

**RECEIVED**

**JUL 29 2009**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**FILED**

**JUL 29 2009**

**DAVID CREWS, CLERK**  
BY  **Deputy**

**JESSIE COLVIN**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 1:09CV187-M-D**

**LOWNDES COUNTY, MISSISSIPPI;  
THE LOWNDES COUNTY BOARD OF  
SUPERVISORS, in their official capacities;  
BEVERLY BROOCKS, individually and in  
her official capacity; SHERIFF C.B. HOWARD,  
individually and in his official capacity; BERNICE  
LILE, individually and in her official capacity;  
FIRE CHIEF KEN MOORE, individually and  
in his official capacity; and NICHOLAS  
HAIRSTON, JR., individually and in his official capacity**

obtained & posted by:  
[www.911Dispatch.com](http://www.911Dispatch.com)

**DEFENDANTS**

**COMPLAINT**

Comes now the Plaintiff, by and through counsel and pursuant to the Federal Rules of Civil Procedure, and for her causes of action against the Defendants avers the following:

**I.**

**INTRODUCTION**

1. This is an action for employment discrimination on the basis of sex and race pursuant to 42 U.S.C. § 2000e *et seq* (hereinafter "Title VII"), for violation of the Plaintiff's rights under the Due Process Clause of the 14th Amendment of the U.S. Constitution through 42 U.S.C. § 1983, and for violation of Plaintiff's rights under 38 U.S.C. § 4301 *et seq* (The Uniformed Services Employment and Reemployment Rights Act of 1994, hereinafter "USERRA").

**II.**

**JURISDICTION AND VENUE**

2. Jurisdiction for this case is premised on 28 U.S.C. §§ 1331 and 1367.
3. Venue is proper under 28 U.S.C. § 1391 in the Northern District of Mississippi because this claim arose there.

**III.**

**PARTIES**

3. Plaintiff Jessie Colvin (hereinafter “Ms. Colvin”) is an adult resident citizen of Lowndes County, Mississippi.
4. The Defendant Lowndes County is a political subdivision of the State of Mississippi which may be served with process through Lisa Younger Neese, the Lowndes County Chancery Clerk.
5. The Defendant Lowndes County Board of Supervisors are being sued in collectively and in their official capacities, and they may be served with process through Lisa Younger Neese, the Lowndes County Chancery Clerk.
6. Beverly Broocks (hereinafter “Ms. Broocks”), a member of the Lowndes County E911 Board of Commissioners, is being sued individually and in her official capacity. She may be served with process at 1008 12th Street, Columbus, Mississippi 39701.
7. C.B. “Butch” Howard (hereinafter “Sheriff Howard”), Sheriff of Lowndes County and a member of the Lowndes County E911 Board of Commissioners, is being sued individually and in his official capacity. He may be served with process at his place of employment which is 527 South Martin Luther King Jr. Drive, Columbus, Mississippi 39701.

8. Bernice Lile (hereinafter “Ms. Lile”) is a member of the Lowndes County E911 Board of Commissioners and is being sued individually and in her official capacity. She may be served with process at 1256 Lee Stokes Road, Columbus, Mississippi 39702.
9. Ken Moore (hereinafter “Chief Moore”) is the Fire Chief for the City of Columbus, Mississippi, and a member of the Lowndes County E911 Board of Commissioners. Chief Moore is being sued individually and in his official capacity. He may be served with process at 1923 Grant Road, Caledonia, Mississippi 39740.
10. Nicholas Hairston, Jr. (hereinafter Mr. Hairston) was, at the time of the events underlying this action, the County Administrator for Lowndes County, Mississippi. Mr. Hairston is being sued individually and in his official capacity. He may be served with process at 270 Swoope Road North, Columbus, Mississippi 39701.

#### IV.

#### **STATEMENT OF FACTS**

11. On June 19, 1989, Ms. Colvin was hired as a dispatcher for the public entity now known as Lowndes County E911 Services (hereinafter “E911”), which provides 911 emergency response services to Columbus, Mississippi, and to Lowndes County, Mississippi.
12. Over the course of her tenure with E911, Ms. Colvin eventually rose to the position of Director of E911 Services, the highest position within the organization. Ms. Colvin was both the first female and first African-American to hold this position.
13. On April 16, 2007, Ms. Colvin was summoned to an unscheduled special meeting of the E911 Board of Commissioners, the governmental entity which oversees E911 in Lowndes County. The regularly scheduled meeting of the Board of Commissioners had already

taken place on April 10, 2007. The membership of the E911 Board of Commissioners at the time consisted of Lowndes County Sheriff C.B. "Butch" Howard and Columbus City Fire Chief Ken Moore (who were both *ex officio* members of the Board), as well as five other individuals appointed by the Lowndes County Board of Supervisors. In addition to the seven board members, this unscheduled meeting was also attended by Rowena Sykes, the secretary for the Board of Commissioners and Berkley N. Huskison, an attorney employed by the law firm of Mitchell, McNutt and Sams and where board member Beverly Brooks is employed as a paralegal. Attorney Tim Hudson, who normally acted as attorney for the E911 Board of Commissioners and for the Lowndes County Board of Supervisors, was not present at this meeting. Although present at the start of the meeting, Ms. Sykes was asked to leave the meeting soon after it began, and she was not allowed to return.

14. Ms. Colvin received notice of this special meeting via email from Sheriff Howard on April 13, 2007, but she was given no advance notice as to the topics to be discussed at the special meeting beyond the fact that it would discuss a "personnel matter." In fact, several board members did not know what the meeting was about, as they called Ms. Colvin to ask her what was on the agenda. The meeting began at 4:00 p.m. and Ms. Colvin was asked to leave the conference room but remain available in case the board members had any questions for her.
15. At around 4:30, the Board of Commissioners summoned Ms. Colvin to the special meeting and questioned her regarding several topics, including certain issues pertaining to FCC licensing for E911, certain complaints made about Ms. Colvin's job performance by



former E911 employees who had been terminated, and certain documents addressing the accreditation of several recent dispatchers hired to work at E911. Sheriff Howard also questioned Ms. Colvin regarding an EEOC complaint which had been made against E911 as a result of the alleged use of racial slurs by some E911 dispatchers. Ms. Colvin had no prior knowledge of this EEOC complaint before Sheriff Howard brought it to her attention.

16. Ms. Colvin answered the board members inquiries to the best of her ability (in light of the fact that she had little advance notice of the meeting, and none at all regarding the topics to be discussed at it), and she provided the Board of Commissioners with all of the documentation she had pertaining to the accreditation of the new dispatchers.
17. During the meeting, Ms. Colvin explained to the E911 Board of Commissioners that any accreditation issues which might concern the Board were already in the process of being resolved. Furthermore, to the extent that there had been any problems in the past regarding the issues raised at the special meeting, such problems had arisen as a result of the acts or omissions of other persons who served as acting Director while Ms. Colvin was serving on active duty in the armed forces. A member of the United States Army Reserve, Ms. Colvin was called up to active duty from February 10, 2003, through February 9, 2004, and was not acting as Director of E911 or even in Mississippi when several of the events which concerned the Board of Commissioners took place. After answering the board members' questions to the best of her ability, Ms. Colvin was asked to leave the room.
18. The next day Sheriff Howard and Chief Moore came to the E911 Dispatch Center and

presented Ms. Colvin with a letter which they asked her to sign. According to the terms of this letter, Ms. Colvin would resign her position within one month and agree not to sue Lowndes County or the Board of Commissioners. Ms. Colvin refused to sign the letter.

19. Sheriff Howard and Chief Moore then presented her with a memorandum dated April 17, 2007, stating that the Board of Commissioners had voted to terminate her the previous night for “unsatisfactory job performance and failure and/or refusal to keep the Board informed of critical issues concerning mandatory certification of personnel.” The vote of the Board of Commissioners was 4-3, with Sheriff Howard, Chief Moore, Ms. Broocks and Ms. Lile voting in favor of termination.
20. On information and belief, Sheriff Howard, Chief Moore, Ms. Broocks, and Ms. Lile had previously made statements attesting to their personal belief that the position of Director of E911 Services was one which was more properly held by a male instead of a female, that males make better managers than females, and that females were too emotional to handle the Director’s position.
21. Furthermore, on information and belief, other E911 employees have made complaints that Ms. Lile, who is a former dispatcher for E911, has referred to African-Americans as “niggers.”
22. Upon receiving the April 17, 2007, memorandum, Ms. Colvin verbally requested a grievance hearing, and Sheriff Howard said that he would prefer that she make her request in writing. Ms. Colvin was then told to collect her personal belongings and leave the premises.
23. The next day Ms. Colvin provided a written request for a grievance hearing to Sheriff

Howard. In violation of the grievance procedures laid out in the E911 Commission Bylaws and the Lowndes County Employee Handbook, Ms. Colvin was not allowed to present her case to the Lowndes County Board of Supervisors but was simply allowed to present testimony and evidence before the Board of Commissioners on April 19, 2007. Unsurprisingly, the Board of Commissioners reaffirmed its own ruling, again by a 4-3 margin.

24. On April 20, 2007, Ms. Colvin presented a written request for an appeal before the Board of Supervisors to Nicholas Hairston, Jr., who was the County Administrator at the time. Mr. Hairston denied that request in a letter sent to Ms. Colvin and her previous attorney, Joseph Lipscomb. To date, neither the Lowndes County Board of Supervisors nor any other entity has reviewed the decision of the E911 Board of Commissioners to terminate Ms. Colvin.
25. On or about April 18, 2007, after terminating Ms. Colvin, the first African-American and the first woman to hold the position of Director of E911 Services, the E911 Board of Commissioners voted to replace her on an interim basis with Jim Crownover, a white male employed by E911 at the time. Mr. Crownover was at that time himself the subject of a sexual harassment lawsuit.
26. On June 22, 2007, the E911 Board of Commissioners hired Daniel Pittman as the new permanent E911 Director. Mr. Pittman is a white male with no prior experience in the management or operation of 911 services. Four other individuals were considered for the position, none of them African-American and only one of them a female.
27. On August 31, 2007, Ms. Colvin filed a Charge of Discrimination with the Equal

Employment Opportunity Commission (hereinafter “the EEOC”). Ms. Colvin also, out of an abundance of caution, sent a notice letter to the official defendants in the event that investigation of her claims would reveal state law claims against them as well as federal claims.

28. In December of 2007, less than six months after taking the position, Daniel Pittman abruptly resigned from the position of E911 Director. On information and belief, the Board of Commissioners initially offered the director’s position to Mike McReynolds (a third white male who was at that time a captain with the Columbus Fire Department), but he declined the position because the Board of Commissioners refused to increase the salary associated with the position or to provide insurance to Mr. McReynold’s family.
29. The Board of Commissioners then advertised the position and eventually awarded it to Sheri Fancher, a white female who had little to no supervisory experience but who, on information and belief, is a close personal friend of Bernice Lile.
30. On April 30, 2009, the EEOC issued Ms. Colvin a right-to-sue letter.

### **COUNT ONE**

#### **Wrongful Termination In Violation of Title VII.**

31. The Plaintiff adopts and realleges the allegations contained in the preceding paragraphs.
32. Ms. Colvin is an African-American female who was terminated and replaced in succession by two white males.
33. Ms. Colvin avers that the reasons set forth by the E911 Board of Commissioners for terminating her were not legitimate reasons for termination but were instead pretextual reasons designed to conceal the discriminatory animus of Defendants Broocks, Howard,

Lile and Moore, all of whom have demonstrated a personal belief that the position of E911 Director is one which should be filled by a male based on their antiquated and outmoded views on the emotional and organizational skills of women, as well as the racial animus of Defendant Lile (and possibly other individual defendants as discovery may show).

34. The fact that Ms. Broocks and Ms. Lile are themselves women is not a bar to Ms. Colvin's claims against them. It is well-established that a decision-maker within the same protected class as a charging employee is capable of holding a discriminatory animus against the protected class such that Title VII's protections are invoked.
35. The actions of the named E911 Board of Commissioners in terminating Ms. Colvin represent sexual and racial discrimination in violation of Title VII.
36. Because the named E911 Commissioners were decision-makers for Lowndes County, their discriminatory actions are attributable to the County as a whole.
37. The decision of Nicholas Hairston and the Lowndes County Board of Supervisors to refuse any review of the termination decision in violation of the existing grievance procedures also represents a violation of Ms. Colvin's rights under Title VII.

## **COUNT TWO**

### **Violation of Due Process Rights**

38. The Plaintiff adopts and realleges the allegations contained in the preceding paragraphs.
39. Pursuant to 42 U.S.C. § 1983:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the

jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

40. The named Commissioners -- Brooks, Howard, Lile and Moore -- acted under color of state law in terminating Ms. Colvin. Aside from any direct deprivation of any rights Ms. Colvin may have had in her position which discovery may show, Ms. Colvin also suffered a deprivation of her due process rights as a result of being denied the right to appeal her termination to the Lowndes County Board of Supervisors as was required by the employee grievance procedures established for the benefit of Lowndes County employees.
41. In denying Ms. Colvin her right to appeal to the Board of Supervisors, Mr. Hairston was also acting under color of authority of state law, and his actions represent a violation of Ms. Colvin's rights under the Due Process Clause of the 14th Amendment of the U.S. Constitution. In the alternative, if discovery reveals that the Board of Supervisors itself declined to hear Ms. Colvin's appeal, opting instead to shunt her appeal back to the E911 Board of Commissioners so that the commissioners could rubber-stamp their own decision, such an action by the Board of Supervisors is itself a violation of Ms. Colvin's due process rights and is actionable under § 1983.
42. Regardless of whether the E911 Board of Commissioners, the Board of Supervisors or Mr. Hairston violated Ms. Colvin's due process rights, the deprivation of those rights are

attributable to Lowndes County under § 1983.

### **COUNT THREE**

#### **Violation of Ms. Colvin's USERRA Rights**

43. The Plaintiff adopts and realleges the allegations contained in the preceding paragraphs.
44. As part of its rationale for terminating Ms. Colvin, the E911 Board of Commissioners accused her of "unsatisfactory job performance and failure and/or refusal to keep the Board informed of critical issues concerning mandatory certification of personnel." On information and belief, these accusations were based upon issues which arose while Ms. Colvin was on active duty with the United States Army Reserve and which Ms. Colvin moved to address as soon as they were brought to her attention upon her return to Lowndes County E911 from active duty with the United States Army Reserve.
45. Under USERRA, an employer (including a state employer) is forbidden from discriminating against an employee based on past military service.
46. As a member of the United States Army Reserve who was called up to active duty from February 10, 2003, through February 9, 2004, Ms. Colvin is an employee covered by USERRA.
47. On information and belief, the acts or omissions purportedly relied upon by the E911 Board of Commissioners in their decision to terminate Ms. Colvin were, in fact, acts or omissions committed by the individual or individuals charged with performing Ms. Colvin's job duties on her behalf while she was engaged in military service. As an individual covered under USERRA, Ms. Colvin's termination represents a violation of her rights under USERRA.

48. Although 38 U.S.C. § 4323(b)(2) confers jurisdiction of USERRA claims by individuals against state entities to the state courts, this Court may exercise supplemental jurisdiction over a USERRA claim where the Plaintiff also has valid federal claims.

**DAMAGES**

**WHEREFORE, PREMISES CONSIDERED**, the Plaintiff, Jessie Colvin, demands judgment against the Defendants as follows:

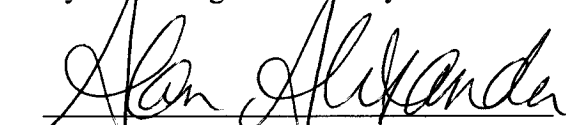
- a. Compensatory damages in the amount of one-hundred thousand dollars (\$100,000.00);
- b. Reinstatement, or in the alternative, front pay;
- c. Backpay;
- d. Punitive damages;
- e. Attorney's fees; and
- f. Costs and interest.

**PLAINTIFF DEMANDS A JURY TRIAL AS TO ALL COUNTS HEREIN.**

**RESPECTFULLY SUBMITTED,**

**JESSIE COLVIN**

By and through her attorneys of record:

  
Alan Alexander, MSB# 100070  
James B. Justice, MSB# 102029

JUSTICE & ALEXANDER, P.A.  
426 South Lamar, Suite 19  
P.O. Box 1550  
Oxford, MS 38655  
Phone: 662-234-4747



Fax: 662-234-4798

[alan\\_alexander@yahoo.com](mailto:alan_alexander@yahoo.com)

[jamesbjustice@gmail.com](mailto:jamesbjustice@gmail.com)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**JESSIE COLVIN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 1:09CV187-M-D**

**LOWNDES COUNTY, MISSISSIPPI;  
THE LOWNDES COUNTY BOARD OF  
SUPERVISORS, in their official capacities;  
BEVERLY BROOCKS, individually and in  
her official capacity, SHERIFF C. B. HOWARD,  
individually and in his official capacity; BERNICE  
LILE, individually and in her official capacity;  
FIRE CHIEF KEN MOORE, individually and  
in his official capacity; and NICHOLAS  
HAIRSTON, JR., individually and in his official capacity**

**DEFENDANTS**

---

**ANSWER, MOTION TO DISMISS AND  
AFFIRMATIVE DEFENSES OF DEFENDANTS**

---

Defendants, Lowndes County, Mississippi, the Lowndes County Board of Supervisors, Beverly Brooks, Sheriff C. B. Howard, Bernice Lile, Fire Chief Ken Moore and Nicholas Hairston, Jr., by and through counsel, file this Answer, Motion to Dismiss and Affirmative Defenses to Plaintiff's Complaint.

**FIRST DEFENSE AND MOTION TO DISMISS**

Plaintiff's Complaint fails to state a claim against any Defendants upon which relief can be granted.

**ANSWER**

Defendants specifically answer the allegations of the Complaint as follows:

1. Defendants admit that Plaintiff is seeking relief under the federal statutory laws cited in Paragraph 1. All remaining allegations in Paragraph 1 are denied and Defendants deny any liability under the cited statutes.

2. Defendants admit that this Court has jurisdiction over this lawsuit.

3a. Defendants admit that venue is proper in the Northern District of Mississippi as stated in the first Paragraph 3 in the Complaint.

3b. Upon information and belief, the allegations of the second Paragraph 3 in the Complaint are admitted.

4. Defendants admit the allegations of Paragraph 4.

5. Defendants admit the allegations of Paragraph 5. Answering further, Defendants deny that there is any factual or legal basis for claims against the Lowndes County Board of Supervisors, individually or in their official capacities.

6. Defendants admit the allegations of Paragraph 6. Answering further, Defendant Brooks states affirmatively that there is no factual or legal basis for claims against her in her individual capacity.

7. Defendants admit the allegations of Paragraph 7. Answering further, Defendant Howard states affirmatively that there is no factual or legal basis for claims against him in his individual capacity.

8. Defendants admit the allegations of Paragraph 8. Answering further, Defendant Lile states affirmatively that there is no factual or legal basis for claims against her in her individual capacity.

9. Defendants admit the allegations of Paragraph 9. Answering further, Defendant Moore states affirmatively that there is no factual or legal basis for claims against him in his individual capacity.

10. Defendants admit the allegations of Paragraph 10. Answering further, Defendant Hairston states affirmatively that there is no factual or legal basis for claims against him in his

individual capacity.

11. Upon information and belief, the allegations of Paragraph 11 are admitted.

12. Upon information and belief, the allegations of Paragraph 12 are admitted.

13. In response to Paragraph 13, Defendants admit that a special meeting was scheduled and held on or about April 16, 2007, by the E911 Board of Commissioners and that Ms. Colvin was requested to attend that meeting. Defendants also admit that Lowndes County Sheriff C. B. "Butch" Howard, City of Columbus Fire Chief Ken Moore and five other individuals were members of the E911 Board of Commissioners. Defendants further admit that Berk Huskison and Rowena Sykes attended the meeting and that attorney Tim Hudson was not present. The remaining allegations in Paragraph 13 are denied.

14. In response to Paragraph 14, Defendants admit that Plaintiff was given notice of the April 16 E911 board meeting by Sheriff Howard and that Plaintiff was asked to leave the meeting initially but remain available for questions. The remaining allegations of Paragraph 14 are denied.

15. In response to Paragraph 15, Defendants admit that at the April 16 board meeting, Ms. Colvin was questioned regarding several topics, including issues related to FCC licenses, job performance issues and documentation addressing the accreditation of several dispatchers hired and working at E911. The remaining allegations of Paragraph 15 are denied.

16. In response to Paragraph 16, Defendants admit that Ms. Colvin answered inquiries from board members. Defendants are without sufficient information or knowledge to admit or deny the remaining allegations in Paragraph 16 and therefore, those allegations are denied.

17. In response to Paragraph 17, Defendants admit that Ms. Colvin responded that

accreditation issues were in the process of being resolved and that Ms. Colvin attempted to deflect the problems with accreditation away from herself. Defendants further admit that Ms. Colvin was asked to leave the meeting after responding to questions from board members. The remaining allegations of Paragraph 17 are denied.

18. Upon information and belief, Defendants admit the allegations of Paragraph 18.

19. Defendants admit the allegations of Paragraph 19.

20. Defendants deny the allegations of Paragraph 20.

21. Defendants deny the allegations of Paragraph 21.

22. In response to Paragraph 22, Defendants admit that, after receiving the April 17, 2007 memorandum, Ms. Colvin requested a grievance hearing and was requested to make her request in writing. Defendants further admit that Ms. Colvin was asked to collect her personal belongings and leave the premises at that time. The remaining allegations of Paragraph 22 are denied.

23. In response to Paragraph 23, Defendants admit that Ms. Colvin provided a written request for a grievance hearing dated April 18, 2007 to Sheriff Howard. Defendants further admit that Ms. Colvin was allowed to present testimony and evidence to the E911 Board of Commissioners on April 19, 2007, and that the Board of Commissioners voted 4-3 to affirm her dismissal. The remaining allegations of Paragraph 23 are denied.

24. Upon information and belief, Defendants admit the allegations of Paragraph 24. Answering further, Defendants state affirmatively that Plaintiff is not entitled to an appeal hearing before the Lowndes County Board of Supervisors.

25. In response to Paragraph 25, Defendants admit that E911 Board of Commissioners voted to replace Plaintiff on an interim basis with Jim Crownover and that

Crownover is a white male employee of E911. Defendants further admit that a former employee had filed a sexual harassment lawsuit related to alleged conduct of Crownover and that the lawsuit was pending at the time. The remaining allegations of Paragraph 25 are denied.

26. In response to Paragraph 26, Defendants admit that the E911 board hired Daniel Pittman as the new E911 director and that Mr. Pittman is a white male. The remaining allegations of Paragraph 26 are denied.

27. In response to Paragraph 27, Defendants admit that Ms. Colvin filed an EEOC charge on or about August 31, 2007. The remaining allegations of Paragraph 27 do not appear to require a response from Defendants, as they state intentions and actions of Plaintiff's counsel, rather than averments of fact that require response.

28. In response to Paragraph 28, Defendants admit that Daniel Pittman resigned his position as E911 Director. The remaining allegations in Paragraph 28 are denied.

29. In response to Paragraph 29, Defendants admit that the E911 Director position was advertised and that Sheri Fancher, a white female, was hired as director. The remaining allegations of Paragraph 29 are denied.

30. The allegations of Paragraph 30 are admitted.

31. Defendants reallege and incorporate all responses set forth in Paragraphs 1-30 above.

32. In response to Paragraph 32, Defendants admit that Ms. Colvin is an African-American female. The remaining allegations of Paragraph 32 are denied.

33. The allegations of Paragraph 33 are denied.

34. The allegations of Paragraph 34 are denied.

35. The allegations of Paragraph 35 are denied.

36. The allegations of Paragraph 36 are denied.

37. The allegations of Paragraph 37 are denied.

38. Defendants reallege and incorporate all responses set forth in Paragraphs 1-37 above.

39. The allegations of Paragraph 39 appear to be conclusions of law, to which no response is required. Should Defendants be mistaken, and out of abundance of caution, any allegations included in Paragraph 39 averments are denied.

40. In response to Paragraph 40, Defendants admit that Commissioners Brooks, Howard, Lile and Moore acted under color of state law in all aspects relating to Ms. Colvin's employment. The remaining allegations of Paragraph 40 are denied.

41. In response to Paragraph 41, Defendants admit that Mr. Hairston was at all times acting under color of authority of state law and as Lowndes County administrator. The remaining allegations of Paragraph 41 are denied.

42. The allegations of Paragraph 42 are denied.

43. Defendants reallege and incorporate all responses set forth in Paragraphs 1-42 above.

44. In response to Paragraph 44, Defendants admit that Plaintiff was terminated for "unsatisfactory job performance and failure and/or refusal to keep the Board informed of critical issues concerning mandatory certification of personnel." The remaining allegations in Paragraph 44 are denied.

45. The allegations of Paragraph 45 appear to be conclusions of law, to which no response is required. Should Defendants be mistaken, and out of abundance of caution, any allegations included in Paragraph 45 are denied.

46. In response to Paragraph 46, Defendants admit that Ms. Colvin was an employee covered under USERRA during the time period she was called up for active duty with the U. S. Army Reserves as stated in Paragraph 46. Defendants deny that any decisions related to Ms. Colvin in this case violated USERRA.

47. The allegations of Paragraph 47 are denied.

48. The allegations of Paragraph 48 are denied.

49. Answering the final, unnumbered paragraph under “**DAMAGES**”, Defendants deny that Plaintiff is entitled to the requested relief, and further deny that Plaintiff is entitled to anything whatsoever from any defendant on account of her claims and averments in this lawsuit,

AND NOW HAVING FULLY ANSWERED the paragraphs of the Complaint, Defendants state the following additional affirmative defenses:

### **AFFIRMATIVE DEFENSES**

#### **SECOND DEFENSE**

The alleged damages to Plaintiff, if any, were not caused by Defendants, but were caused by her own actions or omissions.

#### **THIRD DEFENSE**

Defendants have at all times acted reasonably and in good faith, and within the scope of their authority in their dealings with Plaintiff.

#### **FOURTH DEFENSE**

To the extent Plaintiff has failed to mitigate her damages, her recovery, if any, must be reduced accordingly.



**FIFTH DEFENSE**

Legitimate grounds support Defendants' actions and omissions that are the basis of Plaintiff's averments in her Complaint, both as to her constitutional claims, and as to her claims of discrimination or state law violations, neither of which are properly before the Court.

**SIXTH DEFENSE**

The alleged damages of Plaintiff, if any, occurred during her employment, and any relief to which she may be entitled would be governed by the Mississippi Worker's Compensation Act.

**SEVENTH DEFENSE**

All individual Defendants are protected by qualified immunity.

**EIGHTH DEFENSE**

Plaintiff cannot recover against the individual Defendants for violations of Title VII and/or USERRA and, therefore, these claims against the individual Defendants should be dismissed.

**NINTH DEFENSE**

Plaintiff's claims against Defendants are barred by the defenses of waiver and laches.

**TENTH DEFENSE**

Plaintiff's claims against Defendants are barred by the defenses of judicial estoppel, equitable estoppel, and collateral estoppel.

**ELEVENTH DEFENSE**

Defendants reserve the right to assert that Plaintiff's claims are barred, in whole or in part, by an applicable statute of limitation.

**TWELFTH DEFENSE**

Any injury or damage suffered by Plaintiff as a result of events complained of was caused solely by reason of the conduct of the Plaintiff, and all actions of Defendants were, in every sense, lawful, proper and responsible.

**THIRTEENTH DEFENSE**

The business judgment rule protects Defendants and bars recovery for some or all of Defendants' conduct and decisions.

**FOURTEENTH DEFENSE**

Defendants based decisions concerning Plaintiff's employment on reasonable and sufficient grounds, thus barring Plaintiff's recovery against Defendants on some or all of her claims.

**FIFTEENTH DEFENSE**

Defendants reserve the right to assert any additional affirmative defenses depending on any evidence discovered in pursuit of this litigation.

**SIXTEENTH DEFENSE**

Plaintiff's claims are barred, in whole or in part, for her failure to exhaust administrative remedies in a timely manner.

**SEVENTEENTH DEFENSE**

To the extent Plaintiff has attempted to state a claim or cause of action which is covered by Mississippi's Tort Claims Act, which is denied, Plaintiff has failed to undertake necessary prerequisites to filing suit, and this Court therefore lacks jurisdiction to hear such claims. Should

Defendants be mistaken, Defendants invoke all defenses available to them under Mississippi's Tort Claims Act.

#### **EIGHTEENTH DEFENSE**

To the extent Plaintiff has attempted to state a claim of discrimination under the civil rights laws, which is denied, Plaintiff has failed to undertake necessary prerequisites to filing suit, and this Court therefore lacks jurisdiction to hear such claims. Should Defendants be mistaken, legitimate, non-discriminatory grounds support Defendants' actions or omissions that purport to form the basis of Plaintiff's averments in her Complaint.

#### **NINETEENTH DEFENSE**

Plaintiff was an at-will employee and her employment was subject to at-will status as provided by the laws of the State of Mississippi.

#### **TWENTIETH DEFENSE**

Lowndes County and the E911 Board of Commissioners, through its designated officials, acted within the scope of its authority and without bad faith.

#### **TWENTY-FIRST DEFENSE**

Plaintiff was provided all process and procedure required by any federal or state law and cannot state a claim for violations of her due process rights.

#### **TWENTY-SECOND DEFENSE**

Plaintiff is not entitled to injunctive relief as requested.

WHEREFORE, Defendants request judgment in their favor as follows:

- A. That Plaintiff's Complaint be dismissed in its entirety with prejudice, with Plaintiff to take nothing thereby;
- B. That Defendants be awarded costs incurred herein;

- C. That Defendants be awarded reasonable attorneys' fees incurred herein to the full extent permitted by law; and
- D. That Defendants be awarded any other further relief that the Court deems just and proper.

This the 1st day of September, 2009.

s/Berkley N. Huskison (MSB #9582)  
*Attorney for Lowndes County, Mississippi,  
the Lowndes County Board of Supervisors,  
Beverly Broocks, Sheriff C. B. Howard,  
Bernice Lile, Fire Chief Ken Moore and  
Nicholas Hairston, Jr.*

Of Counsel

Mitchell, McNutt & Sams, P.A.  
Attorneys at Law  
Post Office Box 1366  
Columbus, Mississippi 39703-1366  
(662) 328-2316 – phone  
(662) 328-8035 – fax

**CERTIFICATE OF SERVICE**

I hereby certify that on September 1, 2009, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Alan Alexander, Esquire  
James B. Justice, Esquire  
Justice & Alexander, P.A.  
Post Office Box 1550  
Oxford, MS 38655  
alan\_alexander@yahoo.com  
jamesbjjustice@gmail.com

This the 1st day of September, 2009.

s/Berkley N. Huskison

JESSIE W. COLVIN

4/16/2010

Page 1

1 IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI  
2  
3 JESSIE COLVIN PLAINTIFF  
4 VS. CIVIL ACTION NO. 1:09CV187-M-D  
5 LOWNDES COUNTY, MISSISSIPPI, ET AL DEFENDANTS  
6  
7  
8

9 DEPOSITION OF JESSIE W. COLVIN  
10  
11

12 TAKEN AT THE INSTANCE OF THE DEFENDANTS  
13 IN THE LAW OFFICES OF MITCHELL, MCNUTT & SAMS  
14 215 FIFTH STREET NORTH, COLUMBUS, MISSISSIPPI  
15 ON APRIL 16, 2010, BEGINNING AT 9:06 A.M.

16 APPEARANCES:

17 WAIDE & ASSOCIATES  
18 P.O. Box 1357  
19 Tupelo, MS 38802-1357  
20 For the Plaintiff  
21 BY: RON L. WOODRUFF  
22

23 MITCHELL, MCNUTT & SAMS  
24 P.O. Box 1366  
25 Columbus, MS 39703-1366  
For the Defendants  
BY: BERKLEY N. HUSKISON

ALSO PRESENT: MR. BUTCH HOWARD, MR. KEN MOORE,  
MS. BERNICE LILE and MS. BEVERLY BROOCKS

Reported by: GENA MATTISON GLENN, CSR 1568  
GLENN-HENRY REPORTING

GLENN-HENRY REPORTING  
maharcr@bellsouth.net

EXHIBIT

tabbles

A

JESSIE W. COLVIN

4/16/2010

<div>Page 2</div> <div>1 TABLE OF CONTENTS</div> <div>2</div> <div>3 WITNESS PAGE</div> <div>4 JESSIE W. COLVIN</div> <div>5 Examination by Mr. Berkley N. Huskison 3</div> <div>6 Examination by Mr. Ron L. Woodruff 148</div> <div>7 EXHIBIT</div> <div>8 NO. DESCRIPTION PAGE</div> <div>9 1 10-23-06 Letter, Ms. Colvin to Mr. Gray 51</div> <div>10 2 10-26-06 Letter and Attachments, Mr. Gray</div> <div>11 to Ms. Colvin 52</div> <div>12 3 1-24-07 Letter and Attachment, Mr. Gray to</div> <div>13 Ms. Colvin 63</div> <div>14 4 3-23-07 Board Minutes 95</div> <div>15 5 Emergency Telecommunicator Roster 99</div> <div>16 6 11-17-06 Letter, Ms. Colvin to Mr. Gray 100</div> <div>17 7 4-17-07 Memorandum, Chairman Howard to</div> <div>18 Ms. Colvin 115</div> <div>19 8 4-18-07 Letter, Ms. Colvin to Sheriff</div> <div>20 Howard 119</div> <div>21 9 4-23-07 Letter, Chairman Howard to</div> <div>22 Ms. Colvin 122</div> <div>23 10 5-14-07 Letter, Chairman Howard to Board</div> <div>24 Members 124</div> <div>25 11 6-8-07 Letter, Chairman Howard to</div> <div>Ms. Colvin 125</div>	<div>Page 4</div> <div>1 she's taking down what we say; okay?</div> <div>2 A. Okay.</div> <div>3 Q. Are you on any kind of medication this morning?</div> <div>4 A. No.</div> <div>5 Q. Okay. No medication, nothing that would cause</div> <div>6 problems with your testimony.</div> <div>7 A. No.</div> <div>8 Q. Now, what have you done to get ready for today's</div> <div>9 deposition in terms for reviewing documents and things of</div> <div>10 that nature?</div> <div>11 A. We sat and we went over the documents that he has</div> <div>12 presented. We did that this morning, went over those</div> <div>13 documents.</div> <div>14 MR. WOODRUFF: Everything that's been provided in</div> <div>15 discovery.</div> <div>16 BY MR. HUSKISON:</div> <div>17 Q. Looked at that stuff? Okay.</div> <div>18 Now, where, Ms. Colvin, do you currently live?</div> <div>19 A. I live at [REDACTED] Columbus, Mississippi, in</div> <div>20 New Hope.</div> <div>21 Q. Still in Columbus? You said New Hope?</div> <div>22 A. New Hope. Yes, sir.</div> <div>23 Q. How long have you been at that address, Ms. Colvin?</div> <div>24 A. Fourteen years.</div> <div>25 Q. Are you currently married?</div>
<div>Page 3</div> <div>1 JESSIE W. COLVIN,</div> <div>2 after being duly sworn, testified as follows:</div> <div>3</div> <div>4 EXAMINATION</div> <div>5 BY MR. HUSKISON:</div> <div>6 Q. Good morning.</div> <div>7 A. Good morning.</div> <div>8 Q. Ms. Colvin, if you would state your name for the</div> <div>9 record.</div> <div>10 A. Jessie W. Colvin.</div> <div>11 Q. My name is Berk Huskison, and I'm here today on</div> <div>12 behalf of the E-911 Board --</div> <div>13 A. Uh-huh.</div> <div>14 Q. -- and these four individual defendants. And just</div> <div>15 for the record, it's Lowndes County Sheriff Butch Howard,</div> <div>16 Fire Chief Ken Moore; Bernice Lile, who is a member of that</div> <div>17 Board; and Beverly Brooks, which is B-R-O-O-C-K-S. And I'm</div> <div>18 here on behalf of them to ask you some questions about your</div> <div>19 case.</div> <div>20 A. Okay.</div> <div>21 Q. Have you ever given a deposition before, Ms. Colvin?</div> <div>22 A. No. This is my first one.</div> <div>23 Q. What we'll be doing, I'll be asking you questions;</div> <div>24 and you're doing a good job already responding verbally. We</div> <div>25 can't shake our heads at each other and all that because</div>	<div>Page 5</div> <div>1 A. No.</div> <div>2 Q. Have you been?</div> <div>3 A. Yes.</div> <div>4 Q. Tell me a little bit about marriage history.</div> <div>5 A. Okay. Well, married, and divorced seven years. I</div> <div>6 got married in -- let me see. Let me think about that --</div> <div>7 1981, got divorced in 1987. I'm not sure of the dates, but</div> <div>8 I was married for a total of seven years.</div> <div>9 Q. Back in 1981 to 1987?</div> <div>10 A. Something like that.</div> <div>11 Q. What's your ex-husband's name?</div> <div>12 A. Billy Colvin.</div> <div>13 Q. What's Mr. -- what does Billy Colvin do now? Is he</div> <div>14 around?</div> <div>15 A. He's deceased.</div> <div>16 Q. Do you have any children?</div> <div>17 A. One.</div> <div>18 Q. And who is that?</div> <div>19 A. My daughter, Shannon Colvin.</div> <div>20 Q. And where is she now?</div> <div>21 A. She lives with me at [REDACTED]</div> <div>22 Q. How old is Shannon?</div> <div>23 A. She's 33.</div> <div>24 Q. Has Shannon been married?</div> <div>25 A. No.</div>

2 (Pages 2 to 5)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 6</p> <p>1 Q. Now, other than Billy Colvin, have you been married 2 other than that? 3 A. No. 4 Q. Does anybody other than Shannon live there with you 5 at your New Hope address? 6 A. My two grandkids. 7 Q. And what are their names? 8 A. [REDACTED] 9 Q. Okay. 10 A. [REDACTED]. 11 Q. [REDACTED]. How old is [REDACTED]? 12 A. [REDACTED] is 14; [REDACTED] is four. 13 Q. In school out at New Hope for [REDACTED]? 14 A. In New Hope. Uh-huh. 15 Q. Okay. Now, is that Shannon's children? 16 A. Yes, it is. 17 Q. Who's the father of those kids? 18 A. His name is Greg, and it's Jackson. 19 Q. Greg Jackson. Where is Greg at? 20 A. He lives in Crawford, Mississippi. 21 Q. Working anywhere? 22 A. No, he's not working. 23 Q. In school? 24 A. He's going to barber school. 25 Q. I may have asked you, and I don't mean to be</p>	<p style="text-align: right;">Page 8</p> <p>1 A. It's going to be in secretarial science. 2 Q. Do you remember when you got that? Year? 3 A. Let me think about it. Maybe '86, I think, and I'm 4 not sure of that. 5 Q. And you said -- and I know you've got some military 6 experience. 7 A. Uh-huh. 8 Q. Tell me about that. 9 A. Okay. I have 20 years of military experience. I did 10 three years on active duty as a telecommunicator operator 11 specialist. I have a diploma in that. I have a diploma in 12 nuclear, biological and chemical warfare. 13 After the three years of being in the military, I 14 joined the Reserves; and I was in the Reserves for 17 years, 15 where I was deployed in support of Operation Desert Shield 16 in 1991, and then I was deployed in 2003 to 2004 for Iraqi 17 Freedom. 18 Q. Are you still in the Reserves? 19 A. No, I retired in -- and I'm -- let's see. 2005, I do 20 believe. I'm not sure of the date but I retired in 2005. 21 Q. In 2005 you were -- 22 A. Somewhere 2004, 2005. Uh-huh. 23 Q. You were employed at E-911 at that time? 24 A. Yes. Uh-huh. 25 Q. Did you leave the Reserves in good standing?</p>
<p style="text-align: right;">Page 7</p> <p>1 repetitive, but Shannon, is she working anywhere? 2 A. No. She got laid off, so she's unemployed right now. 3 Q. Where was she working? 4 A. Sitel. 5 Q. Now, your home out in New Hope -- do you own that 6 home? 7 A. I'm buying it. Uh-huh. 8 Q. Got a mortgage on it? 9 A. Uh-huh. 10 Q. With who? 11 A. It's going to be with -- excuse me -- U.S. Army 12 Reserves. It's a federal loan. 13 Q. Now, what's your date of birth? 14 A. 12-13-1959. 15 Q. Did you grow up here in Columbus? 16 A. I did. 17 Q. Tell me a little bit about your -- and just -- you 18 can do it briefly, but your education. 19 A. Okay. I graduated from Caldwell High School. I went 20 to East Mississippi Community College. I have a two-year 21 associate's degree. And I went on to the United States 22 Army, three years in the military. I have -- 23 Q. Hold on just a second. 24 A. I'm sorry. 25 Q. What's your associate's degree at EMCC?</p>	<p style="text-align: right;">Page 9</p> <p>1 A. I did. 2 Q. Did you leave the active -- the Army in good 3 standing? 4 A. I did. 5 Q. I asked you a little bit about marriage and your 6 kids. Do you have any other family in this area? 7 A. Let's see. I have an aunt, my mother's baby sister, 8 Emma Hunter. I have cousins and -- 9 Q. What are their last names? That's all -- what I 10 prefer to know is just their last names. 11 A. It's going to be Hunter. 12 Q. Okay. 13 A. Conerly. 14 Q. Say that again? 15 A. Farlins. It's F-A-R-L-I-N-S. I'm thinking about the 16 last names. Let's see. Carter. That should be it. 17 Q. Are those Hunters, Conerlys and -- did you say 18 Conerly? 19 A. Conerly. Uh-huh. 20 Q. -- Farlins and Carter, are they in the Lowndes County 21 area? 22 A. Yes, they are. 23 Q. What about Northeast Mississippi, in the general 24 area? 25 A. No.</p>

3 (Pages 6 to 9)



JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 10</p> <p>1 Q. No others?</p> <p>2 A. No.</p> <p>3 Q. Ms. Colvin, have you ever had to file for bankruptcy?</p> <p>4 A. No.</p> <p>5 Q. Criminal history. Any criminal history at all? Ever</p> <p>6 been arrested?</p> <p>7 A. No.</p> <p>8 Q. It follows that you've never been convicted of a</p> <p>9 crime?</p> <p>10 A. No.</p> <p>11 Q. All right. And the other thing, we always want to</p> <p>12 know about your history of lawsuits.</p> <p>13 A. Uh-huh.</p> <p>14 Q. Have you ever been involved with a lawsuit as a</p> <p>15 plaintiff before?</p> <p>16 A. No.</p> <p>17 Q. First time you've ever sued somebody --</p> <p>18 A. Yes.</p> <p>19 Q. -- is this case here?</p> <p>20 A. Is this case here.</p> <p>21 Q. All right. Have you ever been sued yourself before?</p> <p>22 A. No.</p> <p>23 Q. After you -- I know you talked about your education</p> <p>24 and your military. At EMCC was it a two-year program?</p> <p>25 A. Two-year program. Uh-huh.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Okay.</p> <p>2 A. I have a personnel service --</p> <p>3 Q. Hold on a second.</p> <p>4 (Off Record.)</p> <p>5 BY MR. HUSKISON:</p> <p>6 Q. Go ahead.</p> <p>7 A. Administrative personnel service. Primarily shipping</p> <p>8 (phonetic) and development courses. And numerous others</p> <p>9 that I don't have the paperwork in front of me, so I'm</p> <p>10 sorry.</p> <p>11 Q. What is -- what are those type of -- and I -- for</p> <p>12 lack of a better word, the education, what do you have to do</p> <p>13 to get the telecommunications --</p> <p>14 A. You have to go to school, get trained, get certified.</p> <p>15 Q. And how long of a process is that for that one?</p> <p>16 A. For that one it's going to be -- I think it's going</p> <p>17 to be three months.</p> <p>18 Q. Three months?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Do you go at night or during the day?</p> <p>21 A. During the daytime, eight hours a day.</p> <p>22 Q. Eight hours a day.</p> <p>23 A. Uh-huh.</p> <p>24 Q. For three months?</p> <p>25 A. Yes, sir. I do. Uh-huh.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Did you do any other education after that other than</p> <p>2 military?</p> <p>3 A. Yeah. I'm currently attending MUW, and I am pursuing</p> <p>4 a degree in accounting.</p> <p>5 Q. When did you start that pursuit?</p> <p>6 A. Let's see. 2007.</p> <p>7 Q. So after EMCC in 1986 when you got your degree</p> <p>8 there --</p> <p>9 A. Uh-huh.</p> <p>10 Q. -- the next education --</p> <p>11 A. Uh-huh.</p> <p>12 Q. -- pursuit is 2007 at the W?</p> <p>13 A. Well, actually, if you're talking about education, as</p> <p>14 far as the military I have plenty of training there.</p> <p>15 Q. Yes, ma'am, and I think you've told me that.</p> <p>16 A. Yeah.</p> <p>17 Q. Just for the record tell me a little bit about that</p> <p>18 again.</p> <p>19 A. Okay. I have a telecommunication -- a diploma in</p> <p>20 telecommunications. I have a nuclear and biological</p> <p>21 diploma. I have.</p> <p>22 Q. This is all through the military?</p> <p>23 A. This is all through the military.</p> <p>24 Q. Go ahead.</p> <p>25 A. I have -- you're going to have to bear with me.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Same for the administrative services.</p> <p>2 A. Yes.</p> <p>3 Q. Same time frame?</p> <p>4 A. I'm going to say the administrative services may have</p> <p>5 been a little bit longer, maybe four to five months.</p> <p>6 Q. And if you get -- with a military degree or whatever</p> <p>7 that is in administrative services --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- what do you call it? Is that -- am I saying it</p> <p>10 right, a degree?</p> <p>11 A. You would say -- it would be basically the same as</p> <p>12 saying -- say you went to high school and got a diploma.</p> <p>13 You received a diploma. So that's basically what it is.</p> <p>14 Those are the diplomas that you received in military</p> <p>15 training.</p> <p>16 Q. In your mind is that different than a -- is it just a</p> <p>17 certification or is it a diploma?</p> <p>18 A. No, it's a diploma.</p> <p>19 Q. It's a diploma.</p> <p>20 A. Uh-huh.</p> <p>21 Q. What is administrative services? What does it allow</p> <p>22 you to do?</p> <p>23 A. It does personnel -- personnel bookkeeping, filing,</p> <p>24 finance, recordkeeping, anything that has to be with</p> <p>25 personnel services.</p>

