as Exhibit,  
6 Plaintiff's Exhibit 26. Othis is another e-mail from  
7 your city e-mail account dated November 24th, 2014;  
8 is that correct?

9 A. Yes.

10 Q. Now, looking at the top e-mail in the  
11 two-e-mail chain here --

12 A. Uh-huh.

13 Q. -- it appears to be from you to  
14 Yvonne Yancey, Cathy Hampton, and Robert Godfrey; is  
15 that correct?

16 A. That's correct.

17 Q. Just quickly read the e-mail to yourself  
18 and let me know when you're done.

19 A. I'm done.

20 Q. Have you reviewed this e-mail in  
21 preparation for this deposition?

22 A. No, but I read it.

23 Q. Do you recall this e-mail?

24 A. I recall generally what was going on,  
25 yeah.

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1 Q. Tell me generally what was going on.

2 A. Again, I had gotten a call from  
3 Cathy Hampton indicating that they needed to know if  
4 Chief Cochran had come to me about a book that he was  
5 writing, and so I provided that information.

6 Q. And are you aware that November 24th is  
7 the day that Chief Cochran was suspended?

8 A. No, I didn't recall that. It makes sense,  
9 but I didn't recall the specific date.

10 Q. Can you confirm that everything that you  
11 stated to Ms. Yancy, Ms. Hampton, and Mr. Godfrey in  
12 this e-mail is truthful and accurate?

13 A. The only thing I may have a question about  
14 is that third sentence. I know there had been -- he  
15 had made a prior inquiry, but I -- you know, I don't  
16 know if I specifically knew the date or if that was  
17 something I was --

18 Q. Can you read that sentence?

19 A. "Prior to my coming, Chief Cochran made an  
20 inquiry in 2008 about authoring a leadership book."

21 Q. Oh, the third paragraph, not the third  
22 sentence.

23 A. Yeah, third paragraph. I'm sorry.

24 Q. Everything else you maintain is accurate  
25 and truthful?

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1 A. Yes, to the best of my knowledge that --

2 Q. So what you're doing here is you're  
3 forwarding the notes that you took regarding your  
4 telephone conversations on October 31st, 2012, and  
5 July 9th, 2013, to Yvonne Yancy, Cathy Hampton, and  
6 Bob Godfrey, correct?

7 A. That's correct.

8 Q. And the notes that you're attaching, those  
9 are the notes that we've marked as Exhibit 23,  
10 correct?

11 A. That's correct.

12 Q. Not including the sticky note?

13 A. Not including the sticky note.

14 Q. But the rest of Exhibit 23?

15 A. That's correct.

16 Q. Do you recall any conversations with  
17 Yvonne Yancy that you had about your notes around the  
18 time of this e-mail?

19 A. I know I had a conversation with Yvonne,  
20 and it probably would have been about the notes. But  
21 I know her inquiry to me was whether the chief had  
22 talked to me about a book that he was writing.

23 Q. And that's what prompted you to send this  
24 e-mail?

25 A. It was either that or Cathy asked me to do

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1 it, but one of them did.

2 Q. So you had a conversation with  
3 Yvonne Yancy about the book and why --

4 A. About his request -- or his inquiry with  
5 me about a book, about writing a book.

6 Q. Tell me everything that you can remember  
7 about that conversation.

8 A. It tracks there. All I could tell her was  
9 this is what occurred and this is what I know.

10 Q. Do you know why she was asking you that  
11 question?

12 A. I don't know the chronology. I know at  
13 some point this hit the press, and I don't know if  
14 this is prior to it hitting the press or afterwards.  
15 But it was -- there was just a flurry of activity, I  
16 remember, related to -- to Chief Cochran, and that  
17 was the question I got. But I can't recall if I had  
18 a context or if she presented a context at that  
19 point.

20 Q. When you say "this hit the press," what  
21 are you referring to as hitting the press?

22 A. The -- I know there was coverage about a  
23 book that he wrote and a suspension, that was -- so  
24 just in general. I don't know what the specific  
25 topic was.

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1 Q. Did you have any conversations with  
2 Cathy Hampton about your notes?

3 A. I'm sure I did.

4 MS. HINTON: Object to form.

5 Don't answer about the context.

6 THE WITNESS: Yeah. I'm sure I did.

7 BY MR. WARDLOW:

8 Q. What's Cathy's Hampton's position?

9 A. City attorney.

10 Q. Yvonne Yancy is not an attorney, correct?

11 A. That's correct.

12 Q. She -- what's her position?

13 A. Commissioner of human resources.

14 Q. So did the commissioner of human resources  
15 then talk to you about Chief Cochran's suspension or  
16 pending suspension in connection with this?

17 A. No.

18 Q. How often do you talk to the commissioner  
19 of human resources?

20 A. Not frequently.

21 Q. How many times a year?

22 A. It's not frequent, because typically, the  
23 way her office was organized, she had deputies who  
24 were assigned to different divisions, so the only  
25 time I would reach out to her is if I was having

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1 difficulty getting something done, so it wasn't a  
2 frequent occasion.

