

MEMORANDUM

To: Nina Hickson, City Attorney
From: Browne George Ross LLP
Date: January 1, 2019
Re: Transmittal of Report on Internal Investigation of Employment of Kwanza Hall as Senior Policy Advisor

In response to your request, Browne George Ross LLP (“BGR”) has conducted an investigation of the circumstances surrounding the employment of former City of Atlanta (“City”) Councilmember Kwanza Hall as a Senior Policy Advisor for the City. We have concluded our investigation, and hereby enclose our report of our findings and conclusions. In summary, we have found and concluded the following:

- Former Human Resources Commissioner Yvonne Cowser Yancy directed the employment of Mr. Hall as a Senior Policy Advisor for the City on or about December 30, 2017, in the last days of former Mayor Kasim Reed’s administration.
- Because of former Commissioner Yancy’s refusal to be interviewed as part of the investigation, BGR cannot determine, who, if anyone, directed her to cause Mr. Hall’s employment.
- It appears that Mr. Hall received two payroll payments at the beginning of 2018 before his payroll payments ceased. Mr. Hall appears to have received a net payment of approximately \$10,300 for this position, which Mr. Hall repaid on or about November 9, 2018.
- There is no evidence Mr. Hall ever worked as a Senior Policy Advisor, and Mr. Hall confirms that he did not work in this position. Mr. Hall has denied knowing at the time either that he received the position or that he was being paid for the position.
- We have found no evidence that, after Mr. Hall was given the position at the end of former Mayor Reed’s administration, anyone in Mayor Bottoms’ administration approved Mr. Hall being on the City’s payroll. In fact, it appears that Mr. Hall’s payroll payments ceased because of this lack of approval.

MEMORANDUM

To: Nina R. Hickson, City Attorney
From: Browne George Ross LLP
Date: December 31, 2018
Re: Report on Internal Investigation of Employment of Kwanza Hall as Senior Policy Advisor

I. Scope of Investigation

In or around October 2018, the City of Atlanta (“City”) directed Browne George Ross LLP (“BGR”) to investigate the circumstances surrounding the employment of former City Councilmember Kwanza Hall as a Senior Policy Advisor for the City. Between late December 2017 and early January 2018, Mr. Hall was processed for a position with the City as a Senior Policy Advisor, having recently lost his Council seat. This position appeared to violate Section 5-404 of the City charter, which provides that “[n]o elected official shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which that official was elected to office, unless this provision is waived by a three-fourths vote of the council.” The City made two payroll payments to Mr. Hall while he was supposedly in this position, after which the payments ceased. The City directed BGR to investigate how Mr. Hall obtained the Senior Policy Advisor position, who approved him for the position, who processed him on the City’s payroll, and who stopped payroll payments to him.

As part of its investigation, BGR interviewed multiple witnesses, including James Beam, Human Resources (“HR”) Director at Aviation; Elizabeth Bethune, Human Resources Information Systems (“HRIS”) Manager; Sarina Powell, Family Medical Leave Act (“FMLA”) Administrator; Tracy Nelson, HRIS Analyst; Lisa Webb, HRIS Senior Specialist; Angela Addison, Deputy HR Commissioner; Yolanda Dosier, Talent Acquisition Manager; Sherri Dickerson, Deputy HR Commissioner; Twana Martin Hall, former Business Manager for the City Mayor’s Office; Anthony Davis, a former HR employee; Kwanza Hall, former City Councilmember; Gary Brantley, Chief Information Officer, and Daphne Rackley, Deputy Chief Information Officer; and Valencia Burwell, Director of Shared Services in the Office of the Controller.¹ Former HR Commissioner Yvonne Cowser Yancy refused to be interviewed for this

¹ All interviewees, except for Ms. Burwell, Mr. Brantley, and Ms. Rackley, received *Upjohn* and *Garrity* warnings, including but not limited to the advice that: (1) they could have counsel present during the interview if they wished; (2) they could refuse to answer any question at any time; (3) BGR represents the City, not the interviewee, and thus although the interview

investigation. In addition, BGR reviewed various documents provided by the City and its employees, including (but not limited to) Mr. Hall's HR Employee Maintenance Turnaround Document ("TAD"); Baker Donelson's summary of interview of Mr. Hall on November 2, 2018; all emails sent or received by Ms. Webb and Ms. Martin Hall between December 1, 2017, and March 30, 2018; all emails sent or received by Ms. Bethune, Ms. Dickerson, Elaine Gooden, Ms. Martin Hall, Ms. Taylor Parks, Ms. Webb, or Commissioner Yancy mentioning Kwanza Hall between December 1, 2017, and January 31, 2018; and various other payroll documents and screenshots from internal City computer programs.

BGR concluded its investigation on December 21, 2018. This report summarizes BGR's investigation and findings.

II. Background

Between 2005 and 2017, Mr. Hall was a City Councilmember who represented Atlanta's District 2. In 2017, Mr. Hall ran as a candidate for City Mayor. On November 7, 2017, Mr. Hall lost the mayoral election, placing seventh overall. On the same date, Amir Farokhi won the election for Mr. Hall's District 2 Council seat. On December 5, 2017, then-City Councilmember Keisha Lance Bottoms won the mayoral run-off election. On January 2, 2018, Mayor-elect Bottoms assumed the Mayor's office from outgoing Mayor Kasim Reed.