4 (Pages 10 to 13)

JESSIE W. COLVIN

4/16/2010

Page 14

1 Q. Things that you would do as an E-911 director.  
 2 A. Uh-huh.  
 3 Q. What about the telecommunications?  
 4 A. Telecommunication deals with radio, telephone,  
 5 encrypted signal communications.  
 6 Q. Same thing. Same stuff you'd do as E-911 director?  
 7 A. Yes, sir.  
 8 Q. Okay. Is that -- and I know you started out as a  
 9 dispatcher. When you went and got these different diplomas  
 10 and things through the military, did you have in mind  
 11 becoming a dispatcher at some point?  
 12 A. I did.  
 13 Q. All right. Now, tell me after you -- and I know it's  
 14 probably mixed in a little bit with your military as far as  
 15 years. Tell me a little bit about your work history,  
 16 starting from the very first time you got employed after  
 17 your schooling forward.  
 18 A. After the school forward.  
 19 Q. Yeah. I don't need to know your summer jobs and all  
 20 that but --  
 21 A. Okay. That was going to be with Columbus Fire  
 22 Department.  
 23 Q. Okay.  
 24 A. Well, I guess I'm going to have to go back a little  
 25 bit because when I got out -- how far do you want me to go

Page 15

1 back?  
 2 Q. You tell me -- just tell me what you're thinking of,  
 3 and I'll tell you if we need to know more about it. How  
 4 about that?  
 5 A. Okay. I started out at the fire department --  
 6 Q. Okay.  
 7 A. -- in 19 -- I don't know about these dates. I think  
 8 it's going to be 1986, I do believe. And I was a  
 9 dispatcher/records clerk for the Columbus Fire Department.  
 10 Q. Tell me about that hiring process.  
 11 A. That hiring process, we had to go through the  
 12 Board -- I'm sorry -- the City Council. The City Council.  
 13 Was interviewed before the City Council. And there was a  
 14 test that you did over at the fire department where you had  
 15 to dispatch some calls, take a typing test, and then it went  
 16 forward on to the City Council for vote.  
 17 Q. And who was the fire chief at that time?  
 18 A. The fire chief was Robert W. Gale.  
 19 Q. Was he responsible for pushing you or getting you  
 20 hired or helping you get hired?  
 21 A. Well, no one was. I mean, I just went before the  
 22 City Council based on application and based on testing.  
 23 Q. Okay. You put your application in?  
 24 A. Put my application in.  
 25 Q. Do you know who reviewed it to take you to the City

Page 16

1 Council?  
 2 A. Linda White.  
 3 Q. Who?  
 4 A. Linda White Moore. Well, she was Linda White at the  
 5 time. She's Linda Moore.  
 6 Q. Any relation to Ken?  
 7 A. His wife.  
 8 Q. And when you say she was responsible, what was her  
 9 job? What was she doing?  
 10 A. Well, she actually administered the typing test and  
 11 she took the application. The application.  
 12 Q. You believe that was in 1986?  
 13 A. I believe it was. Like I say, I don't have anything  
 14 -- wait a minute. Let me think about. It won't be in '86  
 15 because I started at 911 in '89. So I was there a little  
 16 over two years, so somewhere --  
 17 Q. To be a dispatcher at the fire department --  
 18 A. Uh-huh.  
 19 Q. -- what kind of certification do you have to have?  
 20 A. We didn't have any certification at the fire  
 21 department. To my knowledge we did not have any.  
 22 Q. What kind of training did you have to do?  
 23 A. Now, the training we had, the firemen trained us. We  
 24 had some firemen that stayed on duty that trained us how to  
 25 use the telephone and how to dispatch and the territories --

Page 17

1 what territories that each fire engine went to.  
 2 Q. And, Ms. Colvin, just for my benefit -- and I know  
 3 generally, but tell me -- tell me what your job duties were  
 4 as a dispatcher at the fire department.  
 5 A. At the fire department we answered the phone. We  
 6 took the calls. We find out where the call was located at,  
 7 and we dispatched the appropriate truck to the house fire.  
 8 Q. Okay. And you said you also did some filing?  
 9 A. Uh-huh. Typing. We typed up incident reports, and  
 10 we did filing for the fire chief at that time and kept  
 11 records.  
 12 Q. Who -- at that time how many dispatchers did you have  
 13 at the fire department?  
 14 A. Four.  
 15 Q. Four of you?  
 16 A. Uh-huh.  
 17 Q. You all kind of worked together different hours? Is  
 18 that how it would work?  
 19 A. It was a seven-day rotation. We rotated every seven  
 20 days.  
 21 Q. Who was responsible for scheduling your hours?  
 22 A. Now, I'm going to say there was -- and you're going  
 23 to have to forgive me. This has been a long time.  
 24 Q. Do the best you can. I know it was a long time ago.  
 25 A. I think someone came -- I don't know who came up with

5 (Pages 14 to 17)

JESSIE W. COLVIN

4/16/2010

Page 18

1 a work schedule where we rotated every seven days, and it  
 2 was the fire chief that gave us the work schedule. So we  
 3 went by that work schedule and rotated --  
 4 Q. You were at least given it -- it was given to you by  
 5 the fire chief.  
 6 A. I think so, yeah.  
 7 Q. Whoever worked it up, you don't know.  
 8 A. I don't know who worked it up.  
 9 Q. And when you're a dispatcher and doing that kind of  
 10 work at the fire department, it's important as a dispatcher  
 11 to meet your scheduling and be there when you need to be  
 12 there and when you're scheduled to be there, is it not?  
 13 A. Yes, it is.  
 14 Q. Okay. And that fire chief and whoever is above you  
 15 depends on you to be there.  
 16 A. Yes, sir.  
 17 Q. Okay. Now, after you -- after you worked as a  
 18 dispatcher/filing clerk at the Columbus Fire Department,  
 19 what -- first, did you have -- were there any job-related  
 20 problems while you were at the fire department?  
 21 A. Well, we did have -- I did have -- you mean  
 22 job-related as far as not being able to do the job?  
 23 Q. Just in general. Did you have any problems where you  
 24 went to the fire chief or whoever it may be and complained?  
 25 Did somebody complain about you? Any problems at work at

Page 19

1 all.  
 2 A. I don't think so.  
 3 Q. What were you -- you sounded like you were about to  
 4 tell me something. What were you thinking --  
 5 A. Well, see, I'm trying to figure -- okay. Now, as far  
 6 as I know, no.  
 7 Q. No complaints by anybody against you about your work  
 8 performance there?  
 9 A. No.  
 10 Q. Okay. And you likewise had none against anybody  
 11 else.  
 12 A. No.  
 13 Q. Why did you decide to leave the fire department?  
 14 A. Because they were incorporating E-911, and it was  
 15 going to be -- what -- my understanding being -- and like I  
 16 said, you're going to have to bear with me. This has been  
 17 22 years ago.  
 18 Q. Sure. Sure.  
 19 A. They were getting ready to set up a 911 system. And  
 20 the fire department had dispatchers, the police department  
 21 had dispatchers, the sheriff's department has dispatchers,  
 22 and the ambulance service had dispatchers. They were going  
 23 to take those dispatchers and put them in 911 and make it a  
 24 centralized dispatch center. So I applied for the position  
 25 because the position at the fire department was no longer

Page 20

1 going to be there.  
 2 Q. Okay. So you were going in, essentially do the same  
 3 job for the E-911.  
 4 A. Yes, sir.  
 5 Q. And the other dispatchers in the other law  
 6 enforcement agencies around the area -- or around -- excuse  
 7 me, not the area but the county were going to be in that  
 8 pool as well.  
 9 A. Yes, sir.  
 10 Q. And I think you -- that's when we started E-911.  
 11 A. Uh-huh.  
 12 Q. As a conglomerate, I guess, Lowndes County and the  
 13 City of Columbus working together.  
 14 A. Yeah.  
 15 Q. Okay. Who was running -- who was director when you  
 16 started out there at E-911?  
 17 A. Benny McDowell.  
 18 Q. Benny?  
 19 A. Uh-huh. I'm sorry.  
 20 Q. That's okay. Did you interview with Mr. McDowell?  
 21 A. I did. It was an interview and that -- it was a  
 22 panel interview. It was and I'm -- Gene -- I don't know  
 23 what Gene's last name is. He was on -- I think he was the  
 24 personnel director for the City of Columbus --  
 25 Q. Okay.

Page 21

1 A. -- Linda White and Benny McDowell.  
 2 Q. Okay. Interviewed with them and then you were hired  
 3 as a dispatcher?  
 4 A. Yes, sir.  
 5 Q. Where were y'all located when you first started?  
 6 A. In the same place that we are now. 515 Second Avenue  
 7 North.  
 8 Q. How many other dispatchers worked with you when you  
 9 started?  
 10 A. Twelve.  
 11 Q. Twelve?  
 12 A. It was 13 dispatchers.  
 13 Q. Is that including the supervisors?  
 14 A. We didn't have supervisors at the time.  
 15 Q. Who supervised you?  
 16 A. Benny McDowell, the director.  
 17 Q. Benny did?  
 18 A. Yes, sir.  
 19 Q. Now, you believe that was in 1989?  
 20 A. Oh, I know that one was in 1989.  
 21 Q. You know that. Okay. I know that you became the  
 22 director out there in 2000?  
 23 A. Yes, sir.  
 24 Q. In 2000. So you had an 11-year time frame, roughly  
 25 11 years as a dispatcher.

6 (Pages 18 to 21)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 22</p> <p>1 A. Yes, sir. I was -- yeah.</p> <p>2 Q. Go ahead.</p> <p>3 A. Well, I got promoted to supervisor in -- I can't give</p> <p>4 you the dates, but I got promoted to supervisor, shift</p> <p>5 supervisor. Then I was promoted to chief shift supervisor,</p> <p>6 and then I was promoted to engine director and then promoted</p> <p>7 to director within that 11-year time frame.</p> <p>8 Q. So you had been working -- for lack of a better word,</p> <p>9 working your way up through the system, through the</p> <p>10 dispatcher system since 1989?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Any -- until you got to be director in 2000.</p> <p>13 A. Uh-huh.</p> <p>14 Q. Any significant issues at work that you recall?</p> <p>15 A. Significant -- could you --</p> <p>16 Q. In your mind significant.</p> <p>17 A. You mean as far as -- can you clarify that for me?</p> <p>18 Q. Abilities to get along with your coworkers,</p> <p>19 certification issues, any -- anything.</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. Okay. Now, when you -- as you promoted your way up</p> <p>22 through, was Benny McDowell still in charge?</p> <p>23 A. When I became shift supervisor he was.</p> <p>24 Q. Okay. Who was it -- do you remember the year you</p> <p>25 became shift supervisor, moved from dispatcher to shift</p>	<p style="text-align: right;">Page 24</p> <p>1 you moved up the first time?</p> <p>2 A. Okay. It's going to be between '91 and '92.</p> <p>3 Q. Okay.</p> <p>4 A. Okay. I'm sorry.</p> <p>5 Q. Who was the -- do we have a director at that point?</p> <p>6 A. '91 and '92 was going to be Benny McDowell. He was</p> <p>7 the director. And then chief shift supervisor is going to</p> <p>8 be John Brown.</p> <p>9 Q. When did somebody replace McDowell as director?</p> <p>10 A. I want to say maybe -- and this is a guess --</p> <p>11 somewhere between '96 and 1997.</p> <p>12 Q. Who was that? Who took Benny McDowell's --</p> <p>13 A. John Brown.</p> <p>14 Q. John Brown became director, and you all -- how many,</p> <p>15 roughly, dispatchers and shift supervisors and all that do</p> <p>16 we have?</p> <p>17 A. You're still going to have 13 and 3.</p> <p>18 Q. Okay. As shift supervisor, and I think you answered</p> <p>19 this, but you're responsible for the dispatchers under your</p> <p>20 control?</p> <p>21 A. Uh-huh.</p> <p>22 Q. Do you also sit in that chair and answer calls?</p> <p>23 A. Uh-huh. You're a working supervisor.</p> <p>24 Q. And if your dispatchers that work under you don't</p> <p>25 show up, are you responsible for sitting in that chair for</p>
<p style="text-align: right;">Page 23</p> <p>1 supervisor?</p> <p>2 A. Let me think about that for a minute.</p> <p>3 Q. Okay.</p> <p>4 A. I'm going to say '91 or '92.</p> <p>5 Q. Okay. So pretty -- two years -- roughly two years</p> <p>6 after you started?</p> <p>7 A. Uh-huh. Yeah.</p> <p>8 Q. How many shift supervisors -- when you became one, as</p> <p>9 best you recall, how many -- and I know that it fluctuated</p> <p>10 through the years but how many shift supervisors did y'all</p> <p>11 have?</p> <p>12 A. We had a total of three. One per shift.</p> <p>13 Q. Can you explain that one per shift?</p> <p>14 A. Uh-huh.</p> <p>15 Q. What were the shifts?</p> <p>16 A. The shifts at the time were eight hours. They were</p> <p>17 from 7:00 to 3:00, 3:00 to 11:00, and 11:00 to 7:00.</p> <p>18 Q. Okay. Which shift were you supervising when</p> <p>19 you first moved there?</p> <p>20 A. When I first moved on it was the night shift, 11:00</p> <p>21 to 7:00.</p> <p>22 Q. How many dispatchers were under you?</p> <p>23 A. Three.</p> <p>24 Q. And when you moved to shift supervisor in '93 -- is</p> <p>25 that where we are? Am I saying that right? '92, '93 when</p>	<p style="text-align: right;">Page 25</p> <p>1 them?</p> <p>2 A. Yeah. We -- the way it worked -- let me see if I can</p> <p>3 explain this. The way it worked, you were a working</p> <p>4 supervisor. You were responsible for what went on on your</p> <p>5 shift, but you also worked the radio as well. You were</p> <p>6 responsible for working a radio along with the other</p> <p>7 dispatchers.</p> <p>8 Q. Okay. And John Brown, after he became director, were</p> <p>9 things running pretty much the same as they did with Benny</p> <p>10 McDowell?</p> <p>11 A. Yes.</p> <p>12 Q. How long was Brown -- John Brown director out there?</p> <p>13 A. Till 2000.</p> <p>14 Q. Is that who you replaced?</p> <p>15 A. Uh-huh.</p> <p>16 MR. WOODRUFF: Say yes or no.</p> <p>17 A. Yes.</p> <p>18 BY MR. HUSKISON:</p> <p>19 Q. She'll fix that for us.</p> <p>20 A. I'm sorry.</p> <p>21 Q. Do you remember the circumstances? Why did John</p> <p>22 Brown leave?</p> <p>23 A. Now, I don't really know. I know he -- he resigned.</p> <p>24 Q. Was it under pressure, as far as you know?</p> <p>25 A. I'm not sure.</p>

7 (Pages 22 to 25)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 26</p> <p>1 Q. At that time when you became -- I think you were 2 named interim -- 3 A. Yes. 4 Q. -- first? How long were you interim? 5 A. Maybe a month. 6 Q. A month? 7 A. Maybe. 8 Q. And when you became interim was there -- were you 9 appointed by the E-911 Board? 10 A. Yes. 11 Q. Was any other -- were any of your other coworkers 12 wanting to be interim at that time? 13 A. I don't know. 14 Q. Don't know? You just know you were the one named. 15 A. Yeah. 16 Q. Is that right? 17 A. Uh-huh. 18 Q. All right. And I assume there was a process by which 19 you all applied to be director. 20 A. Yes. 21 Q. Do you know who all applied? 22 A. I don't know. 23 Q. Tell me about the interview process to become 24 director of E-911 when you did it in 2000. 25 A. Okay. I was interviewed by the E-911 Board of</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. If you don't remember, you don't remember. 2 MR. WOODRUFF: Yeah. 3 A. I just don't -- 4 BY MR. HUSKISON: 5 Q. We can look back. 6 A. Okay. 7 Q. I was just -- I just wondered if you -- 8 MR. WOODRUFF: If you remember later, just let him 9 know. If it comes to you later on or you remember next 10 week, call me up and I'll -- we'll supplement discovery. 11 A. Okay. 12 BY MR. HUSKISON: 13 Q. Did you have unanimous support from that Board when 14 you were hired? 15 A. Yes. 16 Q. When you went in 2000 -- and I show it was February 17 of 2000. Does that sound right? 18 A. Well, maybe. Yes, sir. 19 Q. Tell me -- as director at E-911, tell me what your 20 job duties and functions are. 21 A. Okay. Job duty and function was I was a payroll 22 officer. I was -- I did the work schedule. I did the 23 budgeting. I was the liaison for the 911 dispatch center. 24 I'm thinking. Let me see. What all did I give you? 25 Q. Payroll, work schedule, budget, liaison.</p>
<p style="text-align: right;">Page 27</p> <p>1 Commissioners. 2 Q. Okay. Anything else? Just interviewed by them? 3 A. Yes, sir. Well, I mean, I applied. 4 Q. Sure. 5 A. Okay. Well, the application -- 6 Q. Tell me about the application process. 7 A. Okay. I applied for the -- 8 Q. I'm just curious. 9 A. I'm sorry. I applied for the position and turned in 10 my application, and there was an interview process by the 11 E-911 Board. And after the Board meeting, I was told to 12 come back, and they named me director. 13 Q. Named you director. Do you remember -- and I know 14 this was a while back. Do you remember some of the people 15 that was on that Board at that time? 16 A. Okay. Let me think about this. You had Jimmy 17 Austin, Edith Minyard -- 18 MR. WOODRUFF: Did you say Austin? 19 A. Uh-huh. 20 MR. WOODRUFF: What was the second? 21 A. J. D. Brooks. Zach Westbrook. There's two others. 22 I'm trying to come up with the names. There was two more, 23 but I -- I can't come up with their names right now. If 24 you'll just bear with me. 25 BY MR. HUSKISON:</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Okay. Liaison was the name I was -- I was totally 2 responsible for every part of that dispatch center. Totally 3 responsible. 4 Q. And in February of 2000, Ms. Colvin, were dispatchers 5 required to be certified? 6 A. It's my understanding that they were, yes. 7 Q. Had you gone through certification yourself? 8 A. I had gone through some certification when I was a 9 supervisor, yes. 10 Q. As director at E-911 you're responsible for 11 certification and making sure your folks -- your dispatchers 12 are certified, aren't you? 13 A. I would say yes. 14 Q. Now, you said you handle all facets of E-911. 15 A. Yes. 16 Q. Does that include paying the bills? 17 A. Yes. 18 Q. The bills come to your attention and you take care of 19 getting them paid? 20 A. I take them to -- upstairs to Dave Basinger or to 21 accounts payable or accounts -- yeah. 22 Q. Would that include making sure the dispatchers that 23 work under your control -- keeping up with their overtime? 24 A. Yes. 25 Q. Keeping up with their vacation?</p>

8 (Pages 26 to 29)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 30</p> <p>1 A. Yes.</p> <p>2 Q. Sick time?</p> <p>3 A. Yes.</p> <p>4 Q. Just all matters relating to your personnel issues as</p> <p>5 well; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Now, what was your relationship with the Board when</p> <p>8 you started, in terms of -- I mean, how did you -- I'm</p> <p>9 trying to make it a better question. I know they had Board</p> <p>10 meetings.</p> <p>11 A. Uh-huh.</p> <p>12 Q. Is that generally where you would report to your</p> <p>13 Board?</p> <p>14 A. Yes.</p> <p>15 Q. Did any Board members participate more in the</p> <p>16 day-to-day operation of E-911 at that time?</p> <p>17 A. No.</p> <p>18 Q. You just went to Board meetings and told them how</p> <p>19 things were going?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. From 2000 -- February 2000 when you started --</p> <p>22 A. Uh-huh.</p> <p>23 Q. -- forward -- and I believe it was February 2003 when</p> <p>24 you had some military leave to South Carolina.</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. You mean as far as them saying I couldn't go?</p> <p>2 Q. Yes, ma'am.</p> <p>3 A. No. No.</p> <p>4 Q. They were supportive of you going on military leave.</p> <p>5 A. Yes.</p> <p>6 Q. All right. While you were out who handled your</p> <p>7 duties as director?</p> <p>8 A. Mitzi Hatcher.</p> <p>9 Q. Tell me your communications with Ms. Hatcher prior to</p> <p>10 leaving in terms of what she was supposed to be doing. Did</p> <p>11 you have any discussions with her about what you expected?</p> <p>12 Anything like that?</p> <p>13 A. Yeah. I was -- Mitzi actually -- let me explain</p> <p>14 something here. I was always -- from day one, started with</p> <p>15 the fire department up until 2004, was in the Reserves.</p> <p>16 Q. Uh-huh.</p> <p>17 A. And two weeks in the summer and one weekend out of</p> <p>18 the month.</p> <p>19 Q. Okay.</p> <p>20 A. So when I made E-911 director, I was gone at least</p> <p>21 two weeks in the summer, sometimes three weeks in the</p> <p>22 summer. Mitzi Hatcher, she was the senior shift supervisor.</p> <p>23 So while I was gone, she held the responsibilities of taking</p> <p>24 care of the dispatch center while I was gone.</p> <p>25 Mitzi Hatcher, when I got ready to leave, was told</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Any significant issues that you remember? And when I</p> <p>2 say significant issues, I'm talking about any issues where</p> <p>3 state auditors came and looked at what was going on at E-911</p> <p>4 and found problems or things of that nature.</p> <p>5 A. Not that I'm aware of.</p> <p>6 Q. Okay. Now, in 2003, I think it was February, you</p> <p>7 went on military leave; is that right?</p> <p>8 A. Uh-huh. Yes, sir.</p> <p>9 Q. Tell me the circumstances surrounding that.</p> <p>10 A. Me going on military leave?</p> <p>11 Q. Yes, ma'am.</p> <p>12 A. I was called to active -- my unit was called to</p> <p>13 active duty in support of Operation Iraqi Freedom.</p> <p>14 Q. Where were you called to?</p> <p>15 A. I went to South Carolina. Fort Jackson, South</p> <p>16 Carolina.</p> <p>17 Q. And I think the records in the personnel file shows</p> <p>18 you were there about a year?</p> <p>19 A. Uh-huh. Yes, sir.</p> <p>20 Q. Any problems with the E-911 Board and you taking that</p> <p>21 time off for military?</p> <p>22 A. No, sir.</p> <p>23 Q. Okay. I want to make it -- it's not time off. It's</p> <p>24 military leave. Okay. And no problems -- you had no</p> <p>25 problems with the Board and the way that was handled.</p>	<p style="text-align: right;">Page 33</p> <p>1 that I was getting ready to leave; and there was some</p> <p>2 training provided to her to tell her what she needed to do</p> <p>3 as far as Board minutes were concerned and what was</p> <p>4 expected.</p> <p>5 Q. And when you say "was told," by you?</p> <p>6 A. By me. Uh-huh.</p> <p>7 Q. Tell me what you told her.</p> <p>8 A. I told her what she needed to -- how the Board</p> <p>9 meetings -- when the Board meetings are, what she needed to</p> <p>10 plan as far as the Board meetings; get with Rowena Sykes,</p> <p>11 who was the Board secretary at the time in reference to the</p> <p>12 agenda, and everything that she needed to know.</p> <p>13 Q. Did the Board act on her being in that role? Did</p> <p>14 they ever vote on that? Is there any -- any Board action?</p> <p>15 A. Yeah, they did.</p> <p>16 Q. And as director in your absence, she would just step</p> <p>17 into your role; is that right?</p> <p>18 A. Yes, she did.</p> <p>19 Q. Do you know whether she continued to work on the</p> <p>20 phone during -- during that time frame?</p> <p>21 A. Now, I was not here, so I don't know.</p> <p>22 Q. What would be your understanding? Would you believe</p> <p>23 that's what she would do?</p> <p>24 A. I don't know.</p> <p>25 Q. Just don't know.</p>

9 (Pages 30 to 33)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 34</p> <p>1 A. I don't know because I wasn't here. I don't know how  2 it was set up.  3 Q. Did you communicate with Mitzi Hatcher during your  4 time away?  5 A. I did -- when I first left I did, and --  6 Q. Tell me about those communications. When were they  7 and what was communicated?  8 A. I don't know when they were. They were phone calls  9 that when she had a problem she would call me up and  10 discuss, and I would give her advice on how to handle the  11 problems. And that's basically it. And I think I came home  12 on leave for a death in the family, and then I came home one  13 other time for just a holiday; and I would get with her to  14 find out what was going on, like there was an issue with the  15 CAD system being upgraded, and I do believe that was in  16 December. And I myself upgraded that CAD system before I  17 left because you had to do an upgrade of the CAD system for  18 the end of the year, and I went ahead on and done that  19 myself before I left.  20 Q. Before you left in February of '03?  21 A. Before -- no. This was going to be in -- and I don't  22 know what the months are, but I came home around the  23 holidays. Normally there's an upgrade that's done. Mitzi  24 was not familiar with the upgrade; and when I talked to her,  25 I told her I would be up there before I left to do the --</p>	<p style="text-align: right;">Page 36</p> <p>1 Jamison. She was trying to find out what she needed to do,  2 how to discipline her. And then you had some dispatchers  3 that was on a Web site on Columbus Talk, and those  4 dispatchers was doing that while they were on duty, and she  5 wanted some advice on how to handle that. You had -- I'm  6 trying to think is there anything else. I think that's  7 about it.  8 Q. And let's take them one at a time. The borrowing  9 money, Michelle Lynn?  10 A. Yes, sir.  11 Q. What did you recommend that she do?  12 A. Well, I recommended that she discipline.  13 Q. In what way?  14 A. As written reprimand and possibly looking at maybe a  15 possible suspension.  16 Q. And do you know whether Mitzi followed your  17 instruction?  18 A. What Mitzi did was I think she gave her a written  19 reprimand but she did not suspend her.  20 Q. In that situation -- and this was back in, you know,  21 the '03, '04 --  22 A. Uh-huh.  23 Q. -- February '03, February '04, would that matter have  24 been taken to the Board for approval or was that something  25 you handled?</p>
<p style="text-align: right;">Page 35</p> <p>1 have the dispatchers to sign off of the CAD system and I  2 would do the upgrade and do the backup before I left, and  3 then I left town after that.  4 Q. And you -- this was while you were on your leave.  5 You were just in for a short period.  6 A. This was while I -- I was just home for a couple of  7 days.  8 Q. And where were you serving?  9 A. Fort Jackson, South Carolina.  10 Q. And when you say CAD system, I think that's C-A-D.  11 For the record, what is that? What is CAD?  12 A. Computer-aided dispatch.  13 Q. Thank you. Do we have a yearly upgrade?  14 A. We have a yearly upgrade. And I spoke with her a  15 couple of times about some personnel issues. There were  16 some personnel matters, and I advised her on some personnel  17 matters that she was having.  18 Q. Can you tell me about those?  19 A. Yeah. One was involving a dispatcher that borrowed  20 some money out of the petty cash.  21 Q. What was the dispatcher's name?  22 A. Michelle Lynn. And she was trying to determine how  23 to discipline her. Another employee issue come up in  24 reference to a dispatcher refusing to give out some  25 information on the radio, and that's going to be Carol</p>	<p style="text-align: right;">Page 37</p> <p>1 A. That's just something -- the way the handbook is set  2 up, that is just something you can discipline; and then the  3 employee has that 48-hour time frame. If they choose to  4 appeal your decision to the Board then they can do that.  5 Q. Won't get to the Board unless the employee takes it  6 to the Board.  7 A. Uh-huh.  8 Q. Now, Carol Jamison. Tell me -- remind me what you  9 said she did.  10 A. She said Carol -- there was a BOLO. And a BOLO is  11 something that you give out -- Carol took a phone call where  12 she received some information in reference to a possible  13 drunk driver. Well, that information is broadcast over the  14 radio, just in case, for law enforcement to, if they see the  15 vehicle, be on the lookout for that vehicle. Well, that  16 information was never broadcast over the radio, and  17 subsequently the driver of the vehicle was involved in an  18 accident -- I don't -- I can't remember the whole details  19 around it but was involved in an accident right outside the  20 county. And she was suspended.  21 Q. Okay. Suspended -- do you know how long?  22 A. I do not recall how long.  23 Q. And the problem is she just didn't share information  24 that could have possibly prevented.  25 A. Yes, sir.</p>

10 (Pages 34 to 37)

JESSIE W. COLVIN

4/16/2010

Page 38

1 Q. Okay. The other one, the Web site, Columbus Talks,  
 2 they had problems with that later on, I think, the -- a  
 3 group of dispatchers; is that right?  
 4 A. You had a group of dispatchers that was on the Web  
 5 site, on Columbus Talk, using county equipment on county  
 6 time; and Mitzi wanted to know what she needed to do about  
 7 that.  
 8 Q. Do you remember the name of those dispatchers -- the  
 9 names of those dispatchers?  
 10 A. Well, because they sign on under various log-ins --  
 11 Q. Yeah.  
 12 A. -- but I do know that Michelle Lynn was one of them  
 13 because she was -- Michelle Lynn was one of them. You had  
 14 Patsy Shepard. I'm trying to think. There were several  
 15 more. You had -- there were several more dispatchers that  
 16 was on that Web site.  
 17 Q. How did we know or how did Mitzi know that they were  
 18 doing that?  
 19 A. Because of what -- she said that they were using --  
 20 how did she know that they were using the Web site?  
 21 Q. Yes, ma'am.  
 22 A. Because she talked to some of them. Carol Jamison  
 23 was also on that Web site, and the dispatcher stated -- I  
 24 think she said that the dispatcher stated that they could --  
 25 which they could. You can get on that Web site.

Page 39

1 Q. They didn't think there was anything wrong with it.  
 2 A. No. They didn't think anything was wrong with it.  
 3 But while you're using county equipment and you're on county  
 4 time, you're being paid, you're on the Web site and not  
 5 doing your job.  
 6 Q. How were they disciplined? Do you know?  
 7 A. They weren't.  
 8 Q. They were not.  
 9 A. No, they were not. She -- I think -- I don't even  
 10 know if she took that -- I told her to take the matter  
 11 before the Board, and I don't know whether or not she did.  
 12 She stated that she talked to them or she put out a  
 13 memorandum or something to that effect that they needed to  
 14 stay off that Web site while they were on county -- and just  
 15 everything just kind of like stopped, I do believe. I'm not  
 16 quite sure about all of that. That's been a while.  
 17 Q. More or less told them don't do it anymore?  
 18 A. Yeah, pretty much, but I don't think it stopped. It  
 19 didn't -- I tell you what. Let me think about this for a  
 20 minute. It didn't actually stop until after I got back.  
 21 Q. Okay. And did it stop at that point?  
 22 A. Well, not until I -- I put a memorandum out as I --  
 23 Q. You did?  
 24 A. I put a memorandum out in reference to Columbus Talk  
 25 and what would happen if you were caught on that Web site on

Page 40

1 county time using county equipment.  
 2 Q. And that -- that helped the problem?  
 3 A. That helped the problem.  
 4 Q. Okay. Now, you returned in February of '04.  
 5 A. It's going to be -- I was on leave, and I come  
 6 back -- Mitzi told me -- I'm going to say it's going to be  
 7 -- well, I actually come back in -- I didn't come off of  
 8 orders until February; but I think I come back to a Board  
 9 meeting in January, which was -- I was -- my orders were  
 10 ending because of an issue that the -- a former E-911 Board  
 11 of Commissioner who was going to be the former police chief,  
 12 J. D. Sanders, was going to raise about the dispatchers'  
 13 overtime. So she asked me if I could come. They postponed  
 14 that meeting, as a matter of fact, so I could get there  
 15 because I couldn't get there at the -- at the regular Board  
 16 meeting. It would have to be during my leave time that I --  
 17 Q. Ms. Colvin, you say you came back for a Board meeting  
 18 before you actually came back to work?  
 19 A. Uh-huh.  
 20 Q. Okay.  
 21 A. Yeah.  
 22 Q. Okay. And tell me about that Board meeting. What  
 23 was discussed? What was J. D. Sanders' concerns about?  
 24 A. His concern was that some of the dispatchers had  
 25 apparently told him that they were not being paid overtime,

Page 41

1 and he thought that the dispatchers were not being paid  
 2 overtime. The dispatchers were, in fact, being paid. They  
 3 were being paid comp time, but it was at -- comp time at  
 4 regular time and not at time and a half. That's what the  
 5 difference was.  
 6 Q. Had that issue came up before you left? Had we had  
 7 some problems with that issue before you left on your  
 8 military leave?  
 9 A. Let me think about that. No, I don't think it did.  
 10 Q. All right. And how -- do you remember how that was  
 11 addressed after J. D. Sanders brought that to the attention  
 12 of the Board?  
 13 A. Uh-huh. I got with Wage and Hour. I took my records  
 14 over to Wage and Hour, had them to take a look at the  
 15 records; and then where the dispatchers -- where that half  
 16 was missed, those dispatchers were, in fact, paid that half  
 17 that was missed.  
 18 Q. The county reimbursed them some for overtime?  
 19 A. Yes. That half that was missed. Uh-huh.  
 20 Q. Now, during that time frame, and I don't know what  
 21 time frame it was, but there was -- were you also helping --  
 22 did you ever assist Mitzi with the budget?  
 23 A. Mitzi with the budget.  
 24 Q. Yes, while you were away.  
 25 A. Yea. I submitted a budget to Mitzi. Mitzi sent me

11 (Pages 38 to 41)



JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 42</p> <p>1 the information for the budget. I submitted that budget to  2 Mitzi. But the Board of Supervisors, my understanding  3 being, went with the budget prior to. They did not take  4 that budget. They went with the budget that was prior to.  5 Q. They kept you the same as you were in '03 for '04?  6 A. Yeah. Uh-huh.  7 Q. All right. But you had submitted something or sent  8 something?  9 A. Uh-huh. I sent that to her.  10 Q. Now, when you returned you said you went to a Board  11 meeting; and I've looked at your records, the best I can  12 look. You took some, looked like, vacation time right when  13 you got back; Is that -- do you remember doing that right  14 when you returned?  15 A. Some vacation time?  16 Q. Yes, ma'am. You don't remember -- I mean, that's  17 what I recall. Nine days or something like that right when  18 you returned?  19 A. Vacation? I'm trying to think.  20 Q. Any type of leave.  21 A. Right when I come back?  22 Q. Yes, ma'am.  23 A. I went straight to work.  24 Q. Came straight back to work?  25 A. I went straight to work. I may have taken some time</p>	<p style="text-align: right;">Page 44</p> <p>1 include the CAD, the radios and all that equipment. And I  2 also had personnel matters to attend to.  3 Q. What was the Board wanting to upgrade?  4 A. They were wanting to upgrade the entire  5 communications of the dispatch center. Phase 2 -- we were  6 at Phase 1, which was we had the computer-aided dispatch  7 software and a CAD system, an old AS-400 system. And  8 basically what we needed to do to get to Phase 2 compliance  9 was we needed a system that had a GPS system that when you  10 called in from your cell phone, it would triangulate and  11 give you latitude and longitude within 50 feet, depending on  12 what type of service you had, of where you were calling  13 from. That's what we needed to get Phase 2 compliance.  14 Q. And you were about that process.  15 A. Yes, sir. I was about that process.  16 Q. Who was assisting you?  17 A. At the time there was a committee set up. It was Ken  18 Moore, Kevin Forrester and Jim Bell.  19 Q. Had Mr. --  20 A. And then there was also -- actually this was before I  21 left, that committee was set up. This was -- and Larry  22 Lavell -- no, Kay. Kay Watson with the ambulance service.  23 This committee was set up prior to me leaving. But this was  24 something that we were trying to work on to get some grant  25 money, get some CAD, the -- I'm sorry -- computer-aided</p>
<p style="text-align: right;">Page 43</p> <p>1 off, but I went. Maybe a couple days here or there, but I  2 don't recall -- I went straight back to work, I do believe.  3 Q. February 2004 is when you returned?  4 A. Actually, on -- you know, I don't really know  5 because, like I say, I came to that Board -- and it may have  6 been within that time frame because -- I'm not sure I came  7 back to a Board meeting, which was in January, if you --  8 Q. Came back to a Board meeting in January and went to  9 work a couple of weeks later or a week later?  10 A. Something like that, yeah.  11 Q. When you came back did you step right back into your  12 role as director of E-911?  13 A. Yes, sir.  14 Q. And it would involve the same job duties that we've  15 discussed earlier?  16 A. Yes, sir.  17 Q. All right. Now, February 2004 when you returned to  18 work, what did you do to, I guess, for -- reacclimate  19 yourself with your job when you got back?  20 A. Well, I had -- I tried to work on past, present and  21 future because the priority of that Board at that time was  22 the upgrade of the E-911 dispatch center. There was a push  23 to get that center upgraded. So what I had to do was work  24 on what was in the past, what was present on my desk at that  25 time, and also work on getting the 911 center upgraded to</p>	<p style="text-align: right;">Page 45</p> <p>1 dispatch equipment in there. And everybody was supposed to  2 work together to get a unified system that everybody could  3 use, the fire department, police department, sheriff's  4 department and ambulance service. Now, once I was deployed  5 Mitzi was a part of that. Mitzi took my place on that  6 committee.  7 Q. Okay.  8 A. And I don't know how -- what went on with that  9 because I wasn't here.  10 Q. But you picked back up with it when you got back?  11 A. And then I picked back up with that when I got back.  12 Q. Now, as far as certifications when you returned --  13 A. Uh-huh.  14 Q. -- in February '04, did you check and be sure that  15 your dispatchers were certified?  16 A. No, I didn't because I was not aware that the  17 dispatchers were not certified.  18 Q. Would that be your responsibility, Ms. Colvin?  19 A. Well, it would be my responsibility.  20 Q. Do you agree with me we're not supposed to have  21 uncertified dispatchers on those phones?  22 A. Yes.  23 Q. Now, February of '04 when you returned.  24 A. Uh-huh.  25 Q. Let's just -- January 2005.</p>

12 (Pages 42 to 45)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 46</p> <p>1 A. Uh-huh.</p> <p>2 Q. Did you check those certifications of your</p> <p>3 dispatchers?</p> <p>4 A. No, I did not.</p> <p>5 Q. January 2006, did you check those certifications of</p> <p>6 your dispatchers?</p> <p>7 A. No, I did not.</p> <p>8 Q. When did you first discover that we had some issues</p> <p>9 with certifications of our dispatchers?</p> <p>10 A. Brenda Gowdy. Brenda Gowdy, who was -- and I'm</p> <p>11 trying to think when was that. Maybe -- I don't know the</p> <p>12 exact date, but it's going to be Brenda Gowdy, who was</p> <p>13 chairman of minimum standards training.</p> <p>14 When we were doing the upgrade of the 911</p> <p>15 communication center, Lee County came -- the Lee County</p> <p>16 director, along with his training officer, who was Brenda</p> <p>17 Gowdy at that time, came to look at the dispatch center and</p> <p>18 what we were doing. They were going to do some of the same</p> <p>19 kind of things that we were doing. After that meeting</p> <p>20 Brenda Gowdy asked me had you heard from -- had I heard from</p> <p>21 Alan Gray. I told her no, I had not heard from Alan Gray.</p> <p>22 And I asked her who Alan Gray was because I had never heard</p> <p>23 of Alan Gray.</p> <p>24 Q. What time -- what date and year do you remember this</p> <p>25 being?</p>	<p style="text-align: right;">Page 48</p> <p>1 e-mail somewhere, and I don't have access to my e-mail,</p> <p>2 where I e-mailed her, asked her for his name and a telephone</p> <p>3 number and an address on how to get in touch with him in</p> <p>4 reference to the dispatcher certification.</p> <p>5 Q. Ms. Colvin, was your first communication with Alan</p> <p>6 Gray by letter?</p> <p>7 A. Yes, I do believe it was. I think it was by letter.</p> <p>8 Q. And you asked Mitzi Hatcher about certifications from</p> <p>9 two years ago? You were in '06, Ms. Hatcher was your</p> <p>10 interim in '04, and you went and asked her had she received</p> <p>11 anything about certification?</p> <p>12 A. Yeah. I did.</p> <p>13 Q. So we had a two-year delay where you didn't do</p> <p>14 anything about certifications?</p> <p>15 A. No, because I was unaware there was a problem with</p> <p>16 the certification.</p> <p>17 Q. You would agree with me, Ms. Colvin, as director at</p> <p>18 E-911, you should be aware of those certification</p> <p>19 requirements.</p> <p>20 A. Yes, I agree with you on that.</p> <p>21 Q. And you're responsible for your dispatchers being</p> <p>22 certified.</p> <p>23 A. I agree with you on that.</p> <p>24 Q. Were you certified yourself at that time?</p> <p>25 A. When?</p>
<p style="text-align: right;">Page 47</p> <p>1 A. I'm -- I -- give me a minute to think about this</p> <p>2 because we -- April 2000 -- it had to be somewhere -- and I</p> <p>3 don't know exactly when that was because we were still in</p> <p>4 the process of upgrading. I had the -- I think the CAD was</p> <p>5 in -- what we completely did was we renovated the 911</p> <p>6 dispatch center. All of the old equipment came out, and</p> <p>7 there was new equipment that was put in there. And the date</p> <p>8 I'm not sure of. I'm just not sure of the date.</p> <p>9 Q. You think it was in 2006, sometime in 2006?</p> <p>10 A. Yeah, it had to be sometime in 2006 but I don't know</p> <p>11 exactly when.</p> <p>12 Q. After you talked with Ms. Gowdy, I assume you</p> <p>13 understood that there could be some problems with our</p> <p>14 certifications at E-911 here?</p> <p>15 A. Yes.</p> <p>16 Q. What did that prompt you to do?</p> <p>17 A. It prompted me to get in touch with Alan Gray and</p> <p>18 find out what was needed and why I had not received</p> <p>19 anything. And I also spoke with Mitzi Hatcher, who was the</p> <p>20 acting director in 2004, asked her had she received anything</p> <p>21 from Minimum Standards Board stating that the dispatchers'</p> <p>22 certification -- the dispatchers were no longer certified,</p> <p>23 and she had not received any type of information. So I did,</p> <p>24 in fact, send a letter to Alan Gray; and I got that</p> <p>25 information from Brenda Gowdy. And there should be an</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. In '06?</p> <p>2 A. No, I wasn't.</p> <p>3 Q. Now, you believe that you contacted Alan Gray by</p> <p>4 letter?</p> <p>5 A. Yes, I do believe that. I think I did.</p> <p>6 Q. I'm going to show you what I think may be the</p> <p>7 communication that you had with him.</p> <p>8 MR. HUSKISON: Off the record just a second.</p> <p>9 (Off Record.)</p> <p>10 BY MR. HUSKISON:</p> <p>11 Q. Now, before we get into that letter, Ms. Colvin, at</p> <p>12 this time --</p> <p>13 MR. WOODRUFF: He's going to give you a copy of</p> <p>14 it.</p> <p>15 BY MR. HUSKISON:</p> <p>16 Q. Yeah, I'm going to show it to you. At this time --</p> <p>17 and we're in the -- we believe we're maybe in the September,</p> <p>18 October of '06 time frame. Does that sound about right?</p> <p>19 A. I don't know what time frame it was.</p> <p>20 Q. Not sure about what time?</p> <p>21 A. Not sure what time frame it was.</p> <p>22 Q. We were involved in some issue with some dispatchers</p> <p>23 and having to dismiss some dispatchers during that time</p> <p>24 frame as well, were we not?</p> <p>25 A. Yeah, we had some dispatchers that were dismissed,</p>