3 Q. And she wouldn't frequently reach out to  
4 you?

5 A. No.

6 Q. But in this case, did she reach out to  
7 you?

8 A. I'm pretty sure she either did or Cathy  
9 did, one or the other. And they might have done it  
10 together. I just --

11 Q. Do you remember anything else about the  
12 substance of that conversation?

13 A. No, just what I've told you.

14 Q. Do you remember receiving a voice mail  
15 message from Chief Cochran on November 24th, 2014,  
16 the same date as this e-mail?

17 A. I either got a voice mail or a written  
18 message from my staff, but I know -- yes, I remember  
19 that he called.

20 Q. Did you return his call?

21 A. I didn't.

22 Q. Do you know what he was calling about?

23 A. No, I don't.

24 Q. Did you at the time?

25 A. No.

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1 Q. Why didn't you return his call?

2 A. Probably because I'd already  
3 been -- probably because they had me to talk with  
4 Bob, and so I knew they were in the middle of  
5 something and I just -- I didn't want to -- I made a  
6 judgment not to call him back. It seemed like there  
7 was some controversy, and I just didn't call.

8 (Exhibit 27 was marked for  
9 identification.)

10 BY MR. WARDLOW:

11 Q. The court reporter will place in front of  
12 you what will be marked as Exhibit 27.

13 Just quickly look back at Plaintiff's  
14 Exhibit 26. That is an e-mail sent at 11:04 a.m. on  
15 November 24th, 2014, correct?

16 A. Right.

17 Q. Later that same day, you sent another  
18 e-mail, and that is Exhibit 27. It was sent at -- on  
19 November 24th, 2014 at 4:48 p.m., correct?

20 A. Right.

21 Q. And you sent it to a number of  
22 individuals. Are these individuals the members at  
23 the time of the Board of Ethics?

24 A. Yes, they are.

25 Q. And the subject line of the e-mail reads,

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1 "Suspension of Chief Kelvin Cochran," correct?

2 A. Right.

3 Q. So presumably at this point you were aware  
4 of Chief Cochran's suspension?

5 A. Yes.

6 Q. Okay. Now just read the e-mail to  
7 yourself, and let me know when you're finished.

8 A. Okay.

9 Q. Is everything in this e-mail from you to  
10 the Board of Ethics truthful and accurate?

11 A. It was truthful based on what I knew at  
12 the time, yes.

13 Q. So you're attaching the same notes --

14 A. Right.

15 Q. -- regarding Chief Cochran's conversation  
16 about the non-city-related book to this e-mail,  
17 correct?

18 A. That's correct.

19 Q. Now, you say in your e-mail here that your  
20 notes do not indicate that the Chief followed up with  
21 you six months later, correct?

22 A. That's correct.

23 Q. So that would suggest that -- looking back  
24 at Exhibit 23, your notes that were attached to this  
25 e-mail would suggest that the July 9th, 2013

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1 conversation was not a follow-up to the  
2 October 31st, 2012 conversation?

3 A. I just said it wasn't six months later.

4 Q. So are you maintaining now that it was  
5 actually nine months later, and that's why you said  
6 that your notes don't indicate that he followed up  
7 with you six months later?

8 A. That's correct.

9 Q. So you're saying that he had a subsequent  
10 conversation with you the next year about a  
11 leadership book and a leadership organization,  
12 correct?

13 A. That's correct.

14 Q. And he described the leadership  
15 organization as a multilevel marketing organization;  
16 is that correct?

17 A. That's correct.

18 Q. And with respect to that, you advised him  
19 to get the mayor's authorization?

20 A. Yes, and an opinion from the board.

21 Q. And you said a formal opinion.

22 A. Uh-huh.

23 Q. Is that something different from an  
24 informal opinion?

25 A. Right. The board doesn't give informal

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1 opinions. We give, meaning staff, would give  
2 informal opinions, but the board, if they are seeking  
3 an opinion, it is a formal opinion.

4 Q. The book you are talking about here --

5 A. Uh-huh.

6 Q. -- do you know whether that is the book  
7 entitled Who Told You That You Were Naked?

8 A. I don't know.

9 Q. So it could have been some other  
10 leadership book in connection with the multilevel  
11 marketing organization he was talking about?

12 A. It's possible.

13 MS. HINTON: Object to form.

14 THE WITNESS: It's possible.

15 BY MR. WARDLOW:

16 Q. Why were you advising the ethics board  
17 about the notes in this situation on this date?

18 A. Because, as I mentioned, whenever I got a  
19 media inquiry or knew something was going to be on  
20 the news, I would let the board know so they wouldn't  
21 be blind-sided.

22 Q. And you learned -- the e-mail indicates  
23 that Channel 2 had run a story on that day --

24 A. Right.

25 Q. -- about the suspension of Chief Cochran?

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1 A. Right.

2 Q. Now, in the second sentence you say that  
3 you understand that Chief Cochran has been suspended  
4 based on having authored a book that contains  
5 language high -- perhaps highly critical of  
6 homosexuality and of distributing that book to his  
7 work staff. Is that what you write there?

8 A. Yes.

9 Q. And there may be some discussion of  
10 Chief Cochran having sought advice from the ethics  
11 office prior to authoring the book; is that correct?

12 A. That's correct.

13 Q. That's what you wrote?

14 A. That's what's in the e-mail.

15 Q. So you're then attaching the notes because  
16 they may relate to that book, correct?

17 A. No. I'm attaching the notes because  
18 that's an indication of what I talked to  
19 Chief Cochran about. I didn't know -- the only thing  
20 I knew was that it was a leadership book. I didn't  
21 know what this other book or what the -- name of it,  
22 so I wouldn't tie necessarily the two together.