On Saturday, December 30, 2017, three days before the change in administration, Mr. Beam and Ms. Bethune came into the office at then-Commissioner Yancy's request to assist her with processing a number of HR transactions. According to Mr. Beam, these transactions were generally intended to fulfill prior employment and compensation-related promises that had been made to various individuals, and to otherwise bring their compensation in line with the market. Mr. Beam handwrote TADs for these individuals (under Commissioner Yancy's direction) and gave them to Ms. Bethune to input into the City's Oracle system. Ms. Bethune, who was only vaguely familiar with how to process TADs, called Ms. Nelson and received instructions from her on processing the TADs. Shortly after the new year, Ms. Webb discovered that Ms. Bethune had incorrectly processed the TADs, and reprocessed the TADs correctly.

One of the TADs processed was for Mr. Hall, who received the position of Senior Policy Advisor effective January 2, 2018. The yearly salary for this position was \$137,100. On January 19, 2018, Mr. Hall received his first payroll paycheck from the City that partially covered time that he purportedly worked in his new position. On February 2, 2018, he received a second payroll paycheck that fully covered time that he purportedly worked in this new position. Mr. Hall did not receive any payroll payments thereafter, with the exception of a \$500 bonus payment in August 2018. Mr. Hall has repeatedly denied knowing that he had received the

would be considered attorney-client privileged, the privilege was held (and could be waived) only by the City, not the interviewee; and (4) their interview was entirely voluntary and the City would neither reward nor discipline them for participating or declining to participate in the interview.

Senior Policy Advisor position until in or around September 2018, when he was contacted by a reporter inquiring about it. Mr. Hall has further admitted that he never performed any actual work for the City while purportedly in this position. Mr. Hall claims that he did not pay attention to the cash flow into his accounts at the beginning of 2018, and thus did not realize he had received at least two payroll payments for this position.

III. Summary of Investigation

A. Interviews Conducted

The following is a summary of each interview that BGR conducted insofar as it related to Mr. Hall's Senior Policy Advisor position. While the summaries include some of the interviewees' own language, it is not a transcript. Statements in quotation marks may not be verbatim statements, but rather a close approximation of an actual statement made during the interview.

1. James Beam

On November 14, 2018, BGR interviewed Mr. Beam. Mr. Beam joined the City in 2011 as a Deputy HR Commissioner. Mr. Beam left that position and the City in 2013, but returned to the City in 2014 in an internal consulting role. In December 2014, Mr. Beam became the HR Director at Aviation. Mr. Beam had been recruited to the City by Commissioner Yancy, with whom he had worked at Turner Broadcasting.

Mr. Beam described December 2017 as a frantic time in HR, with a lot of things that had to be done and a lot of transactions that had to be processed before the end of the year. According to Mr. Beam, many employment and compensation-related promises made earlier in the year still had not been implemented. Thus, about two weeks before the end of the year, Commissioner Yancy asked Mr. Beam to come in on a Saturday to help her go through a stack of transactions. Ms. Bethune was also asked to come in because she knew how to "key in to the system" to process the transactions.

On Saturday, December 30, 2017, Commissioner Yancy, Mr. Beam, and Ms. Bethune came into the office to process the transactions. Commissioner Yancy had a list of transactions, mostly promotions or moves, for the group to process. According to Mr. Beam, Commissioner Yancy was concerned about people on her "team" leaving because they were not being compensated commensurate with the market. Under Commissioner Yancy's direction, Mr. Beam filled out "paper forms" (presumably TADs), which Commissioner Yancy signed and Ms. Bethune "key[ed] in." Mr. Beam stated that Ms. Webb and Ms. Nelson, who were subject matter experts on the Oracle system, later tidied up the transactions. Ms. Bethune later sent all of the transactions to Ms. Addison, and may have discussed the transactions with Ms. Dickerson.

Mr. Beam believed that if Mr. Hall had received an offer letter or any paperwork relating to the Senior Policy Advisor position processed that Saturday, Yolanda Dosier would have sent them to him.

2. Elizabeth Bethune

On November 14, 2018, and again on December 17, 2018, BGR interviewed Ms. Bethune. Ms. Bethune has worked for the City for over three years. Ms. Bethune is currently the HRIS Manager, managing a team of fifteen employees who handle the Oracle (TAD transactions) and Kronos (timekeeping) systems. Ms. Bethune spends most of her time on an ongoing timekeeping project, and does not usually process TADs.

On Friday, December 29, 2017, Ms. Bethune was offsite when she received a call from Mr. Beam informing her that Commissioner Yancy was looking for her. Ms. Bethune explained that the HRIS Director, Ms. Gooden, was out of the country, so Ms. Bethune was the next in command at HRIS. Mr. Beam asked Ms. Bethune to come in the following day to process several TADs. When Ms. Bethune came into the office on December 30, 2017, she took the TADs that were already completed to her office on another floor to process. Ms. Powell brought her additional TADs that needed to be completed. Ms. Bethune called Ms. Nelson to help her with processing the TADs. After the new year, Ms. Webb re-processed the TADs as Ms. Bethune had incorrectly processed them on December 30.