13 (Pages 46 to 49)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 50</p> <p>1 but I don't know what the time frame is.</p> <p>2 Q. Now, you mentioned that you became aware of this</p> <p>3 through Ms. Gowdy. Did you not become aware of this when</p> <p>4 things started showing up on Columbus Talks and we started</p> <p>5 getting information that we weren't up to certification?</p> <p>6 A. I do believe all that was about around the same time.</p> <p>7 I think.</p> <p>8 Q. Were you aware that some of these -- or somebody</p> <p>9 anonymously -- probably the dispatchers that were dismissed</p> <p>10 were putting out information that we weren't -- didn't have</p> <p>11 our records in order up there?</p> <p>12 A. As far as Columbus Talk is concerned?</p> <p>13 Q. Yes, ma'am.</p> <p>14 A. Yeah. Bernice Lile was sending -- she was faxing</p> <p>15 over everything on Columbus Talks to Sherri, and so --</p> <p>16 Q. And showing you what was out there.</p> <p>17 A. Yeah.</p> <p>18 Q. And were you aware that somebody anonymously had sent</p> <p>19 something to the EEOC? Did you know that?</p> <p>20 A. No.</p> <p>21 Q. And you --</p> <p>22 A. You mean as far as -- wait a minute.</p> <p>23 Q. About our problems with the certifications.</p> <p>24 A. To the EEOC?</p> <p>25 Q. Yes, ma'am.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Okay. And you can look at the letter, but tell me in</p> <p>2 general what you were requesting from him and what your</p> <p>3 letter was about. You can look at it and tell me or you can</p> <p>4 just tell me from your memory.</p> <p>5 A. Well, basically what the letter states, that I was</p> <p>6 trying to find out what my dispatchers need, what classes</p> <p>7 were reimbursable, just the information that's on the letter</p> <p>8 reference to the certification and recertification of the</p> <p>9 dispatchers.</p> <p>10 Q. Okay. And did he respond to you shortly thereafter?</p> <p>11 A. I should have gotten something from him. I don't</p> <p>12 think it was from him. It was from someone else. I'm not</p> <p>13 sure who it was. Some -- either the training officer or</p> <p>14 somebody.</p> <p>15 MR. HUSKISON: Let's mark that as Exhibit 2.</p> <p>16</p> <p>17 -----</p> <p>18 (Exhibit Number 2 marked.)</p> <p>19 BY MR. HUSKISON:</p> <p>20 Q. Ms. Colvin, if you'll look at that, this is a letter</p> <p>21 dated October 26, 2006. Looks like it's to you from Alan</p> <p>22 Gray.</p> <p>23 A. (Witness reviews document.)</p> <p>24 (Off Record.)</p> <p>25 BY MR. HUSKISON:</p>
<p style="text-align: right;">Page 51</p> <p>1 A. I don't know about that.</p> <p>2 Q. Don't know about?</p> <p>3 A. I don't know about any of that.</p> <p>4 Q. Were you contacted by any state licensing or</p> <p>5 certification organizations during that time frame about our</p> <p>6 problems with certifications up there at the E-911?</p> <p>7 A. Was I contacted by who?</p> <p>8 Q. Anybody?</p> <p>9 A. No.</p> <p>10 Q. Nobody. All right. Now, October 23 --</p> <p>11 MR. HUSKISON: Let's mark that as 1.</p> <p>12</p> <p>13 -----</p> <p>14 (Exhibit Number 1 marked.)</p> <p>15 BY MR. HUSKISON:</p> <p>16 Q. That's my only copy. We'll look at it together.</p> <p>17 A. Okay.</p> <p>18 Q. I got more but I don't want to try to find it.</p> <p>19 October 23, 2006. Does that look like the letter</p> <p>20 that you sent to Mr. Gray?</p> <p>21 A. (Witness reviews document.) Yes, it does.</p> <p>22 Q. And is that -- Ms. Colvin, as best you recall, as you</p> <p>23 said, is that the first communication you had with him about</p> <p>24 our certification issues?</p> <p>25 A. That's the best I recall.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Okay. Are you ready? What I've showed you and that</p> <p>2 we've marked as Exhibit 2 is six pages; and it's a letter</p> <p>3 with attachments, a letter dated October 26, 2006, from Alan</p> <p>4 Gray to you. Do you remember getting that letter?</p> <p>5 A. Yeah. I remember getting this letter.</p> <p>6 Q. In looking at it, Ms. Colvin, the first paragraph</p> <p>7 references a memo sent to you on May 22nd, 2006. Do you see</p> <p>8 that?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Where they sent you information about requirements</p> <p>11 for initial certification and recertification. Do you see</p> <p>12 that?</p> <p>13 A. Yeah. I see that.</p> <p>14 Q. Yet you didn't send a letter or make any inquiry</p> <p>15 until October of '06; is that right?</p> <p>16 A. This is correct.</p> <p>17 Q. Okay.</p> <p>18 A. But let me address this. May I?</p> <p>19 Q. Please.</p> <p>20 A. Okay. I didn't get a letter --</p> <p>21 MR. WOODRUFF: Take the pen away.</p> <p>22 BY MR. HUSKISON:</p> <p>23 Q. Go ahead.</p> <p>24 A. I did not receive any correspondence from Mr. Gray</p> <p>25 until I sent that letter there, that memorandum there.</p>

14 (Pages 50 to 53)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 54</p> <p>1 Q. What you're saying is that you deny getting that 2 memo, which is page -- the third page of that document -- 3 certification memo? 4 MR. WOODRUFF: Third page. It's right here. 5 A. This right here? Yeah. 6 BY MR. HUSKISON: 7 Q. You never received that? 8 A. I didn't get this. 9 Q. Okay. Even though he says he sent it to you. 10 A. Yes, sir. 11 Q. All right. And your testimony here, as director of 12 E-911 at that time, you weren't familiar with 13 recertification and certification requirements for your 14 dispatchers? 15 A. I was familiar with certification and recertification 16 as a dispatcher in -- when I started as a dispatcher, but 17 not as -- I had no training as far as what you were supposed 18 to do. As a matter of fact Jim Crownover was the training 19 officer -- along with John Brown, the training officer for 20 certification and recertification for dispatchers. 21 So let me make myself perfectly clear here. I knew 22 that the dispatchers needed to be certified; but as far as 23 what was entailed in the certification, that was John Brown, 24 former director, and Jim Crownover, who was a training 25 officer for that.</p>	<p style="text-align: right;">Page 56</p> <p>1 A. That's what he's saying, yes. 2 Q. Okay. Now, did you have an opportunity as director 3 to attend meetings of 911 coordinators? 4 A. No, I didn't -- I went to one meeting -- let's see -- 5 I think that's two, as a matter of fact, as director. 6 One -- and I don't even know the actual date it's going to 7 be in. '5, 2005, maybe? Or 2004? No. I was gone in 2004, 8 so scratch that. It's going to have to be 2005 that there 9 was a training. It was a 911 coordinators' training, and I 10 wanted to believe that was in 2005. 11 Q. Do you remember what part of the year it was, the 12 early part, the latter part? 13 A. Let's see. Let me think about that for a minute. 14 Maybe the middle. 15 Q. Okay. 16 A. I'm not sure. Maybe the middle. 17 Q. You said you went to one. You went to another one as 18 well? 19 A. Yeah, I think I went to one more, and that's going to 20 be 2006 or may have been -- I'm not sure. I'm just going -- 21 I don't know. 22 Q. Did you go to the one October 18, 2006, that he 23 references down there in that last paragraph on the first 24 page? 25 A. I don't know about that. I don't know.</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Ms. Colvin, you testified -- 2 A. But as the director, I know that the dispatchers are 3 -- if you're saying that it was my responsibility to know 4 that the dispatchers were certified, yeah, I'll agree with 5 you with that. 6 Q. It's your responsibility. 7 A. Yeah. 8 Q. Now, as you go on down, looking at the third 9 paragraph -- 10 A. Uh-huh. 11 Q. Take a look at that paragraph. 12 A. (Witness reviews document.) Okay. 13 Q. It says that according to policy an agency like E-911 14 would be -- in that second sentence, is required to furnish 15 the Board a current roster once a year. 16 A. Uh-huh. 17 Q. As director that would be your responsibility, 18 wouldn't it? 19 A. It would be my responsibility. 20 Q. Had you done that since you had been back? 21 A. No, I hadn't. 22 Q. And then he references that the policy does not 23 require a formal request to be made. In other words, he's 24 saying we didn't have to request that; that's your 25 responsibility to get that to him. Right?</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Don't know? 2 A. Nope. I don't know. 3 Q. At these meetings did you attend classes where these 4 certifications were discussed? 5 A. We attended training sessions. The one that I went 6 to was classes in reference to jobs as far as training. You 7 know, maybe like -- I need to get a little bit more specific 8 with that. 9 Basically, as you go for -- just like with your -- 10 you would go for training to keep you up to date on your job 11 as far as what's available on your job, basically. That's 12 what this meeting -- the one that I went to. And I think it 13 was in -- it was in Tunica. But I do not have anything in 14 front of me, and I don't want to put down and say what date 15 it was. But the Board did approve it. It went through the 16 Board. So it should be on Board minutes. 17 Q. And if it does show that you went to, in October of 18 2006, training, that training offered information about 19 recertification and certifications of your applicants and 20 whatnot. You would agree with me that it would be offered? 21 A. No, I'm not going to agree with you. 22 Q. Don't know whether it would or not? 23 A. No. 24 Q. You didn't attend any classes that talked about 25 certification and recertification of your applicants?</p>

15 (Pages 54 to 57)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 58</p> <p>1 A. No.</p> <p>2 Q. All right. Now, you're looking at -- on the second</p> <p>3 page of that letter, it gives you the name of Brenda Gowdy.</p> <p>4 Had you talked with Ms. Gowdy at that point?</p> <p>5 A. I sure did. I got in touch with her.</p> <p>6 Q. No, had you talked to her before this letter?</p> <p>7 A. Yeah. I talked to Brenda before this letter.</p> <p>8 Q. And you've told me a little bit about that</p> <p>9 discussion. What did you talk about with Ms. Gowdy?</p> <p>10 A. I talked to her about the dispatcher certification.</p> <p>11 I talked to her about it because she asked me -- and like I</p> <p>12 said, I don't know the exact dates, and I don't want to be</p> <p>13 pinned down a date, but she -- because I don't know. I</p> <p>14 don't have anything in front of me. When I walked out of</p> <p>15 911, everything was left there. But when she talked -- they</p> <p>16 came over and she asked me did I know -- had I talked to</p> <p>17 Alan Gray, I did not even know who Alan Gray was.</p> <p>18 Apparently there were some disgruntled dispatchers that had</p> <p>19 gotten in touch with Alan Gray and Brenda Gowdy, as a matter</p> <p>20 of fact, and stated that they had not been trained in three</p> <p>21 years. They had no training in three years.</p> <p>22 So I got with Brenda Gowdy. I took all of the</p> <p>23 training files that I had. I went up to Lee County</p> <p>24 Communications -- and I don't know what date that was. That</p> <p>25 was sometime in 2006. Got all that done, got that taken</p>	<p style="text-align: right;">Page 60</p> <p>1 got this letter?</p> <p>2 A. Not all of them, no.</p> <p>3 Q. And did this letter inform you and familiarize</p> <p>4 yourself with what we needed to do?</p> <p>5 A. Yes, it did.</p> <p>6 Q. Now, on the -- it's Number 8, but it's the third page</p> <p>7 over.</p> <p>8 A. Uh-huh.</p> <p>9 Q. Go ahead.</p> <p>10 A. Okay.</p> <p>11 Q. One more. That's a roster.</p> <p>12 A. Yeah.</p> <p>13 Q. Is that right?</p> <p>14 A. Yes, it is.</p> <p>15 Q. This is the last page of Exhibit 2. It's got</p> <p>16 November 6 -- or excuse me -- November 15, 2006. Is that</p> <p>17 the date that you see?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Is this a roster you submitted down there to Alan</p> <p>20 Gray with your letter, or did you do that at all?</p> <p>21 A. Yeah, I submitted a roster. Yeah, I submitted a</p> <p>22 roster, but I don't know when that -- well, it says 15</p> <p>23 November. I submitted a roster, yeah.</p> <p>24 Q. Ms. Colvin, when he responded to you November --</p> <p>25 A. In October?</p>
<p style="text-align: right;">Page 59</p> <p>1 care of, submitted that paperwork to Minimum Standards</p> <p>2 Board.</p> <p>3 Q. And what you're saying is somebody was complaining</p> <p>4 that our folks at E-911 here in Lowndes County were not</p> <p>5 certified, were they not?</p> <p>6 A. Uh-huh. Yeah.</p> <p>7 Q. And that prompted you into action; is that right?</p> <p>8 A. Because I didn't know. I mean, I really and truly</p> <p>9 did not know. And I would -- I know what you're saying --</p> <p>10 Q. As director of E-911 --</p> <p>11 A. -- that as director I -- it was my responsibility to</p> <p>12 know, but I did not know. And when I --</p> <p>13 Q. Are you familiar with the penalties and the problems</p> <p>14 that that could cause for E-911 here, having uncertified</p> <p>15 folks on those phones?</p> <p>16 A. No, I was not familiar with that, and -- no, I</p> <p>17 wasn't.</p> <p>18 Q. Okay. Now, the section -- looks like it's on about</p> <p>19 the fourth page of that.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Go on back one more. That's the memorandum that he</p> <p>22 references in the letter, and it goes through the</p> <p>23 certification requirements.</p> <p>24 A. Uh-huh.</p> <p>25 Q. Were you familiar with those requirements when you</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Excuse me. You're right October. What's the date on</p> <p>2 that letter?</p> <p>3 A. October 26.</p> <p>4 Q. October 26?</p> <p>5 A. Uh-huh.</p> <p>6 Q. He sent you this list. Is that our -- was that our</p> <p>7 current list of dispatchers, the list you're looking at, in</p> <p>8 November of 2006?</p> <p>9 A. No, he didn't send me this list.</p> <p>10 Q. He didn't send you this list?</p> <p>11 A. You see this right here is dated October 26. This</p> <p>12 right here is dated November 15.</p> <p>13 Q. I understand that.</p> <p>14 A. I submitted a list.</p> <p>15 Q. And what does the list at the end of -- is that a</p> <p>16 list of our current -- or our dispatchers in November of</p> <p>17 2006?</p> <p>18 A. Let's see.</p> <p>19 Q. Take a look at that.</p> <p>20 A. To my knowledge it is.</p> <p>21 Q. Okay. And as you look down through that list,</p> <p>22 there's only one out of, looks like, about 15 that meet the</p> <p>23 requirements; is that right?</p> <p>24 A. This is correct.</p> <p>25 Q. And the certification needs are over to the side; and</p>

16 (Pages 58 to 61)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 62</p> <p>1 for example, Jacqueline Brown there, the first person  2 listed, needs recertification, 6 electives, 48 hours.  3 A. This is correct.  4 Q. She was sort that -- what's on that list; is that  5 right?  6 A. That's what it states.  7 Q. Okay. And there you are, number 3 on the list.  8 Jessie Colvin, needs recertification, application, and then  9 5 electives, 32 hours. Is that what it says?  10 A. That's correct.  11 Q. And then yours expired in May of 2002.  12 A. Uh-huh.  13 Q. And looking down through that list, there's February  14 of '03, July of '03, and other '02 expiration dates on  15 those -- on our dispatchers; is that right?  16 A. That's correct.  17 Q. All right. Now, once you got this information -- or  18 did you get this information? Did you ever see this?  19 A. You know, I don't know.  20 Q. You don't know whether you ever saw that or not?  21 A. I sent -- like I said, I sent a roster along with all  22 of their paperwork. A roster was sent along with all of  23 their paperwork to the Minimum Standards Board.  24 Q. Okay.  25 A. So if I got this, I don't know.</p>	<p style="text-align: right;">Page 64</p> <p>1 A. Yes, it does.  2 Q. Is this the first time you had sent that roster in  3 since you had been director?  4 A. I sent it in in 2006.  5 Q. Was that the first time, in 2006?  6 A. That would be the first time, to my knowledge, yes.  7 Q. All right. Mr. Gray says he looks at the -- had  8 looked at the records; and he had attached, I think, to  9 that -- the next page is a list of our dispatchers. You see  10 that?  11 A. I do.  12 Q. And it goes through and shows recertifications for  13 some of you and the areas where we're still lacking; is that  14 right?  15 A. This is correct.  16 Q. I notice you've got yourself, Crownover, and that  17 first -- I can't hardly read it. What's that first name  18 over there? Can you read it above your name?  19 A. Hang on a second.  20 Q. Burgin? Is that Burgin?  21 A. Yeah. That's going to be Burgin.  22 Q. You've got Burgin, Colvin -- the first six names  23 there -- Crownover, Fancher, Fars? Is that right?  24 A. Faris.  25 Q. Faris?</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. You don't know whether you got it or not?  2 A. I don't know. I'm not -- I'm -- yeah. I don't know  3 that.  4 Q. You were -- in that November time frame -- October,  5 November time frame, you were well aware that certification  6 problems were in -- existed at the E-911?  7 A. Yeah, I was well aware of that. I was made aware of  8 that.  9 Q. All right. I'm going to show you --  10 MR. HUSKISON: Let's mark as Exhibit 3 -- if you  11 would, Ms. Colvin, put that on the back of that exhibit.  12 THE WITNESS: On the back?  13 MR. HUSKISON: Yes, ma'am.  14  15 -----  16 (Exhibit Number 3 marked.)  17 BY MR. HUSKISON:  18 Q. Looks like that's a letter January 24, '07 --  19 A. Uh-huh.  20 Q. -- to you from Alan Gray; is that right?  21 A. Yeah.  22 Q. Take a look at it. Did you receive that letter?  23 A. Yeah.  24 Q. And he references that you had sent your 2007 of  25 roster emergency telecommunicators in?</p>	<p style="text-align: right;">Page 65</p> <p>1 A. Uh-huh.  2 Q. And Hatcher.  3 A. Uh-huh.  4 Q. Says y'all were all recertified on January 1, '07; is  5 that right?  6 A. That's -- yeah, that's what it says.  7 Q. Tell me what y'all did to get recertified in that  8 time frame.  9 A. All paperwork was submitted. All of their training  10 and all of their paperwork was submitted to the Board, as I  11 was told by Brenda Gowdy to submit all of their paperwork to  12 the -- all of their training.  13 Q. Did you have to do any particular training to get  14 your certification?  15 A. The only other thing that had to be done, that they  16 had to train, was the recertification, 16-hour  17 recertification; and that was done through Brenda Gowdy.  18 Brenda Gowdy came to the 911 center and did the 16-hour  19 recertification. That was the only thing -- only training  20 that they were lacking.  21 Q. Did you go through that training?  22 A. I did.  23 Q. 16 hours worth?  24 A. Uh-huh. Two days.  25 Q. Okay. Now, the last three down there, Edwards,</p>

17 (Pages 62 to 65)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 66</p> <p>1 Shepard and Brown: Not on last roster, need termination 2 notice. 3 A. Uh-huh. 4 Q. As director are you responsible for sending 5 termination notices in to that Board so they have records of 6 them? 7 A. Yeah. And I did send those in. 8 Q. But you hadn't been doing that until you got notice 9 of this letter; right? 10 A. I hadn't been doing -- no, until I got notice of what 11 the requirements were. 12 Q. Hadn't been doing any of it, had you? 13 A. Because I didn't know. 14 Q. All right. Now, looking at about the sixth one down, 15 Korom, Lorenz, looks like they were new hires and our 16 basic -- the requirements needed on them was basic EMD and 17 three rides? 18 A. That's correct. 19 Q. Were these two new ones, were they already sitting on 20 the phones at that time? 21 A. They were sitting on the phones with -- let's see. 22 Yeah, they were sitting on -- well, all of them were sitting 23 on the phones. When they come in they sit on the phone. 24 They sit on the phone and there's a seasoned dispatcher that 25 sits in --</p>	<p style="text-align: right;">Page 68</p> <p>1 certification, stated that I had hired a -- what you call 2 it -- an architect. They hadn't gotten any overtime, and 3 they weren't -- they hadn't got a raise in three years and 4 some other areas of concerns. And that was some of the -- 5 that was dispatchers that were resigned or terminated, yeah. 6 Which Board meeting that was, I don't know. There 7 are Board minutes that reflect that. 8 Q. Was that before you had new Board members in January 9 of 2007 or after they had been on board? 10 A. Actually, I think the Board members were in place. 11 You got -- well, you had old Board members and new Board 12 members, I do believe, because some -- old Board members and 13 new Board members because some new Board members were -- 14 let's see. January -- Beverly Brooks and Bernice Lile were 15 put on the Board in 2007. 16 Q. That's correct. 17 A. Okay. So that's going to be both. 18 Q. Were they at this Board meeting you're talking about? 19 A. The one -- no, they were not. 20 Q. It was before their time. 21 A. It was before their -- uh-huh. 22 Q. Tell me what you're talking where you had some of the 23 ones that had been dismissed coming forward and complaining. 24 A. Complaining about that the MJIC -- Mississippi 25 Justice Information Center certification, that they were not</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Sits there with them? 2 A. Sits there with them and train them. Yeah. 3 Q. Okay. Now, that letter from Alan Gray was in early 4 January? I think I said it already. Let me make sure I'm 5 saying it right. January 24, 2007. 6 A. That's what that states. Uh-huh. 7 Q. Okay. You knew at that point you still had some 8 problems with your certifications; is that right? 9 A. Certification at that point was only for -- your 10 seasoned dispatchers with the recertification were all 11 certified. The part -- now getting a program in place for 12 my new dispatchers that were within that time frame, and 13 that's what we were working on. 14 Q. All right. Now, when, Ms. Colvin, did you first 15 become aware that the Board had some concerns with our 16 certifications and the job you were doing in general? 17 A. Let's see. I'm going to say probably in 2000 and -- 18 maybe in 2006 when the E-911 -- let's see. As far as the 19 certification goes, sometime in 2006. When, I don't know. 20 Q. The Board members were asking you questions about 21 that certification and recertifications? 22 A. Yeah. It was sometime in 2000 and -- I want to -- 23 there was a Board meeting -- let me think about this. There 24 was a Board meeting in 2006 where you had some employees 25 that came before the Board and stated about MJIC</p>	<p style="text-align: right;">Page 69</p> <p>1 being -- that they were not certified and that they were 2 using someone else's password to get on the system. Stated 3 that the FBI came in. And the FBI came in on what was 4 called -- it was an audit. There was an audit, and they 5 audit us as far as our records go and our training. And 6 that was not something that was -- they didn't come in 7 looking for anything particular. Just an audit that was 8 performed, and they audited us. 9 Q. And this was in the latter part of '06? 10 A. I want -- I don't know exactly. You're asking me 11 about dates. 12 Q. Right. 13 A. And I have nothing in front of me to tell you. All I 14 know it was in -- sometime in 2006 that there was an audit 15 done by the FBI. 16 Q. You lost your job in April of '07. 17 A. Uh-huh. 18 Q. In relation to that time frame, when was this done? 19 A. We're going to have to go back. It's not going to be 20 in April. It's going to have to be '06. 21 Q. '06? 22 A. Sometime in '06. 23 Q. All right. Latter part of '06. 24 A. We're going to say sometime -- yeah, sometime in '06. 25 Q. Well, what did they find when they did their audit?</p>

18 (Pages 66 to 69)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 70</p> <p>1 A. What did they find when they did their audit? They  2 -- everything was fine. The only thing that we had a  3 problem with and -- it's going to be doing the background  4 investigations for the fire department. We were not  5 supposed to be doing background investigations for the fire  6 department. And what else did we get? I think that was it,  7 I do believe. And there was -- there's a record that's an  8 audit record there of what they did.  9 Q. Okay. Now --  10 A. I do believe that was it.  11 Q. MJIC?  12 A. Uh-huh. Mississippi Justice Information  13 Certification.  14 Q. Now, when these girls -- these former employees would  15 come and complain at a Board meeting --  16 A. Uh-huh.  17 Q. I understand you had monthly Board meetings?  18 A. Yeah.  19 Q. And you believe the first time they came was probably  20 in November or December of '06?  21 A. I don't know. I'm going to --  22 Q. I'm not going to hold you to that but the latter part  23 of '06?  24 A. Okay. I'm going to say the latter part of '06.  25 Yeah.</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. You were in the process of trying to get --  2 A. I was in the process of getting everything worked  3 out, so -- I don't know what those dates are.  4 Q. Don't know when those Board meetings were?  5 A. I don't. And you're going to have to -- if they've  6 got minutes, then I need to see them.  7 Q. Well, we'll show you those. But as you recall, was  8 Beverly Brooks on that Board at that time?  9 A. I'm trying to think was she on the Board. No, I  10 don't think so.  11 Q. You think this was before.  12 A. I think it may have been before. I'm not sure. I'm  13 really not.  14 Q. Beverly Brooks and Bernice Lile came on that Board  15 in January of '07.  16 A. I do believe -- I -- maybe January. I guess it was  17 January '07.  18 Q. You don't know as you sit here?  19 A. I mean, I don't have anything to say when their  20 appointment was.  21 Q. I understand that, but it --  22 A. Okay.  23 Q. You don't know the date that they were appointed to  24 that Board and became -- began serving?  25 A. No. I mean, it could have been -- it's the earlier</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. After they would come, after they would leave would  2 Board members ask you about what was going on, how we stood?  3 A. They only came one time.  4 Q. And when they came that one time --  5 A. Uh-huh. Yeah.  6 Q. -- did Board members question you about where we  7 stood on some of these things they were complaining about?  8 A. MJIC certification?  9 Q. Yes, ma'am, that.  10 A. Yeah.  11 Q. What was your response?  12 A. We were fine, because we were. The FBI -- it was a  13 routine audit. We were fine.  14 Q. What about on certifications of our dispatchers? Did  15 they ever --  16 A. I don't really think --  17 Q. -- ask you those questions?  18 A. I wasn't asked about the dispatchers. I don't really  19 know what was asked about the dispatcher certification.  20 Now, like I said, you could get the minutes. I don't have  21 any minutes in front of me. But at the time that the Board  22 asked me about the certification, all of that information  23 had been sent forward. It had been sent forward to Minimum  24 Standards Board, to get in compliance with Minimum Standards  25 Board.</p>	<p style="text-align: right;">Page 73</p> <p>1 part. It's before I got fired. That much I can tell you.  2 It was before April.  3 Q. How much -- how long before?  4 A. Let's see. There was -- January, February. I got  5 fired in April, so I guess two, three Board -- two Board  6 meetings. Two, maybe three. Yeah, somewhere along that  7 line.  8 Q. Now, Ms. Colvin, when this new -- the new group came  9 on the Board, and it was two of them particularly --  10 A. Uh-huh.  11 Q. -- and I think then Chief Moore -- Fire Chief Moore  12 came on there as a voting member at that time as well. Do  13 you recall that?  14 A. He was a voting member prior to that.  15 Q. Okay. Anyway, January of '07, this new group --  16 A. Uh-huh.  17 Q. -- was in place. You were aware that former  18 employees or somebody was stirring up lots of things about  19 our certifications and how we lacked up there in  20 certifications.  21 A. In January.  22 Q. Yes, ma'am.  23 A. Yeah. They were stirring up trouble about a lot of  24 things.  25 Q. And, Ms. Colvin, at Board meetings -- and I know you</p>

19 (Pages 70 to 73)



JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 74</p> <p>1 had them monthly.</p> <p>2 A. Uh-huh.</p> <p>3 Q. I don't have them in front of me at the moment. We</p> <p>4 can get them.</p> <p>5 A. Okay.</p> <p>6 Q. But you had monthly Board meetings.</p> <p>7 A. Uh-huh.</p> <p>8 Q. Do you recall the Board members asking you</p> <p>9 specifically, Hey, we've got some things showing up on</p> <p>10 Columbus Talks, we've got some complaints from these former</p> <p>11 employees, are our certifications in order?</p> <p>12 A. No, I don't recall that, now.</p> <p>13 Q. You don't -- they never asked you about whether the</p> <p>14 certifications were in good shape?</p> <p>15 A. I don't recall that. What I recall was Ken Moore</p> <p>16 asking what does it take for dispatchers to be certified.</p> <p>17 What was the Minimum Standards requirements for dispatcher</p> <p>18 certification, and I answered those questions.</p> <p>19 Q. And he asked you that in Board meetings?</p> <p>20 A. In a Board meeting, I do believe. Yes.</p> <p>21 Q. And what was your response?</p> <p>22 A. And I told him what I knew at the time, the</p> <p>23 certification for the dispatchers, based on the</p> <p>24 documentation that was presented to me with Mr. Gray.</p> <p>25 Q. Did you tell him we still had problems with our</p>	<p style="text-align: right;">Page 76</p> <p>1 A. General information.</p> <p>2 Q. And you responded to that --</p> <p>3 A. And I responded to that.</p> <p>4 Q. -- what your testimony is.</p> <p>5 A. Yes.</p> <p>6 Q. All right. Did any other Board members ask you</p> <p>7 specific questions about certifications of our dispatchers?</p> <p>8 A. Maybe Beverly Brooks may have asked that same</p> <p>9 question. General information of what it takes for</p> <p>10 dispatchers, what is the requirements for dispatchers to be</p> <p>11 certified.</p> <p>12 Q. Tell me exactly what you remember her asking you.</p> <p>13 A. Just what does it take for dispatchers to be -- and</p> <p>14 that's basically what I recall.</p> <p>15 Q. And what did you respond?</p> <p>16 A. The same thing. The same thing as what was given to</p> <p>17 me in the letter as to what the requirements are for</p> <p>18 certification of the dispatchers.</p> <p>19 Q. Did you tell Ms. Brooks, when she asked this</p> <p>20 question -- was this in a Board meeting as well?</p> <p>21 A. I do believe it was in a Board meeting. I do believe</p> <p>22 it was.</p> <p>23 Q. Did you respond that everything was okay?</p> <p>24 A. Everything was okay. I don't know if I -- I was not</p> <p>25 asked anything about whether anything was -- there was an</p>
<p style="text-align: right;">Page 75</p> <p>1 certification?</p> <p>2 A. At the time, in January, we didn't have any problems.</p> <p>3 These dispatchers was already certified. They were</p> <p>4 certified in January. So we didn't have -- the only thing</p> <p>5 that we had, and that was -- this certification here on the</p> <p>6 new employees. The new employees have one year to be</p> <p>7 certified.</p> <p>8 Q. All dispatchers other than new employees -- your</p> <p>9 testimony is all dispatchers other than new employees had</p> <p>10 their certification in January of '07?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. Now -- and that's what you informed Board</p> <p>13 member Moore, Ken Moore.</p> <p>14 A. I wasn't asked that question about who was certified</p> <p>15 and who was not, to my knowledge.</p> <p>16 Q. Okay.</p> <p>17 A. To my knowledge. And without having those Board</p> <p>18 minutes in front of me, to my knowledge I was not asked who</p> <p>19 was certified and who was not.</p> <p>20 Q. I want to be clear. What did -- what did Ken Moore</p> <p>21 ask you?</p> <p>22 A. Just general information about the dispatcher</p> <p>23 certification, what does it take for the dispatchers to be</p> <p>24 certified.</p> <p>25 Q. And you --</p>	<p style="text-align: right;">Page 77</p> <p>1 issue with certification. I was asked a generalized</p> <p>2 question as to what does it take for -- what are the</p> <p>3 requirements for dispatchers to be certified.</p> <p>4 Q. Okay. Any other Board members ask you any questions</p> <p>5 about certifications and those requirements?</p> <p>6 A. No, I don't think so.</p> <p>7 Q. And in January of '07 how many dispatchers did we</p> <p>8 have left at that point?</p> <p>9 A. Can I look at that roster?</p> <p>10 Q. You can.</p> <p>11 A. Let's see. Six, I think. I think six.</p> <p>12 Q. Do you remember a dispatcher named Joyce White?</p> <p>13 A. Yes, sir.</p> <p>14 Q. When was Ms. White hired? Do you remember?</p> <p>15 A. I don't know when Joyce was hired.</p> <p>16 Q. I'm going to just show you something that I believe</p> <p>17 shows her hire date of 5 -- May 20, 2005. Does that sound</p> <p>18 about right?</p> <p>19 A. I don't know.</p> <p>20 Q. Was she a new hire in 2007?</p> <p>21 A. No, she was not a new hire in 2007.</p> <p>22 Q. Okay. Do you know whether she was certified and had</p> <p>23 met her requirements in 2007?</p> <p>24 A. I know -- Joyce had not. No. Joyce had not.</p> <p>25 Q. Was she working on the phone?</p>

20 (Pages 74 to 77)

JESSIE W. COLVIN

4/16/2010

Page 78

1 A. She was -- yes, she was. All dispatchers work on the  
 2 phone.  
 3 Q. But she was not certified.  
 4 A. No.  
 5 Q. Okay. Did you ever -- and I know in Alan Gray's --  
 6 in his letter to you in January, he mentioned that he didn't  
 7 have papers -- separation papers on a couple of folks. Did  
 8 you ever follow up and send him those separation papers?  
 9 A. Yes, I did.  
 10 Q. You did? Did you do that before your job ended in  
 11 April?  
 12 A. Yes, sir, I do believe.  
 13 Q. All right. Now, do you recall dispatchers that were  
 14 on staff at that time, and employees at -- in the March,  
 15 April time frame, do you recall them going to the Board and  
 16 complaining about the hours that they are being required to  
 17 work?  
 18 A. Yeah, I do.  
 19 Q. Which dispatchers was that?  
 20 A. That's going to be Mitzi Hatcher, Jim Crownover and  
 21 Sherri Fancher.  
 22 Q. Do you remember what their complaints were?  
 23 A. Their complaint was that they was working 12 hours --  
 24 actually, their complaint was -- let me get this right. Jim  
 25 complained about not getting vacation, Sherri complained

Page 79

1 about not leaving the dispatch center, and Mitzi was  
 2 complaining about -- they actually was complaining about not  
 3 being able to leave the dispatch center and not so much the  
 4 number of hours. Jim wanted vacation, Sherri wanted to  
 5 leave and go get her own lunch, and so the -- and Mitzi and  
 6 them wanted to leave. They wanted to leave and take their  
 7 breaks is basically what they were complaining about.  
 8 Q. And you remember them coming to the Board and  
 9 complaining about that?  
 10 A. Yeah, they did.  
 11 Q. Had you instructed the dispatchers that worked under  
 12 you not to go to the Board with complaints?  
 13 A. No, I didn't.  
 14 Q. Never instructed them that?  
 15 A. No. And if you will get the letters that they  
 16 stated -- there was letters that were sent to me, and you  
 17 have my -- any of my disciplinary records will show you have  
 18 a right to appeal any decision of mine to the E-911 Board.  
 19 No.  
 20 Q. And you were responsible -- when you talk about  
 21 disciplinary records, you were responsible for keeping up  
 22 with those personnel files of all your dispatchers.  
 23 A. Yes, I was.  
 24 Q. And it's your testimony they were in good order when  
 25 you left?

Page 80

1 A. No, they weren't in good order when I left.  
 2 Q. Is that your responsibility, Ms. Colvin?  
 3 A. It is, but may I further explain?  
 4 Q. You may.  
 5 A. Okay. As -- we had to take everything out of that  
 6 dispatch center. Everything had to be moved. There were  
 7 files that were put downstairs. There were files that were  
 8 put over at Willcutt Block under lock and key until I got  
 9 that dispatch center back to where it was upgraded.  
 10 I was in the process of bringing those files back in,  
 11 and then I had ordered some more different type of new forms  
 12 to put in those personnel files. So I was in the process of  
 13 -- in the process of taking those old files and converting  
 14 those new files. Yes, I was aware of that.  
 15 Q. Ms. Colvin, did the personnel files have accurate  
 16 records on vacation time?  
 17 A. On vacation time?  
 18 Q. Yes, ma'am.  
 19 A. They should have been somewhere in there.  
 20 Q. Somewhere in their personnel file or somewhere in  
 21 that E-911 office?  
 22 A. In the office, sir. In the office, because like I  
 23 said, I was in the process of getting all of that done.  
 24 Q. You kept personnel file information just in the  
 25 office but not in the personnel files?

Page 81

1 A. Those -- when I took over those personnel file --  
 2 Q. Yes, ma'am.  
 3 A. -- you had vacation and sick time in the personnel  
 4 files. Vacation -- sick time -- sick folders are -- sick  
 5 time is not supposed to be kept in your personnel file.  
 6 It's supposed to be kept in a file drawer, away from the  
 7 personnel file, under lock and key.  
 8 Q. Did you as director keep those in separate files?  
 9 A. Yes, I did.  
 10 Q. And you kept personnel files of all -- we're talking  
 11 about, what, at most 12 dispatchers?  
 12 A. Uh-huh. Yeah.  
 13 Q. We should have nice, little neat -- 12 personnel  
 14 files, shouldn't we?  
 15 A. You should.  
 16 MR. WOODRUFF: Objection.  
 17 A. Excuse me?  
 18 MR. WOODRUFF: I objected.  
 19 BY MR. HUSKISON:  
 20 Q. Should we not have one nice -- a personnel file in  
 21 place for our, at most, 12 employees? You can answer that.  
 22 MR. WOODRUFF: I'm just preserving an objection  
 23 because I found something objectionable about the question.  
 24 Go ahead and answer unless I instruct you to answer (sic)  
 25 it.

21 (Pages 78 to 81)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 82</p> <p>1 A. Answer the question?</p> <p>2 BY MR. HUSKISON:</p> <p>3 Q. Yes, ma'am.</p> <p>4 A. Okay. Now, you're asking me --</p> <p>5 Q. When you left we had -- at most, at any one given</p> <p>6 time, we had 12 or so dispatchers; is that right?</p> <p>7 A. Yeah.</p> <p>8 Q. And so we should have personnel files of 12 or so</p> <p>9 folks that worked down there; is that right?</p> <p>10 A. This is correct.</p> <p>11 Q. And your testimony is that that was in place and you</p> <p>12 had those personnel files in good order?</p> <p>13 A. The personnel files were there. Now, as to whether</p> <p>14 or not they were in good order, I don't know because --</p> <p>15 Q. Well, tell me, Ms. Colvin, how you kept up with</p> <p>16 vacation time. Tell me what you did to keep up with it.</p> <p>17 A. It was documented and put in their personnel file.</p> <p>18 Q. Put in each employee's personnel file.</p> <p>19 A. Yeah.</p> <p>20 Q. All right. Same thing with sick time. Well, go</p> <p>21 ahead. You looked like you were about to say something.</p> <p>22 A. Yeah, because the personnel -- the personnel files --</p> <p>23 okay. Let me explain this.</p> <p>24 Q. Please.</p> <p>25 A. The personnel files were in the process -- let's back</p>	<p style="text-align: right;">Page 84</p> <p>1 stated, of being updated and changed over. So you were</p> <p>2 going to have duplicate files there. I had no secretary.</p> <p>3 This is just me doing personnel matters. This is me in</p> <p>4 response to everything that's going on. Working present,</p> <p>5 working past and working future, and working the radio</p> <p>6 because we were short-handed.</p> <p>7 There was a Board meeting where a schedule was</p> <p>8 presented to -- there was a special called Board meeting</p> <p>9 where a work schedule was presented to the Board by a Board</p> <p>10 member, Bernice Lile, that put me on a work schedule working</p> <p>11 a radio from 8:00 to 4:00. So at that point in time, the</p> <p>12 Board did not do that, but there was presented to her -- it</p> <p>13 was presented to the Board by her.</p> <p>14 Q. And, Ms. Colvin, that would have been sometime</p> <p>15 between January and April --</p> <p>16 A. Yes, sir.</p> <p>17 Q. -- of '07 because she was just on the Board?</p> <p>18 A. Uh-huh. Yeah.</p> <p>19 Q. Okay. Go ahead.</p> <p>20 A. Yes, sir. Yeah. That was presented at that time.</p> <p>21 Now, I had a secretary. I had just gotten a</p> <p>22 secretary. I was in the process -- and the secretary didn't</p> <p>23 come until -- and I don't exactly know the date on that.</p> <p>24 She was temporary, part-time secretary to help me. I went</p> <p>25 before the Board, as a matter of fact. I went before the</p>
<p style="text-align: right;">Page 83</p> <p>1 up for a minute; okay? Prior to that dispatch center being</p> <p>2 in disarray --</p> <p>3 Q. Dispatch center being in disarray, what date was</p> <p>4 that?</p> <p>5 A. Prior to 2000 and -- I want to say 2006.</p> <p>6 Q. Okay.</p> <p>7 A. Okay?</p> <p>8 Q. So you had been back; you were in place --</p> <p>9 A. Uh-huh.</p> <p>10 Q. -- in 2006. All right.</p> <p>11 A. Yeah.</p> <p>12 Q. In the middle of 2006?</p> <p>13 A. I don't know exactly.</p> <p>14 Q. And what do you mean disarray?</p> <p>15 A. Like everything was moved out.</p> <p>16 Q. Okay.</p> <p>17 A. Everything was moved out, put in boxes. Put in</p> <p>18 boxes. Some was under lock and key. The personnel files</p> <p>19 were put in boxes under lock and key. Coming back, getting</p> <p>20 the dispatch center up to where we could -- we actually</p> <p>21 operated out of a mobile trailer. That's where we operated</p> <p>22 out of for almost -- I don't know -- maybe five, six months.</p> <p>23 We operated there. And while that was going on, my job was</p> <p>24 to get that dispatch center back in order.</p> <p>25 Now, personnel files were in the process, as I</p>	<p style="text-align: right;">Page 85</p> <p>1 Board, and I don't know -- like I said, I don't have</p> <p>2 anything in front of me, dates or times; but I did go before</p> <p>3 the Board and told them I needed help.</p> <p>4 Q. And your -- when you say you don't have anything in</p> <p>5 front of you --</p> <p>6 A. I don't know -- I can't give you a time frame as to</p> <p>7 what I did. I can't do that because what time frame or --</p> <p>8 and I know this will come back up where she said she did</p> <p>9 this in April. I don't know the exact date of what</p> <p>10 transpired, but I do know that I went before that Board and</p> <p>11 requested a secretary or administrative assistant because</p> <p>12 there was too much for me to handle.</p> <p>13 Q. And did you get an administrative assistant?</p> <p>14 A. I did get an administrative assistant.</p> <p>15 Q. You don't remember what time frame that was?</p> <p>16 A. It's going to be after I come back from the -- after</p> <p>17 I came back from -- I'm still going to say it's going to be</p> <p>18 2006.</p> <p>19 Q. 2006?</p> <p>20 A. I guess maybe 2006 or the latter part of --</p> <p>21 Q. What was her name?</p> <p>22 A. Labeachie (phonetic) Richardson.</p> <p>23 Q. So we can look at whatever her --</p> <p>24 A. Uh-huh.</p> <p>25 Q. -- whenever she was hired --</p>

22 (Pages 82 to 85)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 86</p> <p>1 A. Yeah.</p> <p>2 Q. -- and came in to --</p> <p>3 A. To assist me.</p> <p>4 Q. And did she work with you all the way until the end?</p> <p>5 A. Yes, she did.</p> <p>6 Q. Now, you talk about your personnel files, let's take,</p> <p>7 for example -- you're talking -- it's your responsibility to</p> <p>8 keep up with vacation and sick days.</p> <p>9 A. Uh-huh.</p> <p>10 Q. Jim Crownover. Just use him as an example. He</p> <p>11 misses a week of sick time in November of '06. Tell me what</p> <p>12 you do -- what do you document in his file to show he has</p> <p>13 taken sick days?</p> <p>14 A. They have a form that they fill out.</p> <p>15 Q. Uh-huh.</p> <p>16 A. It is a -- it was a form, an absentee leave form. It</p> <p>17 has on there sick leave, vacation time. It just has a form</p> <p>18 of what they're taking off. That form is -- and the dates.</p> <p>19 That form is placed in their personnel file.</p> <p>20 Q. Okay. And you're responsible for getting that in</p> <p>21 there.</p> <p>22 A. Yeah. I'm responsible for getting it --</p> <p>23 Q. And keeping up with how much -- for example, in this</p> <p>24 case, I'm using Jim Crownover as an example. You're</p> <p>25 responsible for keeping up with how many days he uses in</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. And so you keep up and keep them informed of when</p> <p>2 they're off, Hey, you've got this much time left, and that</p> <p>3 kind of thing?</p> <p>4 A. If they asked, if they inquired about it, if they</p> <p>5 wanted to know how much sick leave they had or how much</p> <p>6 vacation time, yes.</p> <p>7 Q. When you're doing your recordkeeping as director, Ms.</p> <p>8 Colvin, and you see somebody, Hey, she's getting pretty</p> <p>9 close to those 12 days, do you make them aware of it?</p> <p>10 A. Yeah. You got only two days left; and basically,</p> <p>11 sir, they kept up with their own time as well.</p> <p>12 Q. Okay. Do you -- are you responsible for keeping up</p> <p>13 with unused vacation and sick time?</p> <p>14 A. Unused vacation and sick time?</p> <p>15 Q. Yes, ma'am.</p> <p>16 A. Yeah.</p> <p>17 Q. Does that carry over for 911 employees?</p> <p>18 A. At the Board meeting it stopped carrying it over.</p> <p>19 Your sick leave did but your vacation didn't.</p> <p>20 Q. Vacation didn't carry over? At a Board meeting when?</p> <p>21 A. Maybe in 2006. I'm not sure.</p> <p>22 Q. 2006? Okay.</p> <p>23 A. It's going to be --</p> <p>24 Q. We can go back and find those Board minutes, but you</p> <p>25 believe there was a Board directive to quit allowing</p>
<p style="text-align: right;">Page 87</p> <p>1 2006.</p> <p>2 A. Uh-huh.</p> <p>3 Q. And that information will be in his personnel file.</p> <p>4 A. It should be in his personnel file. Yes.</p> <p>5 Q. It should be or it is in his personnel file?</p> <p>6 MR. WOODRUFF: Objection.</p> <p>7 BY MR. HUSKISON:</p> <p>8 Q. Did you put it in there in 2006?</p> <p>9 A. Yes, I did.</p> <p>10 Q. Same thing with all the employees at E-911?</p> <p>11 A. The employees, yes.</p> <p>12 Q. Okay. Now, how do you go about -- well, tell me</p> <p>13 this: How many vacation days are employees allowed at</p> <p>14 E-911?</p> <p>15 A. What you mean?</p> <p>16 Q. Vacation days. How many vacation days --</p> <p>17 A. They get one a month.</p> <p>18 Q. One a month.</p> <p>19 A. Uh-huh.</p> <p>20 Q. Twelve a year?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay. Sick days, how many?</p> <p>23 A. One a month.</p> <p>24 Q. Twelve a year.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 89</p> <p>1 vacation days to carry over?</p> <p>2 A. I do believe that -- no, actually, it's not going to</p> <p>3 be the E-911 Board. It had something to do with the Board</p> <p>4 of Supervisors. Somewhere in there, there was a directive</p> <p>5 that said that vacation time was not to be carried over.</p> <p>6 Q. Now, going back -- and we talked a little bit -- we</p> <p>7 were already talking about this some. The information was</p> <p>8 getting out on Columbus Talks.</p> <p>9 A. Uh-huh.</p> <p>10 Q. A lot of stuff in the newspaper about us as well, was</p> <p>11 it not?</p> <p>12 A. Yes, a lot of stuff.</p> <p>13 Q. Did you read that stuff?</p> <p>14 A. In the newspaper?</p> <p>15 Q. Yeah.</p> <p>16 A. No, I didn't.</p> <p>17 Q. Did you read stuff in Columbus Talks?</p> <p>18 A. No, I didn't.</p> <p>19 Q. Now, you don't know what was being said out there?</p> <p>20 A. Yeah, I knew what was being said through the</p> <p>21 dispatchers; and like I said, Bernice Lile was sending the</p> <p>22 information -- everything that was on Columbus Talk was</p> <p>23 being faxed over to the 911 center to Sherri Fancher.</p> <p>24 Q. What do you recall reading that they were saying or</p> <p>25 being told that they were saying?</p>