23 But I had provided that to the city, and I  
24 may have even provided it through open records to  
25 Channel 2, which is why I would have known they were

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1 doing the story. But I know there was open records  
2 on this with some media outlet.

3 Q. And when you're saying -- when you're  
4 referring to "that," "provided that," you're talking  
5 about the notes, Exhibit 23?

6 A. That's correct.

7 Q. And so you may have provided those under  
8 an open records request to Channel 2?

9 A. That's correct.

10 Q. So you were aware that the story would run  
11 about the suspension?

12 A. At that point, I was.

13 Q. Did you -- do you recall any conversations  
14 you had with anyone at Channel 2 about the suspension  
15 of Chief Cochran?

16 A. No.

17 Q. How did you come to know that they would  
18 run a story?

19 A. Now, that's two separate questions. I  
20 didn't talk to Channel 2 about the suspension of  
21 Chief Cochran because I didn't -- I didn't have  
22 anything to do with that.

23 What I probably was -- and I don't know  
24 who it was. I'm sure I had an inquiry about whether  
25 he had sought ethics advice about it, but I don't

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1 remember who the -- who the reporter would have been.

2 Q. So you had a media inquiry about whether  
3 Chief Cochran had sought ethics advice about the  
4 book --

5 A. Right.

6 Q. -- entitled Who Told You That You Were  
7 Naked?

8 A. No. I -- I -- you keep mentioning this  
9 title. I didn't even know that was the title, so I  
10 don't know. I just know that there was an inquiry  
11 about any ethics advice I would have provided to  
12 Chief Cochran.

13 Q. Do you recall any other conversations you  
14 had about the suspension of Chief Cochran with anyone  
15 around this time?

16 A. As I indicated, I didn't have a  
17 conversation other than to report what I heard about  
18 a suspension to the board, but no, I'm not aware of  
19 anybody else I would have had a -- well, counsel.

20 Q. Counsel for the city?

21 A. Yes.

22 (Exhibit 28 was marked for  
23 identification.)

24 BY MR. WARDLOW:

25 Q. The court reporter will place in front of

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1 you what is going to be marked as Plaintiff's  
2 Exhibit 28. So this document, Plaintiff's Exhibit  
3 28, is another e-mail, and the top e-mail in the  
4 chain is from you to the Board of Ethics, correct?

5 A. That's correct.

6 Q. And that e-mail is dated January 6th,  
7 2015, correct?

8 A. That's correct.

9 Q. And the e-mail below it in the same chain  
10 is the e-mail we just looked at --

11 A. Right.

12 Q. -- that's marked as Exhibit 27, correct?

13 A. That's correct.

14 Q. Subject line, "Regarding suspension of  
15 Fire Chief Kelvin Cochran - follow-up," correct?

16 A. That's correct.

17 Q. So why were you sending this e-mail to the  
18 board members?

19 A. Again, because my name and the ethics  
20 office continued to come up during the discussions  
21 about this matter. And so, again, I keep the board  
22 informed so that they're not blind-sided about it.

23 Q. You state that, "As I previously reported,  
24 I did not give any such authorization. I do not have  
25 the authority to do so."

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1           And there you're referring to authority to  
2     publish a faith-based book"; is that correct?

3           A.     What I was repeating was what he said,  
4     that I had given him authorization to publish a  
5     faith-based book and had even sought a copy. That's  
6     his language. That's not my language, but that's  
7     what he said.

8           Q.     "He" being Chief Cochran?

9           A.     That's correct.

10          Q.     And then you're clarifying that, as you  
11     previously reported, you did not give authorization  
12     and didn't have the authority to do so; is that  
13     correct?

14          A.     That's correct.

15          Q.     Why do you say you didn't have the  
16     authority to do so?

17          A.     Because under the code, I didn't have the  
18     authority to do so. I would have been usurping the  
19     board's authority. They had the authority, but not  
20     me.

21          Q.     But you would have had authority to make a  
22     preliminary determination as to whether something  
23     like this fell under the ethics code, correct?

24          A.     Whether it fell under the ethics code,  
25     yes.

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1 Q. And then whether the facts, if true, would  
2 be something that would require ethics board  
3 approval?

4 A. This never came to me in the context of an  
5 ethics complaint.

6 Q. So there was never any ethics complaint  
7 about Chief Cochran's faith-based book?

8 A. No.

9 Q. And there was never any ethics process  
10 with respect to the book or Chief Cochran?

11 A. Not while I was there, no.

12 Q. And you do have the authority to give  
13 advice on whether something is a matter that should  
14 be brought to the board's attention under 820(d),  
15 correct, section?

16 A. Yes.

17 Q. Did you have any conversations about the  
18 termination of Chief Cochran around this time with  
19 any of the members of the ethics board?

20 A. Not that I'm aware of other than reporting  
21 it.

22 Q. Did anyone on the ethics board follow up  
23 with you about this e-mail?

24 A. Not that I recall.

25 Q. Did anyone on the ethics board follow up

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1 with you about the previous e-mail marked as  
2 Exhibit 27?