Ms. Bethune later received a call from Ms. Dickerson, then-Interim HR Commissioner, who requested “copies of everything” that had been processed on December 30, 2017. Ms. Bethune stated that she did not recall the exact date she provided this information to her, but she believes that it was in or around the time that Ms. Dickerson became Interim Commissioner. Ms. Bethune recalled that Ms. Dickerson called her on a Friday and informed her that she (Ms. Dickerson) was moving into the Interim Commissioner’s position and needed to know about any transactions for the administration transition. Ms. Dickerson told Ms. Bethune that she could bring the information to the Commissioner’s suite “on Monday.” Ms. Bethune stated that, on the following Monday, she handed Ms. Dickerson photocopies of the December 30, 2017 TADs. She also believes that, on that date, she gave Ms. Dickerson a photocopy of a spreadsheet of people for whom there were no TADs and for whom Ms. Bethune needed more information. Ms. Bethune believes there were fewer than twenty people on that spreadsheet, and that these were people who had worked on Mayor Bottoms’ campaign and/or were new hires. Ms. Bethune does not specifically recall if Mr. Hall was on the spreadsheet, but believes he was not as there was already a TAD for him. Ms. Bethune does not believe she emailed the spreadsheet to Ms. Dickerson, but she provided us with a copy of the spreadsheet that she gave to Ms. Dickerson in person.

3. Sarina Powell

On November 14, 2018, BGR interviewed Ms. Powell. Ms. Powell has worked for the City for a little over a decade. Ms. Powell is currently the FMLA Administrator in the Benefits Division. Ms. Powell previously worked as an executive assistant and an HR associate for the City.

Ms. Powell was covering for Commissioner Yancy’s executive assistant on one of the days leading up to December 30, 2017, when Mr. Beam asked Ms. Powell to come in on that

Saturday to help Commissioner Yancy pack up. Ms. Powell agreed. While there that Saturday, Ms. Powell observed Commissioner Yancy and Mr. Beam going “back and forth” regarding “transactions,” and said that Ms. Bethune was in another room. Ms. Powell stated that she did not herself take part in the transactions.

4. Tracy Nelson

On November 14, 2018, BGR interviewed Ms. Nelson. Ms. Nelson has worked for the City for twenty-six years. Ms. Nelson is currently an HRIS analyst who works on the Oracle project, which is part of the City’s HR system upgrade for processing payroll and TADs.

Ms. Nelson received a call on December 30, 2017, from a person² who had been called into the office to process TADs. This person does not normally process TADs, so had called Ms. Nelson to ask how to process certain TADs. Ms. Nelson thought it was strange that this person was called in to process the TADs and not the three to four HR employees she supervised who usually process TADs. Ms. Nelson’s understanding was that this person was processing TADs for promotions, new hires, transfers, and bonuses. The person did not know why she had been called in to process them, but Ms. Nelson thought the whole thing was very unusual and possibly unethical.

Ms. Nelson ended up walking the caller through the process of inputting TADs for promotions and position transfers. According to Ms. Nelson, the person who called felt uneasy, and was going to voice that uneasiness to Commissioner Yancy. The person wanted to keep the subject of the call as confidential as possible.

5. Lisa Webb

On November 14, 2018, and again on December 6, 2018, BGR interviewed Ms. Webb. Ms. Webb is a HRIS Senior Specialist who oversees the HRIS and its data. She also processes TADs on occasions.

Ms. Webb stated that she learned of the other December 30, 2017 HR transactions (and Mr. Hall’s Senior Policy Advisor position specifically) on the first Wednesday of 2018, which she believed was January 3, 2018. On that date, she ran a payroll report ahead of the upcoming Friday’s payroll³ and noticed a number of “zero checks.” Ms. Webb asked Ms. Bethune about this and learned that these people were supposed to have received salary increases or position transfers. Ms. Bethune handed Ms. Webb a stack of TADs and told Ms. Webb that she (Ms. Bethune) had been instructed by Commissioner Yancy to enter the TADs, which she had done incorrectly. Ms. Webb thereupon went into the system to enter the TADs correctly. Ms. Webb

² Ms. Nelson never identified this individual, who appears to be Ms. Bethune.

³ Ms. Webb explained that City employees are paid every other Friday.

noticed Mr. Hall's TAD, but did not speak to Ms. Bethune about his position or learn why he had received this new position.

In or around February or early March 2018, Ms. Webb noticed that Mr. Hall again showed up as a zero check on a payroll report. Ms. Webb believes that up until that time, Mr. Hall's schedule in Kronos, the City's time-keeping software, would automatically populate for eighty hours, and thus Mr. Hall received payroll payments until that time. She believes that in or around February or early March 2018, someone removed Mr. Hall's schedule from Kronos, although she did not know who. Ms. Webb stated that after seeing Mr. Hall come up as a zero check on the payroll report, she emailed the Business Manager for the Mayor's Office, Ms. Martin Hall, and asked why he was coming up as a zero check. According to Ms. Webb, Ms. Martin Hall responded that Mr. Hall had no schedule.