23 (Pages 86 to 89)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 90</p> <p>1 A. Well, they were told -- they was talking about my  2 family. They were talking about me personally and my  3 daughter and --  4 Q. Some of it was personal?  5 A. It was personal, talking about a wig I had on. They  6 was making fun of me, making fun of my daughter because she  7 is an unwed mother, talking about my grandson who was  8 overweight. They were talking about -- a lot of this is  9 personal.  10 Q. In terms -- Ms. Colvin, aside from that --  11 A. Uh-huh.  12 Q. -- in terms of things that you were doing in your  13 job --  14 A. Uh-huh.  15 Q. -- as director, what do you recall seeing on --  16 A. What I recall seeing there is going to be that I was  17 stupid. Okay. I was stupid and that -- let's see what  18 else. That there was a lawsuit that was pending because Jim  19 Crownover -- something about sexual harassment, MJIC  20 certification, that --  21 Q. There was stuff on there about certification?  22 A. I think there was something on there about the -- I  23 do believe there was something on there about the MJIC  24 certification, yeah.  25 Q. You've got MJIC certification. Tell me the other</p>	<p style="text-align: right;">Page 92</p> <p>1 schedule, and I was trying to show her it was almost  2 impossible to give those dispatchers the time that they were  3 talking about.  4 Q. Just because of the numbers?  5 A. Because of the number of the personnel that were  6 involved.  7 Q. Okay.  8 A. Now, I was presented by Beverly Brooks with some --  9 she printed out -- I guess it was maybe 20, 30 pages of what  10 was on Columbus Talks; and I don't even have that with me.  11 Had something to do with the Christmas party having alcohol  12 at it. White powder being on the -- a friend of mine, a  13 very good friend of mine brother come by. There was an  14 envelope. Supposedly it had white powder in it. There was  15 a party supposedly at the dispatch center. This was all a  16 lot of stuff personal.  17 Q. A lot of junk on Columbus Talks.  18 A. A lot of talk about me.  19 Q. I understand that.  20 A. Now --  21 Q. But there was also stuff about how -- the things with  22 certification and things that could create problems for  23 E-911.  24 A. Yeah. And I was asked by them at that time who was  25 Alan Gray. And I told them who Alan Gray was. And I</p>
<p style="text-align: right;">Page 91</p> <p>1 certifications those dispatchers need.  2 A. They need the MJ -- the Mississippi Justice  3 Information Center certifications.  4 Q. That's MJIC.  5 A. Uh-huh.  6 Q. What else?  7 A. And you need dispatcher's certification.  8 Q. Is there information on that -- on there about not  9 having the dispatcher certification as well?  10 A. Yeah. I think there was, uh-huh.  11 Q. Now, do you recall Ms. Colvin, when some on the Board  12 decided to get an outside state agency to look into our  13 certifications and our records and make sure that we were  14 where we needed to be?  15 A. This was after I was terminated.  16 Q. You don't recall having a discussion with some of the  17 Board members about that going to happen?  18 A. No. I had a meeting with Ken Moore and Beverly  19 Brooks. As a matter of fact, Beverly Brooks called me.  20 It was about the dispatchers and their working those 12  21 hours. I was called over here for a meeting with Beverly  22 Brooks.  23 Q. Okay.  24 A. And when I got here, Ken Moore showed up. I did not  25 even know he was supposed to be here. I brought over my</p>	<p style="text-align: right;">Page 93</p> <p>1 thought at the time -- because I had not -- not a whole lot  2 of conversation with Alan Gray. I thought he was a director  3 but he wasn't. Alan Gray is just one of the -- let me see  4 what his title is. Let me get back over here. Operations  5 manager.  6 Q. Okay.  7 A. That's who he is. I thought he was the director for  8 Minimum Standards training.  9 Q. All right. And you talked with Ms. Brooks and Ken  10 Moore?  11 A. Uh-huh. Yeah.  12 Q. What other things do you remember discussing in that  13 meeting?  14 A. Let's see what else was discussed in that meeting.  15 Try to give the dispatchers that time off that they were  16 requesting, that hour -- that break time on there. Let's  17 see what else. There was nothing in writing. There was  18 nothing documented. And what else was discussed? I'm  19 trying to see what else was discussed. Okay. Who Alan Gray  20 was, and then who could we get to come in and take a look  21 at -- to make sure that we were doing things right.  22 Q. They were concerned about those records and making  23 sure we were doing things right, weren't they?  24 A. No, the dispatcher, the calls taken -- the calls, how  25 the calls were being took, because we had a couple of</p>

24 (Pages 90 to 93)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 94</p> <p>1 issues. There was a couple was taken -- I think it was by  2 George White. I'm not quite even sure what the -- what it  3 was surrounding all of that, but if we were doing what we  4 were supposed to do as far as the communications center.  5 Q. And they wanted to do that with an outside third  6 party.  7 A. Well, they said -- I mean, they never said that they  8 were going to do that. This was a discussion between them  9 stating if they should do that, if there was something, that  10 we should look into that. Yeah.  11 Q. And you were part of that meeting?  12 A. I was a part of that meeting.  13 Q. Do you recall them asking you, Ms. Colvin, is there  14 anything we need to be concerned about if we're going to  15 call a third party in here?  16 A. There was nothing to be concerned about at that  17 meeting.  18 Q. Did they ask you that?  19 A. I don't know.  20 Q. You don't remember --  21 A. No.  22 Q. -- whether they asked you that or not?  23 A. I do not recall.  24 MR. HUSKISON: Just for purposes -- let me -- what  25 exhibit are we to? 4? Why don't you mark that. That will</p>	<p style="text-align: right;">Page 96</p> <p>1 MR. WOODRUFF: We've been going almost two hours.  2 MR. HUSKISON: I agree.  3 A. Yeah, that looks like what it is.  4 BY MR. HUSKISON:  5 Q. And that was March 23? Look back on the first page  6 of that, just confirm it.  7 A. That's what it says.  8 MR. HUSKISON: And for the record, we've marked as  9 Exhibit 4 Board minutes from March 23 where E-911  10 dispatchers complained about working too many hours and that  11 kind of thing.  12 A. Do you need this or not?  13 BY MR. HUSKISON:  14 Q. Yes, ma'am. We need to keep them all together.  15 A. Okay.  16 Q. Real quickly about that, when you had the meeting  17 with Ms. Broocks and Mr. Moore, was it after that Board  18 meeting where they complained?  19 A. I think it -- it may have been the day of.  20 Q. Day of?  21 A. It may have been because -- let me look and -- I do  22 believe it was either -- it wasn't after. It's going to be  23 before, and it may -- like I said, may have been the day of  24 because I do believe I did have a Board meeting that same  25 afternoon.</p>
<p style="text-align: right;">Page 95</p> <p>1 help with some dates.  2  3 -----  4 (Exhibit Number 4 marked.)  5 BY MR. HUSKISON:  6 Q. Ms. Colvin, we marked 4. That's the Board minutes  7 from March 23 --  8 A. Okay.  9 Q. -- 2007.  10 A. Okay.  11 Q. Your dismissal date was April 17.  12 A. Uh-huh.  13 Q. Okay. So we're talking about a month, a little bit  14 less than a month.  15 I believe, looking -- this is the Board meeting where  16 we had our dispatchers come in there and complain.  17 A. Uh-huh.  18 Q. Take a look at that and make sure that's right. I  19 just want to help you with some time. Does that look like  20 what that is?  21 A. (Witness reviews document.)  22 MR. WOODRUFF: We're about ready for a break,  23 aren't we?  24 MR. HUSKISON: Yeah. I was about -- let me finish  25 up with this. I agree.</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Was Ms. Broocks -- your understanding and from what  2 you took from that meeting, was she trying to assist you in  3 helping with those hours, relieve some of those folks down  4 there at the -- the dispatchers?  5 A. Rephrase that.  6 Q. Was she attempting to help you relieve some of those  7 dispatches and the hours that they were working?  8 A. Was she attempting to help?  9 Q. Yes, ma'am. Working some schedules with you and  10 things of that nature?  11 A. No, I took schedules myself. I took schedules to  12 them to show them.  13 Q. Okay. I'm talking about when you met with Ms.  14 Broocks --  15 A. Uh-huh.  16 Q. -- and you met with Ken Moore, over here, I think you  17 said it was in this --  18 A. Yeah. Right here. It was over here.  19 Q. Did she present you with some options about  20 scheduling to try to --  21 A. No, she didn't.  22 Q. She didn't?  23 A. No.  24 Q. You had your own?  25 A. I had my own schedules. I brought them with me.</p>

25 (Pages 94 to 97)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 98</p> <p>1 Q. But as you sit here, you don't remember whether that</p> <p>2 meeting was after --</p> <p>3 A. That meeting --</p> <p>4 Q. -- the March 23rd Board meeting -- hold on just a</p> <p>5 second. You don't remember whether it was after the March</p> <p>6 23rd Board meeting or before.</p> <p>7 A. When they come before this Board here -- like I said,</p> <p>8 it might be. And don't hold me to it. It might be that</p> <p>9 same day --</p> <p>10 Q. Okay.</p> <p>11 A. -- of this meeting here.</p> <p>12 MR. HUSKISON: Let's take a short break. We can</p> <p>13 finish up after we take a break; okay?</p> <p>14 A. Okay.</p> <p>15 (Brief recess.)</p> <p>16 BY MR. HUSKISON:</p> <p>17 Q. Don't remember exactly where we were, Ms. Colvin, but</p> <p>18 I think I can figure out close.</p> <p>19 A. Okay.</p> <p>20 Q. I wanted to follow up -- and I failed to include this</p> <p>21 in your letter. I think the letter that you sent initially</p> <p>22 to Alan Gray was October 23rd there, Exhibit 1.</p> <p>23 A. Uh-huh.</p> <p>24 Q. And I want to -- I think this is a roster that you</p> <p>25 sent. Can you identify that as that? You can see the date</p>	<p style="text-align: right;">Page 100</p> <p>1 A. Yes.</p> <p>2 MR. HUSKISON: And let's mark that as 6.</p> <p>3 A. May I --</p> <p>4 MR. HUSKISON: Yeah. Hold on just a second. Let</p> <p>5 her -- she's going to mark it and you can tell me.</p> <p>6</p> <p>7 -----</p> <p>8 (Exhibit Number 6 marked.)</p> <p>9 BY MR. HUSKISON:</p> <p>10 Q. Let me say something first real quick?</p> <p>11 A. Okay.</p> <p>12 MR. HUSKISON: The letter we've just marked as</p> <p>13 Exhibit 6 is a letter dated November 17 from Ms. Colvin to</p> <p>14 Alan Gray, indicating for him to send future correspondence</p> <p>15 to her, and it's got something about training and minimum</p> <p>16 standards.</p> <p>17 BY MR. HUSKISON:</p> <p>18 Q. Ms. Colvin, you wanted to tell me something</p> <p>19 else about that letter?</p> <p>20 A. Yeah. I got a post office box.</p> <p>21 Q. Okay.</p> <p>22 A. Right. Because he stated in this letter that they</p> <p>23 had sent something. I never received it. So I went to Dave</p> <p>24 Basinger, who was the -- over payroll and everything for the</p> <p>25 county and requested to get a post office box, and this is</p>
<p style="text-align: right;">Page 99</p> <p>1 on it is October 23rd.</p> <p>2 A. I can identify it, yes.</p> <p>3 Q. Did you send that in your letter?</p> <p>4 A. I sent that roster.</p> <p>5 MR. HUSKISON: Okay. Let's mark that as the next</p> <p>6 exhibit.</p> <p>7</p> <p>8 -----</p> <p>9 (Exhibit Number 5 marked.)</p> <p>10 BY MR. HUSKISON:</p> <p>11 Q. And what we marked, Ms. Colvin, as Exhibit 5 is --</p> <p>12 it's dated October 23, 2006, with your signature down there.</p> <p>13 Is that right?</p> <p>14 A. That's correct.</p> <p>15 Q. And it looks like a roster of the current dispatchers</p> <p>16 at that time.</p> <p>17 A. That's correct.</p> <p>18 Q. And I think the way your testimony was that it was</p> <p>19 attached to the letter you sent October 23, 2006, to Alan</p> <p>20 Gray.</p> <p>21 A. That's correct.</p> <p>22 Q. Okay. Now, I had one more letter that I looked over.</p> <p>23 A. Okay.</p> <p>24 Q. Tell me about that one right there. It's dated</p> <p>25 November 17. Do you remember sending that to Alan Gray?</p>	<p style="text-align: right;">Page 101</p> <p>1 where I wanted all correspondence coming from this point on</p> <p>2 so I would make sure that I got all documentation that was</p> <p>3 coming to me because that documentation -- any</p> <p>4 correspondence that came, it did not -- we didn't have a</p> <p>5 mailbox. So, therefore, all mail and everything was</p> <p>6 delivered downstairs, and the mail was subsequently brought</p> <p>7 up to the 911 center.</p> <p>8 Q. Before you had the P.O. box, you had a mailing</p> <p>9 address that was --</p> <p>10 A. Of 515 that was shared by 911 and Emergency</p> <p>11 Management.</p> <p>12 Q. Had you ever known any -- had any problems not</p> <p>13 getting mail before?</p> <p>14 A. I don't know.</p> <p>15 Q. Don't know?</p> <p>16 A. No. Don't know.</p> <p>17 Q. None that you know of.</p> <p>18 A. Well, I don't know.</p> <p>19 BY MR. HUSKISON:</p> <p>20 Q. At that old address?</p> <p>21 MR. WOODRUFF: Objection.</p> <p>22 A. I don't know.</p> <p>23 BY MR. HUSKISON:</p> <p>24 Q. That's what I'm saying. You don't know.</p> <p>25 MR. WOODRUFF: Objection.</p>

26 (Pages 98 to 101)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 102</p> <p>1 BY MR. HUSKISON:</p> <p>2 Q. None that you know of.</p> <p>3 MR. WOODRUFF: Objection.</p> <p>4 BY MR. HUSKISON:</p> <p>5 Q. Have you ever had it come up before where somebody</p> <p>6 said they sent you something and you didn't get it --</p> <p>7 A. Yeah.</p> <p>8 Q. -- at that Lowndes County mailing address?</p> <p>9 A. I have.</p> <p>10 Q. Okay. Tell me when. Give me an example.</p> <p>11 A. It's going to be maybe -- it was a letter coming from</p> <p>12 somebody in reference to needing some information -- needing</p> <p>13 a copy of our standard operating guidelines because we</p> <p>14 did -- I did share our SOPs with other 911 directors, and I</p> <p>15 had never got that.</p> <p>16 Q. What was the date and who was the person that sent</p> <p>17 it?</p> <p>18 A. The date, it's going to -- it's going to be Mr. --</p> <p>19 he's from Noxubee County 911.</p> <p>20 Q. Okay.</p> <p>21 A. And he should be -- and I cannot come up with his</p> <p>22 name, and I'm going to say it was -- I made director in 2000</p> <p>23 -- somewhere before I was deployed.</p> <p>24 Q. Back in 2001?</p> <p>25 A. No, no, no. I was deployed in 2003. So it was prior</p>	<p style="text-align: right;">Page 104</p> <p>1 A. I don't know.</p> <p>2 BY MR. HUSKISON:</p> <p>3 Q. Well, did -- you talked to them. What did they say?</p> <p>4 Did they sound like they wanted to make sure you addressed</p> <p>5 some of these issues?</p> <p>6 A. On -- I don't know.</p> <p>7 Q. You don't know?</p> <p>8 A. Like I said, it was presented to me. Presented to</p> <p>9 me.</p> <p>10 Q. They wanted to make sure we had certifications in</p> <p>11 order, didn't they?</p> <p>12 A. There was nothing about the certification. There was</p> <p>13 --</p> <p>14 Q. Never --</p> <p>15 A. I mean --</p> <p>16 Q. Go ahead. I'm sorry. I'm not trying to cut you off.</p> <p>17 I apologize.</p> <p>18 A. What that meeting was about was giving the</p> <p>19 dispatchers an hour break; and then after I got there, like</p> <p>20 I said before, she presented me with some printed documents</p> <p>21 of Columbus Talk. And then like I said before, they</p> <p>22 stated -- wanted to know who Alan Gray was. I answered</p> <p>23 their questions, Alan Gray. And they wanted to know could</p> <p>24 he or somebody come in and look at the dispatch center, and</p> <p>25 I said yeah.</p>
<p style="text-align: right;">Page 103</p> <p>1 to -- it was between 2000 and 2003.</p> <p>2 Q. Did you -- did this --</p> <p>3 A. Mr. McGaffey.</p> <p>4 Q. This E-911 director in Noxubee County said he sent</p> <p>5 you something but you never received it?</p> <p>6 A. No.</p> <p>7 Q. Any other examples?</p> <p>8 A. No. That's the only one I am familiar with.</p> <p>9 Q. Okay. Now, you had the meeting with Ms. Brooks and</p> <p>10 Ken Moore. Tell me what you remember about that meeting,</p> <p>11 what was discussed, and then we'll move on from there.</p> <p>12 A. That meeting was discussing giving the dispatchers a</p> <p>13 break, giving -- getting -- giving the dispatchers a break</p> <p>14 off the radio; and if I needed to do it, then I needed to do</p> <p>15 it.</p> <p>16 Let's see what else. Giving the dispatchers a break.</p> <p>17 Like I said, that them 20 pages that she had printed off of</p> <p>18 Columbus Talk about the personal stuff, and then about who</p> <p>19 Alan Gray was, and then at that point in time I did know who</p> <p>20 Alan Gray was because I had talked to him. I had that</p> <p>21 correspondence with him. And about -- and I do believe that</p> <p>22 is going to be -- that's it, pretty much. And --</p> <p>23 Q. Were they both concerned with what was being said on</p> <p>24 Columbus Talks?</p> <p>25 MR. WOODRUFF: Objection.</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. They did mention that?</p> <p>2 A. That was mentioned, yeah.</p> <p>3 Q. And did they go about getting that done, having Alan</p> <p>4 Gray come in?</p> <p>5 A. After I was terminated.</p> <p>6 Q. In relation to the meeting you had with them --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- when was the next meeting you had with your Board</p> <p>9 about their concerns with certifications with your job?</p> <p>10 A. That's going to be -- what do you mean?</p> <p>11 Q. When's the next meeting you had? You had a meeting</p> <p>12 with Ms. Brooks and Mr. Moore.</p> <p>13 A. Uh-huh.</p> <p>14 Q. We believe it was sometime around late March but</p> <p>15 we're not sure.</p> <p>16 A. Uh-huh.</p> <p>17 Q. When was the next meeting you had with anybody on</p> <p>18 that Board discussing their concerns with your job?</p> <p>19 A. I guess it would be the next Board meeting, which was</p> <p>20 in April.</p> <p>21 Q. That's the next time you had any discussions about</p> <p>22 it?</p> <p>23 A. I guess so. I mean, I really don't know.</p> <p>24 Q. Do you do -- did you do anything between that meeting</p> <p>25 with Ms. Brooks and Mr. Moore to address their concerns</p>

27 (Pages 102 to 105)



JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 106</p> <p>1 about the hours and breaks and whatnot?</p> <p>2 A. Yeah. I made sure the dispatchers took a break. The</p> <p>3 problem was the dispatchers did not want to -- the</p> <p>4 dispatchers did not want to -- they wanted to leave the</p> <p>5 dispatch center. I had already checked with Wage and Hour.</p> <p>6 They were not -- they were not supposed to leave the</p> <p>7 dispatch center. They wanted to actually get up and leave</p> <p>8 the dispatch center. That's what they wanted to do. But</p> <p>9 the dispatchers was, in fact, told or made to get up from</p> <p>10 the radio and take their breaks. Yes, they were.</p> <p>11 Q. And that was your directive?</p> <p>12 A. Uh-huh.</p> <p>13 MR. WOODRUFF: Yes?</p> <p>14 A. Yes, I'm sorry. I'm sorry. Yes. Yes, sir, it was.</p> <p>15 BY MR. HUSKISON:</p> <p>16 Q. And you understood --</p> <p>17 A. I'm listening.</p> <p>18 Q. You understood their concern with these dispatchers</p> <p>19 not being able to take breaks and whatnot, did you not?</p> <p>20 A. I understood that.</p> <p>21 Q. You'd been a dispatcher before, hadn't you?</p> <p>22 A. Uh-huh.</p> <p>23 Q. You like to get breaks when you --</p> <p>24 MR. WOODRUFF: Yes?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 108</p> <p>1 Board meeting -- I don't know because I don't have Board</p> <p>2 minutes in front of me, but there were several called Board</p> <p>3 meetings. One about Bernice Lile and her bringing a work</p> <p>4 schedule before the Board, having me put on that work</p> <p>5 schedule as a dispatcher to work along with everybody else.</p> <p>6 Then there was another called Board meeting, and this called</p> <p>7 -- and I cannot tell you what time frame they were because</p> <p>8 after January, after they got on the Board, there were</p> <p>9 several called Board meetings.</p> <p>10 Now, we did have a regular scheduled Board meeting,</p> <p>11 I'm going to say after -- after that March -- that April we</p> <p>12 had a regular scheduled Board meeting. And after that Board</p> <p>13 meeting, there was a called Board meeting. There was</p> <p>14 another called Board meeting. And I do believe you were at</p> <p>15 that Board meeting.</p> <p>16 Q. Was that separate from the regular meeting?</p> <p>17 A. Uh-huh. That was a separate Board meeting that was --</p> <p>18 Q. Do you remember -- you believe the regular Board</p> <p>19 meeting was held first?</p> <p>20 A. Yeah, I know the regular Board meeting was held</p> <p>21 first.</p> <p>22 Q. Do you recall any discussions about certifications</p> <p>23 and concerns during that meeting, the initial meeting, the</p> <p>24 regular meeting?</p> <p>25 A. I don't recall. I really don't. I mean, that's been</p>
<p style="text-align: right;">Page 107</p> <p>1 BY MR. HUSKISON:</p> <p>2 Q. You like to get breaks when you were a dispatcher?</p> <p>3 A. Yes, sir, but I didn't.</p> <p>4 Q. You didn't take any breaks?</p> <p>5 A. I did not. I was not allowed to leave the dispatch</p> <p>6 center.</p> <p>7 Q. Did you take breaks?</p> <p>8 A. We took a break.</p> <p>9 Q. Just what these other dispatchers wanted to do, take</p> <p>10 breaks.</p> <p>11 A. Uh-huh. Yeah.</p> <p>12 MR. WOODRUFF: Objection.</p> <p>13 BY MR. HUSKISON:</p> <p>14 Q. Okay. Now, the next communication you had with the</p> <p>15 Board about their concerns you believe was the April Board</p> <p>16 meeting?</p> <p>17 A. I think, now.</p> <p>18 Q. Tell me about that. What happened?</p> <p>19 A. We had our regular scheduled Board meeting, which was</p> <p>20 always the second Tuesday in -- yeah, second Tuesday of the</p> <p>21 month. Regular scheduled Board meeting. Let's see. I</p> <p>22 don't know what went on there. I don't know.</p> <p>23 Then there was a -- there were several Board meetings</p> <p>24 here. There was a Board meeting -- several called Board</p> <p>25 meetings. Wait a minute. There was a called -- called</p>	<p style="text-align: right;">Page 109</p> <p>1 a while ago. I don't recall.</p> <p>2 Q. Were there any discussions in that regular meeting</p> <p>3 about the fact that some third party may come in and check</p> <p>4 our records and be sure we're up to grade?</p> <p>5 A. No. Now, I don't recall that at all. No.</p> <p>6 Q. Did you ask about that? You had been -- you had</p> <p>7 talked about that with Ms. Brooks and Ken Moore. Did you</p> <p>8 ask, Hey, when are we going to get this started?</p> <p>9 A. No, I didn't.</p> <p>10 Q. Did you inform the Board in that regular meeting</p> <p>11 about your efforts to try to make sure that our folks were</p> <p>12 certified?</p> <p>13 A. I don't know. I really don't know.</p> <p>14 Q. Did you ever inform them about your efforts to try to</p> <p>15 make sure our folks were certified?</p> <p>16 A. I don't know.</p> <p>17 Q. Can't remember?</p> <p>18 A. I really don't know. To be quite honest with you, I</p> <p>19 don't know.</p> <p>20 Q. Ms. Colvin, you knew during this time frame that that</p> <p>21 was important to some of these Board members that we had</p> <p>22 everything in order up there, did you not?</p> <p>23 A. Yeah. It was important to me too.</p> <p>24 Q. Yeah. And they made you aware that that was</p> <p>25 important to them by telling you, We need to make sure we've</p>

28 (Pages 106 to 109)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 110</p> <p>1 got these certifications in order.</p> <p>2 A. I don't know.</p> <p>3 Q. You don't know whether they told you that or not?</p> <p>4 A. No, I don't.</p> <p>5 Q. Okay. You believe there was two separate Board</p> <p>6 meetings, a regularly scheduled and then a special Board</p> <p>7 meeting in April?</p> <p>8 A. Yes, there were.</p> <p>9 Q. Have you told me everything you can remember about</p> <p>10 the regular meeting in April?</p> <p>11 A. Everything I can remember without having the Board</p> <p>12 minute in front of me.</p> <p>13 Q. Okay. And we can get those Board minutes at some</p> <p>14 point. Now, the special meeting, or what I think you're</p> <p>15 referring to, was a meeting you said I was in attendance.</p> <p>16 A. Uh-huh.</p> <p>17 Q. And that was April 16?</p> <p>18 A. Yes, somewhere along that line.</p> <p>19 Q. I'll show you. Let me show you these.</p> <p>20 A. Okay.</p> <p>21 Q. And you don't prepare Board minutes for the E-911</p> <p>22 Board, do you?</p> <p>23 A. No, I don't.</p> <p>24 Q. I'm going to show you these just to help you with</p> <p>25 your date.</p>	<p style="text-align: right;">Page 112</p> <p>1 And when she was told to leave, I was called in; and then I</p> <p>2 was told to leave. Actually, I was. I was told to leave</p> <p>3 and -- by Sheriff Howard, and then if they needed me, they</p> <p>4 would come and get me; and they came and got me later.</p> <p>5 Q. Okay.</p> <p>6 A. And once they came back and got me, I was questioned</p> <p>7 about dispatcher certification, rosters had not been sent</p> <p>8 in, and blah, blah, this, that and the other. Without being</p> <p>9 prepared for what was going on, I went and pulled what I</p> <p>10 knew I had which was on those dispatchers, those rosters I</p> <p>11 had in fact, and the training that they had had so far had</p> <p>12 been sent forward.</p> <p>13 Sheriff Howard told Ken Moore, and Bernice Liles was</p> <p>14 looking for a date, told him to check with Minimum Standards</p> <p>15 Board and find out what was the hold-up on getting that</p> <p>16 information. And I was told then -- what else went in</p> <p>17 there? Oh, and I asked did I need an attorney.</p> <p>18 Q. Okay.</p> <p>19 A. I did ask if I needed an attorney. I was told not at</p> <p>20 this time by Sheriff Howard. And then I think -- and I</p> <p>21 don't know what else went on. Like I said, without having</p> <p>22 something -- I was told to leave and if they needed anything</p> <p>23 further from me, they will let me know. The Board meeting</p> <p>24 ended. I was still in my office. Everybody left. I got in</p> <p>25 my vehicle and I went home, and I think that was after 6</p>
<p style="text-align: right;">Page 111</p> <p>1 A. Okay. (Witness reviews document.) Do you want me to</p> <p>2 read it?</p> <p>3 Q. Well, does that refresh your memory as to when the</p> <p>4 date was? We're going to talk about it.</p> <p>5 A. Okay.</p> <p>6 Q. And I can ask you questions.</p> <p>7 MR. WOODRUFF: What's your question? Has she seen</p> <p>8 it before?</p> <p>9 BY MR. HUSKISON:</p> <p>10 Q. No. Does April 16 look like a date -- does that</p> <p>11 refresh your --</p> <p>12 A. It looks like the date, yeah.</p> <p>13 Q. Okay. Tell me what you remember about that meeting,</p> <p>14 how it took place, all that.</p> <p>15 A. There was an e-mail that was sent by then-chairman of</p> <p>16 Board, Sheriff Howard. It was sent and said that there was</p> <p>17 a Board meeting -- a special called Board meeting in</p> <p>18 reference to a personnel matter, and the date and time of</p> <p>19 the Board meeting. And that was it as far as what went on</p> <p>20 -- what the Board meeting was about.</p> <p>21 Several 911 commissioners called and asked me did I</p> <p>22 know what was going on with it. I said no, I didn't. So</p> <p>23 when I got to the Board meeting -- when I got to the Board</p> <p>24 meeting, you were there, the regular Board members was</p> <p>25 there, and Rowena Sykes was there. She was told to leave.</p>	<p style="text-align: right;">Page 113</p> <p>1 o'clock or so.</p> <p>2 Q. At that meeting I think you said, Ms. Colvin, you</p> <p>3 were asked questions by the Board?</p> <p>4 A. Uh-huh. Yeah. I was asked about the rosters and</p> <p>5 certification. Yeah.</p> <p>6 Q. And those questions generally were about rosters and</p> <p>7 certifications, as best you recall?</p> <p>8 A. I think so, yeah.</p> <p>9 Q. And you responded to those questions.</p> <p>10 A. I did.</p> <p>11 Q. Do you remember how you responded in terms of what</p> <p>12 the status of those things were?</p> <p>13 A. Yeah. The rosters had been sent to him; and the</p> <p>14 dispatchers, the ones that were certified, had been</p> <p>15 certified. Yeah.</p> <p>16 Q. When you were at that meeting, Ms. Colvin, did you</p> <p>17 believe everything was in order in terms of certification --</p> <p>18 A. I did.</p> <p>19 Q. -- of your folks?</p> <p>20 A. I did.</p> <p>21 Q. I say folks. It's dispatchers.</p> <p>22 A. I did.</p> <p>23 Q. Okay. Now, you stayed around your office until the</p> <p>24 Board meeting ended?</p> <p>25 A. Yeah. I was told to leave and if they needed me they</p>

29 (Pages 110 to 113)

JESSIE W. COLVIN

4/16/2010

Page 114

1 would come back and get me. No one did. And the Board  
 2 meeting was adjourned, and after that everybody came to --  
 3 went to the conference room. There was nobody there. So I  
 4 locked my door and I went home.  
 5 Q. When was your next discussion with anybody on that  
 6 Board?  
 7 A. It was going to be the next day. That next day  
 8 Sheriff Howard and Ken Moore came in. And it was after  
 9 lunch. Sheriff Howard looked in the door said that -- I was  
 10 on the radio. I was doing something. I don't even know  
 11 what I was doing. But anyway, said that he needed to speak  
 12 with me. I went downstairs in the conference room. I was  
 13 presented with -- I was presented with an agreement that I  
 14 would resign or be terminated. Well, no, an agreement I  
 15 would resign my -- let's get this right. The Board -- I'm  
 16 trying to get it in the order that it was presented; okay?  
 17 Q. Sure. Take your time.  
 18 A. The first thing was I was presented with an  
 19 agreement. Something about I would resign my position in  
 20 one month and I would not sue. There was about seven or  
 21 eight pages. I didn't finish reading it. I handed that  
 22 back to Sheriff Howard.  
 23 The next thing that was presented to me was a  
 24 memorandum from Sheriff Howard stating that the E-911 Board  
 25 of Commissioners had voted to terminate me based on poor job

Page 115

1 performance the night -- the following night. So I asked  
 2 what type of poor job performance, and I do believe it was  
 3 stated that the dispatchers were not certified. Not  
 4 keeping --  
 5 Q. Go ahead.  
 6 A. The dispatchers were not certified.  
 7 MR. HUSKISON: Let's go ahead and mark that as 7.  
 8  
 9 -----  
 10 (Exhibit Number 7 marked.)  
 11 BY MR. HUSKISON:  
 12 Q. Ms. Colvin, you were testifying about you were given  
 13 the opportunity to resign?  
 14 A. Yeah.  
 15 Q. Did you decline that opportunity?  
 16 A. Yes, I did.  
 17 Q. And at that point, you said that Sheriff Howard  
 18 provided you with a termination notice?  
 19 A. Right here.  
 20 Q. And we just marked it as Exhibit 7. It's dated April  
 21 17, '07; is that right?  
 22 A. Yeah. That's what it's dated.  
 23 Q. And he provided you information about filing a  
 24 grievance at that point as well; is that right?  
 25 A. Right there.

Page 116

1 Q. All right. Now, anything else you remember about the  
 2 meeting with the sheriff and Chief Moore?  
 3 A. That's pretty much it. I asked him about what poor  
 4 job performance, can you cite to me what poor job  
 5 performance. I've never been written up. I've never even  
 6 been disciplined the whole time I worked for 911. I was  
 7 telecommunicator of the year two times running. I was never  
 8 disciplined or was I ever called into a Board meeting, per  
 9 se, and my -- my job was below standards. As a matter of  
 10 fact, it was -- my job was as -- Board meetings was -- it  
 11 was praised. So he stated -- Ken Moore stated that because  
 12 the dispatchers were not certified, they're not certified  
 13 until the members and the Board state that they're  
 14 certified, which, in fact, on the date that they terminated  
 15 me, all dispatchers were certified, with the exception of  
 16 the new ones which were within that time frame of one year.  
 17 Their rosters and the certification that they had, the  
 18 minimum classes and everything that they had, had been sent  
 19 forward to the Minimum Standards Board. So everything was  
 20 in -- everything was up to par.  
 21 Q. You saw earlier the roster and the response from Alan  
 22 Gray.  
 23 A. Uh-huh. Yeah.  
 24 Q. Those records, I know you're saying they were up to  
 25 par.

Page 117

1 A. Yeah.  
 2 Q. But the certifications weren't. They were out of  
 3 date back as far as '02 and '03, were they not?  
 4 A. Yes. But at the time that I was terminated, all  
 5 dispatchers, all of that had been straightened out.  
 6 Dispatchers were recertified, and you will have their  
 7 professional certificates. They were recertified January of  
 8 2007. The newer employees that were there had a training  
 9 scheduled, and they were doing their training, and all those  
 10 rosters had been sent up.  
 11 Q. Now, make it clear in the record.  
 12 A. Uh-huh.  
 13 Q. We were operating our dispatch center with  
 14 uncertified dispatchers from whenever they became  
 15 uncertified in '02 and '03 forward till you finally decided  
 16 to get those certifications in order --  
 17 MR. WOODRUFF: Objection.  
 18 A. No.  
 19 BY MR. HUSKISON:  
 20 Q. -- in the end of '06.  
 21 A. No. I didn't finally decide when -- you're making it  
 22 seem like I just all of a sudden decided that the  
 23 dispatchers need to be certified, and best -- better state  
 24 something on the record as well.  
 25 Q. Okay. Go ahead.

30 (Pages 114 to 117)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 118</p> <p>1 A. Lowndes County 911 was not the only communications  2 center that had dispatchers that were not certified. As a  3 matter of fact, Brenda Gowdy, who was president of the  4 Minimum Standards Board who had took over at that time --  5 there was another president. Things were not getting done.  6 Even -- even if the certification -- the recertification,  7 the paperwork had been sent forward to the Minimum Standards  8 Board, it wouldn't have gotten done. They cleaned house.  9 They cleaned house. They found records that were -- the  10 young ladies -- the training officer responsible for sending  11 out the rosters to each discipline, whether it be 911, fire  12 department, these rosters was found in her desk. So she  13 was -- they cleaned house there. They were in the process  14 of cleaning house as well as getting everybody in the state  15 certified. We were not the only ones that were not  16 certified.  17 Q. Ms. Colvin, your responsibility is Lowndes  18 County-Columbus E-911; right?  19 A. Yes.  20 Q. It's not everybody else.  21 A. But I'm just letting you know that there were some  22 extenuating circumstances behind that.  23 Q. Would you agree with me what everybody else is doing  24 doesn't matter; it's what Lowndes E-911 was doing?  25 MR. WOODRUFF: Objection.</p>	<p style="text-align: right;">Page 120</p> <p>1 wrong. Did you send that to Sheriff Howard?  2 A. Yes, I did.  3 Q. All right. Let's take a look at -- got to look at it  4 from afar with you because I don't -- I've got a copy over  5 here somewhere, but I don't have it handy.  6 You're filing your grievance; is that right?  7 A. That's correct.  8 Q. And you filed that with the sheriff, and that went to  9 the E-911 Board; correct?  10 A. Well, it should have.  11 Q. That's where your grievance went? Do you remember  12 having a hearing or an opportunity to go before that Board?  13 A. Yes, I went before the Board.  14 Q. It was the next day, wasn't it?  15 A. Yeah, they gave me a pretty -- yeah.  16 Q. Pretty quick --  17 A. Pretty quickly.  18 Q. Pretty quick grievance, didn't they?  19 A. Sure did.  20 Q. And were you represented by counsel in that hearing?  21 A. Yes, I was.  22 Q. And who was your attorney?  23 A. Randolph Lipscomb.  24 Q. And I'm going to show you again, just for purposes of  25 your benefit of date -- this is the Board minutes from that.</p>
<p style="text-align: right;">Page 119</p> <p>1 BY MR. HUSKISON:  2 Q. You agree with that? He can object. Go ahead. You  3 can answer. You agree with that?  4 A. Well, he said objection.  5 Q. I know, but --  6 MR. WOODRUFF: You go ahead and answer. I'm just  7 preserving an objection.  8 BY MR. HUSKISON:  9 Q. You would agree with me your responsibility is  10 Lowndes-Columbus E-911.  11 A. Yeah. My responsibility is that. Uh-huh.  12 Q. All right. Now, I have a second letter. I just want  13 to make sure I get all these in.  14 A. Okay.  15 MR. HUSKISON: Let's mark that as 8.  16  17 -----  18 (Exhibit Number 8 marked.)  19 BY MR. HUSKISON:  20 Q. Look at that one, Ms. Colvin. Do you remember  21 receiving that, that particular letter?  22 A. Receiving it or --  23 Q. Yes.  24 A. -- sending it?  25 Q. Excuse me. Sending it. I'm sorry. I said that</p>	<p style="text-align: right;">Page 121</p> <p>1 A. Okay.  2 Q. It's April 19th, which is two days after your  3 dismissal; right?  4 A. Yeah.  5 Q. Okay. Tell me what you recall about that particular  6 grievance hearing, what you did, what did you present.  7 A. We just -- I presented the information, just what I  8 told you, what happened with the E-911 -- what happened with  9 the dispatcher certification, and Brenda Gowdy -- Mr.  10 Lipscomb also spoke with Brenda Gowdy by phone and explained  11 to the Board that I didn't know. I was not aware that those  12 dispatchers were not certified. I had not been trained, so  13 I was not aware. And it's when I found that out, I did  14 everything that I possibly could do to rectify the problem.  15 I got the -- I got them back up to standards where they  16 were. Got them recertified. I was not aware of that.  17 And as I stated, Brenda Gowdy can testify to the  18 disarray of the Minimum Standards Board. As far as Alan  19 Gray is concerned, I never heard anything from him until --  20 and this is basically what I told the Board, until I sent  21 that letter dated October 23rd in reference to the  22 dispatcher certification, what is needed, what is done,  23 everything that I needed to know to get those dispatchers  24 certified.  25 Q. Ms. Colvin, did you -- were you present when the</p>

31 (Pages 118 to 121)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 122</p> <p>1 Board voted on your grievance, on how to handle your 2 grievance? 3 A. No, I wasn't. 4 Q. You had left at that time? 5 A. They told me to leave. 6 Q. Let me show you the next letter. 7 MR. HUSKISON: Go ahead and mark it. 8 9 ----- 10 (Exhibit Number 9 marked.) 11 BY MR. HUSKISON: 12 Q. Do you remember receiving that letter? 13 A. Yeah. I didn't receive it. They gave it to Mr. 14 Lipscomb. Mr. Lipscomb passed it on to me. 15 Q. Gave it to your attorney at the time? 16 A. Yeah. 17 Q. And that letter is dated April 23rd, '07? 18 A. That's correct. 19 Q. We marked it as Exhibit 9. It just tells you that 20 the Board upheld termination. 21 A. That's correct. 22 Q. All right. Now, what other communication did you 23 have with the Board after receiving that letter on April 24 23rd, 2007? 25 A. What you mean, what other communication did I have?</p>	<p style="text-align: right;">Page 124</p> <p>1 vacation, and I was -- the other three weeks that I was 2 requesting, I was activated; and per guidelines of the 3 county -- not the county administrator -- the County 4 Attorney at the time was Tim Hudson, that he was not -- I 5 was not supposed to be paid for those other three weeks 6 while I was activated on active duty. 7 Q. Let me show you a couple -- so they paid you for nine 8 weeks? 9 A. Uh-huh. 10 MR. HUSKISON: Mark that as 10. 11 12 ----- 13 (Exhibit Number 10 marked.) 14 BY MR. HUSKISON: 15 Q. And that's a letter of May 14. Let me -- can I look 16 at it real quick? 17 A. Sure. 18 Q. I'm sorry. It looks like this is a letter from 19 Sheriff Howard to the Board. Did you ever see that letter? 20 A. No, I didn't. 21 Q. You never saw Exhibit 10? 22 A. No. 23 Q. Now, on June 8, a letter -- 24 MR. HUSKISON: Let's mark it as 11. 25</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. Did you have any other communication about your job? 2 A. Did I have -- oh, I applied -- I reapplied for the 3 position, and there was -- they had some -- you mean did I 4 talk to them? 5 Q. Yes, ma'am, during this time frame, not later on. 6 After you were ultimately finally dismissed, did you have 7 any discussions with Board members about the dismissal? 8 A. No. 9 Q. Okay. Now, you requested to be paid vacation time? 10 A. Uh-huh. 11 MR. WOODRUFF: Is that a yes? 12 A. Yes. Sorry. I'm so sorry. 13 (Off Record.) 14 BY MR. HUSKISON: 15 Q. And did the Board address your request? 16 A. They did in July. 17 Q. In July? 18 A. In July. 19 Q. And what was their decision? 20 A. They paid me for nine weeks instead of 12, because I 21 had 12 weeks of vacation, and those three weeks that -- my 22 understanding being in the newspaper -- my understanding, 23 because I wasn't sent anything -- documentation, I do 24 believe; but in the newspaper it was discussed something to 25 the effect that they were going to pay me for nine weeks of</p>	<p style="text-align: right;">Page 125</p> <p>1 ----- 2 (Exhibit Number 11 marked.) 3 BY MR. HUSKISON: 4 Q. Take a look at that one. I think that's the last 5 one. And that's a letter addressed to you. Do you remember 6 getting that letter where they informed you how they were 7 going to handle your vacation pay? 8 A. I really don't know. 9 Q. But you know they paid you nine weeks? 10 A. They paid me nine weeks, and I saw it in the 11 newspaper. 12 Q. Saw it in the newspaper? 13 A. As far as me getting this, I may have gotten it. I 14 don't know. If I don't have it as a part of my records, I 15 didn't get it. 16 Q. At some point or another you were represented by 17 Randolph Lipscomb, and then you changed attorneys and filed 18 an EEOC charge. 19 A. That's correct. 20 Q. And in your EEOC charge you're alleging race 21 discrimination? 22 A. Yes, sir. 23 Q. And gender discrimination. 24 A. Yes, sir. 25 Q. All right. One other thing before I get -- I want to</p>