3 A. I think that Pat Upshaw-Monteith may have,  
4 because Pat is the CEO of Leadership Atlanta. And  
5 the chief had gone through Leadership Atlanta, as I  
6 had, and so I know she was -- she had some feeling.  
7 She was saddened by what was going on with  
8 Chief Cochran, so that would -- that would have been  
9 what she relayed to me.

10 Q. And that -- when was that conversation?

11 A. I don't know. It would have been after I  
12 sent this, but I don't know.

13 Q. "This" being the November 24th --

14 A. Yes.

15 Q. -- e-mail?

16 A. Plaintiff's Exhibit 27, that's correct.

17 Q. Do you remember anything else about that  
18 conversation?

19 A. No.

20 Q. Did you have any other conversations with  
21 anyone that you can recall around the time of either  
22 of these two e-mails about either the suspension or  
23 the termination of Chief Cochran other than counsel?

24 A. I'm sure I did in the personal capacity.  
25 Since my name kept coming up, I'm sure I was

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1 approached or friends talked to me about it. My  
2 daughter, because she heard it on the news. I mean,  
3 those kinds of conversations.

4 Q. Any other conversations?

5 A. Other than with counsel, my board, and  
6 with friends, I think that covers it.

7 Q. Do you remember any specific conversations  
8 with friends about this?

9 A. Yeah, only because they heard my name.

10 Q. And why were they hearing your name?

11 A. Because he was saying my name in the  
12 context of his press conference, yes.

13 Q. Chief Cochran?

14 A. Yes.

15 Q. And what would you tell your friends?

16 A. That what he said wasn't true. I didn't  
17 have the authority, and I couldn't have given him  
18 authorization to publish a book. And I certainly  
19 didn't know anything about the title or -- all I knew  
20 was that it was a leadership book. But what he said  
21 about what I did was not true.

22 Q. In your note on July 9th, 2013, where it  
23 mentions "mentioning in a book," could that be  
24 related to Chief Cochran's asking you to use his then  
25 current title fire chief in the -- "About the Author"

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1 section of the book?

2 MS. HINTON: Objection. Asked and  
3 answered.

4 BY MR. WARDLOW:

5 Q. Go ahead and answer it anyway.

6 A. It's possible. I don't have a specific  
7 memory of that, but it is possible.

8 Q. So he may have been seeking your  
9 authorization there with respect to mentioning his  
10 title in the book?

11 MS. HINTON: Objection.

12 THE WITNESS: He may have been asking  
13 my advice about it. I couldn't authorize  
14 mentioning in the book because I couldn't  
15 authorize the book even, but he may have  
16 asked my advice about it. It's possible.

17 BY MR. WARDLOW:

18 Q. Do you recall any advice you gave him  
19 about that?

20 A. I don't. That's why I say it's possible,  
21 but I don't have any memory of that.

22 Q. Did you ever see a copy -- or were you  
23 ever given a copy of the investigative report that  
24 was issued on January 9th, 2015, regarding  
25 Chief Cochran?

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1 A. I don't think I ever saw the full report.  
2 I think there were excerpts where they interviewed me  
3 that I saw, but I never saw the full report.

4 Q. Did you reviews those excerpts?

5 A. I'm pretty sure I did.

6 Q. And you would have indicated to the people  
7 you were communicating with about the report if there  
8 was anything in those excerpts that you thought was  
9 incorrect?

10 A. I would have communicated with counsel.

11 (Exhibit 29 was marked for  
12 identification.)

13 BY MR. WARDLOW:

14 Q. The court reporter will place in front of  
15 you what will be marked as Plaintiff's Exhibit 29.  
16 This is an e-mail from you to John Roberts at  
17 foxnews.com on January 13th, 2015; is that correct?

18 A. Yes.

19 Q. Do you have any reason to doubt that you  
20 sent this e-mail?

21 A. No.

22 Q. And you are forwarding him the  
23 investigative report, correct?

24 A. I would have forwarded whatever had been  
25 released to the public, and I probably asked them for

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1 it because I didn't have it. But yes, I was  
2 forwarding whatever had been released. If they were  
3 still in the investigative stage, it would have been  
4 protected from open records, but at that point --

5 Q. So in the attachment it says -- line it  
6 says, "Law department investigation regarding  
7 Chief Cochran's book --

8 A. Uh-huh.

9 Q. -- 1-9-15.PDF," right?

10 A. Uh-huh. Right.

11 Q. And so that would be the January 9th,  
12 2015, investigative report public?

13 A. Whatever was publicly released, that's  
14 what it -- that's what it referred to.

15 Q. When did you first get a copy of that  
16 investigative report?

17 A. When he asked me, when John asked me for  
18 it.

19 Q. When did John ask you for it?

20 A. Whatever that date is that he called me or  
21 sometime around this time. I treated it as an open  
22 records request, and I asked the law department for  
23 it.

24 Q. So if you look back at Exhibit 24, that's  
25 the e-mail referring -- on January 12th, 2015, that

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1 refers to a call that you received from

2 John Roberts --

3 A. Yes.

4 Q. -- and that you were to return, correct?

5 A. Yes.

6 Q. So you did return that call you previously  
7 testified, correct?

8 A. That's correct.

9 Q. And you discussed the termination of  
10 Chief Cochran?

11 A. I don't know that I -- I don't know  
12 because I don't know when the termination was. I do  
13 know that he asked me -- as I indicated, my name  
14 continued to come up. So he asked me about what was  
15 it that I had advised, had I advised him, and that  
16 was the extent of my conversation with John Roberts.