Ms. Webb stated that she was no longer in possession of her email exchanges with Ms. Martin Hall discussing Mr. Hall's status in the January to March 2018 timeframe; she believed that she may have been missing those emails due to a prior cyberattack on the City. However, Ms. Webb was able to retrieve two emails discussing Mr. Hall from the June to July 2018 timeframe. In one email, dated June 18, 2018, Ms. Webb asked Ms. Martin Hall about Mr. Hall's employment status. It is unclear whether Ms. Martin Hall responded to that email. In another email string, dated between July 17, 2018, and July 18, 2018, Deborah Washington (Payroll Specialist in the Finance Department) and Ms. Webb asked Ms. Martin Hall again about Mr. Hall's employment status. Ms. Martin Hall responded that she had never processed Mr. Hall for payroll in his new position and had assumed, based on an apparent prior conversation, that Ms. Webb was going to inquire with others about how Mr. Hall was processed for his new position. Ms. Webb then forwarded that email to Ms. Dickerson, asking her for assistance concerning the issue. It is unclear whether Ms. Dickerson responded.

6. Angela Addison

On November 14, 2018, BGR interviewed Ms. Addison. Ms. Addison has served as Deputy HR Commissioner for three years, with the exception of approximately three weeks beginning December 29, 2017, when outgoing-Commissioner Yancy appointed her as Interim HR Commissioner.

Ms. Addison learned about the December 30, 2017 meeting of Commissioner Yancy, Mr. Beam, and Ms. Bethune from Ms. Bethune. On or about January 2, 2018, Ms. Webb brought Ms. Addison a stack of TADs and informed her that there were more. Ms. Addison requested the rest of the TADs, reviewed them, and took them to Chief of Staff Marva Lewis. Ms. Addison's understanding from speaking with Mr. Beam and Ms. Bethune was that the positions identified in the TADs for position transfers and new positions were based on the desired compensation levels, not the actual duties the employee would perform. In other words, at the December 30, 2017 meeting, the team would decide the compensation they wanted an employee or rehire to receive, look in the positions report for a vacant position that carried that desired level of compensation, and then list that vacant position as the employee's new position.

Ms. Addison also received a list of transactions from Ms. Dosier. Ms. Addison did not recognize all of the names on the list, but several names stood out to her for various reasons. This included Khobi Hall's name, who is Mr. Hall's brother.

Ms. Addison did not have any information regarding Mr. Hall's position transfer, and did not know whether Mr. Hall had been informed of his position transfer.

7. Yolanda Dosier

On November 14, 2018, BGR interviewed Ms. Dosier. Ms. Dosier joined the City in October 2014 as a recruiter. Since in or around 2016, Ms. Dosier has been a talent acquisition manager for the City. Ms. Dosier recalls that on the "Monday" after December 30, 2017, Ms. Bethune was asking questions about inputting transactions she had done with Commissioner Yancy and Mr. Beam that Saturday. Ms. Bethune said there was a list of things to input. Ms. Dosier thought it was unusual that Ms. Bethune had been pulled in to do the transactions that Saturday, as she was not an expert with the system.

Ms. Dosier stated that some of the people on the list were incoming administration members who needed to be onboarded. Ms. Dosier started coordinating background checks, physicals, and other onboarding logistics for these individuals. Ms. Dosier does not recall if she did anything for Mr. Hall and does not think she sent any offer letter to Mr. Hall. According to Ms. Dosier, Katherine Lilly would have sent the paperwork, if any existed, to Mr. Hall regarding the Senior Policy Advisor position. None of the transactions performed on December 30, 2017, had previously been discussed with Ms. Dosier.

Ms. Dosier had never previously been through an administration change, so may have asked Ms. Webb if this process was normal. Ms. Dosier also asked Ms. Addison about the transactions list. Ms. Addison stated that she had previously known about some of the people on the list but not all. Ms. Dosier focused on those individuals – about eight – that Ms. Addison knew about.

8. Sherri Dickerson

On November 14, 2018, and again on December 3, 2018, BGR interviewed Ms. Dickerson. Between January 2018 and June 2018, Ms. Dickerson served as the Interim HR Commissioner. Ms. Dickerson explained that former Commissioner Yancy had "self-appointed" Ms. Addison as the Interim HR Commissioner when she left, even though it was not within Commissioner Yancy's authority to do so. After taking office, Mayor Bottoms appointed Ms. Dickerson as Interim HR Commissioner. Prior to taking this position, Ms. Dickerson was Deputy HR Commissioner and Director of Watershed Management. Ms. Dickerson reverted to her position as Deputy HR Commissioner in June 2018.

Ms. Dickerson heard about the December 30, 2017 HR transactions in "bits and pieces" before learning of The Atlanta Journal Constitution's open records request relating to bonuses and salary increases that occurred on that date. Mayor Bottoms had made a statement relating to

the open records request at a cabinet meeting, at which point a “Melissa” at the meeting told Ms. Dickerson that she would show her a “list.” Ms. Dickerson thereafter requested a list, or spreadsheet, of those HR transactions as well as copies of the corresponding TADs. Ms. Dickerson did not “unravel” any already-processed transactions, but wanted to make sure that the TADs that had not yet been processed would not move forward.