32 (Pages 122 to 125)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 126</p> <p>1 get into some -- some information about that. We talked  2 about earlier some of your job duties were to pay bills?  3 A. Yes, sir.  4 Q. And you agree that's some of your job  5 responsibilities.  6 A. Yes, sir.  7 Q. We talked about -- we didn't talk about FCC licenses.  8 Is it your responsibility to make sure that E-911 is up to  9 date on their licensing?  10 A. It is.  11 Q. Did you do that?  12 A. I did.  13 Q. You did?  14 A. I did.  15 Q. When you left E-911 what was the status of your FCC  16 license?  17 A. You had one that was in violation.  18 Q. You had what?  19 A. You had one that had expired.  20 Q. Is that your responsibility to make sure that doesn't  21 happen?  22 A. Well, if I'm not here, I can't do anything about it.  23 Those license expire in December of 2003 and I was on active  24 duty, so --  25 Q. 2003, but you came back and you're director in '04,</p>	<p style="text-align: right;">Page 128</p> <p>1 A. No. I had gotten notice from them for the  2 extensions. Those license were extended and -- I don't  3 know. I should -- I think maybe I did, but I was in the  4 process of getting that taken care of.  5 Q. Just like you were in the process of getting  6 certifications taken care of --  7 A. Yes.  8 Q. -- you were in the process of getting those licenses  9 taken care of?  10 A. That's correct.  11 Q. All right. Now, would it also be your  12 responsibility, Ms. Colvin, that if service contracts were  13 no longer in use at the E-911, would it be your  14 responsibility to get in touch with those folks and tell  15 them, Hey, we're discontinuing our contract with you?  16 A. That's correct.  17 Q. And are you familiar with your service contract with  18 your old recording system company, NICE Corporation?  19 A. Would that be for the Dictaphone equipment?  20 Q. Yes, ma'am.  21 A. Yes, sir.  22 Q. And did you allow that contract to continue without  23 discontinuing it?  24 A. No, I didn't.  25 Q. It was discontinued by you?</p>
<p style="text-align: right;">Page 127</p> <p>1 '05 and '06?  2 A. I didn't have anything to do with that. I was trying  3 to get those licenses back. I was trying to get those  4 licenses back.  5 Q. You were attempting to get the licenses back?  6 A. That is correct.  7 Q. Had you been informed that they were not in place?  8 A. I had been informed from a letter from the FCC, and I  9 submitted the paperwork along with why, because I wasn't  10 here. I was not here when those license expired.  11 Q. I understand you weren't here back in '03 and '04,  12 but you were here in '05.  13 A. Yes, I was.  14 Q. And you were here in '06.  15 A. They were extended. The license were extended in --  16 Q. They were?  17 A. Yes, they were.  18 Q. And how many times did you have to send in  19 information to try to get those FCC licenses?  20 A. They were extended in -- two times, as a matter of  21 fact. Those licenses were extended --  22 Q. Did it twice?  23 A. I did it, did it twice.  24 Q. And I think -- I want to make sure I'm clear. Did  25 you get notice from them that they weren't up to date?</p>	<p style="text-align: right;">Page 129</p> <p>1 A. It was discontinued by me.  2 Q. When you all moved over to the integrated system?  3 A. Yes, sir, it was.  4 Q. That's your testimony under oath.  5 A. That's my testimony under oath.  6 Q. All right. Now, in this claim we've just talked a  7 little bit about your claims are for race and gender  8 discrimination.  9 A. Yes, sir.  10 Q. And I've seen your Complaint.  11 MR. WOODRUFF: Objection. There's other claims in  12 there too.  13 BY MR. HUSKISON:  14 Q. And you've got a military claim in there as well; is  15 that right?  16 A. That's correct.  17 MR. WOODRUFF: Objection.  18 BY MR. HUSKISON:  19 Q. Any more?  20 MR. WOODRUFF: Due process.  21 BY MR. HUSKISON:  22 Q. Due process. I want to talk to you a little bit  23 about race and gender; okay?  24 A. Okay.  25 Q. You're suing the E-911 Board, the Lowndes County</p>

33 (Pages 126 to 129)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 130</p> <p>1 Board of Supervisors, and these four folks right here that  2 are sitting next to me. Tell me what facts you have that  3 your race was a part of this decision, any facts that you  4 have that support that?  5 A. Should I say it?  6 MR. WOODRUFF: Yeah.  7 A. Billy Humphries, former E-911 Board of Commissioners,  8 stated that Sheriff Howard, Ken Moore, Bernice Lile and  9 Beverly Brooks stated that that job was better served by  10 male versus a female, a female could not get the job done.  11 He also stated that they did not think a female -- they  12 stated that a female was too emotional to handle that  13 position.  14 BY MR. HUSKISON:  15 Q. Billy Humphries, who is a former Board member?  16 A. Yes, because he's deceased.  17 Q. He's now dead.  18 A. That's correct.  19 Q. And he told you these four said that.  20 A. Yes, he did.  21 Q. Let's take them one at a time. What did he tell you  22 Sheriff Howard said?  23 A. He stated that Sheriff Howard stated that a female  24 was too emotional, that that job needed to be done by a  25 male.</p>	<p style="text-align: right;">Page 132</p> <p>1 take it one at a time; okay? Go ahead.  2 A. No.  3 Q. All right. Your other claim is race discrimination.  4 Tell me what facts that you have support -- in your mind  5 support your claim of race discrimination.  6 A. Billy Humphries stated that, and that -- he stated  7 that they felt that a black woman could not do the job.  8 Q. Stated that they felt --  9 A. No, he stated that they stated a black female could  10 not do the job.  11 Q. Who is they?  12 A. Sheriff Howard, Ken Moore, and Bernice Lile and  13 Beverly Brooks.  14 Q. Billy Humphries, who is now deceased --  15 A. Former 911 director.  16 Q. -- told you --  17 A. I mean -- excuse me.  18 Q. Board member.  19 A. Board member. Former E-911 Board member.  20 Q. Told you that each one of these four told him that a  21 black female can't do this job.  22 A. Yes, sir.  23 Q. Any other evidence --  24 A. No, sir.  25 Q. -- of race? That's your evidence of race. Okay.</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. All right. Let's go to Chief Moore. What did he  2 say?  3 A. The same thing. Ken Moore basically said the same  4 thing, that a female could not handle that position as an  5 E-911 director. They needed to be a male.  6 Q. Bernice Lile?  7 A. Bernice Lile the same thing.  8 Q. Tell me exactly she said. I don't want "the same  9 thing."  10 MR. WOODRUFF: Objection.  11 A. He stated --  12 BY MR. HUSKISON:  13 Q. Go ahead.  14 A. He stated that Bernice Lile felt that that position  15 should be served by a male and not a female.  16 Q. Said that Ms. Lile felt that --  17 A. No. Ms. Lile -- excuse me. I'm sorry -- stated --  18 Q. Okay.  19 A. -- that that position should be a male position  20 versus a female position.  21 Q. Okay. Same question for Ms. Brooks.  22 A. Ms. Brooks stated that that position should be held  23 by a male versus a female.  24 Q. Any other evidence or facts that you have that you  25 think support your claim that gender was the reason? Let's</p>	<p style="text-align: right;">Page 133</p> <p>1 A. Uh-huh.  2 Q. Now, I know you -- as Mr. Woodruff pointed out, you  3 have a claim under -- for USERRA, which is related to  4 military?  5 A. Yes, sir.  6 Q. Your time in the military. Why do you think your  7 service in the military had anything to do with this  8 decision?  9 A. Because the basis of what they are terminating me  10 for, FCC violations and bills not being paid, that stuff was  11 done -- this stuff come about and I wasn't here. You can't  12 fire me or discipline me. I'm on active duty. And I was  13 not paid a salary. No one -- my salary I got was from the  14 military. There's no way -- my salary was in no way being  15 paid. So I was strictly on military leave, so I can't be  16 held accountable for what happened when I wasn't here.  17 Q. And you're talking about what happened from February  18 '03 to February '04.  19 A. That's correct.  20 Q. And your dismissal was in April of 2007?  21 A. That's correct.  22 Q. Any other reason you believe military --  23 A. That's it.  24 Q. Due process.  25 MR. WOODRUFF: Objection.</p>

34 (Pages 130 to 133)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 134</p> <p>1 BY MR. HUSKISON:</p> <p>2 Q. Mr. Woodruff indicated that you have a due process</p> <p>3 claim. Why do you feel like the process that was given you</p> <p>4 was not adequate -- up to -- adequate factually?</p> <p>5 MR. WOODRUFF: If you understand the legal term</p> <p>6 "due process."</p> <p>7 BY MR. HUSKISON:</p> <p>8 Q. Yeah. From a factual -- why do you believe you</p> <p>9 weren't given a fair shake by this Board?</p> <p>10 A. What's due process?</p> <p>11 Q. It's basically not given an opportunity to tell your</p> <p>12 side of the story.</p> <p>13 MR. WOODRUFF: Objection.</p> <p>14 BY MR. HUSKISON:</p> <p>15 Q. I want to know what you -- the process that was given</p> <p>16 you, what problem do you have with it? Tell me what problem</p> <p>17 you have. I don't want to hear from Mr. Woodruff. I want</p> <p>18 to hear from you.</p> <p>19 A. Okay. The problem I have with it is I wasn't</p> <p>20 allotted enough time to get witnesses together. I wasn't</p> <p>21 even given a due process hearing in the first place.</p> <p>22 Q. Okay.</p> <p>23 A. Not by the handbook. The handbook said that you are</p> <p>24 to be given a due process hearing. I was called into a</p> <p>25 Board meeting. I didn't even know the Board meeting was</p>	<p style="text-align: right;">Page 136</p> <p>1 A. I was not told that this was in reference to my job</p> <p>2 performance, and I was not told that I was -- that they were</p> <p>3 going to vote to be -- my job was at stake. I was not told</p> <p>4 any of that.</p> <p>5 Q. Ms. Colvin, I just want to show you Exhibit 7.</p> <p>6 A. Okay.</p> <p>7 Q. And this was given to you on April 17, according to</p> <p>8 you, when you met with Sheriff Howard. Read that second</p> <p>9 sentence there. What does that say?</p> <p>10 A. The second sentence, The reason for this decision is</p> <p>11 unsatisfactory job performance and failure and/or refusal to</p> <p>12 keep the Board informed of critical issues concerning</p> <p>13 mandatory certification of personnel.</p> <p>14 Q. We've already talked about after you were dismissed,</p> <p>15 you were represented by counsel and had a grievance hearing</p> <p>16 before the Board on April 19; right?</p> <p>17 A. That's correct.</p> <p>18 Q. After that letter.</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay.</p> <p>21 A. But they -- let's clarify something here because I'm</p> <p>22 a little bit confused.</p> <p>23 Q. Please.</p> <p>24 A. You're confusing me.</p> <p>25 Q. I don't want to confuse you.</p>
<p style="text-align: right;">Page 135</p> <p>1 about me until I sat down at the table, and I was told to</p> <p>2 leave. So I wasn't allowed to bring anything forward. I</p> <p>3 wasn't allowed to present any witnesses or anything.</p> <p>4 Q. Ms. Colvin, I want to be clear. Now, you're saying</p> <p>5 you weren't given a due process hearing. I don't want the</p> <p>6 legal term. What do you think a due process hearing is?</p> <p>7 You've got obviously an opinion about it. What's a due</p> <p>8 process --</p> <p>9 MR. WOODRUFF: Objection.</p> <p>10 MR. HUSKISON: She can answer. She said it.</p> <p>11 MR. WOODRUFF: I didn't tell her not to answer. I</p> <p>12 just objected.</p> <p>13 BY MR. HUSKISON:</p> <p>14 Q. Go ahead.</p> <p>15 A. Okay. According to the Lowndes County handbook, if</p> <p>16 you are being disciplined about something, then you should</p> <p>17 be brought before whomever is in charge -- this would be the</p> <p>18 Board at this point, the E-911 Board of Commissioners -- and</p> <p>19 stated what you were being disciplined for. That didn't</p> <p>20 happen. And I should have been allowed to bring any</p> <p>21 witnesses that I needed to confirm what they needed. That</p> <p>22 didn't happen. I was not even allowed in the meeting until</p> <p>23 after the meeting was over. I was brought back, asked a few</p> <p>24 questions, then I was told to leave. I was not told --</p> <p>25 Q. Go ahead. I'm listening.</p>	<p style="text-align: right;">Page 137</p> <p>1 A. April 16th Board meeting is when they terminated me.</p> <p>2 Q. I understand.</p> <p>3 A. Okay. So this was -- this was April 17th.</p> <p>4 Q. Okay.</p> <p>5 A. Okay. I was not given an opportunity on April 16th</p> <p>6 at that Board meeting to present my evidence about what went</p> <p>7 on, my witnesses; and that's why I say I was not given a</p> <p>8 proper grievance procedure per the handbook.</p> <p>9 Q. Okay. But you were given another opportunity on</p> <p>10 April 19.</p> <p>11 A. On April 19, two days later. Yes, I was.</p> <p>12 Q. Okay.</p> <p>13 A. And according to the Lowndes County handbook, you're</p> <p>14 supposed to be given enough time to present any witnesses</p> <p>15 and bring -- to get your -- to bring any facts that you need</p> <p>16 before that Board. Two days is what I was given. Thank</p> <p>17 you, sir.</p> <p>18 Q. All right. Now, are you given that E-911 handbook</p> <p>19 when you start work?</p> <p>20 A. Yes, you are.</p> <p>21 Q. So you had a Lowndes County E-911 handbook?</p> <p>22 A. Yes, I did.</p> <p>23 Q. You were familiar with everything in that handbook?</p> <p>24 A. I wouldn't say I was familiar with everything in that</p> <p>25 handbook because I don't think -- no, I'm not going to --</p>

35 (Pages 134 to 137)



JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 138</p> <p>1 no, I wasn't familiar with everything in the handbook.  2 Q. You were familiar with the grievance process.  3 A. Yes. I had to go through that grievance process and  4 look it up.  5 Q. But you weren't familiar with requirements of  6 certification of dispatchers.  7 A. Is that in that handbook?  8 Q. It's not in the handbook but it's part of your job.  9 Were you not familiar with that?  10 A. I was not familiar enough with it -- I wasn't  11 trained.  12 Q. Okay.  13 A. I was not trained.  14 Q. All right. Now, since your dismissal, have you had  15 an opportunity to talk with any Board members about the  16 reasons you were dismissed anything at all regarding your  17 dismissal?  18 A. No, I haven't talked to any of them.  19 Q. Okay.  20 A. You mean --  21 Q. You -- go ahead.  22 A. Wait a minute. Wait a minute. As far as talking to  23 them about my --  24 MR. WOODRUFF: Listen to his question. Make sure  25 it's very precise.</p>	<p style="text-align: right;">Page 140</p> <p>1 A. Let's see. November, I do believe. I think it's  2 going to be November.  3 Q. So are we talking about April to November?  4 A. It may have been October. I'm not sure.  5 Somewhere -- it was latter on in the year, so --  6 Q. And your records will show that.  7 A. It was the latter part of the year.  8 Q. What was your first job after you left E-911?  9 A. Sitel. I worked for Sitel, which is a call center  10 over in Starkville, Mississippi.  11 Q. And how long did you work for them?  12 A. Maybe three months.  13 Q. Okay. Before you went to work for them, Ms. Colvin,  14 did you do anything else to find work?  15 A. Yes, I did.  16 Q. Tell me a little bit about that.  17 A. The employment office. I went to the employment  18 office. I filled out on-line applications for Columbus Air  19 Force Base for -- I filled out an application for  20 McDonald's. I filled out an application for Family Dollar.  21 I filled out an application -- I went to USA job site Web  22 center. I went to the Air Force job site Web center. I  23 went to various Web sites on the Web -- on the Web, filling  24 out applications. Key Temporary Service.  25 Q. You made efforts to find other work --</p>
<p style="text-align: right;">Page 139</p> <p>1 BY MR. HUSKISON:  2 Q. Since you were dismissed --  3 MR. WOODRUFF: Since you were dismissed.  4 BY MR. HUSKISON:  5 Q. -- on April 17, 2007, have you had any discussions  6 with any of these four?  7 MR. WOODRUFF: Not including April 19th.  8 BY MR. HUSKISON:  9 Q. Not including April 19. There you go.  10 A. With these four?  11 Q. Yes, ma'am.  12 A. No.  13 Q. With any other Board members?  14 A. Yes.  15 Q. Who?  16 A. Billy Humphries.  17 Q. And you've told me about those discussions.  18 A. I did.  19 Q. Did he tell you anything else?  20 A. No.  21 Q. Any discussions with any other Board members?  22 A. No.  23 Q. Now, your dismissal was April 17, 2007; and I've seen  24 your discovery responses, Ms. Colvin, that outline what you  25 did to find other work. When did you first work again?</p>	<p style="text-align: right;">Page 141</p> <p>1 A. Yes, I did.  2 Q. -- sounds like. Now, you -- after Sitel, I think it  3 shows you ended up -- finished up there at the end of '07?  4 A. That would be about right.  5 Q. Where did you work after that?  6 A. I worked for Snelling Staffing, and I worked as a  7 temporary position there with Columbus &amp; Greenville  8 Railroad. I worked there for 13 weeks because it was a  9 temporary full-time position.  10 Q. All right. After that?  11 A. And after that, what did I do? I got -- that ended.  12 I went back on my job search again looking for jobs. And  13 I'm going to say maybe -- I don't know the time frame in all  14 of this, but I was called back again by Snelling for the  15 company -- it was Columbus &amp; Greenville, but it was taken  16 over by -- it was bought out by Genesee in Wyoming or  17 Rochester, and then I went back there. I started out  18 temporary again; and after the background investigation,  19 after everything was completed -- second time, background  20 investigation, I was offered the permanent position, so  21 that's where I am right now.  22 Q. Did you start there in -- I think your records show  23 roughly in April of '09 in a full-time position?  24 A. Yes.  25 Q. What's your salary there?</p>

36 (Pages 138 to 141)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 142</p> <p>1 A. Salary is 35,000 a year.</p> <p>2 Q. Insurance?</p> <p>3 A. Insurance is 75 -- you mean how much is the</p> <p>4 insurance?</p> <p>5 Q. Are you provided insurance?</p> <p>6 A. Yeah, I'm provided insurance. I'm provided medical,</p> <p>7 dental -- medical and dental insurance. Uh-huh.</p> <p>8 Q. Any other benefits?</p> <p>9 A. And the 401(k). Provided 401(k).</p> <p>10 Q. Now, any other sources of income during that time</p> <p>11 frame from the date of your dismissal in April of '07</p> <p>12 forward to today?</p> <p>13 A. Vacation. The money that they gave me for</p> <p>14 vacation --</p> <p>15 Q. Okay.</p> <p>16 A. -- my vacation time, and unemployment.</p> <p>17 Q. You drew unemployment during that time?</p> <p>18 A. Yes, I did. I drew unemployment.</p> <p>19 Q. Other than those sources, any others of income?</p> <p>20 A. My family helped me. When I first got terminated my</p> <p>21 family helped me because my family helped me pay my bills.</p> <p>22 Q. But as far as you working and getting paid, that was</p> <p>23 it. We've talked about them all.</p> <p>24 A. That's it.</p> <p>25 Q. Part of your claim, Ms. Colvin, is for emotional</p>	<p style="text-align: right;">Page 144</p> <p>1 A. For the first two months I just kind of retreated. I</p> <p>2 retreated. I've had emotional issues since then.</p> <p>3 Q. I want you to be specific. I know you say you were</p> <p>4 devastated.</p> <p>5 A. Uh-huh.</p> <p>6 Q. You were crying a lot. Tell me --</p> <p>7 A. Yeah. I stopped going to church. Stopped having</p> <p>8 anything to do with my friends. My brother came to check on</p> <p>9 me quite often.</p> <p>10 Q. Where did you go to church?</p> <p>11 A. I went to Canaan Baptist Church.</p> <p>12 Q. Canaan?</p> <p>13 A. Uh-huh. On Bell Avenue.</p> <p>14 Q. Are you going back there now?</p> <p>15 A. No, sir.</p> <p>16 Q. Where do you go to church now?</p> <p>17 A. Right now I don't go to church because I work at</p> <p>18 night.</p> <p>19 Q. All right. You said your brother came to see you?</p> <p>20 A. Yeah. My brother came to see me on several different</p> <p>21 occasions.</p> <p>22 Q. Who is your brother?</p> <p>23 A. Urie Reed. U-R-I-E. And his last name is Reed,</p> <p>24 R-E-E-D.</p> <p>25 Q. R-E-E-D. Do you have any other brothers and sisters?</p>
<p style="text-align: right;">Page 143</p> <p>1 distress.</p> <p>2 A. Uh-huh.</p> <p>3 Q. Have you seen a doctor for any emotional issues?</p> <p>4 A. No, I have not seen a doctor because I didn't have</p> <p>5 any money.</p> <p>6 Q. Have you taken any medicine for emotional issues?</p> <p>7 A. No.</p> <p>8 Q. Have you taken any medication since you left in April</p> <p>9 of 2007?</p> <p>10 A. For emotional issues?</p> <p>11 Q. Yes, ma'am.</p> <p>12 A. No.</p> <p>13 Q. You really haven't seen a doctor or been treated with</p> <p>14 any medication. Tell me -- just tell me in your own words</p> <p>15 what your -- what do you believe your emotional problems are</p> <p>16 that were created by this decision by the Board?</p> <p>17 A. My emotional problems, it devastated me. It</p> <p>18 devastated me because I put everything into this job. I did</p> <p>19 it -- I was crying, possibly suicidal. I refused to go out</p> <p>20 and do anything. I refused to talk to anybody. I was</p> <p>21 just -- for that first -- those first couple of months</p> <p>22 there, I just could cry. I cried all the time. I cried all</p> <p>23 the time because I've never failed at anything before.</p> <p>24 So --</p> <p>25 Q. For the first two months?</p>	<p style="text-align: right;">Page 145</p> <p>1 A. Yes, I do.</p> <p>2 Q. Who else?</p> <p>3 A. I have a brother R. L. Reed, who also came to check</p> <p>4 on me, and -- I only have two brothers.</p> <p>5 Q. Do they live in this area?</p> <p>6 A. R. L. Reed lives in Texas, and Urie died two years</p> <p>7 ago of cancer.</p> <p>8 Q. All right. Anything else you want to tell me about</p> <p>9 emotional issues?</p> <p>10 A. Yeah. I just couldn't sleep. Headaches, and</p> <p>11 constantly upset stomach due to stress.</p> <p>12 Q. Ms. Colvin, were a lot of those problems relieved</p> <p>13 once you found other work?</p> <p>14 A. No. Not really. Some of them were, but no, not</p> <p>15 really, because I was -- it was a public firing. You know</p> <p>16 how you -- take you out and put you in front of the</p> <p>17 courthouse and -- and -- it was a public firing for things</p> <p>18 that I did not do.</p> <p>19 Q. Other than your brother, are there going to be any</p> <p>20 other witnesses who are going to talk about your emotional</p> <p>21 issues?</p> <p>22 A. Yeah. My daughter is going to talk about my</p> <p>23 emotional issues. Her name is Shannon.</p> <p>24 Q. You told me about her. What will Shannon say about</p> <p>25 your emotional problems?</p>

37 (Pages 142 to 145)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 146</p> <p>1 A. She's going to tell you that I was withdrawn, I was  2 crying a lot, I was possibly suicidal, because I lost  3 everything I had. I had no income, no nothing, for being  4 accused of things I didn't do.  5 Q. Now, you said you didn't go to a doctor. Did your  6 insurance continue for a time with Lowndes County?  7 A. COBRA insurance?  8 Q. Yes, ma'am.  9 A. I don't know. I got a letter from the county  10 administrator that stated I needed to do COBRA, and I don't  11 have that document with me, but I don't -- I don't know.  12 Q. Did you continue -- did you sign up to continue your  13 insurance coverage?  14 A. No. I didn't have money.  15 Q. All right. You mentioned Shannon and, of course,  16 your brother. Any others?  17 A. Yeah. Clifford Robinson.  18 Q. Tell me about Clifford.  19 A. He is going to be -- well, significant other.  20 Q. Does he live with you at your home in New Hope?  21 A. No.  22 Q. Where does he live?  23 A. He lives at 220 20th Street North, and right now he  24 is deployed on active duty.  25 Q. Where is he?</p>	<p style="text-align: right;">Page 148</p> <p>1 THE WITNESS: Okay.  2 MR. HUSKISON: We'll get this thing finished up.  3 (Brief recess.)  4 MR. HUSKISON: I have no other questions. Thank  5 you for your time today.  6 MR. WOODRUFF: Let's see. I think I might have  7 something. Yeah. Just one question.  8  9 EXAMINATION  10 BY MR. WOODRUFF:  11 Q. After -- after the 911 commission denied your  12 grievance, did you try to appeal to the Lowndes Board of  13 Supervisors?  14 A. I did.  15 Q. Tell me about that.  16 A. I sent a letter per the handbook and per the bylaws  17 to the then county administrator, Nick Hairston, requesting  18 a grievance before the Lowndes County Board of Supervisors.  19 Q. And what happened with that?  20 A. He sent the letter back to my attorney stating that I  21 could not go before the Board of Supervisors.  22 MR. WOODRUFF: Nothing further.  23 MR. HUSKISON: All right.  24 (Deposition concluded at 12:12 p.m.)  25</p>
<p style="text-align: right;">Page 147</p> <p>1 A. He's right now, I do believe, in Afghanistan.  2 Q. In April of '07 -- or when was he deployed?  3 A. He got deployed in 2006, but he's been back and forth  4 home.  5 Q. Back and forth at home?  6 A. Uh-huh. Yeah.  7 Q. So he's seen you just different times when he's been  8 home.  9 A. Yes.  10 Q. Whatever times those were?  11 A. That's correct.  12 Q. Okay. Anybody else?  13 A. I think that's going to be it for right now.  14 THE WITNESS: Do we reserve the right --  15 MR. WOODRUFF: We can always supplement.  16 THE WITNESS: Okay. All right.  17 BY MR. HUSKISON:  18 Q. Yeah. And if you supplement, we reserve the right to  19 maybe ask you some more questions, but --  20 A. Okay. That's fine.  21 Q. But anyway.  22 MR. HUSKISON: I tell you what let's do. Let's  23 take a quick break. I may be about done. And if you'll sit  24 tight, I'm going to take these folks out for just a second.  25 We'll be right back in; okay?</p>	<p style="text-align: right;">Page 149</p> <p>1 CERTIFICATE  2  3 STATE OF MISSISSIPPI )  4 COUNTY OF MONROE )  5 RE: ORAL DEPOSITION OF JESSIE W. COLVIN  6 I, Gena Mattison Glenn, CSR 1568, a Notary Public  7 within and for the aforesaid county and state, duly  8 commissioned and acting, hereby certify that the foregoing  9 proceedings were taken before me at the time and place set  10 forth above; that the statements were written by me in  11 machine shorthand; that the statements were thereafter  12 transcribed by me, or under my direct supervision, by means  13 of computer-aided transcription, constituting a true and  14 correct transcription of the proceedings; and that the  15 witness was by me duly sworn to testify to the truth and  16 nothing but the truth in this cause.  17 I further certify that I am not a relative or  18 employee of any of the parties, or of counsel, nor am I  19 financially or otherwise interested in the outcome of this  20 action.  21 Witness my hand and seal on this 30th day of April,  22 2010.  23  24  25 My Commission Expires: Certified Shorthand Reporter 1568  July 11, 2011 Notary Public</p>

38 (Pages 146 to 149)

JESSIE W. COLVIN

4/16/2010

<p style="text-align: right;">Page 150</p> <p>1 IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI</p> <p>2 JESSIE COLVIN PLAINTIFF</p> <p>3 VS. CIVIL ACTION NO. 1:09CV187-M-D</p> <p>4 LOWNDES COUNTY, MISSISSIPPI, ET AL DEFENDANTS</p> <p>5</p> <p style="text-align: center;">CERTIFICATE</p> <p>6 I, Jessie W. Colvin, have read the foregoing pages,</p> <p>7 1-149, of the transcript of my deposition given on April 16,</p> <p>8 2010, and it is true, correct and complete to the best of my</p> <p>9 knowledge, recollection and belief except for the list of</p> <p>10 corrections, if any, attached on a separate sheet herewith.</p> <p>11 Witness my hand, this the day of</p> <p>12 , 2010.</p> <p>13</p> <p>14 Jessie W. Colvin</p> <p>15</p> <p style="text-align: center;">CERTIFICATE</p> <p>16</p> <p>17</p> <p>18 Subscribed and sworn to before me, this the</p> <p>19 day of , 2010.</p> <p>20</p> <p>21</p> <p>22 Notary Public in and for the</p> <p>23 My Commission State of Mississippi</p> <p>24 Expires:</p> <p>25</p>	<p style="text-align: right;">Page 152</p> <p>1 GLENN-HENRY REPORTING</p> <p>2 P.O. BOX 492</p> <p>3 AMORY, MS 38821-0492</p> <p>4 April 30, 2010</p> <p>5</p> <p>6 Honorable Ron L. Woodruff</p> <p>7 Waide &amp; Associates</p> <p>8 P.O. Box 1357</p> <p>9 Tupelo, MS 38802-1357</p> <p>10</p> <p>11 RE: Jessie Colvin vs. Lowndes County, MS, et al</p> <p>12 No. 1:09CV187-M-D</p> <p>13 Dear Mr. Woodruff:</p> <p>14 Enclosed is your copy of the transcript of the deposition of</p> <p>15 Jessie W. Colvin, taken in the above entitled and numbered</p> <p>16 cause on April 16, 2010.</p> <p>17 Also enclosed is the signature page and corrections page to</p> <p>18 be used by the deponent when reading your copy of the</p> <p>19 deposition.</p> <p>20 After the signature page and corrections page have been</p> <p>21 completed by the deponent, and properly signed by a Notary,</p> <p>22 please return these forms to Mr. Berkley N. Huskison, so</p> <p>23 that they may be attached to the original transcript.</p> <p>24</p> <p>25 If the completed signature page and corrections sheet have</p> <p>not been received by Mr. Berkley N. Huskison on or before</p> <p>June 5, 2010, (30 days), reading and signing will be waived.</p> <p>Thank you for your cooperation.</p> <p>Sincerely,</p> <p>Gena Mattison Glenn</p> <p>CSR 1568</p> <p>Enclosures</p> <p>cc: Mr. Berkley N. Huskison</p>
<p style="text-align: right;">Page 151</p> <p>1 GLENN-HENRY REPORTING</p> <p>2 P.O. BOX 492</p> <p>3 AMORY, MISSISSIPPI 38821-0492</p> <p>4</p> <p style="text-align: center;">CORRECTION LIST</p> <p>5 Jessie Colvin vs. Lowndes County, MS, et al</p> <p>6 Lowndes - Circuit - No. 1:09CV187-M-D</p> <p>7</p> <p style="text-align: center;">CAPTION</p> <p>8</p> <p>9 April 16, 2010 Jessie W. Colvin</p> <p>10</p> <p>11 DATE OF DEPOSITION DEPONENT'S NAME</p> <p>12</p> <p>13 PAGE LINE CORRECTION REASON</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Jessie W. Colvin</p>	

39 (Pages 150 to 152)

**COLUMBUS/LOWNDES E911  
COMMUNICATION CENTER**  
515 2<sup>ND</sup> AVENUE NORTH  
COLUMBUS, MISSISSIPPI 39701  
TELEPHONE (662) 329-5726 Fax (662) 329-5721  
EMAIL LCJCOLVIN@BELLSOUTH.NET

October 23, 2006

Ms. Jessie W. Colvin, E911 Director  
Lowndes County E911  
515 2<sup>nd</sup> Avenue North  
Columbus, Mississippi 39702

Attn: Mr. Allen Gray  
Emergency Telecommunicator  
Mississippi Peace Officer Standards and Training  
3750 I-55 Frontage Rd N  
Jackson, Mississippi 39211-6323

Dear Mr. Gray:

I am sending my Employee Roster as required by minimum standards. I have been made aware that some of the employees on this roster will not meet the minimum standards requirements. The paperwork as well as the 16-hour re-certification class has been scheduled for the employees that are not in compliance. You will be receiving all the paperwork within the next couple of weeks.

I have not received any information from The Minimum Standards Board in writing or via telephone that an employee roster should be sent in when new employees were hired or old employees left the agency. I do pose the question, Why haven't I received correspondence from The Minimum Standards Board requesting the employee rosters and other information needed to keep my dispatchers in compliance? Where is this information sent and who should receive it. I am also requesting the following information because it has never been provided to me before:

- (1) Policy and Procedures regarding Minimum Standards Training and Requirements
- (2) What classes are reimbursable by Minimum Standards?
- (3) In Service Training: What are the requirements?
- (4) A list of qualified instructors to teach the classes.
- (5) How is the information from Minimum Standards Board disseminated down to the PSAP's in the State of Mississippi and,
- (6) What type of changes are in effect and how will I be notified?

①

Exhibit #

1

Testimony of

Jessie Colvin

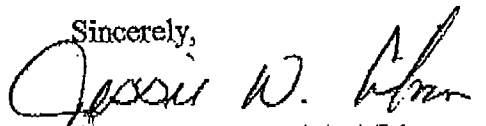
Date

4/16/10

Page 2

Mr. Allen, I am employing your assistance with this matter. Please let me know who the contact people are in reference to obtaining the information that is necessary to get my Telecommunicators in compliance. I looked forward to hearing from you and any suggestions that you have to help me with this situation.

Sincerely,

  
Jessie W. Colvin, E911 Director

(2)



HALEY R. BARBOUR  
GOVERNOR

STATE OF MISSISSIPPI  
DEPARTMENT OF PUBLIC SAFETY

GEORGE PHILLIPS  
COMMISSIONER

PEACE OFFICER  
STANDARDS AND TRAINING

ROBERT D. DAVIS  
DIRECTOR

October 26, 2006

Ms Jessie W. Colvin, Director  
Lowndes County E-911  
512 2nd Avenue North  
Columbus, Ms 39702

Exhibit #

2

Testimony of

Jessie Colvin

Date

4/16/10

Director Colvin,

Enclosed you will find a memorandum sent May 22, 2006 to your attention which gives the Legislative authorization and the requirements for initial certification and re-certification.

The current policies of the Mississippi Board of Emergency Telecommunications Standards and Training are on file with the Secretary of State's office as well as on-line at [www.dps.state.ms.us](http://www.dps.state.ms.us) click on Public Safety Planning, click on Standards and Training, click on Emergency Telecommunications. This site also gives you access to any and all Board approved forms for emergency telecommunications.

You question this office as to its lack of correspondence with your agency, however the previous request for the Emergency Telecommunicator Roster have been sent to the same address as the one you received this year. According to policy an agency is required to furnish the Board a current roster once a year. The policy does not require a formal request be made, but as a courtesy a roster request has been sent to your agency.

The Board has established that it was empowered to set minimum requirements for certification and re-certification of Emergency Telecommunicators. The Basic Communicator Course, Emergency Medical Dispatch Course, and Eight(8) Hour Field Observations required for initial certification are reimbursable after certification is achieved. The State Re-Certification Course and elective courses relating to emergency telecommunications are reimbursable while a valid certification is maintained.

Your letter also asked how the Board disseminates information to the PSAP's, the Board meets quarterly and at least two(2) meetings per year have been held in conjunction with state conferences of Emergency Telecommunications. The last meeting was held October 18, 2006 at the Ms 911 Coordinator's Conference in Tunica, Ms. The Board meetings are open to the public and attendance at the conferences allows communicators and supervisors easy access to the Board.

If and when the Board makes significant changes to policy, it is published for public review on our website and on the Secretary of State's website. The staff also prepares a memorandum of understanding to be sent to all agencies. The attached May 22 memo is such an example.

You have also requested a list of State certified instructors. The currently active instructors include the following:

Ms Brenda Gowdy, Lee County Communications  
Ms Trebia Rogers, Grenada Central Communications  
Ms Gwen Davis, Indianola, Ms  
Ms Tammy Adkins, Neshoba County E-911  
Mr Mike Robertson, Ms Band of Choctaw Indians Fire Department  
Lt Robert Graham, Jackson Police Department  
Ms Vinnie Cooley, Lauderdale County E-911  
Ms Barbara Windham, Jones County 911  
Ms Corrinna Clarke, Pascagoula Police Department  
Ms Greta Temple, Madison Police Department

We are confident that any of these instructors would be of assistance in any training.

This office extends an offer to assist you in coming in compliance with Mississippi laws and Board policies covering the certification of your emergency telecommunicators. You may contact me at 601-987-3063 or by e-mail at [agray@mdps.state.ms.us](mailto:agray@mdps.state.ms.us).

Sincerely,

Alan Gray  
Operations Management Analyst, Principle  
Ms Department of Public Safety Planning  
Office of Standards and Training

enclosures

cc: file

(4)



## MEMORANDUM

To: All Agency Directors

From: Mississippi Board of Emergency Telecommunications Standards and Training

Subject: State Certification for Emergency Telecommunicators

The Board and its staff have authorized the following information to be issued to all agencies utilizing Emergency Telecommunicators.

On July 1, 1993 the Mississippi Legislature established the Mississippi Board of Emergency Telecommunications Standards and Training. The Board was empowered to develop minimum standards for the training and certification of public safety and 911-telecommunicators. This act further states:

" Any state agency or political subdivision that employs a person as a telecommunicator who does not meet the requirements of this act [Laws, 1993,ch536], or who employs a person whose certificate has been suspended or revoked under provisions of this act is prohibited from paying the salary of such person, and any person violating this subsection shall be personally liable for making such payment".

The Board wants to be clear with its requirements for certification, and this memo will attempt to detail current requirements.

### CERTIFICATION

Initial certification must be completed within twelve (12) months of the date of hire.

- (1) An Application for Certification ( parts I, II ,and III) is to be sent to the Board within thirty (30) days of hire.
- (2) The forty (40) hour Basic Communications Course is required of all telecommunicators. APCO and NECI are the approved vendors at this time.
- (3) An eight hour field observation in each of the disciplines (law enforcement, fire, emergency medical services) the telecommunicator will serve is required.
- (4) If the telecommunicator will dispatch emergency medical services, the completion of an Emergency Medical Dispatch Course is required. APCO, NECI, NAEMD, and United States DOT are the approved courses at this time.

The initial certification is valid for thirty-six (36) months from the date of issuance. A re-

5

- (3) Overnight accommodations prior to training are authorized only if the distance to training is greater than one hundred (100) miles and the training begins at or before eight (8) AM. No overnight expenses are allowed following the end of class.
- (4) If an agency sends multiple students to the same class they must car pool. A rule of four (4) students per car will be followed for mileage reimbursement.
- (5) Out-of State travel requires prior written approval of the Board staff.

The termination of an emergency telecommunications employee must be reported to the Board within ten (10) days using the Termination/Reassignment form. When applicable, the telecommunicator's "Professional Certificate" must be returned to the Board following the termination/reassignment of the employee.

All agencies are required to submit an annual roster of emergency telecommunicators employed by their agency and the current certification status of each telecommunicator.

If you have questions concerning certification requirements, documentation of training, availability of training classes, or reimbursement of training expenses, please contact either Mr. Alan Gray or Mr. Derek Robertson at the following:

Office of Standards & Training  
3750 I-55 North Frontage Road  
Jackson, Mississippi 39211

(601) 987-3063 Alan Gray  
(601) 987-3070 Derek Robertson  
(601) 987-3086 Fax

We can also be reached by email at [agray@mdps.state.ms.us](mailto:agray@mdps.state.ms.us) or [drobertson@mdps.state.ms.us](mailto:d Robertson@mdps.state.ms.us)

certification process should be completed prior to expiration of the initial certificate.

The re-certification process requires completion of the following:

- (1) Completion of at least forty-eight (48) hours of board-approved electives from no fewer than six (6) subject areas.
- (2) Completion of the State Re-Certification Course during the last twelve(12) months of the initial certification.\*
- (3) Submission of an Application for Re-Certification.

\* Re-certification course only required for the first re-certification.

### REIMBURSEMENT of TRAINING EXPENSES

The requirements of special training under the Act are also supported by a reimbursement system to fund the expenses incurred for training. The Act allows the Board to set limits on amounts for reimbursement and the Board has included the following expenses in its reimbursement allowances:

- (1) Tuition Cost for all Board approved courses.
- (2) Salary for actual time in training class.\*
- (3) Expenses to include meals, lodging and mileage for attending out of area training.

\* Salary expenses are not reimbursable if the telecommunicator is out of compliance.

Limits must be imposed on training costs to protect the integrity of the program and the Board has made the following limitations:

- (1) Tuition is set by type of training with a range allowed as follows:

Basic Communications	\$350.00 to \$395.00
EMD	\$300.00 to \$350.00
Re-Certification	\$175.00 to \$200.00
Electives	An average of \$17.50 per hour

- (2) Meal rates cannot exceed the state per-diem rate and should be limited to the following maximum amounts for partial travel days:

Breakfast	\$7.00
Lunch	\$13.00
Dinner	\$20.00

LOWNDES COUNTY E-911  
 ROSTER REVIEW AND CERTIFICATION STATUS  
 15-Nov-06

LAST NAME	FIRST NAME	SOCIAL SECURITY #	DATE OF HIRE	CERT NUMBER	CERT STATUS	CERT NEEDS
BROWN	JACQUELINE		3/1/95	E-00900	EXP 2/03	NEED RE-CERT APP, 6 ELECTIVES/48 HRS
BURGIN	JULIA		11/16/1998	E-02738	EXP 7/03	NEED RE-CERT APP, 6 ELECTIVES/48 HRS
COLVIN	JESSIE		6/19/1989	E-00032	EXP 5/02	NEED RE-CERT APP, 5 ELECTIVES/32 HRS
CROWNOVER	JAMES		6/28/1989	E-00035	EXP 4/02	NEED RE-CERT APP, 6 ELECTIVES/48 HRS
EDWARDS	KAMILAH		6/28/2006	N/A	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES
FANCHER	SHERI		7/2/1990	E-00056	EXP 4/02	NEED RE-CERT APP, 5 ELECTIVES/32 HRS
FARIS	RUTH		12/18/1991	E-00024	EXP 4/02	TERM 5/99, NEED APP, 6 ELECTIVES/48 HRS
HATCHER	MITZI		11/29/1989	E-00078	EXP 4/02	NEED RE-CERT APP, 6 ELECTIVES/48 HRS
KOROM	PAUL		6/30/2006	N/A	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES
LORENZ	AARON		9/27/2006	N/A	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES
MOTES	PHYLLIS		3/23/2006	E-03030	OK 11/07	OK
SHEPARD	PATSY		4/16/1994	E-00239	EXP 4/02	TERM 5/99, NEED APP, 6 ELECTIVES/48 HRS
SINGLETON	SHALONDA		6/5/2006	N/A	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES
WHITE	JOYCE		5/20/2005	N/A ***	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES

\*\*\* Ms WHITE IS OVER 12 MONTH GRACE PERIOD.

100



HALEY R. BARBOUR  
GOVERNOR

STATE OF MISSISSIPPI  
DEPARTMENT OF PUBLIC SAFETY

GEORGE PHILLIPS  
COMMISSIONER

PEACE OFFICER  
STANDARDS AND TRAINING

ROBERT D. DAVIS  
DIRECTOR

January 24, 2007

Columbus-Lowndes County E-911  
P O Box 1101  
Columbus, Ms 39703

Dear Ms Colvin,

Thank you for submitting your FY 2007 roster of Emergency Telecommunicators. Our staff has reviewed the roster and attached is a listing of the status of each communicator according to our records.

If you disagree with our findings, please contact either Alan Gray or Derek Robertson to reconcile the differences.

The Department of Public Safety web site [www.dps.state.ms.us](http://www.dps.state.ms.us) contains a link to all forms necessary to properly attain certification and a link to the training calender to schedule training.

Thank you again for your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Gray".

Alan Gray  
Operations Management Analyst, Principle

Exhibit # 3  
Testimony of Jessie Colvin  
Date 4/16/10

AGENCY: Columbus-Lowndes County E-911					
DATE REVIEWED: 1/24/2007					
LAST	Social Security	DATE OF	CERT	EXP	NEEDED
Colvin		3/1/1995	E-02738	1/1/2010	Exp 07/03, re-cert as of 01/01/2007
		6/19/1989	E-00032	1/1/2010	Exp 05/02, re-cert as of 01/01/2007
		6/28/1989	E-00035	1/1/2010	Exp 04/02 re-cert as of 01/01/2007
Fancher		7/2/1990	E-00056	1/1/2010	Exp 04/02, re-cert as of 01/01/2007
		12/18/1991	E-00024	1/1/2010	Exp 04/02, re-cert as of 01/01/2007
Hatcher		11/29/1989	E-00078	1/1/2010	Exp 04/02, re-cert as of 01/01/2007
		6/30/2006	new	6/30/2007	Basic, EMD, 3 Rides
Lorenz		9/27/2006	new	9/27/2007	Basic, EMD, 3 Rides
		3/23/2006	E-03030	11/1/2007	Application, Transfer of Certificate
Singleton		6/5/2006	new	6/5/2007	Basic, EMD, 3 Rides
		5/20/2005	new	5/20/2006 *	EMD, 3 Rides
Edwards		6/28/2006	new	6/28/2007	Not on last roster need termination notice
		4/16/1994	E-00239	4/1/2002	Not on last roster need termination notice
Brown		3/1/1995	E-00900	2/1/2003	Not on last roster need termination notice

\* Not eligible for any reimbursements.

## **State of Mississippi County of Lowndes**

### **E911 March 23<sup>rd</sup> Board Minutes**

The Columbus-Lowndes E911 Board of Commissioners met in a special meeting pursuant to adjournment on **Friday afternoon March 23<sup>rd</sup>, 2007 at 4:00 o'clock p.m.**, in the conference room of the EMA & E911. President CB Howard called the meeting to order.

**Present:** All Board Members  
Director & Secretary

**Meeting Purpose:** The work schedule of E911 Dispatchers.

#### **I. Closed Determination:**

Commissioner Beverly Brooks offered the motion to go in closed determination Commissioner R.W. "Bobby" Gale seconded the motion.

#### **II. Executive Session:**

Commissioner R.E. "Bobby" Gale offered the motion to go into executive session, seconded by Commissioner Beverly Brooks, the board voted 7-0 to discuss a personnel matter in regards to E911 Dispatchers expressing signs of high work stressed levels, over worked scheduling, and not having sufficient break time.