17 Q. Did he --

18 A. And then he asked for the investigative  
19 report. So I said I would find out if it's been  
20 public. And as I said, I treated it as open records.  
21 Once they gave it to me, I forwarded it on to him.

22 Q. So you told him that you would find out if  
23 it was public?

24 A. I would find out if there is a final one  
25 that had been released, yes.

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1 Q. So you were aware of a draft one?

2 A. Well, I mean, I didn't know at what stage  
3 they were in the investigation. I mean, typically  
4 with investigative reports, you have a defense. You  
5 don't provide those until the investigation is over.  
6 And so to the extent there are drafts done in the  
7 investigative process, yes.

8 Q. When did you become aware that there was  
9 an investigative report being prepared?

10 A. I don't know. Whenever they interviewed  
11 me. It's in there somewhere.

12 Q. And then you never saw a copy of the  
13 investigative report?

14 A. Not the entire report. I saw the portion  
15 that pertained to what I said.

16 Q. And the first time that you saw --  
17 received a copy of the --

18 A. Complete report.

19 Q. -- final report was when you --

20 A. Requested it.

21 Q. -- obtained it?

22 A. Right.

23 Q. So when you obtained it per John Roberts'  
24 request?

25 A. Yes.

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1 Q. And that would have been on or about  
2 January 12th or 13th, 2015?

3 A. That's correct.

4 Q. Do you remember -- do you remember  
5 anything else about your conversation with  
6 John Roberts with Fox News?

7 A. There was something else, but it wasn't  
8 about Chief Cochran, because he gave me some history  
9 of having been in Atlanta and his career, but I don't  
10 recall the specifics other than he was talking about  
11 his career.

12 Q. Anything else?

13 A. That's all I remember.

14 Q. Did you send the investigative report to  
15 anyone else other than John Roberts?

16 A. I may have, but I don't recall that  
17 specifically.

18 MR. WARDLOW: I think we can take a  
19 break now, and then there shouldn't be too  
20 much more.

21 THE VIDEOGRAPHER: The time is now  
22 12:02 p.m. We're off the record.

23 (A recess was taken.)

24 THE VIDEOGRAPHER: The time is now  
25 1:08 p.m. We're now back on the record.

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1 BY MR. WARDLOW:

2 Q. So earlier we talked about ethics  
3 complaints that led to a formal investigation -- a  
4 preliminary investigation and then formal process; do  
5 you recall?

6 A. Yes.

7 Q. Now, is there a place where all of the  
8 board's opinions with respect to ethics complaints  
9 that are -- that go through the formal process and  
10 result in either a sanction or a dismissal  
11 formally --

12 A. Uh-huh.

13 Q. -- is there a place where all those  
14 opinions are published?

15 A. On the website.

16 Q. And that would include all opinions with  
17 respect to any ethics complaint that wasn't either  
18 resolved informally or otherwise taken care of  
19 through a preliminary investigation?

20 A. The website contains the final orders of  
21 the board, and so if there was a settlement that had  
22 to be approved by the board, that would be contained  
23 on there. So that's the best way I can describe it.  
24 Final orders of the board are contained on the  
25 website.

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1 Q. So final orders of the board either  
2 approving a settlement or sanctioning or dismissing?

3 A. That's correct.

4 MR. WARDLOW: Thanks. That's all I  
5 have.

6 THE WITNESS: Okay.

7 EXAMINATION

8 BY MS. HINTON:

9 Q. I have a few questions.

10 During your tenure as ethics officer, to  
11 your knowledge, did HR have the power to impose  
12 discipline on city employees with respect to conduct  
13 that might also constitute an ethics violation?

14 A. Yes.

15 MR. WARDLOW: Objection to form.

16 BY MS. HINTON:

17 Q. And did that happen while you were an  
18 ethics officer?

19 A. I'm sure it did several times.

20 Q. Can you think of any specific example?

21 A. I -- not names, but I know we had some  
22 inspectors who went through a disciplinary process  
23 because they were extorting money and meals from  
24 Manuel's Tavern. They were supposed to be doing  
25 the -- doing the inspection of the grease traps, and

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1 they were doing that, so that was a personnel issue  
2 as well as an ethics issue.

3 In that matter, the human resources  
4 process would proceed, and then the ethics board or  
5 the ethics office may handle it from an ethics  
6 standpoint. But they're totally separate processes.

7 Q. Okay.

8 A. And some -- on some occasions, we would  
9 actually defer and allow them to finish their process  
10 before we would proceed with that.

11 Q. To your knowledge when you were ethics  
12 officer, was there any provision in the ethics code  
13 that required the Board of Ethics to act first with  
14 respect to an employee in advance of HR or that  
15 individual's supervisor?

16 A. No.

17 Q. And in instances in which HR or a  
18 supervisor took action first, what effect would that  
19 have on the board's authority to impose discipline?

20 A. It didn't have any effect on their  
21 authority to impose discipline. It may make a case  
22 stronger that we had to make before the board, but  
23 the board's actions were totally separate from the  
24 city's, meaning the HR department's actions.

25 Q. Okay. And with respect to classified

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1 employees in the city, do you have an understanding  
2 of whether or not they are entitled to due process  
3 rights on the HR side of things at the city?