Ms. Dickerson stated that she did not notice Mr. Hall on the list of HR transactions, and, had she noticed, she would not have thought much of it. According to Ms. Dickerson, outgoing Councilmembers are generally given “assistance” with position placement. She cited as examples outgoing Councilmembers Mary Davis and Myrtle Davis receiving positions within the City approximately twenty years ago. Ms. Dickerson stated that she had thought, based on rumors, that Mr. Hall would receive an external position rather than a position within the City. Ms. Dickerson denied knowing how Mr. Hall received the Senior Policy Advisor position.

Ms. Dickerson acknowledged having conversations with Ms. Taylor Parks, Ms. Lewis, and Richard Cox about the December 30, 2017 HR transactions but did not recall discussing Mr. Hall specifically; rather, she claimed, these conversations centered on their disbelief that the previous administration had the audacity to push through these eleventh-hour transactions. Even though she did not have any specific discussions with Ms. Taylor Parks about Mr. Hall, however, Ms. Dickerson’s impression was that Ms. Taylor Parks did not have any prior knowledge about Mr. Hall’s transaction. Ms. Dickerson stated that she did not have any conversations with Candace Byrd about the transactions.

Ms. Dickerson stated that she did not direct anyone to remove Mr. Hall from the list or to remove him from payroll. Ms. Dickerson claimed that she did not know when Mr. Hall stopped getting paid. Ms. Dickerson also stated that she had no knowledge of any manipulation of the HR Information Systems.

9. Twana Martin Hall

On December 3, 2018, BGR interviewed Ms. Martin Hall. Until in or around August 2018, Ms. Martin Hall was the Business Manager in the Mayor’s Office, a position she had held for approximately ten years. She now works as a compliance specialist with the courts. As the Business Manager, Ms. Martin Hall acted as a liaison between the City’s Business Department and its Finance Department. During the transition from Mayor Reed’s administration to Mayor Bottoms’ administration, Ms. Martin Hall helped to ensure that new City employees were timely placed on the City’s payroll.

Ms. Martin Hall initially denied any knowledge of or involvement in Mr. Hall’s position as a Senior Policy Advisor. However, upon further questioning, she recalled some information and scattered conversations on this subject. Ms. Martin Hall recalled seeing Mr. Hall on a list of persons who were given new positions within the new administration, although she did not know how he obtained that position. It was from such lists that Ms. Martin Hall determined who needed to be placed on payroll. Ms. Martin Hall believes she made several inquiries about Mr. Hall’s status and whether or not he needed to be placed on payroll, but was told each time not to

process him for payroll yet. She does not recall specifically who gave her this direction, but believes it might have been Ms. Dickerson. Ms. Martin Hall eventually stopped inquiring about Mr. Hall's status, assuming that someone would reach out to her to place him on payroll if necessary. Ms. Martin Hall ultimately never included Mr. Hall on the City's payroll and was under the impression that no one else had either (and therefore that he was never paid). However, she acknowledged that other departments, such as Human Resources, would also have been authorized to place him on payroll.

When asked about two email exchanges between her, Ms. Dosier, and Kimberly Finley regarding Mr. Hall, Ms. Martin Hall stated that she did not recall those specific emails or recall having any conversations with them about Mr. Hall. However, she stated that Ms. Dosier and Ms. Finley were generally charged with ensuring a smooth transition between administrations from a Human Resources standpoint. Ms. Martin Hall also did not recall having a conversation with Ms. Taylor Parks about Mr. Hall, despite stating in one particular email that she intended to "get with" Ms. Taylor Parks "concerning Kwanza."

10. Anthony Davis

On December 7, 2018, BGR interviewed Mr. Davis. Between October 2017 and January 2018, Mr. Davis was an HR employee who handled employee relations, labor issues, and talent acquisition for the City. Mr. Davis was asked whether he recalled receiving an email from Commissioner Yancy on January 3, 2018, to which she attached a list of new hire employees and transfer employees for the new administration. Mr. Davis stated that he "vaguely" recalled receiving the email, but believes Commissioner Yancy sent it to him simply as an "FYI"; he does not believe Commissioner Yancy expected him to do anything with it (nor did he in fact do anything with it). Mr. Davis stated that he did not notice Mr. Hall's name on the list, does not know how Mr. Hall obtained the Senior Policy Advisor position, was not involved in stopping salary payments to Mr. Hall, and never had any conversations with Commissioner Yancy about Mr. Hall.

11. Kwanza Hall

Mr. Hall did not respond to BGR's initial request to interview him on or about November 28, 2018, but did contact BGR on December 10, 2018, agreeing to talk. Similar to his prior interview with Baker Donelson,⁴ Mr. Hall emphatically and repeatedly denied knowing about the Senior Policy Advisor position and admits he did nothing for the City while he supposedly held that position. According to Mr. Hall, the first time he learned about the position was when a news reporter called him and questioned him about it.