III. Commissioner Bernice Lile offered to the board of commissioners, work complaints on behalf of three (3) veteran dispatchers, **Jim Crownover, Sheri Fancher, and Mitzi Hatcher. Commissioner Bernice Lile concerns:** The three dispatchers are under the consideration of resigning from the job due to the shortage of dispatchers in the day- to-day operations for the following reasons:

(1) Mentally Stressed

(2) Over Worked scheduling

(3) Not having sufficient break time during the day-to-day operations

Commissioner Bernice Lile presented a work schedule that would include assigning/scheduling Director Jessie Colvin to work at a station to give dispatchers break times as well as lunchtime.

**Director Jessie Colvin:** The three (3) dispatchers have not made their concerns

Exhibit # 4  
Testimony of Jessie Colvin  
Date 4/16/10

known to Jessie Colvin as director of E911 Telecommunications; in the form of a complaint or request. The director informed the board, the order of dispatchers' work scheduling. The director is presently working day shifts and late shifts due to the shortage of dispatcher's help, to give relief to regular dispatchers. The new hires are in the stages of taking the voice and background test. The process slow and is not complete; there is only one person at CPD to conduct the voice checks, which makes the dispatchers' hiring a slow process. After seven (7) positions are filled; the overtime will cease, there should not be a shortage of dispatchers. There will be four (4) people on duty during most of the shifts. Director Colvin explains: There is at all times a veteran dispatcher at every shift with the dispatchers in training. The part-time help (firemen) are not available until 4:00 p.m. during the week. Director Colvin indicated to the board, dispatchers will not take breaks when the opportunity is open to do so.

#### **IV. Chain of Command:**

Chief Ken Moore suggested to the board; the dispatchers should follow the (a) "Chain of Command" When dispatchers have requests, concerns, any matters in regards to a personnel issue: Take it first to Director Jessie Colvin, if the director does not provide the dispatchers with a satisfactory answer or answer that leaves doubts, the director should give the dispatchers the opportunity to bring the matter to the board.

**(b) Recommendations to Director: Encourage every dispatcher to take daily breaks,**

**20 minutes morning breaks**

**30 minutes lunch**

**20 minutes afternoon breaks**

**(c) Chief Ken Moore offered the motion for President Howard to contact Jim Crownover, Sheri Fancher, and Mitzi Hatcher to give them the opportunity to register the above complaints to the board. Commissioner Billy Humphries seconded the motion and the board voted 7-0.**

#### **V. End Executive Session:**

Commissioner Billy Humphries offered the motion to end the executive session and convene in regular session, seconded by Commissioner Beverly Brooks, the board voted 7-0.

#### **VI. Adjournment:**



Commissioner Billy Humphries offered the motion to adjourn the meeting, seconded by Commissioner JD Brooks, the board voted 7-0.

**Board meeting: Tuesday, April 10<sup>th</sup> 2007, 4:30 p.m.**



# MISSISSIPPI

## PEACE OFFICER STANDARDS & TRAINING

### EMERGENCY TELECOMMUNICATOR ROSTER

Name of Department Lowndes County E 9-1-1

Phone # 662-329-5726

Department's Address 515 Second Avenue North  
Post Office Box/Street Number

Columbus MS 39701  
City/State Zip

Fax # 662-329-5721

Department's E-mail jcolvin@bellsouth.net

PLEASE COMPLETE AND SIGN THE FOLLOWING ROSTER FOR EMERGENCY TELECOMMUNICATORS ONLY AND RETURN TO THE ADDRESS LISTED AT THE BOTTOM OF THIS PAGE.

Name (Last, First Middle)	Social Security Number	Position or Rank	Date of Employment (Month / Day / Year)	BETST Certificate #
Brown, Jacqueline K		dispatcher	03/01/95	TERMINATED
Burgin, Julia A		"	11/16/98	E-02738
Colvin, Jessie W		Director	06/19/89	E-00032
Crownover, James C		dispatcher	06/28/89	E-00035
Edwards, Kamilah		"	06/28/06	TERMINATED
Fancher, Sheri L		"	07/02/90	E-00056
Faris, Ruth A		"	12/18/91	E-00024
Hatcher, Mitzi D		"	11/29/89	E-00078
Korom, Paul		PT dispatcher	06/30/06	
Lorenz, Aaron		PT dispatcher	09/27/06	
Motes, Phyllis L		dispatcher	03/23/06	TERMINATED
Shepherd, Patsy S		"	04/16/94	TERMINATED
Singleton, Shafonda		"	06/05/06	
White, Joyce		"	05/20/05	

**WARNING:** MGA § 19-5-303 TO FRAUDULENT STATEMENTS AND REPRESENTATIONS PROVIDES FOR SEVERE PENALTIES FOR MISREPRESENTATIONS OR FRAUDULENT STATEMENTS TO A BOARD. THIS STATUTE AUTHORIZES A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) AND A JAIL SENTENCE OF UP TO FIVE (5) YEARS.

#### AFFIDAVIT

I swear or affirm that this list is a complete and exhaustive list of all emergency telecommunicators as defined by Mississippi Code as Annotated Section 19-5-303 who are currently employed by my organization.

Signature of Agency/Department Head

Date Signed

Exhibit #

Testimony of

Date

MISSISSIPPI PEACE OFFICER STANDARDS & TRAINING

rev. - June 2002

3750 I-55 Frontage Rd N  
Jackson, Mississippi 39211-6323  
Telephone # - (601) 987-3098. Fax # - (601) 987-3086

**COLUMBUS/LOWNDES E911  
COMMUNICATION CENTER**

**P.O BOX 1101  
COLUMBUS, MS 39703  
(662) 329-5726 FAX (662) 329-5721**

**EMAIL: lcjcolvin@bellsouth.net**

**November 17, 2006**

**Ms. Jessie W. Colvin, E911 Director  
Lowndes County E911  
P.O. Box 1101  
Columbus, Mississippi 39703**

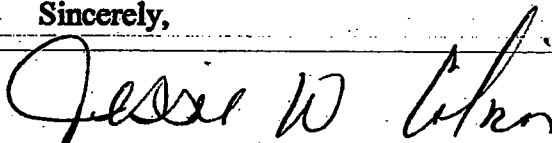
**Attn: Mr. Allen Gray  
Emergency Telecommunicator  
Mississippi Peace Officer Standards and Training  
3750 I-55 Frontage Rd N  
Jackson, Mississippi 39211-6323**

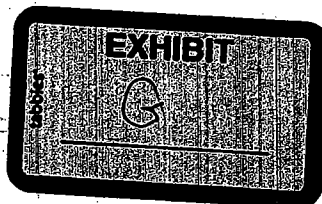
**Dear Mr. Gray:**

**I am sending the dispatchers training requirements for Minimum Standards Training. For future reference could you please address all correspondence to:**

**Jessie W. Colvin, E911 Director  
Lowndes County E911  
P.O. Box 1101  
Columbus, MS 39703**

**Sincerely,**

  
**Jessie W. Colvin  
E911 Director**



**Exhibit #** 6  
**Testimony of** Jessie Colvin  
**Date** 4/16/10

**MEMORANDUM**

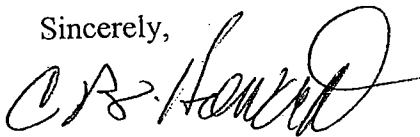
TO: Jessie Colvin  
FROM: E911 Board of Commissioners  
DATE: April 17, 2007

---

This is to inform you the E911 Board of Commissioners voted to terminate your employment effective immediately. The reason for this decision is unsatisfactory job performance and failure and/or refusal to keep the Board informed of critical issues concerning mandatory certification of personnel.

If you desire to file a grievance concerning your termination the procedure is set forth, beginning at page 13, in your employee handbook. It is important you strictly follow the procedure as out-lined in the handbook.

Sincerely,



Chairman

I acknowledge receipt of this communication this the 17th day of April, 2007.

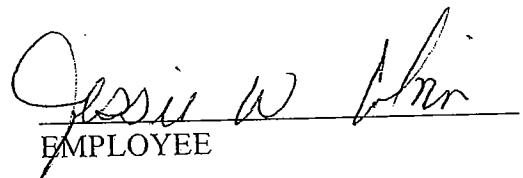
  
EMPLOYEE

Exhibit # 7  
Testimony of Jessie Colvin  
Date 4/16/10

April 18<sup>th</sup>, 2007

Sheriff C.B. Howard  
Chairman, E911 Board of Commissioners  
527 Martin Luther King Drive S  
Columbus, Mississippi 39701

Dear Sheriff Howard:

I am following the procedures set forth in the Lowndes County E911 Employee Handbook in reference to The E911 Board of Commissioners decision to terminate my employment with Lowndes County E911.

I fully understand that the E911 Board of Commissioners reserves the right in its sole discretion to consider or not to consider any grievance or to conduct a hearing.

I have been with this agency since its inception and would greatly appreciate the opportunity to clear up a few issues regarding my termination.

The memorandum stated that The E911 Board of Commissioners fired me for unsatisfactory job performance and or refusal to keep the Board informed of critical issues concerning mandatory certification of personnel. I hope that I am given the opportunity to present my case in regards to these matters.

Sincerely,

Jessie W. Colvin

I acknowledge receipt of this communication this the 18 day of April, 2007

  
\_\_\_\_\_  
CHAIRMAN OF THE E911 BOARD

Exhibit #

8

Testimony of

Jessie Colvin

Date

4/16/10

**COLUMBUS-LOWNDES E-911  
COMMUNICATIONS CENTER**

**515 2nd Ave N  
Columbus, MS 39701  
(662) 329-5726 FAX (662) 329-5721**

April 23, 2007

Ms. Jessie Colvin  
125 Lauren Lane  
Columbus, MS. 39702

Dear Ms. Jessie:

On Thursday, April 19, 2007 at a hearing wherein the Board considered the testimony and evidence presented by you and your attorney, the board voted to uphold your termination.

Respectfully submitted,

C. B. "Butch" Howard  
Chairman  
E-911 Board of Commissioners

Cbh/bh  
cc: Hon. Randolph Lipscomb

Exhibit # 9  
Testimony of Jessie Colvin  
Date 4/16/10

May 14, 2007

**RE: Unused Vacation - Jessie Colvin**

Dear Board Member:

As I advised each of you at the last Board meeting, I have been unable to locate any records to indicate how much unused vacation time is owed to the former Director. The State Auditor's Office was contacted and based on their input I informed Ms. Colvin by mail that we were requesting a written statement as well as any documentation she might have to indicate how much unused vacation she felt she was entitled to receive.

I have enclosed for your review a copy of everything she has provided to me for our consideration. Please take the time to look it over and get back to me with your recommendations. I would like to handle this matter as soon as possible, even if we have to convene a special meeting. Let me know what you think.

Sincerely,

C. B. "Butch" Howard  
Chairman  
E-911 Board of Commissioners  
Enclosure (1)

Cbh/bh

PAY FOR 45 DAYS  
OF UNUSED VACATION  
TIME. 7-0 VOTE

Exhibit # 10  
Testimony of Jessie Colvin  
Date 4/16/10

June 8, 2007

Jessie Colvin  
125 Lauren Lane  
Columbus, MS. 39702

**RE: Unused Vacation Days**

Dear Jessie:

Based on the information provided by you, the Board of Commissioners by a vote of 7-0 has agreed that you will be paid for forty-five (45) days of accumulated unused vacation time. The Board was advised by County Attorney Hudson that vacation and sick time is not accrued while an employee is on active duty and being paid by the military.

I will notify the payroll department to cut a check and I will forward it to you as soon as I receive it.

Sincerely,

C. B. "Butch" Howard  
Chairman  
E-911 Board of Commissioners

Cbh/bh  
cc: Valerie Holiday, Payroll

Exhibit #

Testimony of

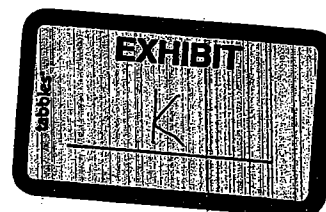
Date

11  
Jessie Colvin  
4/16/10



>  
> From: "Beverly Brooks" <Bbroocks@mitchellmcnutt.com>  
> Date: 2007/04/11 Wed AM 09:56:27 CDT  
> To: "Jessie W. Colvin" <lcjcolvin@bellsouth.net>  
> Subject: follow up on voice mail  
>  
> Jessie,  
> I left you a voice mail message last evening after the board meeting  
> and have not heard from you yet so I am following up via email.  
>  
> Frankly, I was very surprised that, after hearing from the dispatchers,  
> you did not come forward with any indication that you would make a  
> genuine effort find a way to give the 12 hour dispatchers a hour lunch  
> break once or twice during the course of their work week. I understand  
> the complexity of your scheduling, but with Paul going full time,  
> Sarah's level of training and competence and the kind of hours you are  
> putting in, it is incomprehensible to me that six hours of coverage (or  
> less if the night shift are less interested in the one hour breaks)  
> could not be accomplished for two days a week for a few weeks - even  
> possibly by scheduling Paul and Sarah for odd or split shifts. After  
> all, neither of them has been putting in the kind of time the senior  
> dispatchers and yourself have put in during this crisis and surely they  
> would want to do anything they can at this point to show that they are  
> anxious to help and be a part of the team.  
>  
> Speaking of that, Jessie, I meant every word I said about not  
> micromanaging your agency and you will find in time that absent  
> misconduct or extreme circumstances I will vote to support your  
> decisions even when I may personally disagree with them.  
> Professionally, I respect you as the Director and philosophically I  
> understand that the captain needs to be free steer his or her ship. I  
> also understand that there are some dynamics with the Board that are not  
> particularly helpful at this point in time. All that said, I am  
> personally concerned there is something of a power struggle existing and  
> being fueled by fatigue on everyone's part.  
>  
> In my opinion, the smartest thing you could do right now is, on your own  
> initiative and without interference by the Board, do everything you can  
> to give your staff confidence in your support for them. Find a way to  
> do a few of these hour lunches and let people go ahead and get vacations  
> on the calendar (tentatively pending unavoidable and unforeseeable  
> events) and you can make yourself a hero. And please, and this is  
> strictly and absolutely personal because my life is so full of wonderful  
> people who have served in the military, don't let the military mindset

Exhibit # 12 Beverly Brooks  
Testimony of Jessie W. Colvin  
Date 4/16/10



- > get in the way of your being a leader who is also a part of the team.
- > Better said, perhaps, sometimes it really is better to take advantage
- > of the wind than stand so stiff...
- > Beverly
- >
- > NOTICE: This electronic mail transmission (including any referenced or attached materials)
- > may be PRIVILEGED, WORK PRODUCT, PROPRIETARY and/or CONFIDENTIAL. It is not
- > intended for transmission to, or receipt by, any unauthorized persons. If you have received
- > this electronic mail transmission in error you are PROHIBITED from disclosing, disseminating,
- > reproducing, using or relying on it and its contents, and you are to immediately delete it from
- > your system without copying it, and notify the sender by reply e-mail of the erroneous transmission.
- >
- > CIRCULAR 230 DISCLOSURE: To comply with Treasury Department regulations, we inform you
- that,
- > unless otherwise expressly indicated, any tax advice contained in this communication including
- > any attachments, is not intended or written to be used, and cannot be used, for the purpose of
- > (i) avoiding penalties that may be imposed under the Internal Revenue Code or any other
- > applicable tax law, or (ii) promoting, marketing or recommending to another party any transaction,
- > arrangement, or other matter.
- >
- >
- >

>  
 > From: "Beverly Brooks" <Bbroocks@mitchellmcnutt.com>  
 > Date: 2007/04/11 Wed PM 01:40:46 CDT  
 > To: <lcjcolvin@bellsouth.net>  
 > Subject: RE:  
 >  
 > Thank you, Jessie, I appreciate the information and understanding. The  
 > power struggle I am concerned about is a commissioner who thinks she  
 > wants to also be the director and I do not want to give her any help.  
 > BB  
 >  
 > -----Original Message-----  
 > From: lcjcolvin@bellsouth.net [mailto:lcjcolvin@bellsouth.net]  
 > Sent: Wednesday, April 11, 2007 11:14 AM  
 > To: Beverly Brooks  
 > Subject:  
 >  
 > Hi Beverly,  
 >  
 > I did not have my phone on I leave it in the truck. I do apologize for  
 > any misunderstanding. I did not have enough information to give to the  
 > board in ref to the hour break I am going to try to give those hour  
 > breaks, when I can and I will get that information to them in writing  
 > but there has got to be some stipulations put on them because if not  
 > they will want it whenever they want it and not when it is convenient to  
 > the center. I had some other issues that I needed to address this  
 > morning, I have Ms Richardson looking at the next week schedule to try  
 > and schedule Paul and Sarah with a split schedule to try to accommodate  
 > the breaks. There is no power struggle, I know all of these employees  
 > and I am trying to do what is right by policy for all of them, because  
 > Jim clearly stated that he is not concerned with a break, his issue is  
 > vacation and I am going to address that with him, he stated that he  
 > wanted off around the first of May, it may not be the first of May but  
 > some where as close as I can get to what he is asking for.  
 >  
 > I will keep you in the loop, when I get this accomplished. I am in no  
 > way not trying to help them. But before I put it out there it has got  
 > to be able to work, because if it doesn't then the only thing that I have  
 > done is made it worse.  
 >  
 > I thank you for all of your support. The best way to get me is in the  
 > office at 329-5726, at home 327-4182. I leave the county cell phone in  
 > the truck. I keep forgetting to take it out. The county also has an  
 > itemized list of all phone calls made, so I just strictly use it when

Exhibit # 13  
 Testimony of Beverly Brooks  
 Date 4/16/10

> I'm in the truck or away on business. My personal cell phone number is  
> 574-1792

>

> Thanks Jessie

>

>

> NOTICE: This electronic mail transmission (including any referenced or attached materials)  
> may be PRIVILEGED, WORK PRODUCT, PROPRIETARY and/or CONFIDENTIAL. It is not  
> intended for transmission to, or receipt by, any unauthorized persons. If you have received  
> this electronic mail transmission in error you are PROHIBITED from disclosing, disseminating,  
> reproducing, using or relying on it and its contents, and you are to immediately delete it from  
> your system without copying it, and notify the sender by reply e-mail of the erroneous transmission.

>

> CIRCULAR 230 DISCLOSURE: To comply with Treasury Department regulations, we inform you  
that,

> unless otherwise expressly indicated, any tax advice contained in this communication including  
> any attachments, is not intended or written to be used, and cannot be used, for the purpose of  
> (i) avoiding penalties that may be imposed under the Internal Revenue Code or any other  
> applicable tax law, or (ii) promoting, marketing or recommending to another party any transaction,  
> arrangement, or other matter.

>

>

>



Date Mailed: 04/24/2008

CLAIMANT INFORMATION

Claimant Name: JESSIE COLVIN

SSN: 425-19-846

EMPLOYER INFORMATION

LOWNDES COUNTY OFFICE OF BOARD OF SUPERVISORS  
PO BOX 684  
COLUMBUS MS 39703-0684

RECEIVED

APR 25 2008

LOWNDES COUNTY  
ADM OFFICE

Lowndes Employer Account Number: 92-00332-0-0

CLAIM BEGIN DATE	CLAIM END DATE	WEEKLY AMOUNT	MAXIMUM AMOUNT	% CHARGEABLE
04/20/2008	04/19/2009	\$210.00	\$5,460.00	95.802%

The claimant filed a claim for Unemployment Insurance benefits indicating employment with you.

This claimant stated the last day they worked was 04/17/2007 and that separation occurred due to: discharged / fired.

Please answer all questions and return this form by 04/29/2008. If this form is not returned timely, a determination will be made regarding the claimant's eligibility for Unemployment Insurance benefits and your account will be charged for any benefits paid.

DO NOT RESPOND IF THE CLAIMANT WAS SEPARATED DUE TO LACK OF WORK

REQUEST FOR INFORMATION

- Has the claimant applied for or received a pension or retirement payment? ☐ Yes ☒ No
- Has the claimant refused an offer of work? ☐ Yes ☒ No  
If Yes, provide date: \_\_\_\_\_
- Reason for Separation:  
☐ Designated Vacation ☒ Discharge ☐ Labor Dispute/Strike  
☐ Lack of Work ☐ Leave of Absence ☐ Suspension  
☐ Voluntary Quit ☐ Working Regular Part-Time (not as needed)

- Explain separation in detail: UNSATISFACTORY JOB PERFORMANCE, FAILURE TO KEEP BOARD INFORMED CRITICAL ISSUES ON MANDATORY CERTIFICATION OF PERSONNEL
- Separation Date: 4/17/2007

CONTACT INFORMATION

Signature: Ralph Billingsley  
Print Name: Ralph Billingsley Title: County ADM  
Phone: 662-329-5896 Ext. \_\_\_\_\_ Date: 4/29/08

TO RETURN, USE ONE OF THE FOLLOWING METHODS:

- Online: Visit [www.mdes.ms.gov](http://www.mdes.ms.gov), select QUICKACCESS in the Online Business Services area and enter the following code: 828604
- Mail: Follow the instructions on the reverse side.
- Fax: 1-601-321-6449

For more information regarding Unemployment Insurance benefits go to [www.mdes.ms.gov](http://www.mdes.ms.gov) or call 1-888-844-3577.

Exhibit # 14  
Testimony of Beverly Brooks  
Date 4/16/08  
[www.mdes.ms.gov](http://www.mdes.ms.gov)  
08114

Mississippi Department of Employment Security is an equal opportunity employer.  
Auxiliary aids and services are available upon request to individuals with disabilities.

Faxed 4/29/08  
C.T.



828604  
R-06/2007  
UI-21A

CHIEF KEN MOORE

5/20/2010

Page 1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

JESSIE COLVIN,

Plaintiff,

vs.

Cause No. 1:09CV187-M-D

LOWNDES COUNTY, MISSISSIPPI, et al,

Defendant.

Deposition of  
CHIEF KEN MOORE  
May 20, 2010

[Appearances Noted Herein]

Taken at the offices of Mitchell McNutt and Sams  
215 5th Street North, Columbus, Mississippi,  
on Thursday, May 20, 2010, at 12:08 p.m.

REPORTED BY: Teresa B. Henry, CSR 1205  
400 Peg Lane  
Amory, Mississippi 38821  
662-256-7880  
662-315-2175  
teresabh@bellsouth.net

GLENN-HENRY REPORTING  
maharc@bellsouth.net

EXHIBIT

tabbles

B

CHIEF KEN MOORE

5/20/2010

<p style="text-align: right;">Page 2</p> <p>Appearances:</p> <p>Honorable Ron L. Woodruff Waide and Associates Post Office Box 1357 Tupelo, Mississippi 38802</p> <p>REPRESENTING Plaintiff</p> <p>Honorable Berkley N. Huskison Mitchell McNutt and Sams Post Office Box 1366 Columbus, Mississippi 39703-1366</p> <p>REPRESENTING Defendants</p> <p>Also present:</p> <p>Jessie Colvin C. B. 'Butch' Howard</p>	<p style="text-align: right;">Page 4</p> <p>1 STIPULATION</p> <p>2 It is stipulated by and between the parties that</p> <p>3 the deposition of Chief Ken Moore is being taken pursuant</p> <p>4 to notice under the Federal Rules of Civil Procedure.</p> <p>5 All objections, except to the form of the</p> <p>6 question, are reserved until such time as the deposition,</p> <p>7 or any part thereof, is sought to be introduced into</p> <p>8 evidence.</p> <p>9 All formalities, excluding the reading and signing</p> <p>10 of the deposition by the deponent, are waived.</p> <p>11</p>
<p style="text-align: right;">Page 3</p> <p>TABLE OF CONTENTS</p> <p>Style and Appearances 1</p> <p>Stipulation 4</p> <p>Examination by Mr. Woodruff 5</p> <p>Certificate of Court Reporter 48</p> <p>Certificate of Deponent 49</p> <p>Exhibits</p> <p>Exhibit 19 - Gray fax 14</p> <p>Exhibit 20 - Code Section 28</p> <p>Exhibit 21 - E911 Dispatchers 28</p> <p>Exhibit 22 - Lowndes County Accounting 28</p>	<p style="text-align: right;">Page 5</p> <p>1 CHIEF KEN MOORE</p> <p>2 having been first duly sworn, was examined under oath and</p> <p>3 testified as follows:</p> <p>4 EXAMINATION BY MR. WOODRUFF:</p> <p>5 Q. Please state your full name for the record.</p> <p>6 A. Thomas Kenneth Moore.</p> <p>7 Q. Mr. Moore, you are the Fire Chief?</p> <p>8 A. Yes, sir.</p> <p>9 Q. For Lowndes County or Columbus?</p> <p>10 A. City of Columbus.</p> <p>11 Q. City of Columbus. How long have you been the</p> <p>12 Fire Chief?</p> <p>13 A. Almost five years.</p> <p>14 Q. Is that an appointed or an elected position?</p> <p>15 A. It's appointed.</p> <p>16 Q. So you serve at the will of the City Council?</p> <p>17 A. That's correct.</p> <p>18 Q. And, I guess the Mayor would be your direct</p> <p>19 supervisor?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay.</p> <p>22 [Sheriff Howard leaves deposition room.]</p> <p>23 BY MR. WOODRUFF: Do you want us to wait</p> <p>24 or?</p> <p>25 BY MR. HOWARD: No, y'all go ahead.</p>

2 (Pages 2 to 5)

CHIEF KEN MOORE

5/20/2010

<p style="text-align: right;">Page 6</p> <p>1 Q. [Mr. Woodruff] Who was the Mayor that appointed  2 you to the Fire Chief position?  3 A. It was a Council vote.  4 Q. Right. Who was the Mayor at the time?  5 A. Robert Smith.  6 Q. Robert Smith. And --  7 A. No. I'm sorry. Jeffrey Rupp.  8 Q. That's what I was thinking. Usually the Mayor  9 makes a recommendation and the Board votes?  10 A. That's usually the way it goes.  11 Q. How long have you been -- I'm sorry. What did  12 you do before being Fire Chief?  13 A. I was Fire Captain.  14 Q. Fire Captain. How long have you been with the  15 Columbus Fire Department?  16 A. 26 years.  17 Q. Has all your fire fighting experience been with  18 the Columbus Fire Department?  19 A. Yes, sir.  20 BY MR. WOODRUFF: Go off the record a  21 second.  22 [Discussion off the record.]  23 CONTINUING BY MR. WOODRUFF:  24 Q. Back on the record. You heard testimony here  25 today about you doing an investigation of Jessie Colvin.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Were the allegations true?  2 A. Some of them turned out to be true.  3 Q. Were all of them true?  4 A. No.  5 Q. So, tell me -- I asked you what prompted it and  6 you said the blogs and stuff. Tell me, when did you  7 start your investigation?  8 A. The actual investigation did not start until  9 about a month or two prior to.  10 Q. Tell me everything you did as far as your  11 investigation.  12 A. Well, let me clarify one thing. When the blogs  13 came up and it started being an issue, I actually asked  14 Jessie -- I met with Jessie and I asked her about the  15 allegations of the certifications and those kind of  16 things.  17 It was not until the Board addressed it as a  18 whole that -- did the issue come before the whole Board  19 and it was later that Sheriff Howard had asked me, since  20 I had been inquiring about the training and stuff --  21 Q. Um-hmm.  22 A. -- to go ahead and do an investigation.  23 Q. Okay. How long before her termination did he  24 ask you to do the investigation?  25 A. I don't remember.</p>
<p style="text-align: right;">Page 7</p> <p>1 Tell me what prompted that.  2 A. What prompted it was -- initially was all the  3 negative publicity that was coming 911's way via blog and  4 newspaper and everything else.  5 Q. These blogs, was this disgruntled employees'  6 blogging?  7 A. Yes. I say yes. They were anonymous but it was  8 obvious they were former employees.  9 Q. They had inside information?  10 A. That's correct.  11 Q. So, did you ever do an investigation to find out  12 who these employees were who were sabotaging the 911  13 operation?  14 A. No, sir.  15 Q. Why not?  16 A. It's freedom of the press. I mean, it wasn't --  17 that wasn't my jurisdiction.  18 Q. Well, there is freedom of the press --  19 A. I had no authority.  20 Q. -- but, you know, there's also, you know, an  21 orderly way to voice your opinion, isn't there?  22 A. There is.  23 Q. I mean, weren't you upset about these blogs from  24 your own 911 staff, criticizing the 911 department?  25 A. My concern was the allegations.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. I mean, was it a -- you know, I don't need exact  2 dates. Are you talking about a week? A month? Several  3 months? I'm just trying to get some kind of a rough  4 timeline.  5 A. I would be strictly guessing if I tried to make  6 one.  7 Q. Well, just give me a ballpark figure. I mean,  8 I'm just trying to figure out about where we are in  9 relation to the termination, when the Sheriff asked you.  10 I forgot -- he testified earlier. I forgot what he said.  11 But, a month or two? Would that be possible?  12 A. Best guess.  13 Q. Okay. So, once he asked you to do the  14 investigation, tell me what you did as part of the  15 investigation?  16 A. Contacted Mr. Gray and had lengthy conversations  17 with him on the phone --  18 Q. Um-hmm.  19 A. -- about where we stood and what dispatchers we  20 did have and didn't have certified and what was the  21 status of it.  22 Q. What was Mr. Gray's recommendation, if any?  23 A. Concerning?  24 Q. What you were talking to him about.  25 A. He just said we had a serious problem --</p>

3 (Pages 6 to 9)



CHIEF KEN MOORE

5/20/2010

<p style="text-align: right;">Page 10</p> <p>1 Q. Um-hmm.</p> <p>2 A. -- and it needed to be addressed.</p> <p>3 Q. Okay. Did you -- when you were doing this</p> <p>4 investigation did you talk to Jessie about it to -- so</p> <p>5 that she could address it?</p> <p>6 A. Not at that point. My conversation with Jessie</p> <p>7 had been prior to --</p> <p>8 Q. Um-hmm.</p> <p>9 A. -- and in several Board meetings the issue came</p> <p>10 up.</p> <p>11 Q. So, after Mr. Gray told you it was a serious</p> <p>12 problem you didn't write -- you didn't go to Jessie and</p> <p>13 say, Gray said it was serious problem. We need to start</p> <p>14 working on this today?</p> <p>15 A. No, sir, I didn't.</p> <p>16 Q. Don't you think that would have been a good</p> <p>17 idea? There was a serious problem and the City or the</p> <p>18 County could be facing liability and the Commissioners</p> <p>19 could be facing personal liability to get somebody</p> <p>20 working on the problem that day, that minute?</p> <p>21 A. Sheriff Howard had asked me to start the</p> <p>22 investigation.</p> <p>23 Q. Right.</p> <p>24 A. And that's where I went with it.</p> <p>25 Q. I understand the investigation part of it but,</p>	<p style="text-align: right;">Page 12</p> <p>1 [Discussion off the record.]</p> <p>2 CONTINUING BY MR. WOODRUFF:</p> <p>3 Q. So you didn't have, like, a log or a journal or</p> <p>4 a --</p> <p>5 A. No, sir.</p> <p>6 Q. -- notebook that you were just keeping notes of</p> <p>7 what you were learning? You would make little notes on</p> <p>8 documents that you were looking at, is that --</p> <p>9 A. That's correct.</p> <p>10 Q. -- would that be correct? Okay. And you</p> <p>11 provided those documents to your attorneys?</p> <p>12 A. To my attorneys?</p> <p>13 Q. This guy right here.</p> <p>14 A. Oh, yeah.</p> <p>15 Q. Okay. All right. When you went -- so, when you</p> <p>16 had done your investigation, did you make a written</p> <p>17 report? Did you --</p> <p>18 A. No, sir.</p> <p>19 Q. So, when you went in front of the Board to</p> <p>20 report what you had learned, you had no report on you?</p> <p>21 A. That's what Sheriff Howard had asked me to do.</p> <p>22 All I had was the copies of the faxes that had come</p> <p>23 between me and Mr. Gray.</p> <p>24 Q. Okay. Faxes between you and Mr. Gray?</p> <p>25 A. It's the same paperwork that the notes are on.</p>
<p style="text-align: right;">Page 11</p> <p>1 you know, if somebody told me that there was a big</p> <p>2 problem that could cause -- that needs to be fixed right</p> <p>3 away, I would start doing something. I would go tell the</p> <p>4 person who could do something about the problem right</p> <p>5 then. This is a problem. Let's start today and fix this</p> <p>6 problem. You didn't do that, right?</p> <p>7 A. It wasn't for me to do.</p> <p>8 Q. It wasn't for you to do. So, what did you do?</p> <p>9 A. I turned -- I had a discussion with Sheriff</p> <p>10 Howard about the results of what I had found out.</p> <p>11 Q. Okay. And did you -- your investigation, did</p> <p>12 you keep any notes or anything?</p> <p>13 A. Just some fax copies of some certifications that</p> <p>14 had come through.</p> <p>15 Q. But, I mean, did you ever write -- keep any</p> <p>16 notes of what you were learning or what was going on?</p> <p>17 Any notes or anything?</p> <p>18 A. Like I said, just on pieces of paper that I had.</p> <p>19 Q. That's what I'm saying. Did you write anything</p> <p>20 down?</p> <p>21 A. Yeah, I believe I did.</p> <p>22 Q. Did you provide that to your attorney?</p> <p>23 A. I believe I did.</p> <p>24 BY MR. WOODRUFF: I don't think I've seen</p> <p>25 those. Off the record a second.</p>	<p style="text-align: right;">Page 13</p> <p>1 BY MR. WOODRUFF: Let's go off the record.</p> <p>2 [Discussion off the record.]</p> <p>3 CONTINUING BY MR. WOODRUFF:</p> <p>4 Q. Back on the record. Now, you say there were</p> <p>5 faxes back and forth between you and Gray?</p> <p>6 A. There were faxes that he sent me that I made</p> <p>7 notes on.</p> <p>8 Q. I haven't seen those, now. I mean, let me show</p> <p>9 you what your attorney has -- I see this. Let's just</p> <p>10 show this.</p> <p>11 This is not the -- it's not to you. It's to Ms.</p> <p>12 Colvin.</p> <p>13 A. And that's what he -- he had told me that he had</p> <p>14 already talked to Ms. Colvin--</p> <p>15 Q. Um-hmm.</p> <p>16 A. -- and he sent me a copy of the letter that he</p> <p>17 sent her.</p> <p>18 Q. He faxed it to you?</p> <p>19 A. Yeah.</p> <p>20 Q. How many faxes was he sending you?</p> <p>21 A. I don't remember. It was two or three.</p> <p>22 Q. How many faxes did you send him?</p> <p>23 A. I didn't send him any.</p> <p>24 Q. So, when you say faxed back --</p> <p>25 A. I say that, I think I provided him a list of our</p>

4 (Pages 10 to 13)

CHIEF KEN MOORE

5/20/2010

<p style="text-align: right;">Page 14</p> <p>1 current employees that we had as of that date, if I 2 remember correctly. 3 BY MR. WOODRUFF: Let's go back off the 4 record again. 5 [Discussion off the record.] 6 [The fax from Alan Gray was marked as Exhibit 7 19 to the deposition of Chief Ken Moore.] 8 CONTINUING BY MR. WOODRUFF: 9 Q. Mr. Moore, can you identify this document, this 10 multi-page, I believe 13 page exhibit that we are 11 introducing, Exhibit Number 19? 12 A. These are documents that were provided to me by 13 Mr. Alan Gray. 14 Q. Okay. When you went before the Board on or 15 about April 20th, was this the document you had with you 16 to talk to the Board about Jessie Colvin? 17 A. Yes, sir, it is. 18 Q. Okay. Other than the cover page -- well, is -- 19 this entire fax was sent to you by Gray? Is that what 20 I'm understanding? Gray sent you the 13 page fax 21 including the cover letter? 22 A. According -- if that's what the cover letter 23 says, yes. 24 Q. I don't know. That's your testimony. 25 A. That's what it says. Number of pages, 13. If</p>	<p style="text-align: right;">Page 16</p> <p>1 Number 19. Do you have a copy of it? 2 A. Um-hmm. [indicating affirmative] 3 Q. Okay. Go to page -- what you wrote on page 8. 4 Okay. Tell me, are those -- on page 8 there, were any of 5 these people, as of April of 2007, were any of these 6 people who say they needed recertification, had they been 7 recertified as of yet? Do you know that? 8 A. Repeat your question again? 9 Q. Some of these people said they need certs, 10 right? If you look on the right side, -- 11 A. Yeah. As of the date of this. 12 Q. Right. And, so, this is November 15th, -- 13 A. That's correct. 14 Q. -- 2006, okay, which is five months before she 15 was fired, right? April. 16 A. Okay. Yes. 17 Q. Around five months. Do you know whether or not 18 most of these people were recertified by January of 2007, 19 after she found out they needed to be recertified? 20 A. I don't know the answer to that question as far 21 as specific numbers without looking through here. 22 Q. Okay. Well, are there something in here that 23 tells you when they were recertified? 24 A. Well, if I remember correctly, there's a.... 25 Q. Okay. I think you are talking about page 10.</p>
<p style="text-align: right;">Page 15</p> <p>1 that's correct -- 2 Q. Okay. This was sent to you from Gray. Now, you 3 said faxes. Did you get any other fax other than this or 4 was this the only fax? 5 A. This was the fax that he sent me as a result of 6 the investigation that Sheriff Howard had asked me to do. 7 Q. Okay. So, did you receive any other faxes from 8 him other than this? Because you had said before, you 9 said -- correct me if I'm wrong. I think you said you 10 were exchanging faxes, which would mean that you sent 11 them to him and he sent them to you. 12 A. Like I said, I think I sent him a list of our 13 current employees -- 14 Q. Okay. 15 A. -- so he could compare to what he had on record. 16 Q. Okay. And other than this fax, did you receive 17 any other faxes from him? 18 A. Not that I'm aware of. 19 Q. Can I see that for a second, please? 20 BY MR. HUSKISON: Off the record real 21 quick. 22 BY MR. WOODRUFF: All right. 23 [Discussion off the record.] 24 CONTINUING BY MR. WOODRUFF: 25 Q. Let me show you what's been entered as Exhibit</p>	<p style="text-align: right;">Page 17</p> <p>1 A. That's correct. 2 Q. All of these people recertified, let me see, 1, 3 2, 3, 4, 5, 6 of them were recertified as of January 4 1st, 2007, isn't that correct, according to document 5 number -- 6 A. Six of them, yes, sir. 7 Q. Six of them. And then you've got the people -- 8 you've got people -- the next two, it looks like their 9 name is -- what is that? 10 BY MS. COLVIN: Korom. 11 Q. [Mr. Woodruff] Korom? Korom is a new employee 12 and the expiration wasn't until June of '07. Lorenz was 13 a new employee. The expiration of her grace period 14 wasn't until September of '07. What's this one? 15 BY MS. COLVIN: Motes. 16 Q. [Mr. Woodruff] Motes was a new employee that 17 had until November, 2007. Singleton had until June of 18 2007. White had until -- White was over -- 19 BY MS. COLVIN: Um-hmm. [indicating 20 affirmative] 21 Q. [Mr. Woodruff] -- still. Edwards had until 22 June. What does it mean, last roster termination? The 23 last three weren't even working there anymore. 24 BY MS. COLVIN: No. 25 A. No, and no termination notices --</p>

5 (Pages 14 to 17)

CHIEF KEN MOORE

5/20/2010

<p style="text-align: right;">Page 18</p> <p>1 Q. [Mr. Woodruff] Okay.</p> <p>2 A. -- were sent in.</p> <p>3 Q. So, in other words, other than White, all of</p> <p>4 these people had been recertified already by January</p> <p>5 1st -- that needed to be certified had been certified by</p> <p>6 January 1st, 2007, isn't that correct? Wouldn't you</p> <p>7 agree with that?</p> <p>8 A. This is the roster that was provided. I can't</p> <p>9 even tell you who all -- at that particular time who was</p> <p>10 working without going back through the documents.</p> <p>11 BY MR. WOODRUFF: We can talk about it</p> <p>12 outside.</p> <p>13 BY MS. COLVIN: Okay.</p> <p>14 BY MR. WOODRUFF: Write it down.</p> <p>15 Q. [Mr. Woodruff] Now, let me just ask you this</p> <p>16 and maybe I wasn't very clear. Wouldn't you agree that,</p> <p>17 according to this document, all these people in November</p> <p>18 who weren't certified at the first, 3, 4, 5, 6 of them</p> <p>19 had been recertified, correct, by January 1st?</p> <p>20 A. That, I would agree with. Yes.</p> <p>21 Q. That problem has been solved, hasn't it?</p> <p>22 A. Those six?</p> <p>23 Q. Yes.</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And wouldn't you agree that the next 1,</p>	<p style="text-align: right;">Page 20</p> <p>1 I'm not sure which...</p> <p>2 BY MR. HUSKISON: Ron, if you will go to</p> <p>3 the last two documents in that exhibit, I mean,</p> <p>4 I -- the document you are looking at was not</p> <p>5 even a correct list of active employees. This</p> <p>6 is the list of active employees in April when</p> <p>7 he did the investigation and I think that's</p> <p>8 what you --</p> <p>9 BY MR. WOODRUFF: These are his documents</p> <p>10 he went to the Board with.</p> <p>11 BY MR. HUSKISON: I know, and that's the</p> <p>12 point. The list he sent down there was not</p> <p>13 even accurate because Ms. Colvin had not been</p> <p>14 updating the information and, so, he had to go</p> <p>15 resend new information with the current</p> <p>16 employees and new information on the current</p> <p>17 employees.</p> <p>18 BY MR. WOODRUFF: All right. What -- what</p> <p>19 page number is that?</p> <p>20 BY MR. HUSKISON: But, anyway.</p> <p>21 A. The last two pages of -- I think it's the last</p> <p>22 two pages of the...</p> <p>23 BY MR. HUSKISON: Yeah. And there is his</p> <p>24 handwritten notes.</p> <p>25 BY MR. WOODRUFF: All right. Let's go</p>
<p style="text-align: right;">Page 19</p> <p>1 2, 3, 4, 5, four of the next five, they were not over the</p> <p>2 grace period. I believe there is a one year grace</p> <p>3 period, is that correct? The only one over the grace</p> <p>4 period --</p> <p>5 A. That would be correct.</p> <p>6 Q. -- was White?</p> <p>7 A. Right.</p> <p>8 Q. Okay. So, really, the only person with any</p> <p>9 problem was White, wouldn't you agree with that?</p> <p>10 A. Well, you had three employees that are on here</p> <p>11 that had left and no termination notices were sent in.</p> <p>12 Q. Right. But there was no certification problem.</p> <p>13 They no longer worked there. Just had to --</p> <p>14 A. That's all part of it, the hiring notices and</p> <p>15 the termination notices and -- it's all part of the</p> <p>16 process.</p> <p>17 Q. You didn't have uncertified 911 officers working</p> <p>18 there because they didn't work there anymore, right?</p> <p>19 A. Those three didn't.</p> <p>20 Q. Right.</p> <p>21 A. That's correct.</p> <p>22 Q. So, wouldn't you agree that this problem that</p> <p>23 you fired her for in April had been solved in Jan -- by</p> <p>24 January 1st, 2007?</p> <p>25 A. I don't -- that wouldn't absolutely be correct.</p>	<p style="text-align: right;">Page 21</p> <p>1 to -- I guess there is no page number on that</p> <p>2 one. The last page here -- I don't know. It</p> <p>3 looks like there's more than 13 pages. There</p> <p>4 are actually three pages at the end that aren't</p> <p>5 numbered. Can we just number them for the</p> <p>6 record --</p> <p>7 BY MR. HUSKISON: That will be fine.</p> <p>8 BY MR. WOODRUFF: -- and make a note that,</p> <p>9 you know, let it go in the record that the last</p> <p>10 three pages of Exhibit Number 19, -- I'm going</p> <p>11 to notice -- I'm just -- I'm going to number</p> <p>12 them now that it was not part of the original</p> <p>13 numbering, which just went to page 12. 12.</p> <p>14 Okay.</p> <p>15 I'm going to put 13 on the page that has a</p> <p>16 66 at the bottom.</p> <p>17 BY MR. HUSKISON: Okay.</p> <p>18 BY MR. WOODRUFF: I'm going to put 14 on a</p> <p>19 page that has a 67 at the bottom. I'm going to</p> <p>20 put 15 on the page that has a fax number, it</p> <p>21 was faxed April 12th at the bottom, and then</p> <p>22 I'm going to put the one that doesn't have</p> <p>23 any -- well, I guess -- yeah, I guess there is</p> <p>24 a fax number at the top. I'm going to put that</p> <p>25 as 16, so we have a reference to refer to them</p>

6 (Pages 18 to 21)