4 A. Let me just say this. I haven't been in  
5 local government for a number of years. And as a  
6 general rule, classified employees don't have hearing  
7 rights as a general rule.

8 Q. And does the classified or unclassified  
9 status of an employee have any bearing on how they  
10 are treated by the ethics board?

11 A. No.

12 Q. What involvement, if any, did you have in  
13 the decision to suspend Chief Cochran?

14 A. None.

15 Q. How privy were you to what the mayor based  
16 his decisions on with respect to the suspension of  
17 Chief Cochran?

18 A. Only what was reported in the press. I  
19 didn't have any -- I definitely didn't have any  
20 conversations with the mayor.

21 Q. What involvement, if any, did you have in  
22 the termination decision with respect to  
23 Chief Cochran?

24 A. None.

25 Q. And how privy were you to what the mayor

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1 based his decision on --

2 A. Only what --

3 Q. -- the termination?

4 A. I'm sorry. Only what's been reported in  
5 the press. I haven't -- I don't have any independent  
6 knowledge.

7 MS. HINTON: No further questions.

8 Thank you.

9 FURTHER EXAMINATION

10 BY MR. WARDLOW:

11 Q. Just one more question.

12 A. Uh-huh.

13 Q. If an employee is sanctioned or otherwise  
14 disciplined for a violation of Code of Ethics  
15 Section 2-820(d), then they would have received -- or  
16 should receive the notice and opportunity to be heard  
17 before the ethics board, correct?

18 MS. HINTON: Object to form.

19 You can answer.

20 THE WITNESS: You're going to have to  
21 repeat it, because I can't remember your  
22 preface --

23 MR. WARDLOW: Would you read it back,  
24 please?

25 (The record was read by the

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1 reporter.)

2 THE WITNESS: No, that's not correct.

3 If there's a complaint that goes through  
4 the ethics process based on 2-820, then  
5 there would be sanctions by the ethics  
6 board.

7 But if they use that as a means of  
8 disciplining somebody on the HR side, the  
9 ethics board wouldn't have anything to do  
10 with that.

11 BY MR. WARDLOW:

12 Q. So the HR side can interpret the ethics  
13 code and apply it separately and independently from  
14 the independent ethics board?

15 A. They can. Now, whether it's wise or not  
16 is a different story, but they can -- they can use  
17 that as a basis for -- for dismissal. The board  
18 doesn't have the authority to terminate or do  
19 anything on a personnel level. All the board could  
20 do was sanction or make recommendations.

21 So to the extent any personnel action was  
22 based on an ethics violation, that's a determination  
23 made by HR, not by the ethics board.

24 MR. WARDLOW: No further questions.

25 THE VIDEOGRAPHER: This concludes

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1 Media Number 2 in the video deposition of  
2 Nina Hickson on February 16th, 2017. We're  
3 off the record at 12:16 p.m.

4 (Deposition was concluded at 12:16 p.m.)

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E R R A T A S H E E T

Pursuant to Rule 30(e) of the Federal Rules of Civil Procedure and/or the Official Code of Georgia Annotated 9-11-30(e) any changes in form or substance which you desire to make to your deposition testimony shall be entered upon the deposition with a statement of the reasons given for making them.

To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

- - -

I, the undersigned, NINA HICKSON, do hereby certify that I have read the foregoing deposition and that to the best of my knowledge said deposition is true and accurate (with the exception of the following corrections listed below).

Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_

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E R R A T A S H E E T

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To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

- - -

I, the undersigned, NINA HICKSON, do hereby certify that I have read the foregoing deposition and that to the best of my knowledge said deposition is true and accurate (with the exception of the following corrections listed below).

Page 10 Line 22 should read: Wesley Victoria Hickson  
Reason for change: daughter's name is not Leslie

Page 31 Line 9 should read: if we agreed that  
Reason for change: did not say "with what you say"

Page 65 Line 15 should read: whenever  
Reason for change: did not say "what ever"

Page 96 Line 4 should read: have  
Reason for change: Should not have been haven't

*Nina R. Hickson*



*Sworn to and subscribed before me this 22nd day of March, 2017*  
*Michele L. Thomas*

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1 Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_

2 Reason for change: \_\_\_\_\_

3

4 Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_

5 Reason for change: \_\_\_\_\_

6

7 Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_

8 Reason for change: \_\_\_\_\_

9

10 Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_

11 Reason for change: \_\_\_\_\_

12

13 Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_

14 Reason for change: \_\_\_\_\_

15

16 Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_

17 Reason for change: \_\_\_\_\_

18 \_\_\_\_\_  
Signature

19 Sworn to and Subscribed before me

20 \_\_\_\_\_, Notary Public.

21 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

22 My Commission Expires: \_\_\_\_\_

23

24

25

ESB

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1 C E R T I F I C A T E

2

3 G E O R G I A :

4 F U L T O N C O U N T Y :

5

6 I hereby certify that the  
7 foregoing deposition was reported, as  
8 stated in the caption, and the questions  
9 and answers thereto were reduced to the  
10 written page under my direction; that the  
11 foregoing pages 1 through 99 represent a  
12 true and correct transcript of the evidence  
13 given. I further certify that I am not in  
14 any way financially interested in the  
15 result of said case.