Mr. Hall denied having any conversations with anyone about the position, and specifically denied talking with Ms. Taylor Parks, Commissioner Yancy, or Ms. Dickerson about

⁴ Baker Donelson interviewed Mr. Hall on November 2, 2018, concerning his Senior Policy Advisor position, among other subjects.

the position. He also denied knowing Ms. Addison, the Interim HR Commissioner that former Commissioner Yancy purported to appoint, and stated that he never received any paperwork from HR regarding the Senior Policy Advisor position.

Mr. Hall stated that he did not notice that he was receiving payments from the City into his bank account in January 2018. He explained that, as a politician, he was used to money going into and out of bank accounts associated with him or his campaign all the time, and thus he did not take much notice of individual deposits. Similarly, he explained that he had multiple sources of personal income at the time, and for that reason took little notice of money going into or out of his personal accounts. He further stated that he was traveling internationally (to Pakistan, Lebanon, and other parts of the Middle East) to “decompress” between late December 2017 and early February 2018, and that it was very difficult for him to track his personal bank account from those countries. When asked whether Councilmembers received PTO payments, he acknowledged that they did not. He further claimed that when he previously told Baker Donelson that he assumed that the payroll deposits he received were PTO payments, he meant to convey that he thought the deposits generally related to the end of his Council term, not that the deposits specifically covered unused PTO.

Mr. Hall denied that members of Mayor Reed’s administration helped him secure the Senior Policy Advisor job; he noted that he did not receive Mayor Reed’s endorsement for his election campaign, that he was “not the favorite son” of the prior administration, and that he was not particularly close with Commissioner Yancy. When we informed him that his TAD listed Stephanie Stuckey Benfield as his supervisor, Mr. Hall repeatedly emphasized that he would never agree to work as her subordinate; he would have viewed that as a step down from his Council position. In the same vein, he stated that it would have been “even crazier” for him to accept a position as Ceasar Mitchell’s subordinate, who was listed as his supervisor in one particular HR spreadsheet. He stated that he had many other job opportunities open to him following his unsuccessful mayoral campaign, including working on Wall Street, and that he was used to being the “boss” rather than working as someone’s subordinate.

Mr. Hall was questioned about two emails that he sent during or around the administration transition. Mr. Hall was first asked if he remembered forwarding to Ms. Taylor Parks a copy of his brother Khobi Hall’s resume. He responded that Ms. Taylor Parks asked him to send her resumes generally, and thus believes he did forward Khobi’s resume to her. He was under the impression, however, that Khobi ultimately did not take any administration job, since Khobi already had a job that paid him a similar amount of money. Mr. Hall also denied having any conversations with Ms. Taylor Parks about his Senior Policy Advisor position.

Mr. Hall was then asked about an email he sent to Commissioner Yancy on January 1, 2018, inquiring about Marc Williams. (Mr. Williams was also listed on the spreadsheet of new employees receiving positions within the new administration.) Mr. Hall did not deny sending the email, and attempted to justify such communications as commonplace. When Mr. Hall was asked whether he and Mr. Williams were friends, Mr. Hall demurred, stating simply that Mr. Williams had previously worked in a position that exposed him to Mr. Hall. Mr. Hall acknowledged referring Mr. Williams for a position earlier, but claimed that Mr. Williams did

not end up working for the City. Moreover, although Commissioner Yancy processed Mr. Hall's Senior Policy Advisor position just two days before he sent this email to her, Mr. Hall claimed that he had no discussions with Commissioner Yancy about his position and that she did not inform him of his new position.

Mr. Hall believes that someone surreptitiously processed him for the Senior Policy Advisor position to damage his reputation. He also said that "everyone knows" about the one-year rule, i.e., that former Councilmembers cannot hold internal City jobs for at least one year after they leave the Council. At the end of the interview, Mr. Hall stated that he would be open to a "resolution" with the City that "clears his name," although he did not further elaborate on this.

12. Gary Brantley and Daphne Rackley

On December 19, 2018, BGR spoke to Mr. Brantley, the City's Chief Information Officer, and Ms. Rackley, Deputy Chief Information Officer, to learn what information about Mr. Hall's position was available from Kronos.

Ms. Rackley informed us that, on January 9, 2018, Ms. Webb changed Mr. Hall's payroll status in Kronos from his original Council position to his new City position. Ms. Rackley further informed us that Mr. Hall's time in Kronos stopped populating on May 29, 2018; however, they could not determine who stopped populating his time. They even reached out to the Kronos vendor to assist them in this regard, but the vendor also could not help them identify the individual who made this change.

Ms. Rackley was asked how Mr. Hall stopped receiving paychecks in February 2018 when his time did not stop populating in Kronos until May 2018. Ms. Rackley stated that this would had to have happened on the "payroll side," and thus suggested that we speak with Valencia Burwell for more information on this issue.

13. Valencia Burwell

On December 20, 2018, BGR spoke to Ms. Burwell to learn what information about Mr. Hall's position was available from the City's payroll system. Ms. Burwell is the Director of Shared Services in the Office of the Controller.