CHIEF KEN MOORE

5/20/2010

<p style="text-align: right;">Page 22</p> <p>1 now, if that's all right with you.</p> <p>2 BY MR. HUSKISON: That's fine.</p> <p>3 BY MR. WOODRUFF: Okay.</p> <p>4 Q. [Mr. Woodruff] I think the last two -- well,</p> <p>5 let's go back to these. Let's go back to -- well,</p> <p>6 wouldn't you agree that as of January 1st these people</p> <p>7 listed, the only person who was a problem was White, is</p> <p>8 that correct?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay. And you mentioned something about not</p> <p>11 getting notice about termination. Where do -- is the</p> <p>12 document you had labeled 11? What's the date at the</p> <p>13 bottom of the document?</p> <p>14 A. October 23rd, 2006.</p> <p>15 Q. There is a stamp, it's kind of hard to see, up</p> <p>16 at the top right. When is it stamped as received?</p> <p>17 A. October 26, 2006.</p> <p>18 Q. What is listed on this document?</p> <p>19 A. A list of employees and four stamped terminated.</p> <p>20 Q. Um-hmm. So, it's not true that they weren't</p> <p>21 notified about these employees being terminated before</p> <p>22 January 1st, is it?</p> <p>23 A. I don't know. I don't know where this came from</p> <p>24 other than --</p> <p>25 Q. You produced it.</p>	<p style="text-align: right;">Page 24</p> <p>1 10-23-06 letter of Ms. Colvin. Pages 3 through 7 are our</p> <p>2 response to her. Page 8 is our first review of the</p> <p>3 roster. Pages 9 and 10 is the last review.</p> <p>4 Q. Right. As January --</p> <p>5 A. Page 11 is the roster submitted and page 12 is</p> <p>6 the report of the current certifications.</p> <p>7 Q. Right. And my question to you is, they are</p> <p>8 telling you on January 24th, 2007, those last three</p> <p>9 people on page 10, Not on last roster. Need termination</p> <p>10 notice.</p> <p>11 A. Um-hmm. [indicating affirmative]</p> <p>12 Q. And, yet, they've got a termination notice that</p> <p>13 they stamped as received on October 26, 2006.</p> <p>14 A. I can't answer that.</p> <p>15 Q. You don't have to answer it.</p> <p>16 A. Mr. Gray will have to answer that.</p> <p>17 Q. You're basing -- you're terminating this 20 year</p> <p>18 employee based upon this kind of shoddy reporting to</p> <p>19 you?</p> <p>20 A. Sir, we based -- we terminated Ms. Colvin for</p> <p>21 not being honest to the Board.</p> <p>22 Q. Well, you say you. Tell me why you terminated</p> <p>23 her. Obviously you can't speak for some-- everybody</p> <p>24 else. Tell me why you terminated -- why you voted to</p> <p>25 terminate her.</p>
<p style="text-align: right;">Page 23</p> <p>1 A. This is what he provided me.</p> <p>2 Q. Right.</p> <p>3 A. All right.</p> <p>4 Q. So, wouldn't you believe that -- wouldn't you</p> <p>5 agree that they received a document on October 26 that</p> <p>6 listed these four people as terminated?</p> <p>7 A. White. White is not terminated.</p> <p>8 Q. You said White wasn't --</p> <p>9 A. Edwards is.</p> <p>10 Q. All right. White is not listed as terminated on</p> <p>11 page 10. White, Shepherd and --</p> <p>12 A. I'm sorry. I'm sorry. White, Edwards, Shepherd</p> <p>13 and Brown. Yes, sir. That's three of them that are.</p> <p>14 Q. Shepherd.</p> <p>15 A. As --</p> <p>16 Q. And, so, what I'm trying to understand is, on</p> <p>17 page 10 it says Dated Reviewed and it has January 24th,</p> <p>18 2007, and down at the -- for those three people, Edwards,</p> <p>19 Shepherd and Brown, it says Not on last roster. Need</p> <p>20 termination notice.</p> <p>21 And, yet, on the next page they provided from</p> <p>22 you -- Mr. Gray provided for you and lists those three</p> <p>23 people as terminated in a document sent from Jessie</p> <p>24 Colvin on October 26th, 2006.</p> <p>25 A. He says here in his notes, Pages 1 and 2 are the</p>	<p style="text-align: right;">Page 25</p> <p>1 A. I terminated her because every occasion she was</p> <p>2 asked --</p> <p>3 Q. Um-hmm.</p> <p>4 A. -- about the training certifications since the</p> <p>5 first time it came up, she had said that all the</p> <p>6 certifications were up to par.</p> <p>7 Q. And tell me those dates.</p> <p>8 A. I would -- we would have to go back and look</p> <p>9 through the minutes.</p> <p>10 Q. From your -- can you tell me any time that she</p> <p>11 was asked?</p> <p>12 A. I can't tell you exact dates without the</p> <p>13 minutes.</p> <p>14 Q. Can you tell me any --</p> <p>15 A. It was brought up several times in the Board</p> <p>16 meetings --</p> <p>17 Q. Tell me --</p> <p>18 A. -- prior to all this. All this was a current</p> <p>19 status of where we were and when we got there, based on</p> <p>20 what Jessie had told the Board several times before that</p> <p>21 the certifications were -- had been and always had been</p> <p>22 up to par. This documentation proved that she was not</p> <p>23 honest from the beginning when she was first asked about</p> <p>24 it.</p> <p>25 Q. Let me ask -- so you are accusing her of being a</p>

7 (Pages 22 to 25)

CHIEF KEN MOORE

5/20/2010

<p style="text-align: right;">Page 26</p> <p>1 liar?</p> <p>2 A. She was dishonest to the Board.</p> <p>3 Q. Is there any other reason why you voted to</p> <p>4 terminate her other than she was dishonest to the Board?</p> <p>5 A. No, sir.</p> <p>6 Q. Let me see if I can understand. You've got --</p> <p>7 obviously these documents aren't all a part of this fax</p> <p>8 cover letter. In fact, there's a cover letter and then</p> <p>9 there's 12 pages and he refers to a 13 page fax.</p> <p>10 So, would it be true that the ones that you had</p> <p>11 numbered up to 12 are a part of the fax, the first fax?</p> <p>12 Wouldn't you agree with that?</p> <p>13 A. Numbered 1 through 12?</p> <p>14 Q. Right.</p> <p>15 A. That's correct.</p> <p>16 Q. Plus the cover sheet.</p> <p>17 A. Which makes 13.</p> <p>18 Q. All right. And then the last two pages looks</p> <p>19 like would be another two page fax from --</p> <p>20 A. One is from Lowndes County Accounting, the</p> <p>21 building, the --</p> <p>22 Q. All right.</p> <p>23 A. -- and the other one was --</p> <p>24 Q. And then the --</p> <p>25 A. -- the roster.</p>	<p style="text-align: right;">Page 28</p> <p>1 two other documents he did himself --</p> <p>2 BY MR. WOODRUFF: Let's --</p> <p>3 BY MR. HUSKISON: -- somewhere and they</p> <p>4 have his handwritten notes on it.</p> <p>5 BY MR. WOODRUFF: I think we need to</p> <p>6 separate it out.</p> <p>7 Let's go back. Exhibit 19 is going to be</p> <p>8 the fax with the 12 numbered pages behind it.</p> <p>9 A. All right.</p> <p>10 BY MR. WOODRUFF: Let's make that 19 now.</p> <p>11 Do you have a 20? Let's make this 21 and 22</p> <p>12 because I'm not sure these two go together.</p> <p>13 [Discussion off the record.]</p> <p>14 [The Code Section was marked as Exhibit 20,</p> <p>15 the E911 Dispatchers was marked as Exhibit 21</p> <p>16 and the Lowndes County Accounting was marked</p> <p>17 as Exhibit 22 to the deposition of Chief Ken</p> <p>18 Moore.]</p> <p>19 BY MR. HUSKISON: I want to know how</p> <p>20 you've numbered these exhibits.</p> <p>21 CONTINUING BY MR. WOODRUFF:</p> <p>22 Q. 19 is the fax from Gray, I believe you</p> <p>23 testified.</p> <p>24 A. Yes, sir.</p> <p>25 Q. -- and -- with a cover sheet and 12 pages that</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. What we've marked as page 15, E911 Dispatchers,</p> <p>2 that's what she sent -- is that what you sent to them?</p> <p>3 A. This? Yeah. I think that's correct.</p> <p>4 Q. Is that -- the one that has, that says, E911</p> <p>5 Dispatchers, April 12th, 2007. Is that a fax that you</p> <p>6 sent to Mr. Gray?</p> <p>7 A. I could not testify which one I sent to him.</p> <p>8 Q. Well, if you sent a fax, would it say Columbus</p> <p>9 Lowndes E911?</p> <p>10 A. Um-hmm. [indicating affirmative]</p> <p>11 Q. It would?</p> <p>12 A. No, it wouldn't.</p> <p>13 Q. So, you didn't send this, did you?</p> <p>14 A. I can't say whether I did or not. Now, this</p> <p>15 particular document is one that was sent to me from --</p> <p>16 obviously from 911. If this is the one I sent to him, it</p> <p>17 would not be stamped.</p> <p>18 Q. My question is, -- I'm just trying to</p> <p>19 understand. We got -- we put things together. It looks</p> <p>20 like we need to probably separate them out, don't you</p> <p>21 think?</p> <p>22 BY MR. HUSKISON: Whatever you -- I mean,</p> <p>23 the first 13 are the --</p> <p>24 BY MR. WOODRUFF: Yeah.</p> <p>25 BY MR. HUSKISON: -- fax and then he's got</p>	<p style="text-align: right;">Page 29</p> <p>1 you put 1 through 12 and put a circle around, is that</p> <p>2 correct?</p> <p>3 A. I don't remember if I put the numbers on it</p> <p>4 or--</p> <p>5 Q. Well, somebody did.</p> <p>6 A. -- but somebody did, yes, sir.</p> <p>7 Q. All right. Stand corrected. All right. Now,</p> <p>8 as far as this -- and we're going to introduce -- we're</p> <p>9 going to have 19, 20, 21, 22 and so Berk will calm down,</p> <p>10 these do represent the documents you went with before the</p> <p>11 Board, is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So, let's go to 20. Tell me what this</p> <p>14 is.</p> <p>15 A. Which one is 20?</p> <p>16 Q. 20 is the one that is pages -- yeah. 20 is</p> <p>17 going to be the pages that have numbers 67 -- well, 67.</p> <p>18 Tell me what these documents are and where they came</p> <p>19 from.</p> <p>20 A. These are -- these are the State laws governing</p> <p>21 certification of dispatchers.</p> <p>22 Q. Where did they come from?</p> <p>23 A. Out of a law book.</p> <p>24 Q. How did you get it? You brought them there.</p> <p>25 I'm just trying to -- where did you get them from?</p>

8 (Pages 26 to 29)

CHIEF KEN MOORE

5/20/2010

<p style="text-align: right;">Page 30</p> <p>1 A. Sir, I don't remember.</p> <p>2 Q. Okay. Well, that's fine. I mean, that's all</p> <p>3 you can testify to is what you recall.</p> <p>4 A. Absolutely.</p> <p>5 Q. I just want to know if you do recall where you</p> <p>6 got them from or --</p> <p>7 A. I don't remember.</p> <p>8 Q. -- or if somebody gave them to you or you don't</p> <p>9 recall. Okay. Did you read these things?</p> <p>10 And, for the record, you know, that says Statute</p> <p>11 19-5-353 in the Mississippi Code is what this represents.</p> <p>12 I'm not sure if you read a lot of law books but that's</p> <p>13 Mississippi Code 19 dash 5 dash 353, which is obviously</p> <p>14 the statute that covers the certification of</p> <p>15 telecommunications.</p> <p>16 Did you bother to read this? Did you read the</p> <p>17 statute that you --</p> <p>18 A. At the time I'm sure I did. Yes.</p> <p>19 Q. Do you recall or not? I mean, I'm not asking</p> <p>20 you to speculate. Do you recall whether you read it or</p> <p>21 not?</p> <p>22 A. I don't remember.</p> <p>23 Q. Do you recall whether you understand what the</p> <p>24 statute says?</p> <p>25 A. Do I understand what it says?</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. So, somebody over at 911 must have composed this</p> <p>2 for you and sent it to you, is that correct?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And then you sent it to Gray?</p> <p>5 A. I can't remember if it was this document I sent</p> <p>6 to him. I can't remember which one I sent to him.</p> <p>7 Q. But you sent him a document --</p> <p>8 A. Yes.</p> <p>9 Q. -- that could have been this one because it</p> <p>10 lists the dispatchers.</p> <p>11 A. The current employees.</p> <p>12 Q. Okay. So, we can assume that this may have been</p> <p>13 the document you sent them about who the current</p> <p>14 dispatchers were and there is a date on there, April</p> <p>15 12th, 2007, okay?</p> <p>16 And then let's go to Exhibit Number 22. Tell me</p> <p>17 what this document is. And this was the last page in the</p> <p>18 documents that were marked previously as Exhibit 19.</p> <p>19 A. It's a list of the employees from Lowndes County</p> <p>20 payroll.</p> <p>21 Q. Okay. I know, but what --</p> <p>22 A. Accounting Department.</p> <p>23 Q. Where did this come from?</p> <p>24 A. I don't remember.</p> <p>25 Q. Did you -- did Gray send this to you? Did</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Yes.</p> <p>2 A. I'm not a lawyer, but --</p> <p>3 Q. Well, that's why I asked.</p> <p>4 A. -- I have my opinion of it.</p> <p>5 Q. Okay. I'm just trying to understand when you</p> <p>6 went in front of the Board, what --</p> <p>7 A. I was asked to provide documentation about what</p> <p>8 the requirements were for telecommunicators.</p> <p>9 Q. This is the documentation but I'm -- did you</p> <p>10 read and explain why we -- why Columbus 911 or --</p> <p>11 A. It was discussed, yes.</p> <p>12 Q. Y'all discussed this -- these requirements here?</p> <p>13 A. We discussed the requirements.</p> <p>14 Q. Did -- let's go to 21. Tell me about this</p> <p>15 document.</p> <p>16 A. Which one is 21?</p> <p>17 Q. It looks like it's from Columbus Lowndes 911.</p> <p>18 Let me just check on this. Is this a document that</p> <p>19 Jessie sent to you for you to send to Mr. Gray?</p> <p>20 A. I don't remember who sent it to me.</p> <p>21 Q. Well, you didn't -- you didn't compose this</p> <p>22 document --</p> <p>23 A. No.</p> <p>24 Q. -- yourself?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 33</p> <p>1 Jessie send this to you? Do you know where this came</p> <p>2 from?</p> <p>3 A. Not specifically.</p> <p>4 Q. Do you know whose handwriting this is as far as</p> <p>5 Last Certification up there?</p> <p>6 A. That's my handwriting.</p> <p>7 Q. Okay. So, did you highlight the names on here,</p> <p>8 certain names? Did you use a highlighter?</p> <p>9 A. I would have, yes.</p> <p>10 Q. What color highlighter did you use?</p> <p>11 A. Sir, I don't even remember.</p> <p>12 Q. Let me give you a clue. You use yellow because</p> <p>13 it doesn't mess up the copy.</p> <p>14 A. I couldn't --</p> <p>15 Q. You used a non-yellow color, because if you use</p> <p>16 yellow, it will copy and you won't even see the</p> <p>17 highlighter.</p> <p>18 A. I guess. I don't --</p> <p>19 Q. But you used a highlighter.</p> <p>20 A. I don't know.</p> <p>21 Q. You highlighted some of these?</p> <p>22 A. Yeah.</p> <p>23 Q. Okay. And that's why they are hard to read now,</p> <p>24 you know. It looks like Burgin and Colvin and Crownover,</p> <p>25 Sherry Fancher. Why did you highlight the ones that you</p>

9 (Pages 30 to 33)

CHIEF KEN MOORE

5/20/2010

<p style="text-align: right;">Page 34</p> <p>1 highlighted, do you know?</p> <p>2 A. Right here today?</p> <p>3 Q. Yes.</p> <p>4 A. Just looking at my notes, would have been the</p> <p>5 ones that were certified.</p> <p>6 Q. Okay. You drew some lines from -- from some</p> <p>7 names over to the Rate. What do those lines indicate?</p> <p>8 A. It's just where I made notes.</p> <p>9 Q. Um-hmm. I know, but you drew a line. From some</p> <p>10 -- like, start at the top. You have, it looks like</p> <p>11 Taalhamekia, T-a-a-l-h-a-m-e-k-i-a, Bell?</p> <p>12 BY MS. COLVIN: Um-hmm. [indicating</p> <p>13 affirmative] Taadhamekia.</p> <p>14 BY MR. WOODRUFF: Taadhamekia. Is that a</p> <p>15 D? But it's a T-a-a-d?</p> <p>16 BY MS. COLVIN: It's a D.</p> <p>17 BY MR. WOODRUFF: Okay.</p> <p>18 Q. [Mr. Woodruff] T-a-a-d-h-a-m-e-k-i-a. You see</p> <p>19 where you -- did you draw a line from that up to the rate</p> <p>20 of pay?</p> <p>21 A. I did.</p> <p>22 Q. Is there any reason why you drew that line?</p> <p>23 A. Just looking at it? I would assume because</p> <p>24 there was some kind of concern about it one way or the</p> <p>25 other.</p>	<p style="text-align: right;">Page 36</p> <p>1 A. 7 of 2007.</p> <p>2 Q. So, was he in violation at that time?</p> <p>3 A. Violation of State law?</p> <p>4 Q. Violation -- was he -- yes.</p> <p>5 A. He was not certified.</p> <p>6 Q. Right. But he had a year to get certified,</p> <p>7 right?</p> <p>8 A. But he wasn't certified at the time.</p> <p>9 Q. Right. So, he had three more months to get</p> <p>10 certified, until he violated the law, right? Isn't that</p> <p>11 correct?</p> <p>12 A. I would assume that would be correct.</p> <p>13 Q. All right. Let's go down to -- you have one</p> <p>14 other here where it's Shalona -- S-h-a-l-o -- Shalonda.</p> <p>15 S-h-a-l-o-n-d-a Single -- Singleton, S-i-n-g-l-e-t-o-n.</p> <p>16 All right. You put Lacks certification there, too,</p> <p>17 right?</p> <p>18 A. Um-hmm. [indicating affirmative]</p> <p>19 Q. And what date was she hired?</p> <p>20 A. 5-8-2006.</p> <p>21 Q. So when would -- when would her one-year grace</p> <p>22 period run out?</p> <p>23 A. 6 of 2007.</p> <p>24 Q. Okay. So, she didn't have to be certified at</p> <p>25 that time, either, did she?</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Okay. But as we sit here today, you don't --</p> <p>2 you don't know?</p> <p>3 A. Just looking at my notes, that's what I would</p> <p>4 assume.</p> <p>5 Q. Okay. Looking at the -- it looks like these are</p> <p>6 all new employees, or relatively very new employees. In</p> <p>7 fact, it looks like they just were hired in March,</p> <p>8 February, 2007.</p> <p>9 A. Looking at their dates, they were all hired in</p> <p>10 2006 or 2007.</p> <p>11 Q. Okay. When you got a Paul --</p> <p>12 A. There's one for 2005.</p> <p>13 Q. Right. When you got a Paul Korom, you say, Last</p> <p>14 certification, right?</p> <p>15 A. That's what the notes say.</p> <p>16 Q. Right. And you wrote -- and you wrote that,</p> <p>17 right?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. What was -- when was that person employed</p> <p>20 there?</p> <p>21 A. 7-18-2006.</p> <p>22 Q. So, when would -- when were Paul K-r --</p> <p>23 K-o-r-o-m, when would he have to be certified?</p> <p>24 A. Would have been 2007.</p> <p>25 Q. When in 2007?</p>	<p style="text-align: right;">Page 37</p> <p>1 A. She was not certified at the time.</p> <p>2 Q. Right. And she had until June to be certified,</p> <p>3 didn't she?</p> <p>4 A. That would be correct.</p> <p>5 Q. So, in fact, -- so, in fact, as of this day,</p> <p>6 which is April 12th, there was nobody in the dispatchers</p> <p>7 office that hadn't been certified, isn't that correct?</p> <p>8 A. Uh-unh. [indicating negative] That wouldn't be</p> <p>9 correct.</p> <p>10 Q. That was in violation of certification.</p> <p>11 A. That wouldn't be correct, either.</p> <p>12 Q. Who -- who is in violation of certification?</p> <p>13 A. Joyce White would have been in violation.</p> <p>14 Q. Okay. So, you didn't put a line to</p> <p>15 certification, so Joyce White still wasn't certified?</p> <p>16 A. And it says here that seven were not on the</p> <p>17 State roster within the 30 day requirement.</p> <p>18 Q. Okay. And you put five certified and one</p> <p>19 Jessie. That means five plus Jessie?</p> <p>20 A. 1, 2, 3, 4, 5. Um-hmm. [indicating</p> <p>21 affirmative]</p> <p>22 Q. Now, what's this one left on State roster, no</p> <p>23 separation papers, 10 days. What does that mean?</p> <p>24 A. One of the employees had left and their</p> <p>25 termination paper was -- had not been sent in.</p>

10 (Pages 34 to 37)

CHIEF KEN MOORE

5/20/2010

Page 38

1 Q. Do you know which one?  
 2 A. I do not because it would have been on the  
 3 State roster. I would have to go back to the State  
 4 roster.  
 5 Q. Where is the State roster at? Is that page 8 of  
 6 19 Exhibit?  
 7 A. I'm trying to see if this is the right one. I  
 8 will just have to go back and forth, back and forth.  
 9 BY MR. HUSKISON: Do you want him to take  
 10 a break and go through and figure out which --  
 11 he's got these handwritten notes.  
 12 BY MR. WOODRUFF: If he knows. I mean, if  
 13 he --  
 14 A. I don't remember which one specifically it is.  
 15 I mean, I --  
 16 Q. [Mr. Woodruff] Okay. That's fine. I mean,  
 17 that's fine.  
 18 BY MR. WOODRUFF: Give me a break for a  
 19 minute. We are just about done.  
 20 BY MR. HUSKISON: Okay.  
 21 [Discussion off the record.]  
 22 CONTINUING BY MR. WOODRUFF:  
 23 Q. Just a few -- I've just got a few more  
 24 questions. Do you know what the Mississippi Justice  
 25 Information Center is?

Page 39

1 A. Yes, sir.  
 2 Q. Tell me what that is.  
 3 A. That's the agency that handles license checks  
 4 and background checks.  
 5 Q. For who?  
 6 A. That's the -- they certify agencies to be able  
 7 to do those.  
 8 Q. Okay. All right. Who was in charge for the 911  
 9 -- in Columbus 911, who was in charge of that, that  
 10 certification for the MJIL -- I'm sorry, MJIC.  
 11 A. MJIC?  
 12 Q. Yes.  
 13 A. At what point?  
 14 Q. We're talking between January and April of 2007.  
 15 A. I have -- all that time, I don't have the  
 16 knowledge of.  
 17 Q. Isn't it true that it was Sherry Fancher?  
 18 A. She was at one time. I don't know if she was  
 19 the whole time or not.  
 20 Q. Isn't it true that a lot of dispatchers weren't  
 21 properly certified with the MJIC at that same time that  
 22 you were investigating Jessie Colvin?  
 23 A. I didn't see the report. I only knew what  
 24 Jessie said.  
 25 Q. Um-hmm. Well, did Sherry Fancher receive any

Page 40

1 disciplinary action because -- because her certifications  
 2 weren't up to date?  
 3 A. Not that I remember. Not that I'm aware of. I  
 4 don't know if Jessie did anything about it or not.  
 5 Q. In fact, about a year later she was promoted to  
 6 the Director's position, wasn't she?  
 7 A. She was eventually, yes.  
 8 Q. What was the vote for her when she was up for  
 9 the Director position? It wasn't unanimous, was it?  
 10 A. I was thinking it was.  
 11 Q. Isn't it true that Sheriff Howard didn't vote  
 12 for her?  
 13 A. I don't recollect that.  
 14 Q. Well, will it be in the Board minutes?  
 15 A. Should be, yes, sir.  
 16 Q. Well, we will be able to sort it -- sort that  
 17 out, then.  
 18 This remodeling that was going on, --  
 19 A. This, what?  
 20 Q. Remodeling or upgrading --  
 21 A. Oh.  
 22 Q. -- changing -- upgrading the computers and  
 23 stuff, isn't it true that the 911 had to operate out of a  
 24 trailer for about three months?  
 25 A. They did operate, I don't remember how long it

Page 41

1 was but, yes, sir, they did operate out of a trailer.  
 2 Q. Isn't that the same time you were doing this  
 3 investigation about certification on Jessie Colvin?  
 4 A. No, sir.  
 5 Q. You sure it wasn't between January and March of  
 6 2007?  
 7 A. I don't remember the exact dates but it was not  
 8 at that time.  
 9 Q. You're sure about that?  
 10 A. Yes, sir.  
 11 Q. So you don't recall that they moved back into  
 12 the new remodeled facility in March of 2007, --  
 13 A. I --  
 14 Q. -- after three months in trailers?  
 15 A. I do not remember the dates when they moved  
 16 back.  
 17 Q. Could you tell me now under oath that they did  
 18 not move back into the new facility -- the remodeled  
 19 facility in March of 2007?  
 20 A. I can't tell you that.  
 21 Q. And they were in trailers for about three  
 22 months, weren't they?  
 23 A. Again, I don't know the time frame, but, yes,  
 24 they were working out of trailers for a little while.  
 25 Q. That was pretty hard for them, wasn't it?

11 (Pages 38 to 41)



CHIEF KEN MOORE

5/20/2010

Page 42

1 A. Oh, absolutely.  
 2 Q. So, if this was going on at the same time that  
 3 Jessie Colvin was trying to get everybody certified, that  
 4 would be a real challenge, wouldn't it?  
 5 A. It would but that's not the issue, sir. The  
 6 issue here is, when she got back from being deployed, the  
 7 employees at that point were not certified or some of  
 8 them weren't and it was the time frame between then and  
 9 when she obviously started trying to get them certified  
 10 back in October of '06 that is in question here because,  
 11 like I said, in various Board meetings, she was asked  
 12 point blank if the training and certification was up to  
 13 par and she adamantly said that everything -- everybody  
 14 was certified and everything was --  
 15 Q. She said --  
 16 A. -- correct.  
 17 Q. -- everybody was certified?  
 18 A. She said everything was correct. There were no  
 19 problems.  
 20 Q. Tell me exactly what she said.  
 21 A. She said there were -- she said there were no  
 22 problems. That the certification was up to the  
 23 standards.  
 24 Q. She said the certification was up to the  
 25 standard?

Page 43

1 A. Yes.  
 2 Q. Are you accusing her of lying about that?  
 3 A. I'm telling you she misled the Board.  
 4 Q. Well, could it have been possible that she  
 5 wasn't aware that the certifications weren't up to  
 6 standards?  
 7 A. It's possible.  
 8 Q. And isn't it possible because -- because when  
 9 she was gone on military leave for a year the person who  
 10 was doing it then let the whole thing go to hell and she  
 11 comes back and she's not aware that all these  
 12 certifications had run out while she was gone?  
 13 A. She had been back several years.  
 14 Q. Right. My question is, I mean, that's what she  
 15 told you, isn't it?  
 16 A. What?  
 17 Q. That these certifications went out when she was  
 18 gone to the war?  
 19 A. She did -- yes, sir. She did say that.  
 20 Q. I should say -- gone to war. Gone in military,  
 21 called --  
 22 A. Active duty.  
 23 Q. Active duty. Yeah. That's a good word because  
 24 I don't believe she did go to the Gulf that time.  
 25 You just said -- so, she was fired for what

Page 44

1 happened before October of 2006? Is that what you just  
 2 said?  
 3 A. I said that she had never addressed the issue  
 4 until October of '06, and even all the way up to the last  
 5 Board meeting she never admitted there was ever a  
 6 problem.  
 7 Q. My question is, you just told me what the point  
 8 is, I mean, what the issue is and you said that what  
 9 happened before 2006 -- are you telling me that the  
 10 reason why you voted to terminate her was what happened  
 11 before October, 2006?  
 12 A. What I'm telling you is, all the way up to 2007  
 13 and all the way up to the point she was terminated, she  
 14 kept saying that everybody was certified, that there were  
 15 no problems.  
 16 Q. You keep changing what she said. Did she say  
 17 everybody was certified or did she say there were no  
 18 problems?  
 19 A. She said there were no problems with the State  
 20 certifications.  
 21 Q. All right. So, she never said everybody was  
 22 certified?  
 23 A. She said everybody that needed to be, was. Then  
 24 she brought up the probation issue.  
 25 Q. Tell me exactly what she said because you --

Page 45

1 A. There were several different meetings.  
 2 Q. Okay.  
 3 A. And she was asked about it --  
 4 Q. Tell me in each one of these--  
 5 A. -- on several different occasions.  
 6 Q. -- meetings exactly what she said. I want to  
 7 know what her exact words are.  
 8 A. Sir, I can't tell you her --  
 9 Q. As best you can --  
 10 Q. -- exact words of any meeting.  
 11 Q. You keep changing. That's why I'm trying to  
 12 understand which -- what did she say.  
 13 BY MR. HUSKISON: I object to that  
 14 characterization. They don't keep changing.  
 15 He's said the same thing over and over again  
 16 and you've asked it over and over again.  
 17 He can try to answer but he's answered  
 18 your question.  
 19 A. There were no problems with State  
 20 certification.  
 21 Q. [Mr. Woodruff] How many -- how many meetings  
 22 did she -- did she say there was no problem with State  
 23 certifications?  
 24 A. I know it was brought up at least a minimum of  
 25 twice prior to the meeting -- the last meeting we had.

12 (Pages 42 to 45)

CHIEF KEN MOORE

5/20/2010

Page 46

1 Q. Okay. Do you recall approximately how long  
2 before that -- when you say last meeting, you are talking  
3 about the termination meeting?  
4 A. Yeah. When she was asked about it again, which  
5 she denied it at that point, too.  
6 Q. These two times, approximately how long before  
7 these other two meetings did certification come up?  
8 A. I told you I can't remember which meetings they  
9 were.  
10 Q. I mean, was it within -- would it have been --  
11 would it be in the records, the Board minutes from  
12 those?  
13 A. It's possible.  
14 Q. Well, shouldn't it be in there if this --  
15 A. There was a discussion about it.  
16 Q. And you had -- so there was -- and if there was  
17 a discussion about it, it should be in the Board minutes.  
18 A. Should be.  
19 Q. So, if we get a copy of the Board minutes for  
20 the previous year or whatever, it should be two different  
21 Board meetings where she said all the certifications were  
22 up to date, right?  
23 A. I couldn't tell you what they are going to say.  
24 Q. Well, I guess we will all find out one of these  
25 days.

Page 47

1 A. [Witness nods head up and down.]  
2 BY MR. WOODRUFF: Nothing further.  
3 A. All right.  
4 BY MR. WOODRUFF: Thank you.  
5 A. Thank you.  
6 BY MR. HUSKISON: No questions.  
7  
8 [Whereupon the deposition was concluded at  
9 1:28 p.m.]

Page 48

**CERTIFICATE OF COURT REPORTER**  
I, Teresa B. Henry, Certified Court Reporter for  
the State of Mississippi, hereby certify to the  
following:

That the foregoing 47 pages, and including this  
page, contain a full, true and correct transcript of the  
testimony of Chief Ken Moore as taken by me at the time  
and place heretofore stated in the aforementioned matter  
and later reduced by me to typewritten form to the best  
of my skill and ability;

That the deponent was placed under oath to  
truthfully answer all questions in this matter under the  
authority vested in me by the State of Mississippi; and

That I am not in the employ of or related to any  
counsel or party in this matter and have no interest,  
monetary or otherwise, in the final outcome of this  
proceeding;

WITNESS MY SIGNATURE AND SEAL, this, the 25th  
day of May, 2010.

TERESA B. HENRY, CSR 1205

( S E A L )

My Commission Expires:

December 16, 2010

Page 49

**CERTIFICATE OF DEPONENT**  
I, Chief Ken Moore, deponent in the deposition  
taken in the herein styled and numbered cause, certify  
that I have examined the foregoing 48 pages, being the  
total number of pages relating to my testimony, as to the  
correctness thereof, and that after reading said pages, I  
find them to contain a full, true and correct transcript  
of the testimony as given by me in Columbus, Mississippi,  
on May 20, 2010.

This, the \_\_\_\_\_ day of \_\_\_\_\_,  
2010.

CHIEF KEN MOORE

STATE OF MISSISSIPPI

COUNTY OF \_\_\_\_\_

SWORN TO AND SUBSCRIBED before me, this, the

day of \_\_\_\_\_, 2010.

NOTARY PUBLIC

( S E A L )

My Commission Expires:

13 (Pages 46 to 49)

Page 50

Page	Line	Correction/Change
------	------	-------------------

Page 51

cc: Honorable Ron Woodruff

DEPARTMENT OF PUBLIC SAFETY  
BOARD OF EMERGENCY TELECOMMUNICATIONS  
**STANDARDS & TRAINING**



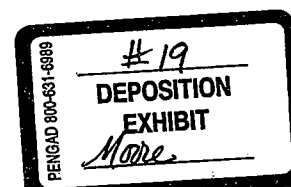
**FACSIMILE COVER SHEET**

Agency:	<i>Columbus Fire Department</i>
Contact:	<i>Chief Kenneth Moore</i>
Fax Number:	<i>662-329-5127</i>
Sender:	<i>Alan Gray</i>
Description:	<i>Certification/Reimbursement Request by Lowndes County 911 Commission</i>
<i>attached is the information we discussed. Pages 1 and 2 are the 10/23/06 letter of Ms Colvin, pages 3-7 our response, page 8 our 1<sup>st</sup> review of the roster, pages 9-10 the last review, page 11 is the roster submitted and page 12 is a report of the current certification status of your employees.</i>	
<i>If you have questions please contact me at 601-987-3063</i>	
<i>Thanks,</i>	
<i>Alan Gray</i>	
<i>Operations Management Analyst, Principle</i>	
<b># of Pages: <u>13</u></b> Including this page	
<b>Date: 11 April 2007</b>	
Problems?	Call the sender at (601) 987-3063. Immediately!

**Notice:** This message is intended for the use of the named parties. If you receive this message by accident, please forward to addressee or return to sender. Unauthorized use of the information in this message is unlawful and may result in sanctions against the user.

VPETSTY\esplined\FAX\DHM\con.mxd

Updated: 12 June 2006 Printed: 11 April 2007



**COLUMBUS/LOWNDES E911  
COMMUNICATION CENTER  
515 2<sup>ND</sup> AVENUE NORTH  
COLUMBUS, MISSISSIPPI 39701  
TELEPHONE (662) 329-5726 Fax (662) 329-5721  
EMAIL LCJCOLVIN@BELLSOUTH.NET**

October 23, 2006

Ms. Jessie W. Colvin, E911 Director  
Lowndes County E911  
515 2<sup>nd</sup> Avenue North  
Columbus, Mississippi 39702

Attn: Mr. Allen Gray  
Emergency Telecommunicator  
Mississippi Peace Officer Standards and Training  
3750 I-55 Frontage Rd N  
Jackson, Mississippi 39211-6323

Dear Mr. Gray:

I am sending my Employee Roster as required by minimum standards. I have been made aware that some of the employees on this roster will not meet the minimum standards requirements. The paperwork as well as the 16-hour re-certification class has been scheduled for the employees that are not in compliance. You will be receiving all the paperwork within the next couple of weeks.

I have not received any information from The Minimum Standards Board in writing or via telephone that an employee roster should be sent in when new employees were hired or old employees left the agency. I do pose the question, Why haven't I received correspondence from The Minimum Standards Board requesting the employee rosters and other information needed to keep my dispatchers in compliance? Where is this information sent and who should receive it. I am also requesting the following information because it has never been provided to me before:

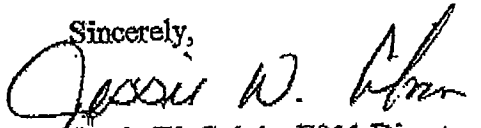
- (1) Policy and Procedures regarding Minimum Standards Training and Requirements
- (2) What classes are reimbursable by Minimum Standards?
- (3) In Service Training: What are the requirements?
- (4) A list of qualified instructors to teach the classes.
- (5) How is the information from Minimum Standards Board disseminated down to the PSAP's in the State of Mississippi and,
- (6) What type of changes are in effect and how will I be notified?

①

Page 2

Mr. Allen, I am employing your assistance with this matter. Please let me know who the contact people are in reference to obtaining the information that is necessary to get my Telecommunicators in compliance. I looked forward to hearing from you and any suggestions that you have to help me with this situation.

Sincerely,

  
Jessie W. Colvin, E911 Director



HALEY R. BARBOUR  
GOVERNOR

STATE OF MISSISSIPPI  
DEPARTMENT OF PUBLIC SAFETY

GEORGE PHILLIPS  
COMMISSIONER

PEACE OFFICER  
STANDARDS AND TRAINING

ROBERT D. DAVIS  
DIRECTOR

October 26, 2006

Ms Jessie W. Colvin, Director  
Lowndes County E-911  
512 2nd Avenue North  
Columbus, Ms 39702

Director Colvin,

Enclosed you will find a memorandum sent May 22, 2006 to your attention which gives the Legislative authorization and the requirements for initial certification and re-certification.

The current policies of the Mississippi Board of Emergency Telecommunications Standards and Training are on file with the Secretary of State's office as well as on-line at [www.dps.state.ms.us](http://www.dps.state.ms.us) click on Public Safety Planning, click on Standards and Training, click on Emergency Telecommunications. This site also gives you access to any and all Board approved forms for emergency telecommunications.

You question this office as to its lack of correspondence with your agency, however the previous request for the Emergency Telecommunicator Roster have been sent to the same address as the one you received this year. According to policy an agency is required to furnish the Board a current roster once a year. The policy does not require a formal request be made, but as a courtesy a roster request has been sent to your agency.

The Board has established that it was empowered to set minimum requirements for certification and re-certification of Emergency Telecommunicators. The Basic Communicator Course, Emergency Medical Dispatch Course, and Eight(8) Hour Field Observations required for initial certification are reimbursable after certification is achieved. The State Re-Certification Course and elective courses relating to emergency telecommunications are reimbursable while a valid certification is maintained.

Your letter also asked how the Board disseminates information to the PSAP's, the Board meets quarterly and at least two(2) meetings per year have been held in conjunction with state conferences of Emergency Telecommunications. The last meeting was held October 18, 2006 at the Ms 911 Coordinator's Conference in Tunica, Ms. The Board meetings are open to the public and attendance at the conferences allows communicators and supervisors easy access to the Board.

If and when the Board makes significant changes to policy, it is published for public review on our website and on the Secretary of State's website. The staff also prepares a memorandum of understanding to be sent to all agencies. The attached May 22 memo is such an example.

You have also requested a list of State certified instructors. The currently active instructors include the following:

Ms Brenda Gowdy, Lee County Communications  
Ms Trebia Rogers, Grenada Central Communications  
Ms Gwen Davis, Indianola, Ms  
Ms Tammy Adkins, Neshoba County E-911  
Mr Mike Robertson, Ms Band of Choctaw Indians Fire Department  
Lt Robert Graham, Jackson Police Department  
Ms Vinnie Cooley, Lauderdale County E-911  
Ms Barbara Windham, Jones County 911  
Ms Corrinna Clarke, Pascagoula Police Department  
Ms Greta Temple, Madison Police Department

We are confident that any of these instructors would be of assistance in any training.

This office extends an offer to assist you in coming in compliance with Mississippi laws and Board policies covering the certification of your emergency telecommunicators. You may contact me at 601-987-3063 or by e-mail at [agray@mdps.state.ms.us](mailto:agray@mdps.state.ms.us).

Sincerely,

Alan Gray  
Operations Management Analyst, Principle  
Ms Department of Public Safety Planning  
Office of Standards and Training

enclosures

cc: file

(4)



## MEMORANDUM

To: All Agency Directors

From: Mississippi Board of Emergency Telecommunications Standards and Training

Subject: State Certification for Emergency Telecommunicators

The Board and its staff have authorized the following information to be issued to all agencies utilizing Emergency Telecommunicators.

On July 1, 1993 the Mississippi Legislature established the Mississippi Board of Emergency Telecommunications Standards and Training. The Board was empowered to develop minimum standards for the training and certification of public safety and 911-telecommunicators. This act further states:

" Any state agency or political subdivision that employs a person as a telecommunicator who does not meet the requirements of this act [Laws, 1993, ch536], or who employs a person whose certificate has been suspended or revoked under provisions of this act is prohibited from paying the salary of such person, and any person violating this subsection shall be personally liable for making such payment".

The Board wants to be clear with its requirements for certification, and this memo will attempt to detail current requirements.

### CERTIFICATION

Initial certification must be completed within twelve (12) months of the date of hire.

- (1) An Application for Certification ( parts I, II ,and III) is to be sent to the Board within thirty (30) days of hire.
- (2) The forty (40) hour Basic Communications Course is required of all telecommunicators. APCO and NECI are the approved vendors at this time.
- (3) An eight hour field observation in each of the disciplines (law enforcement, fire, emergency medical services) the telecommunicator will serve is required.
- (4) If the telecommunicator will dispatch emergency medical services, the completion of an Emergency Medical Dispatch Course is required. APCO, NECI, NAEMD, and United States DOT are the approved courses at this time.

The initial certification is valid for thirty-six (36) months from the date of issuance. A re-

5

- (3) Overnight accommodations prior to training are authorized only if the distance to training is greater than one hundred (100) miles and the training begins at or before eight (8) AM. No overnight expenses are allowed following the end of class.
- (4) If an agency sends multiple students to the same class they must car pool. A rule of four (4) students per car will be followed for mileage reimbursement.
- (5) Out-of State travel requires prior written approval of the Board staff.

The termination of an emergency telecommunications employee must be reported to the Board within ten (10) days using the Termination/Reassignment form. When applicable, the telecommunicator's "Professional Certificate" must be returned to the Board following the termination/reassignment of the employee.

All agencies are required to submit an annual roster of emergency telecommunicators employed by their agency and the current certification status of each telecommunicator.

If you have questions concerning certification requirements, documentation of training, availability of training classes, or reimbursement of training expenses, please contact either Mr. Alan Gray or Mr. Derek Robertson at the following:

Office of Standards & Training  
3750 I-55 North Frontage Road  
Jackson, Mississippi 39211

(601) 987-3063 Alan Gray  
(601) 987-3070 Derek Robertson  
(601) 987-3086 Fax

We can also be reached by email at [agray@mdps.state.ms.us](mailto:agray@mdps.state.ms.us) or [drobertson@mdps.state.ms.us](mailto:drobertson@mdps.state.ms.us)

certification process should be completed prior to expiration of the initial certificate.

The re-certification process requires completion of the following:

- (1) Completion of at least forty-eight (48) hours of board-approved electives from no fewer than six (6) subject areas.
- (2) Completion of the State Re-Certification Course during the last twelve(12) months of the initial certification.\*
- (3) Submission of an Application for Re-Certification.

\* Re-certification course only required for the first re-certification.

#### REIMBURSEMENT of TRAINING EXPENSES

The requirements of special training under the Act are also supported by a reimbursement system to fund the expenses incurred for training. The Act allows the Board to set limits on amounts for reimbursement and the Board has included the following expenses in its reimbursement allowances:

- (1) Tuition Cost for all Board approved courses.
- (2) Salary for actual time in training class.\*
- (3) Expenses to include meals, lodging and mileage for attending out of area training.

\* Salary expenses are not reimbursable if the telecommunicator is out of compliance.

Limits must be imposed on training costs to protect the integrity of the program and the Board has made the following limitations:

- (1) Tuition is set by type of training with a range allowed as follows:

Basic Communications	\$350.00 to \$395.00
EMD	\$300.00 to \$350.00
Re-Certification	\$175.00 to \$200.00
Electives	An average of \$17.50 per hour

- (2) Meal rates cannot exceed the state per-diem rate and should be limited to the following maximum amounts for partial travel days:

Breakfast	\$7.00
Lunch	\$13.00
Dinner	\$20.00

LOWNDES COUNTY E-911  
ROSTER REVIEW AND CERTIFICATION STATUS

15-Nov-08

LAST NAME	FIRST NAME	SOCIAL SECURITY #	DATE OF HIRE	CERT NUMBER	CERT STATUS	CERT NEEDS
BROWN	JACQUELINE		3/1/95	E-00900	EXP 2/03	NEED RE-CERT APP, 6 ELECTIVES/48 HRS
BURGIN	JULIA		11/16/1998	E-02738	EXP 7/03	NEED RE-CERT APP, 6 ELECTIVES/48 HRS
COLVIN	JESSIE		6/19/1989	E-00032	EXP 5/02	NEED RE-CERT APP, 6 ELECTIVES/32 HRS
CROWNOVER	JAMES		6/28/1989	E-00035	EXP 4/02	NEED RE-CERT APP, 6 ELECTIVES/48 HRS
EDWARDS	KAMILAH		6/28/2006	N/A	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES
FANCHER	SHERI		7/21/990	E-00056	EXP 4/02	NEED RE-CERT APP, 6 ELECTIVES/32 HRS
FARIS	RUTH		12/18/1991	E-00024	EXP 4/02	TERM 5/99, NEED APP, 6 ELECTIVES/48 HRS
HATCHER	MITZI		11/29/1989	E-00078	EXP 4/02	NEED RE-CERT APP, 6 ELECTIVES/48 HRS
KOROM	PAUL		6/30/2006	N/A	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES
LORENZ	AARON		9/27/2006	N/A	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES
IMOTES	PHYLLIS		3/23/2006	E-03030	OK 11/07	OK
SHEPARD	PATSY		4/16/1994	E-00239	EXP 4/02	TERM 5/99, NEED APP, 6 ELECTIVES/48 HRS
SINGLETON	SHALONDA		6/5/2006	N/A	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES
WHITE	JOYCE		5/20/2005	N/A ***	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES

\*\*\* MS WHITE IS OVER 12 MONTH GRACE PERIOD.