16 Pursuant to Rules and Regulations  
17 of the Board of Court Reporting of the  
18 Judicial Council of Georgia, I make the  
19 following disclosure:

20 I am a Georgia Certified Court  
21 Reporter. I am here as an independent  
22 contractor for Huseby, Inc.

23

24

25

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1 I was contacted by the offices  
2 of Huseby, Inc. to provide court reporting  
3 services for this deposition. I will not  
4 be taking this deposition under any  
5 contract that is prohibited by O.C.G.A.  
6 15-14-37 (a) or (b).

7 I have no written contract to  
8 provide reporting services with any party  
9 to the case, any counsel in the case, or  
10 any reporter or reporting agency from whom  
11 a referral might have been made to cover  
12 this deposition. I will charge my usual  
13 and customary rates to all parties in the  
14 case.

15 This, the 28th day of February, 2017.

16  
17 

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19 

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SUZANNE BEASLEY, B-1184  
20 My commission expires on the  
21 24th day of August, 2018.  
22  
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Nina Hickson on 02/16/2017

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## KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.

Nina Hickson on 02/16/2017

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Nina Hickson on 02/16/2017

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Nina Hickson on 02/16/2017

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## KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.

Nina Hickson on 02/16/2017

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31 Oct 2012

T/C 10:34 am

Advisi regarding non-city-related  
book he is authoring.

Will check back w me in about  
1e mo.

Left  
message w  
Bob Godfrey  
c 10:48c.  
Mindy, 24 Nov 2014

PENGAD 800-631-6893  
PLAINTIFF'S  
EXHIBIT  
23  
2/16/17 SB

2:22pm

9 July 2013

T/C Fire Chief Cochran -

mentoring in book

advised → Leadership Assoc.

Assoc.

MUM

get a percentage of profit

— told him to clean up  
Mayer

— then get authority  
for Board of Ethics

**From:** Dawson, Sherry  
**To:** Hickson, Nina  
**Sent:** 1/12/2015 7:13:25 PM  
**Subject:** Press call

Nina, please return call to John Roberts with Fox News. He wants to talk to you about the policy when publishing a book and you are an official with the city. Also, he wants to talk to you about Chief Cochran. 202-365-2550

Sherry H. Dawson  
Administrative Analyst, Sr.  
City of Atlanta | Ethics Office | 68 Mitchell Street | Suite 12130 | Atlanta, Georgia 30303  
Office: 404-330-6380 | e-Fax: 404-546-9392 | [sdawson@atlantaga.gov](mailto:sdawson@atlantaga.gov)  
Website: <http://www.atlantaethics.org/>



**Hickson, Nina**

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**From:** Hickson, Nina  
**Sent:** Wednesday, December 10, 2014 1:52 PM  
**To:** Godfrey, Robert  
**Subject:** FW: Chief Cochran

Here is the reference to the advice sought in 2008.

Nina R. Hickson  
Ethics Officer  
68 Mitchell Street, SW  
Atlanta, Georgia 30303  
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Efax (404) 420-6673  
[nrhickson@atlantaga.gov](mailto:nrhickson@atlantaga.gov)  
[www.atlantaethics.org](http://www.atlantaethics.org)

---

**From:** Santiago, Carlos R.  
**Sent:** Thursday, November 20, 2014 11:19 AM  
**To:** Hickson, Nina; Sengova, Jabu  
**Subject:** RE: Chief Cochran

Hi Nina,

Upon searching the Ethics Inquiries database dating back to 2003, we only discovered one piece of advice directed to Fire Chief Kelvin Cochran.

Below is the information we found. However, we were unable to locate the hard copy of the written advice in the file cabinet under advice from 2008.

**Case Number:** EA08-061

**Caller's Name:** Kelvin Cochran

**Question Asked:** May I provide leadership training to fire departments under commitments made prior to coming to City?

**Response:** Unable to locate hard copy of written response.

**Advice Given:** March 3, 2008 by the Board of Ethics.

Let us know if you need anything else.

-Carlos



Carlos R. Santiago, Esq.  
Investigator / Attorney  
City of Atlanta | Ethics Office  
68 Mitchell Street | Suite 12130 | Atlanta, Georgia 30303  
Direct Line: (404) 330-6876 | E-mail: [CRSantiago@AtlantaGA.Gov](mailto:CRSantiago@AtlantaGA.Gov)  
E-fax: (404) 589-5497  
Website: [www.atlantaethics.org](http://www.atlantaethics.org)

-----Original Message-----

From: Hickson, Nina  
Sent: Thursday, November 20, 2014 9:49 AM  
To: Sengova, Jabu; Santiago, Carlos R.  
Subject: Chief Cochran

Please compile a short list of any advice given by the office to Chief Cochran. It doesn't need to be perfect but I need to know what was asked, what was the response, when the advice was given and by whom. If possible, I need before Board meeting tonight.

----- Original Message -----

From: Hickson, Nina  
Sent: Tuesday, November 18, 2014 01:12 PM  
To: Sengova, Jabu; Santiago, Carlos R.  
Subject: Winslow and Thomas

Just got off the phone with Antavius. Please forward any calls from him to me. Also, please scan the transcript from Marshall Thomas' interview for me to look over. Also, please confirm that Ms. Winslow never indicated on her Campaign Disclosure that she paid Marshall Thomas for campaign work.