Ms. Burwell explained that, for an employee to get paid, a timekeeper must sign off on that employee's hours even after his or her hours are populated in Kronos. According to Ms. Burwell, payroll processed and paid Mr. Hall twice in January 2018 while his timekeeper, Ms. Martin Hall, was seeking authorization to sign off on his hours. It appears that during that time, Ms. Martin Hall did not sign off on his hours, but also did not formally "reject" his hours. On February 9, 2018, Ms. Martin Hall emailed payroll specialist Andrea Hopkins, stating, inter alia, "I've not been given instruction to process time for Kwana Hall [sic], I'm unable to confirm sign off for him." Payroll interpreted this email as a refusal to sign off on Mr. Hall's hours and thus, after that point, stopped paying Mr. Hall's salary—despite the fact that Kronos kept populating

his hours through May 2018. Ms. Burwell noted that payroll never received any follow-up inquiries after stopping payments to Mr. Hall, which would have been expected had the cessation in salary payments been in error. It does appear, however, that Mr. Hall received a City employee bonus of \$500 in August 2018 in addition to his two salary payments from January and February 2018. Ms. Burwell sent us documentation showing that Mr. Hall paid the City \$10,300 on November 9, 2018, which represents slightly more than the total net payments he received from the City for his Senior Policy Advisor position.

B. Documents Reviewed

The following is a summary of all relevant documents that BGR reviewed for this investigation.

- Mr. Hall's TAD. A TAD was generated for Mr. Hall's Senior Policy Advisor position, position number 58070, effective as of January 2, 2018. The TAD listed the compensation for this position as \$137,100. According to the TAD, Mr. Hall's supervisor would be Ms. Stuckey Benfield. The TAD was approved by Commissioner Yancy.
- Summary of Mr. Hall's Prior Interview. David Gevertz of Baker Donelson interviewed Mr. Hall on November 2, 2018, and drafted a summary of that interview on November 9, 2018. Mr. Hall had counsel present during the interview (Samuel Olens of Dentons). According to the summary, Mr. Hall denied knowing that he had received the position of Senior Policy Advisor, denied reviewing or signing any employment documentation for the position, and denied performing any work for the City while supposedly in the position. He acknowledged receiving payments in January 2018 from the City, but assumed they were PTO payouts from his Council position. Mr. Hall stated that he first learned about the position when a reporter called and asked him about it in approximately September 2018. Mr. Hall stated that he has been employed as a Managing Director with Invest Atlanta since mid-March 2018, and explained the circumstances surrounding his hiring to that position.
- Emails. BGR reviewed all emails sent or received by Ms. Webb and Ms. Martin Hall between December 1, 2017, and March 30, 2018; all emails sent or received by Ms. Bethune, Ms. Dickerson, Ms. Gooden, Ms. Martin Hall, Ms. Taylor Parks, Ms. Webb, or Commissioner Yancy mentioning Kwanza Hall between December 1, 2017, and January 31, 2018; and other miscellaneous emails sent to us from various City employees. The following is a summary of emails containing information relevant to BGR's inquiry, in chronological order.
 - Nov. 20, 2017: Mr. Hall emailed to Ms. Taylor Parks' personal email account a copy of Khobi Hall's resume. On January 9, 2018, Ms. Taylor Parks forwarded Khobi's resume to her City email account.

- Jan. 1, 2018: Mr. Hall emailed Commissioner Yancy, with the subject line “Marc Williams.” In the body of the email, Mr. Hall simply wrote, “Just checking in on this.” It does not appear that Commissioner Yancy responded to the email.
- Jan. 3, 2018: Commissioner Yancy emailed Mr. Davis a spreadsheet containing a list of persons to be newly hired or transferred into positions with the new administration. In the body of the email, Commissioner Yancy stated, “Per our conversation!” The attached spreadsheet was subsequently forwarded to multiple other individuals.
- Jan. 25, 2018: Ms. Martin Hall emailed Ms. Dosier and Ms. Finley concerning payroll status for fourteen employees. In the email, Ms. Martin Hall also states, “As advised I’ll get with Katrina concerning Kwanza.” The email string does not contain any further discussions about Mr. Hall.
- Jan. 26, 2018: Ms. Hopkins emailed Ms. Martin Hall asking “who is supposed to sign off on Kwanza Hall?” Ms. Martin Hall responded, *inter alia*, “Presently I’m verifying this.”
- Feb. 9, 2018: Ms. Hopkins emailed Ms. Martin Hall, stating, “Steven Lee and Kwanza Hall have hours in Kronos that were not signed off on. Please confirm they are due no hours.” Ms. Martin Hall responded, *inter alia*, “I’ve not been given instruction to process time for Kwana [sic] Hall, I’m unable to confirm sign off for him.”
- Feb. 14, 2018: Ms. Bethune emailed Ms. Webb a spreadsheet, entitled “EXE Employee Supervisor Report 021418.xls”, which identifies Mr. Hall’s supervisor as Mr. Mitchell.
- June 18, 2018: Ms. Webb emailed Ms. Martin Hall (copying Ms. Washington) asking, “Please advise on the employment status for Kwanza Hall.” It is unclear whether Ms. Martin Hall responded to this email.
- July 17, 2018: Ms. Washington and Ms. Webb emailed Ms. Martin Hall again about Mr. Hall’s employment status. Ms. Martin Hall responded that she had never processed Mr. Hall for payroll in his new position and had assumed, based on an apparent prior conversation, that Ms. Webb was going to inquire with others about how he was processed for his new position. Ms. Webb then forwarded that email to Ms. Dickerson, asking her for assistance concerning the issue. It is unclear whether Ms. Dickerson responded.