**Hickson, Nina**

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**From:** Hickson, Nina  
**Sent:** Monday, November 24, 2014 11:04 AM  
**To:** Yancy, Yvonne Cowser (yyancy@AtlantaGa.Gov); Hampton, Cathy D.; Godfrey, Robert  
**Subject:** FW: Scanned from a Xerox Multifunction Device  
**Attachments:** Scanned from a Xerox Multifunction Device.pdf

I have attached for your information notes that I took during 2 conversations that I had with Chief Cochran related to his authoring a no-city-related book. During the October 31, 2012 conversation he was calling to seek advice about a "non-city related book" that he would be authoring. He wanted to know if this was something that needed to be discussed with the Ethics Office. I told him that it was. He indicated that he would be in touch with me within the next 6 months. My records do not indicate that he followed up during that time.

On July 9, 2013 he contacted me about mentioning his names in a book and indicated that it was a Leadership book. He also asked questions about his involvement in a Multi-Level Marketing Leadership Association from which he would receive a percentage of the profits. I told him that he needed to clear that with the Mayor and then seek authorization from the Board of Ethics.

Prior to my coming, Chief Cochran made an inquiry in 2008 about authoring a Leadership book.

If I can provide any other information that would be helpful, please let me know.

Nina R. Hickson  
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-----Original Message-----

**From:** xrx7655audit@atlantaga.gov [mailto:xrx7655audit@atlantaga.gov]  
**Sent:** Monday, November 24, 2014 10:59 AM  
**To:** Hickson, Nina  
**Subject:** Scanned from a Xerox Multifunction Device

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Attachment File Type: pdf, Multi-Page

Multifunction Device Location:  
Device Name: XRX9C934E552347

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



**Hickson, Nina**

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**From:** Hickson, Nina  
**Sent:** Monday, November 24, 2014 4:48 PM  
**To:** 'Caroline Tanner (caroline.tanner@hklaw.com)'; Brent Adams (BrentAdams@privatebankofbuckhead.com); cscmusic@bellsouth.net; Shukura Ingram Millender (s.ingram@tkstlaw.com); Kate Wasch (kate.wasch@legal.gatech.edu); kai@yesgeorgia.org; Pat Upshaw-Monteith (PatUpshaw-Monteith@leadershipatlanta.org)  
**Subject:** Suspension of Fire Chief Kelvin Cochran  
**Attachments:** Notes from Conversations with Chief Kelvin Cochran.pdf

**Board Members:**

I am writing to inform you of a story that will run on Channel 2 today about the suspension of Chief Cochran. My understanding is that Chief Cochran has been suspended based on having authored a book that contains language high critical of homosexuality and of distributing that book to his work staff. There may be some discussion of Chief Cochran having sought advice from the Ethics Office prior to authoring this book. I have attached the notes from my two conversations with Chief Cochran during which he indicated he was authoring a "noncity" related book but would be coming back to me in 6 months to provide additional information. My notes do not indicate that he followed up with me 6 months later. He did have a subsequent conversation the next year about a Leadership book and a Leadership organization, which he described as a multi-level marketing organization where he would share in the profits. I advised him to get the Mayor's authorization and that he should seek a formal opinion from the Board. He has yet to do so.

Please contact me if you have any questions about this matter.

Nina R. Hickson  
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**From:** Hickson, Nina  
**To:** 'Caroline Tanner (caroline.tanner@hklaw.com)'; Brent Adams (BrentAdams@privatebankofbuckhead.com); cscmusic@bellsouth.net; Shukura Ingram Millender (s.ingram@tkstlaw.com); Kate Wasch (kate.wasch@legal.gatech.edu); kai@yesgeorgia.org; Pat Upshaw-Monteith (PatUpshaw-Monteith@leadershipatlanta.org); jessica@sternlawfirm.us  
**Sent:** 1/6/2015 10:25:33 PM  
**Subject:** RE: Suspension of Fire Chief Kelvin Cochran --FOLLOW UP

Board Members:

I am following up to inform you that the Mayor held a press conference today in which he announced that Chief Cochran was terminated. Chief Cochran had a subsequent news conference in which he stated, among other things, that I had given him authorization to publish a faith-based book and had even sought a copy. As I previously reported, I did not give any such authorization and did not have the authority to do so.

There is no dispute, however, that Chief Cochran never informed the Mayor that he was publishing the book.

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**From:** Hickson, Nina  
**Sent:** Monday, November 24, 2014 4:48 PM  
**To:** 'Caroline Tanner (caroline.tanner@hklaw.com)'; Brent Adams (BrentAdams@privatebankofbuckhead.com); cscmusic@bellsouth.net; Shukura Ingram Millender (s.ingram@tkstlaw.com); Kate Wasch (kate.wasch@legal.gatech.edu); kai@yesgeorgia.org; Pat Upshaw-Monteith (PatUpshaw-Monteith@leadershipatlanta.org)  
**Subject:** Suspension of Fire Chief Kelvin Cochran

Board Members:

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**From:** Hickson, Nina  
**To:** john.roberts@foxnews.com  
**Sent:** 1/13/2015 7:58:26 PM  
**Subject:** Investigative report  
**Attachments:** Law Department Investigation Re Chief Cochran Book, 1-9-15.pdf

Here is the report.

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