- Check and Daily Report. A cashier's check was made out to the City of Atlanta in the amount of \$10,300, dated November 9, 2018. A note on the check read, "Re: Kwanza Hall." Maria Dominguez drafted a daily report to the Commissioner of Finance concerning the City's receipt of this check.
- Payroll Screenshots. Multiple screenshots of Mr. Hall's Employee Statement of Earnings show that, during the 2018 calendar year, Mr. Hall was paid a total of \$759.21 in holiday pay, \$14,173.14 in regular pay, and \$500 in bonus pay. His total gross pay was thus \$15,432.35, and his total net pay was \$10,270.42.

IV. Findings and Conclusions

Based on our investigation, we have reached the following findings and conclusions concerning Mr. Hall's position as Senior Policy Advisor.

On or around December 30, 2017, former Commissioner Yancy had drafted, and approved, a TAD transferring Mr. Hall from a Council position to a City position as a Senior Policy Advisor, which carried an annual compensation of \$137,100. Ms. Bethune, at Mr. Beam's direction and with Ms. Nelson's assistance, attempted to process Mr. Hall's TAD in Oracle on that date. As an outgoing, elected councilmember, Mr. Hall's acceptance of the Senior Policy Advisor position would have constituted a violation of Section 5-404 of the City charter, which provides that "[n]o elected official shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which that official was elected to office, unless this provision is waived by a three-fourths vote of the council." Appointed by former Mayor Reed, Commissioner Yancy left the City either with or shortly after the change in administration on January 2, 2018.

On January 3, 2018, Ms. Webb ran a payroll report for the coming Friday's payroll, wherein she noticed that multiple individuals had "zero checks," including Mr. Hall. She inquired with Ms. Bethune why that was the case, who responded that she had recently processed TADs for those individuals at the direction of Commissioner Yancy. Because Ms. Bethune processed the TADs incorrectly, Ms. Webb had to reprocess the TADs, including for Mr. Hall. This included changing Mr. Hall's position in Kronos (the City's timekeeping software) from his original Council position to his new City position. Thereafter, Kronos automatically populated Mr. Hall's time for his new position.

On January 19, 2018, Mr. Hall received his first payroll paycheck partially covering time in which he supposedly worked as a Senior Policy Advisor. On February 2, 2018, Mr. Hall received a second payroll paycheck that fully covered time in which he supposedly worked in this position. During this time, Ms. Martin Hall, who was responsible for approving Mr. Hall's pre-populated time in Kronos, made repeated inquiries about whether to process Mr. Hall for payroll in his new position, but was told each time (she believes by Ms. Dickerson) to hold off on doing so "for now." Ms. Martin Hall therefore did not approve Mr. Hall's time in Kronos for these two pay periods, but it also appears that she did not affirmatively reject them, thus leading payroll to process and send those payments to Mr. Hall. Eventually, Ms. Martin Hall stopped

inquiring about his status and, on February 8, 2018, sent an email to Ms. Hopkins stating that she was “unable to confirm sign off for [Mr. Hall].” Payroll interpreted this email as a rejection of Mr. Hall’s hours and thus, after that point, payroll stopped paying Mr. Hall’s salary.

Even though payroll stopped paying Mr. Hall’s salary in February 2018, Mr. Hall’s time in Kronos did not stop populating until May 29, 2018. The City has been unable to determine who stopped populating Mr. Hall’s time in Kronos. On August 17, 2018, the City sent Mr. Hall a \$500 bonus check that all City employees received. This is the final payment that Mr. Hall received from the City in 2018. On November 9, 2018, Mr. Hall sent a check to the City in the amount of \$10,300, which represents a full repayment of the net payments he received from his employment as Senior Policy Advisor. It appears that, as of December 9, 2018, Mr. Hall is still listed in Kronos as an active employee, although his timecard no longer populates.

We have been unable to determine who, if anyone, instructed former Commissioner Yancy to give Mr. Hall the position of Senior Policy Advisor on December 30, 2017. Mr. Hall has denied knowing at the time either that he received the position or that he was being paid for the position, and we have not uncovered any witnesses or documentation proving otherwise. We have not found any evidence that, after Mr. Hall was given the position at the end of former Mayor Reed’s administration, anyone in Mayor Bottoms’ administration approved Mr. Hall being on the City’s payroll. We have also been unable to determine who stopped populating Mr. Hall’s time in Kronos, although this may have been a mere formality as Mr. Hall’s payroll payments stopped in February 2018 for the reasons stated above. Finally, although several persons we interviewed had only vague recollections of the underlying events, we have not uncovered any materially conflicting information or statements about Mr. Hall’s position.