100



HALEY R. BARBOUR  
GOVERNOR

STATE OF MISSISSIPPI  
DEPARTMENT OF PUBLIC SAFETY

GEORGE PHILLIPS  
COMMISSIONER

PEACE OFFICER  
STANDARDS AND TRAINING

ROBERT D. DAVIS  
DIRECTOR

January 24, 2007

Columbus-Lowndes County E-911  
P O Box 1101  
Columbus, Ms 39703

Dear Ms Colvin,

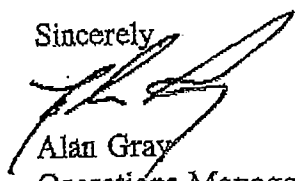
Thank you for submitting your FY 2007 roster of Emergency Telecommunicators. Our staff has reviewed the roster and attached is a listing of the status of each communicator according to our records.

If you disagree with our findings, please contact either Alan Gray or Derek Robertson to reconcile the differences.

The Department of Public Safety web site [www.dps.state.ms.us](http://www.dps.state.ms.us) contains a link to all forms necessary to properly attain certification and a link to the training calendar to schedule training.

Thank you again for your response.

Sincerely,



Alan Gray

Operations Management Analyst, Principle

AGENCY: Columbus-Lowndes County E-911					
DATE REVIEWED: 1/24/2007					
LAST Social Security DATE OF CERT EXP					
NEEDED					
Colvin	3/1/1995	E-02738	1/1/2010	Exp 07/03, re-cert as of 01/01/2007	
Farther	6/19/1989	E-00032	1/1/2010	Exp 05/02, re-cert as of 01/01/2007	
Hatcher	6/28/1989	E-00035	1/1/2010	Exp 04/02, re-cert as of 01/01/2007	
Lorenz	7/2/1990	E-00056	1/1/2010	Exp 04/02, re-cert as of 01/01/2007	
Singleton	12/18/1991	E-00024	1/1/2010	Exp 04/02, re-cert as of 01/01/2007	
Edwards	11/29/1989	E-00078	1/1/2010	Exp 04/02, re-cert as of 01/01/2007	
Brown	6/30/2006	new	6/30/2007	Basic, EMD, 3 Rides	
	9/27/2006	new	9/27/2007	Basic, EMD, 3 Rides	
	3/23/2006	E-03030	11/1/2007	Application, Transfer of Certificate	
	6/5/2006	new	6/5/2007	Basic, EMD, 3 Rides	
	5/20/2005	new	5/20/2006 *	EMD, 3 Rides	
	6/28/2006	new	6/28/2007	Not on last roster need termination notice	
	4/16/1994	E-00239	4/1/2002	Not on last roster need termination notice	
	3/1/1995	E-00900	2/1/2003	Not on last roster need termination notice	

\* Not eligible for any reimbursements.



# MISSISSIPPI

## PEACE OFFICER STANDARDS & TRAINING

### EMERGENCY TELECOMMUNICATOR ROSTER

Name of Department Lowndes County E 9-1-1

Phone # 662-329-5726

Department's Address 515 Second Avenue North  
Post Office Box/Street Number

Columbus MS 39701  
City/State Zip

Fax # 662-329-5721

Department's E-mail ljcolvin@bellsouth.net

PLEASE COMPLETE AND SIGN THE FOLLOWING ROSTER FOR EMERGENCY TELECOMMUNICATORS ONLY AND RETURN TO THE ADDRESS LISTED AT THE BOTTOM OF THIS PAGE.

Name (Last, First Middle)	Social Security Number	Position or Rank	Date of Employment (Month / Day / Year)	BETST Certificate #
Brown, Jacqueline K		dispatcher	03/01/95	<b>TERMINATED</b>
Burgin, Julia A		"	11/16/98	E-02738
Colvin, Jessie W		Director	06/19/89	E-00032
Crownover, James C		dispatcher	06/28/89	E-00035
Edwards, Kamilah		"	06/28/06	<b>TERMINATED</b>
Fancher, Sheri L		"	07/02/90	E-00056
Farris, Ruth A		"	12/18/91	E-00024
Hatcher, Mitzi D		"	11/29/89	E-00078
Korom, Paul		PT dispatcher	06/30/06	
Lorenz, Aaron		<i>PT dispatcher</i>	09/27/06	
Motes, Phyllis L		dispatcher	03/23/06	<b>TERMINATED</b>
Shepherd, Patsy S		"	04/16/94	<b>TERMINATED</b>
Singleton, Shafonda		"	06/05/06	
White, Joyce		"	05/20/05	

**WARNING:** MISSISSIPPI CODE AS ANNOTATED SECTION 19-5-303 PROVIDES FOR SEVERE PENALTIES FOR MISREPRESENTATIONS OR FRAUDULENT STATEMENTS TO A BOARD. THIS STATUTE AUTHORIZES A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) AND A JAIL SENTENCE OF UP TO FIVE (5) YEARS.

#### AFFIDAVIT

I swear or affirm that this list is a complete and exhaustive list of all emergency telecommunicators as defined by Mississippi Code as Annotated Section 19-5-303 who are currently employed by my organization.

Signature of Agency/Department Head

Date Signed

MISSISSIPPI CODE AS ANNOTATED SECTION 19-5-303

rev. - June 2002

3750 I-55 Frontage Rd N  
Jackson, Mississippi 39211-6323  
Telephone # - (601) 987-3098, Fax # - (601) 987-3086

Page 16



may make such other reports as it deems desirable.

Sources: Laws, 1993, ch. 536, § 7, eff from and after July 1, 1993.

**§ 19-5-353. Certification requirement for telecommunicators; minimum standards of training; suspension, cancellation, or recall of certificate; reprimands; notice, hearing and appeal; re-application; penalties for employment of telecommunicator not duly qualified; other training not precluded.**

(1) The initial minimum standard of training for local public safety and 911 telecommunicators shall be determined by the Board of Emergency Telecommunications Standards and Training. All courses approved for minimum standards shall be taught by instructors certified by the course originator as instructors for such courses.

(2) The minimum standards may be changed at any time by the Board of Emergency Telecommunications Standards and Training.

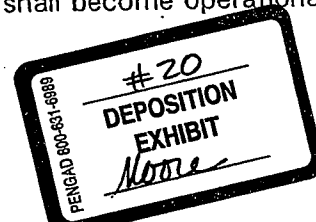
(3) Changes in the minimum standards may be made upon request from any bona fide public safety, emergency medical or fire organization operating within the State of Mississippi. Requests for change shall be in writing submitted to either the State Law Enforcement Training Academy; the State Fire Academy; the Mississippi Chapter of the Associated Public Safety Communications Officers, Incorporated; the Mississippi Chapter of the National Emergency Number Association; the Mississippi State Board of Health, Emergency Medical Services Division; the Mississippi Justice Information Center; the Mississippi Sheriff's Association; the Mississippi Fire Chief's Association; the Mississippi Association of Chiefs of Police; or Mississippians for Emergency Medical Service.

(4) The minimum standards in no way are intended to restrict or limit any additional training which any department or agency may wish to employ, or any state or federal required training, but to serve as a basis or foundation for basic training.

(5) Persons in the employment of any public safety, fire, 911 PSAP or emergency medical agency as a telecommunicator on July 1, 1993, shall have three (3) years to be certified in the minimum standards courses provided they have been employed by such agency for a period of more than one (1) year prior to July 1, 1993.

(6) Persons having been employed by any public safety, fire, 911 PSAP or emergency medical agency as a telecommunicator for less than one (1) year prior to July 1, 1993, shall be required to have completed all the requirements for minimum training standards, as set forth in this act [Laws, 1993, ch. 536], within one (1) year from July 1, 1993. Persons certified on or before July 1, 1993, in any course or courses chosen shall be given credit for these courses, provided the courses are still current and such persons can provide a course completion certificate.

(7) Any person hired to perform the duties of a telecommunicator in any public safety, fire, 911 PSAP or emergency medical agency after July 1, 1993, shall complete the minimum training standards as set forth in this act [Laws, 1993, ch. 536] within twelve (12) months of their employment or within twelve (12) months from the date that the Board of Emergency Telecommunications Standards and Training shall become operational.



(8) Professional certificates remain the property of the board, and the board reserves the right to either reprimand the holder of a certificate, suspend a certificate upon conditions imposed by the board, or cancel and recall any certificate when:

- (a) The certificate was issued by administrative error;
- (b) The certificate was obtained through misrepresentation or fraud;
- (c) The holder has been convicted of any crime involving moral turpitude;
- (d) The holder has been convicted of a felony; or
- (e) Other due cause as determined by the board.

When the board believes there is a reasonable basis for either the reprimand, suspension, cancellation of, or recalling the certification of a telecommunicator, notice and opportunity for a hearing shall be provided. Any telecommunicator aggrieved by the findings and order of the board may file an appeal with the chancery court of the county in which such person is employed from the final order of the board. Any telecommunicator whose certification has been cancelled pursuant to this act [Laws, 1993, ch. 536] may reapply for certification but not sooner than two (2) years after the date on which the order of the board cancelling such certification became final.

(9) Any state agency, political subdivision or "for profit" ambulance, security, or fire service company, that employs a person as a telecommunicator who does not meet the requirements of this act [Laws, 1993, ch. 536], or who employs a person whose certificate has been suspended or revoked under provisions of this act [Laws, 1993, ch. 536], is prohibited from paying the salary of such person, and any person violating this subsection shall be personally liable for making such payment.

(10) These minimum standards and time limitations shall in no way conflict with other state and federal training as may be required to comply with established laws or regulations.

(11) This section shall stand repealed on July 1, 2010.

Sources: Laws, 1993, ch. 536, § 8; Laws, 2001, ch. 490, § 1; Laws, 2003, ch. 374, § 1; reenacted and amended, Laws, 2004, ch. 442, § 1; Laws, 2006, ch. 355, § 1, eff from and after July 1, 2006.

**§ 19-5-355. Approval and completion of training; training expenses; issuance of certification.**

(1) When it shall be determined that training is required, a request for training shall be submitted to the Board of Emergency Telecommunications Standards and Training for approval of course, course location, estimated cost and base weekly salary of the telecommunicator to attend the course of instruction. Upon approval of training and successful completion of the training course, all expenses associated with the obtaining of such training shall be reimbursed. The local government entity or emergency service provider shall be reimbursed for the full salary and benefits of each telecommunicator completing such training.

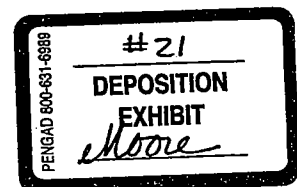
(2) Upon completion of any course required in these minimum training standards, each telecommunicator shall be issued a certificate which shall signify successful completion of

## E911 DISPATCHERS

April 12, 2007

Expired in 02	⊙	JESSIE W. COLVIN	D-1
ReCertified 11/1/07	⊙	JIM CROWNOVER	D-2
	⊙	MITZI HATCHER	D-3
	⊙	SHERI FANCHER	D-4
	⊙	JULIA BURGIN	D-5
Working Illegally *	⊙	JOYCE WHITE	D-6
	⊙	SHALONDA SINGLETON	D-7
	⊙	PAUL KOROM	D-8
no Roster	•	SARAH BRANN	D-9
Lacks	•	KRISTY NEAL-ROWE	D-10
certification	•	KEVIN FITZPATRICK	D-11
	•	AARON LORENZ	D-42
Not on	•	DORTHIA ROBERTSON	D-12
State Roster	•	MEKIA BELL	D-14
vs paperwork	•	JENNIFER WILLIAMS	D-15
	•	LATONYA MALONE	D-16

Not reported to the Fair's 10th anniversary



Apr 12, 07 12:04p

LOWNDES CC.ITY

329 5870

p.2

PRRPI12 04/12/2007 09:48 Lowndes County Accounting Curr  
 DEBASE Listing with Pay Rates  
 Payroll

Dept	Number	Name	SSAN	Rate	Employed	Terminated	DOB
097-230		BELL, TRADAWAKUA J		10.41 H	3/12/2007	/	10/20/1980
097-230		BRANN, SARAH A		10.41 H	2/20/2007	/	4/30/1979
097-230		BRUNN, JESSIE M		12.87 H	11/16/1998	/	1/30/1961
097-230		BRUNN, JESSIE M		1.843.60 S	6/19/1989	/	12/13/1953
097-230		BRUNN, JESSIE M		15.49 H	6/28/1989	/	9/15/1950
097-230		BRUNN, JESSIE M		14.99 H	7/2/1990	/	6/15/1966
097-230		BRUNN, JESSIE M		10.41 H	2/27/2007	/	12/15/1981
097-230		BRUNN, JESSIE M		10.00 H	8/18/2001	/	8/22/1965
097-230		BRUNN, JESSIE M		15.88 H	11/20/1989	/	4/2/1953
097-230		BRUNN, JESSIE M		10.00 H	7/18/2006	/	12/21/1978
097-230		BRUNN, JESSIE M		10.41 H	4/2/2007	/	11/18/1976
097-230		BRUNN, JESSIE M		10.00 H	2/20/2007	/	11/30/1967
097-230		BRUNN, JESSIE M		10.41 H	3/5/2007	/	8/24/1978
097-230		BRUNN, JESSIE M		10.41 H	2/27/2007	/	1/8/1982
097-230		BRUNN, JESSIE M		10.41 H	6/8/2006	/	1/12/1982
097-230		BRUNN, JESSIE M		10.66 H	5/20/2005	/	12/27/1965
097-230		BRUNN, JESSIE M		10.66 H	3/19/2007	/	11/15/1975

Number of Employees Listed 17

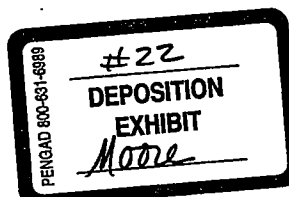
5 Certified (1) Jessie

1 Working illegally

3 On State Roster Not Certified

7 Not on State Roster (with 30 days)

1 left on State Roster No Separation Papers (10 days)



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

JESSIE COLVIN,

Plaintiff,

vs.

Cause No. 1:09CV187-M-D

LOWNDES COUNTY, MISSISSIPPI, et al,

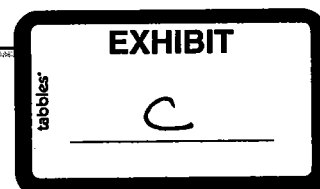
Defendant.

Deposition of  
C. B. 'BUTCH' HOWARD  
May 20, 2010

[Appearances Noted Herein]

Taken at the offices of Mitchell McNutt and Sams  
215 5th Street North, Columbus, Mississippi,  
on Thursday, May 20, 2010, at 10:32 a.m.

REPORTED BY: Teresa B. Henry, CSR 1205  
400 Peg Lane  
Amory, Mississippi 38821  
662-256-7880  
662-315-2175  
teresabh@bellsouth.net



C. B. "BUTCH" HOWARD

5/20/2010

<p style="text-align: right;">Page 2</p> <p>Appearances:</p> <p>Honorable Ron L. Woodruff Waide and Associates Post Office Box 1357 Tupelo, Mississippi 38802</p> <p>REPRESENTING Plaintiff</p> <p>Honorable Berkley N. Huskison Mitchell McNutt and Sams Post Office Box 1366 Columbus, Mississippi 39703-1366</p> <p>REPRESENTING Defendants</p> <p>Also present:</p> <p>Jessie Colvin Chief Ken Moore</p>	<p style="text-align: right;">Page 4</p> <p>1                                   STIPULATION</p> <p>2           It is stipulated by and between the parties that</p> <p>3 the deposition of C. B. 'Butch' Howard is being taken</p> <p>4 pursuant to notice under the Federal Rules of Civil</p> <p>5 Procedure.</p> <p>6           All objections, except to the form of the</p> <p>7 question, are reserved until such time as the deposition,</p> <p>8 or any part thereof, is sought to be introduced into</p> <p>9 evidence.</p> <p>10          All formalities, excluding the reading and signing</p> <p>11 of the deposition by the deponent, are waived.</p> <p>12</p>
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">TABLE OF CONTENTS</p> <p>Style and Appearances                                   1</p> <p>Stipulation   4</p> <p>Examination by Mr. Woodruff                               5</p> <p>Examination by Mr. Huskison                               39</p> <p>Further Examination by Mr. Woodruff                       40</p> <p>Certificate of Court Reporter                               42</p> <p>Certificate of Deponent                                   43</p>	<p style="text-align: right;">Page 5</p> <p>1                                   C. B. 'BUTCH' HOWARD</p> <p>2 having been first duly sworn, was examined under oath and</p> <p>3 testified as follows:</p> <p>4 EXAMINATION BY MR. WOODRUFF:</p> <p>5 Q.    Good morning, Sheriff Howard. This is the</p> <p>6 second time I've deposed you, I don't know if you</p> <p>7 remember it.</p> <p>8 A.    I don't. Must not have been too bad.</p> <p>9 Q.    It wasn't. It was pretty short. Please state</p> <p>10 your full name for the record.</p> <p>11 A.    C. B. Butch Howard.</p> <p>12 Q.    Sheriff Howard, you are the sheriff of Lowndes</p> <p>13 County?</p> <p>14 A.    I am. Yes, sir.</p> <p>15 Q.    How long have you been the sheriff of Lowndes</p> <p>16 County?</p> <p>17 A.    10 1/2 years.</p> <p>18 Q.    When is your next election?</p> <p>19 A.    In January of -- well, it's next year. It's</p> <p>20 2011.</p> <p>21 Q.    Okay. The election is in January?</p> <p>22 A.    Well, no, that's when we qualify.</p> <p>23 Q.    Qualify.</p> <p>24 A.    The election will be in November.</p> <p>25 Q.    So you are on the same schedule as the governor?</p>

2 (Pages 2 to 5)

C. B. "BUTCH" HOWARD

5/20/2010

<p style="text-align: right;">Page 6</p> <p>1 A. Correct. Yes, sir.</p> <p>2 Q. The year before the national elections?</p> <p>3 A. Yes, sir.</p> <p>4 Q. You running again?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Got any serious candidates that are opposing</p> <p>7 you?</p> <p>8 A. None that I've heard so far.</p> <p>9 Q. You must be doing a good job. The reason why we</p> <p>10 are here is about Jessie Colvin who was a member of the</p> <p>11 911 -- was the 911 director and you were a member of the</p> <p>12 Board.</p> <p>13 A. Yes, sir.</p> <p>14 Q. Are you still a member of the Board?</p> <p>15 A. Yes, sir, I am.</p> <p>16 Q. As the Sheriff does that mean that you are</p> <p>17 automatically a member of the Board?</p> <p>18 A. No, sir. It wasn't that way. It was in the</p> <p>19 beginning.</p> <p>20 Q. Um-hmm.</p> <p>21 A. Then I think the sheriff in office at that time</p> <p>22 and the chief of police at that time asked to be relieved</p> <p>23 of those obligations.</p> <p>24 Q. Um-hmm.</p> <p>25 A. Then right after I was elected in 2000 we</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Yes, sir.</p> <p>2 Q. Who retains ultimate employment decisions for</p> <p>3 people in 911?</p> <p>4 A. As far as?</p> <p>5 Q. Ultimate -- who has the authority for ultimate</p> <p>6 employment decisions?</p> <p>7 A. The Commission. The Board.</p> <p>8 Q. The Commission or the Board?</p> <p>9 A. The Commission.</p> <p>10 Q. The Commission?</p> <p>11 A. Um-hmm. [indicating affirmative]</p> <p>12 Q. Not the Board of Supervisors?</p> <p>13 A. No. Not the Board of Supervisors.</p> <p>14 Q. Are you familiar with these by-laws?</p> <p>15 A. I am familiar with some by-laws, yes, sir.</p> <p>16 Q. Have you ever seen these by-laws here?</p> <p>17 A. No, sir. I have never seen any by-laws dated</p> <p>18 1987.</p> <p>19 Q. Has there been new by-laws enacted since then?</p> <p>20 A. I believe that during my time on the Board that</p> <p>21 we have made some revisions to some by-laws but that's</p> <p>22 all I -- I can recall.</p> <p>23 BY MR. WOODRUFF: Can we go off the record</p> <p>24 a second?</p> <p>25 [Discussion off the record.]</p>
<p style="text-align: right;">Page 7</p> <p>1 requested, I did, to be placed back up on the Board and I</p> <p>2 was on the Board as a non-voting member for a period of</p> <p>3 time until a vacancy came open.</p> <p>4 Q. Okay. And you are a voting member now. How</p> <p>5 many members are there on the Board?</p> <p>6 A. 7, I believe. There's one for each district and</p> <p>7 two at-large.</p> <p>8 Q. So there's 5 districts, one for each district</p> <p>9 and 2 at-large.</p> <p>10 A. Yes, sir.</p> <p>11 Q. Are you an at-large or a district?</p> <p>12 A. I'm an at-large.</p> <p>13 Q. Who is the other at-large, if you know?</p> <p>14 A. Chief Joe St. John.</p> <p>15 Q. So, he's a member of the Board, too?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. You are elected, aren't you?</p> <p>18 A. Yes, sir.</p> <p>19 Q. So you have to actually run to be a member of</p> <p>20 the Board, Commissioners?</p> <p>21 A. No, sir. I'm appointed by the Board of</p> <p>22 Supervisors.</p> <p>23 Q. Okay. Is everybody appointed by the --</p> <p>24 A. Yes, sir.</p> <p>25 Q. -- Board of Supervisors?</p>	<p style="text-align: right;">Page 9</p> <p>1 CONTINUING BY MR. WOODRUFF:</p> <p>2 Q. Back on the record. Have you ever seen these by-</p> <p>3 laws here?</p> <p>4 A. Not these. No, sir.</p> <p>5 Q. Okay. Wouldn't you agree, if you look at that</p> <p>6 third paragraph, the last sentence on the first page,</p> <p>7 wouldn't you agree that the ultimate employment authority</p> <p>8 rests with the Board of Supervisors?</p> <p>9 A. According to these by-laws.</p> <p>10 Q. Well, they have the ultimate employment</p> <p>11 decision. Why can't they review a termination?</p> <p>12 A. Because at the time of this termination there</p> <p>13 were new by-laws in place that gave the authority to the</p> <p>14 Commission board, not the Board of Supervisors.</p> <p>15 Q. Have you seen those by-laws?</p> <p>16 A. I have a copy of those by-laws, yes, sir.</p> <p>17 Q. Okay.</p> <p>18 BY MR. WOODRUFF: You will get us a copy</p> <p>19 of all those?</p> <p>20 BY MR. HUSKISON: [Nods head up and down.]</p> <p>21 Q. [Mr. Woodruff] So, tell me, this -- this April</p> <p>22 meeting about Jessie Colvin, did you have any heads up or</p> <p>23 were you aware previous to that Board meeting when she</p> <p>24 was terminated that they were going to terminate her?</p> <p>25 A. That they were going to terminate her?</p>

3 (Pages 6 to 9)

C. B. "BUTCH" HOWARD

5/20/2010

<p style="text-align: right;">Page 10</p> <p>1 Q. Or they were going to vote on whether to 2 terminate her? 3 A. No, sir. 4 Q. Were you involved in any investigation of her? 5 A. No. I was not involved in any investigation of 6 her. 7 Q. So, tell me about what you recall about that 8 Board meeting. Was it -- first of all, was it a 9 regularly scheduled or was it a special Board meeting? 10 A. It was a special-called Board meeting. 11 Q. What was the purpose of the Board meeting? 12 A. The purpose of the Board meeting was to discuss 13 allegations that our certification of all of the 14 dispatchers was not what we had been told by the 15 Director, and, also, because we had been getting a lot of 16 comments. 17 Different Commissioners had been getting 18 comments from people in the public about a local chat 19 blog that was going on that was making inferences to the 20 fact that our dispatchers were not certified and we had 21 been told that they were certified and that everything 22 was up to snuff -- 23 Q. When -- 24 A. -- at several Board meetings. 25 Q. When were you told that they were certified --</p>	<p style="text-align: right;">Page 12</p> <p>1 everybody certified? Could that have been what she 2 meant? 3 A. I'm assuming if that's what she meant, she 4 would've told us that. 5 Q. Isn't it -- how long does it take to get 6 somebody certified? 7 A. Takes quite a -- a lot of period of time to get 8 them certified, to go through the classes and all the 9 ride-alongs and things that have to go along with that. 10 Q. And at that time, that last three or four months 11 -- about six months she was working there, they were 12 severely understaffed, weren't they? 13 A. Yes, sir, I believe they were understaffed, yes, 14 sir. 15 Q. Several people short? 16 A. Yes, sir. 17 Q. The Director was having to actually work shifts 18 because they didn't have enough people to cover them? 19 A. I believe the Director was having to fill in, 20 yes, sir. 21 Q. And some employees were complaining about the 22 long shifts and not getting any time off? 23 A. I believe some of the -- some of the employees 24 came before the Board and made them aware -- made the 25 Board aware of that.</p>
<p style="text-align: right;">Page 11</p> <p>1 they were all certified? 2 A. Several Board meetings it was brought up and the 3 Director, Ms. Colvin told us that everything was okay. 4 Q. She said everybody -- she told you that 5 everybody was certified? 6 A. She just said everything was okay. 7 Q. Well, what does that mean? 8 A. I assumed it to mean that everybody was 9 certified. 10 Q. Couldn't it have been that they were working on 11 getting everybody certified? 12 A. I -- I don't know. I can't assume what her 13 thoughts were. She just told us that everything was 14 okay. 15 Q. Were you accusing her of lying? 16 A. I'm accusing her of being dishonest, yes, sir. 17 Q. Are you? Based upon what you thought she might 18 have said when she said everything was okay? 19 A. No, sir. Based on records that were produced 20 from Jackson that showed that our dispatchers were not 21 certified, including the fact that even the Director was 22 not certified at one time. 23 Q. Couldn't she have meant, when she said 24 everything was okay that they weren't in any danger of 25 being sanctioned and that she was working on getting</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Were you at that Board meeting when the three 2 E911 personnel -- I believe it was three people, 911, 3 came there to complain about not getting breaks or 4 working too many hours? 5 A. I was at that Board meeting, yes, sir. 6 Q. Tell me about that. Do you recall who the 7 employees were who were complaining? 8 A. I believe it was Sherry Fancher, Mitzi Hatcher 9 and Jim Crownover. 10 Q. When Jessie Colvin was terminated, who took her 11 place? 12 A. Who took her place? 13 Q. Yes. 14 A. Immediately? 15 Q. Yes. 16 A. Jim Crownover. 17 Q. So, one of the three people complaining that -- 18 Jim Crownover was a white male, wasn't he? 19 A. That's correct. 20 Q. So, the -- one of the three people complaining 21 about the hours working to Jessie Colvin, a white male, 22 replaced her when she was terminated, is that correct? 23 A. That's correct. 24 Q. What do you recall about that meeting with these 25 three employees, what their complaints were?</p>

4 (Pages 10 to 13)



C. B. "BUTCH" HOWARD

5/20/2010

<p style="text-align: right;">Page 14</p> <p>1 A. My recollection is that they were complaining 2 about the fact that they were not allowed to leave the 3 911 Dispatch Center and they were not allowed to take 4 lunch breaks away from the Center. 5 Q. Um-hmm. 6 A. I don't remember them so much complaining about 7 the long hours but it was the fact that they were not 8 being able to get a break and leave. 9 Q. Do you know why they weren't allowed to get a 10 break and leave? 11 A. I'm assuming because they were understaffed. 12 Q. Um-hmm. So, did they say that was the reason 13 why or? 14 A. I don't recall if they gave a reason. 15 Q. Did the Board make any decision when those 16 people complained? 17 A. I believe it was discussed by the Board and it 18 was decided that if they were to be paid for their time 19 that they would have to be at the Center. 20 Q. I believe we've already introduced as an exhibit 21 the minutes from that Board meeting? I believe that's... 22 BY MR. HUSKISON: 4. 23 BY MR. WOODRUFF: Number 4? 24 BY MR. HUSKISON: Exhibit 4. 25 Q. [Mr. Woodruff] If you want to take a look at</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. And you voted to terminate her? 2 A. I did. 3 Q. She had been working how long for the 911? 4 A. 18, 19 years. 5 Q. How long had she been the Director? 6 A. As long as I can remember. 7 Q. As long as you've been on the Board? 8 A. Yes, sir. 9 Q. That's -- what was that? '99 you went on it 10 or -- 11 A. 2000. 12 Q. 2000. Were there any write-ups in her file? 13 A. I'm not aware of what's in her personnel file. 14 I've never seen it. 15 Q. Are you aware of any write-ups in her file? 16 A. No, sir. 17 Q. Are you aware of any disciplinary action against 18 her in the 19 years she's worked for the 911 Commission? 19 A. No, sir. 20 Q. You think it's fair to fire an employee who has 21 worked for you for 19 years without a blemish -- with an 22 unblemished record, just firing them over one allegation? 23 A. Do I think it's fair? 24 Q. Yes. 25 A. If the circumstances warrant it, yes, sir.</p>
<p style="text-align: right;">Page 15</p> <p>1 that and see if that refreshes your recollection. I 2 think it says in there March 23rd Board meeting. I know 3 that's 2007. 4 [Pause in proceedings.] 5 Give you a chance to review it. It's two pages. 6 Have you had a chance to review it? Does this refresh 7 your recollection? 8 A. Yes, sir. 9 Q. Do you believe it's an accurate recount of the 10 Board meeting executive session? 11 A. Yes, sir. I believe this speaks for themselves. 12 Q. Okay. Who does your Board minutes? 13 A. Now our Board attorney does the minutes. 14 Q. And who is your Board attorney? 15 A. Will Cooper. 16 Q. Will Cooper. 17 A. Flew right through my mind. 18 Q. This is about a month before the termination 19 Board meeting, is that correct? 20 A. Yes, sir. 21 Q. Was Jessie Colvin present at this Board meeting 22 when she was terminated? 23 A. When she was terminated? 24 Q. Yes. 25 A. Yes, sir. Part of the time, yes, sir.</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. And what was the circumstance that warranted 2 firing an 18, 19 year employee with an unblemished 3 record? 4 A. Well, sir, in my personal opinion, any 5 relationship has to have a foundation of trust and 6 honesty. If you don't have trust and honesty then you 7 don't have a -- you don't have a relationship. 8 Q. Um-hmm. 9 A. And, at that point in time, from what I had 10 seen, Jessie had been less than honest and was not 11 trustworthy and, therefore, I voted to terminate her. 12 Q. So, basically, you -- are you saying that you 13 terminated her because she lied to you? 14 A. Because she was less than honest with that 15 Board, yes, sir. 16 Q. Is there any other reason why you voted to-- 17 A. She put the Board members, each member, in a 18 very precarious position individually, because we were 19 advised by the attorney -- I mean, the auditor's office 20 that we could be individually liable for any monies spent 21 during the time -- paid to these employees during the 22 time that they were not certified. 23 Q. Do you have a bond as a member of the 24 Commission? 25 A. No, sir.</p>

5 (Pages 14 to 17)

C. B. "BUTCH" HOWARD

5/20/2010

<p style="text-align: right;">Page 18</p> <p>1 Q. There is no bond?</p> <p>2 A. No, sir.</p> <p>3 Q. Who is the attorney that advised you of that?</p> <p>4 A. The State Auditor's Office advised us of that.</p> <p>5 Q. Um-hmm. And, so, you voted to terminate her</p> <p>6 just right there, within an hour?</p> <p>7 A. No. I didn't -- didn't just make that decision</p> <p>8 that date. I knew about all the allegations for several</p> <p>9 days. I had time to think it over before I made that</p> <p>10 decision.</p> <p>11 Q. Well, I'm sorry, I misunderstood. I thought you</p> <p>12 said you went into that meeting with no pre-knowledge of</p> <p>13 it?</p> <p>14 BY MR. HUSKISON: He just --</p> <p>15 BY MR. WOODRUFF: Let him testify.</p> <p>16 Q. [Mr. Woodruff] Go ahead.</p> <p>17 A. I had no pre-knowledge that anybody was going to</p> <p>18 bring up a motion to terminate her.</p> <p>19 Q. Okay. But you had knowledge of the allegations?</p> <p>20 A. Yes, sir, I did.</p> <p>21 Q. Where did your knowledge come from?</p> <p>22 A. My knowledge came from my discussions with the</p> <p>23 co-chairman of the Board, Ken Moore.</p> <p>24 Q. Was anybody else present when you had those</p> <p>25 discussions?</p>	<p style="text-align: right;">Page 20</p> <p>1 discussed.</p> <p>2 A. It's been so long ago, I can't tell you.</p> <p>3 Q. You don't have any recollection whatsoever what</p> <p>4 it was?</p> <p>5 A. No, sir.</p> <p>6 Q. Are you a member of any other boards other than</p> <p>7 the Board of Commissioners?</p> <p>8 A. I'm a member of the Council on Aging Board.</p> <p>9 Q. What --</p> <p>10 A. And I -- excuse me.</p> <p>11 Q. Go ahead.</p> <p>12 A. And I was a member of the Red Cross Board.</p> <p>13 Q. So you've been a board member at least on three</p> <p>14 occasions?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And I'm not asking you as an attorney for a</p> <p>17 legal opinion, I'm just asking you, from your knowledge</p> <p>18 as somebody who has been on boards, what your</p> <p>19 responsibilities and limitations are? Isn't it true that</p> <p>20 you can't act on your own when you're a member of a</p> <p>21 board? You can only act as a board?</p> <p>22 A. I believe that's true, yes, sir.</p> <p>23 Q. So, isn't it improper for one of these Board of</p> <p>24 Commissioners to be having conversations and interfering</p> <p>25 and micromanaging the 911 operation without the total</p>
<p style="text-align: right;">Page 19</p> <p>1 A. With Ken?</p> <p>2 Q. Yes.</p> <p>3 A. No, sir. We were discussing it on the phone.</p> <p>4 Q. That was a day or two before the Board meeting?</p> <p>5 A. Several -- several days before. I don't know</p> <p>6 how -- I don't know an exact number of days.</p> <p>7 Q. Who brought up the motion to fire Jessie Colvin?</p> <p>8 A. I don't know.</p> <p>9 Q. Did you bring it up?</p> <p>10 A. No, sir, I did not.</p> <p>11 Q. Did you second it?</p> <p>12 A. No, sir, I did not. Not to my recollection.</p> <p>13 Q. Other than Mr. Gale, it went along racial lines,</p> <p>14 didn't it?</p> <p>15 A. Yes, sir, it did.</p> <p>16 Q. In fact, J. D. Brooks was very unhappy about</p> <p>17 that, wasn't he?</p> <p>18 A. He never expressed that to me.</p> <p>19 Q. How about Mr. Humphries?</p> <p>20 A. I don't know that Billy and I discussed it a</p> <p>21 whole lot. We did have some conversations about it, but.</p> <p>22 Q. Tell me about those conversations.</p> <p>23 A. It's been a long time ago. I don't recollect</p> <p>24 exactly what was said.</p> <p>25 Q. Tell me what you -- the substance of what you</p>	<p style="text-align: right;">Page 21</p> <p>1 Board involved in that?</p> <p>2 A. It's my personal opinion that any Board member</p> <p>3 has a right to go to 911 and have any kind of discussion</p> <p>4 they want with the Director as far as the operations of</p> <p>5 911.</p> <p>6 I don't think any individual Board member can</p> <p>7 give the Director any directions as to how to operate the</p> <p>8 911. I personally don't believe in micromanaging and I</p> <p>9 think that Ms. Colvin will be the first one to tell you</p> <p>10 that I never hung around her office and I never was up</p> <p>11 there trying to tell her how to run 911.</p> <p>12 Q. Because you've been a member of three different</p> <p>13 boards and you know that boards can only act as a unit.</p> <p>14 There has to be a quorum, right, or it's not even a board</p> <p>15 or they have no authority?</p> <p>16 A. Correct.</p> <p>17 Q. So, if one of the Board Commissioners has taken</p> <p>18 upon herself to micromanage and tell people of the 911</p> <p>19 office what they should be doing without the authority of</p> <p>20 the Board, then they are overstepping their authority,</p> <p>21 aren't they?</p> <p>22 A. I think that an individual Board member has a</p> <p>23 right to investigate any concern she has with the</p> <p>24 operation, or he has, with the operation of 911.</p> <p>25 Now, as far as giving any directions or orders,</p>

6 (Pages 18 to 21)

C. B. "BUTCH" HOWARD

5/20/2010

<p style="text-align: right;">Page 22</p> <p>1 I'm -- I'm not aware of anybody that did that.</p> <p>2 Q. Well, I think they -- I think that every citizen</p> <p>3 has a right to investigate, right? I mean, as a citizen</p> <p>4 you can investigate but as a board member, you can only</p> <p>5 act as a board. You can't act on your own, can you?</p> <p>6 A. No.</p> <p>7 Q. You can only act in the authority of the board.</p> <p>8 A. Right.</p> <p>9 Q. Now, was Ken Moore, was he acting in the</p> <p>10 authority of the Board in doing his investigation of the</p> <p>11 911 office?</p> <p>12 A. As the chairman of the Board at that time, I</p> <p>13 believe I asked him to go ahead and follow up because I</p> <p>14 was concerned about the negative press that we were</p> <p>15 getting.</p> <p>16 Q. Um-hmm.</p> <p>17 A. And I was concerned that there was something</p> <p>18 that we needed to know. Since he had already found out</p> <p>19 what he'd found out, I asked him to continue with the</p> <p>20 investigation and bring it before the Board.</p> <p>21 Q. Okay. So, he -- and you said you are the 911</p> <p>22 chairman?</p> <p>23 A. I was chairman of the Board at that time.</p> <p>24 Q. What authority does being the chairman give you</p> <p>25 above what any other member of the Board -- of the</p>	<p style="text-align: right;">Page 24</p> <p>1 A. He brought a report. He brought us copies of</p> <p>2 certification documents from Jackson that showed a lot of</p> <p>3 our dispatchers were not certified and it showed the</p> <p>4 periods of time that they were certified and not</p> <p>5 certified.</p> <p>6 Q. And you knew that Jessie Colvin had been -- was</p> <p>7 still in the military, right?</p> <p>8 A. Yes, sir.</p> <p>9 Q. In fact, she had been gone for two long</p> <p>10 stretches while she was in the military, isn't that</p> <p>11 correct?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And isn't it true that a lot of the problems</p> <p>14 with the 911 certification happened whenever she was</p> <p>15 doing military -- off on military service?</p> <p>16 A. I'm aware that some of it happened while she was</p> <p>17 gone on military leave, yes, sir.</p> <p>18 Q. Who was in charge of the 911 office when Jessie</p> <p>19 Colvin was gone the last time on military leave?</p> <p>20 A. I believe that was Mitzi Hatcher.</p> <p>21 Q. So -- and she was in charge of the thing, right?</p> <p>22 A. She and, I guess some of the others were more or</p> <p>23 less in charge of setting up schedules and keeping it</p> <p>24 operating while Jessie was gone.</p> <p>25 Q. She was the acting interim director of 911?</p>
<p style="text-align: right;">Page 23</p> <p>1 Commission would have?</p> <p>2 A. Additional responsibilities and that's the only</p> <p>3 thing.</p> <p>4 Q. But not additional authority?</p> <p>5 A. No, sir.</p> <p>6 Q. So, you can't act on your own, either?</p> <p>7 A. No, sir.</p> <p>8 Q. Did you have -- was there a vote by the Board</p> <p>9 for Ken Moore to go and investigate the 911?</p> <p>10 A. No, sir.</p> <p>11 Q. That wasn't authorized by the Board?</p> <p>12 A. No.</p> <p>13 Q. That was improper, wasn't it?</p> <p>14 A. No, sir.</p> <p>15 Q. That --</p> <p>16 A. I think as the chairman I have the right to</p> <p>17 investigate that and since he had already been involved</p> <p>18 in talking with the people in Jackson, Mr. Gray, and also</p> <p>19 other people down there about certification, that he</p> <p>20 ought to be the one to go ahead and continue that. So, I</p> <p>21 asked him to do that.</p> <p>22 Q. Did he draft a report?</p> <p>23 A. He brought his findings before the Board.</p> <p>24 Q. Did he have a report? Was it a report or did he</p> <p>25 just make statements?</p>	<p style="text-align: right;">Page 25</p> <p>1 A. To my knowledge, yes, sir.</p> <p>2 Q. Was she held accountable for the mistakes that</p> <p>3 were made while she was the interim director?</p> <p>4 A. I don't know that there was any discussions</p> <p>5 about her making any mistakes while --</p> <p>6 Q. I think you just said that some of the problems</p> <p>7 with certification happened while Jessie was on military</p> <p>8 leave and Mitzi was the interim director.</p> <p>9 A. I don't think that any of this came out until we</p> <p>10 looked into it in 2007, so nobody knew at that point in</p> <p>11 time that we were in that situation until 2007.</p> <p>12 Q. When you found out, did you -- did Mitzi get any</p> <p>13 disciplinary action because of the things she failed to</p> <p>14 do while Ms. Colvin was serving the country?</p> <p>15 A. No, sir.</p> <p>16 Q. And, in fact, she is the Director now, isn't</p> <p>17 she?</p> <p>18 A. No, sir.</p> <p>19 Q. She's not? She's assistant? What is her</p> <p>20 position now?</p> <p>21 A. She is a shift supervisor.</p> <p>22 Q. So, she's the manager person?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Managerial?</p> <p>25 A. Yes, sir.</p>

7 (Pages 22 to 25)

C. B. "BUTCH" HOWARD

5/20/2010

<p style="text-align: right;">Page 26</p> <p>1 Q. So, she received no disciplinary action, did 2 she?</p> <p>3 A. No, sir.</p> <p>4 Q. Have you ever -- isn't it true that they really 5 wanted a -- some of the Board members thought it would be 6 better to have a male running the Board -- I mean, 7 running 911?</p> <p>8 A. Not to my knowledge, no, sir.</p> <p>9 Q. You never heard anybody say that?</p> <p>10 A. No, sir.</p> <p>11 Q. I mean, women are too emotional, aren't they?</p> <p>12 A. Not necessarily.</p> <p>13 Q. You know, you need somebody running 911 that's 14 cool and detached and can handle these stressful 15 situations, right?</p> <p>16 A. You need the right person to run 911, yes, sir, 17 whether it be male or female.</p> <p>18 Q. When they let Jessie go, they replaced -- and 19 Jessie, obviously, is a black female, they replaced her 20 with a white male, is that correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. You heard Hairston -- I believe that's how you 23 pronounce it, Hairston testify earlier about having a 24 conversation with you and a couple of the other 25 Commission members -- and I'm going to call them</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. And you were the one who handed it to her and 2 asked her to sign it, isn't that true?</p> <p>3 A. I did. Yes, sir.</p> <p>4 Q. And she refused to sign it?</p> <p>5 A. She did.</p> <p>6 Q. And then you handed her a letter telling her she 7 was terminated?</p> <p>8 A. I did.</p> <p>9 Q. Isn't it true that right before Jessie Colvin 10 was terminated that they had just made a major overhaul 11 as far as equipment and furnishings at the 911 Center?</p> <p>12 A. We had upgraded 911, yes, sir.</p> <p>13 Q. That was a big undertaking, wasn't it?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Who was in charge of that undertaking, of making 16 the changeover?</p> <p>17 A. Ms. Colvin was.</p> <p>18 Q. And she was also operating short staffed, too, 19 wasn't she?</p> <p>20 A. Yes.</p> <p>21 Q. So, she was making a huge changeover with 22 equipment and furnishings at the 911 Center, she was 23 short staffed to the point where she had to cover shifts 24 herself and -- and yet you terminated her because she 25 didn't have part of her job done, is that correct, the</p>
<p style="text-align: right;">Page 27</p> <p>1 Commission just so I don't -- because board, you know, 2 we're talking about Board of Supervisors -- having a 3 conversation with you and, I believe, Fire Chief Moore 4 and one other member of the Commission about resolving 5 Jessie Colvin's grievance when she was terminated. Do 6 you have any recollection of that?</p> <p>7 A. You are asking me today if I have any 8 recollection and I don't today but that doesn't mean that 9 we didn't have the conversation.</p> <p>10 Q. And you have seen his notes --</p> <p>11 A. Yes.</p> <p>12 Q. -- where he referred -- but you did try to get 13 Ms. Colvin to -- you offered her an agreement?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Did you have any discussion with her attorney or 16 her prior to drafting that agreement prior to drafting 17 the agreement?</p> <p>18 A. No, sir.</p> <p>19 Q. Who drafted the agreement? Who made the 20 decision of what the agreement was going to be, if you 21 know?</p> <p>22 A. I don't recall.</p> <p>23 Q. It was probably drafted by your attorney, I 24 would imagine.</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 29</p> <p>1 certification of people?</p> <p>2 A. Unsatisfactory job performance, yes, sir.</p> <p>3 Q. Well, other than the certification issue, was 4 there anything else about her job performance that was 5 unsatisfactory?</p> <p>6 A. Not that I recollect.</p> <p>7 Q. Well, weren't you just bowing to the pressure in 8 the community and the blogs that were criticizing 911?</p> <p>9 A. No, sir.</p> <p>10 Q. Did you have any discussions with Beverly 11 Brooks, either prior or after the termination of Jessie 12 Colvin about terminating Jessie Colvin?</p> <p>13 A. No, sir.</p> <p>14 Q. How about Beverly Lyle?</p> <p>15 A. Bernice Lyle?</p> <p>16 Q. Bernice Lyle, sorry.</p> <p>17 A. No.</p> <p>18 Q. And she -- at the time she joined the Board she 19 was a dispatcher there, wasn't she?</p> <p>20 A. She was a part time dispatcher, yes, I believe.</p> <p>21 Q. Were you aware of -- that she kept working as a 22 dispatcher there after she became a member of the Board?</p> <p>23 A. I believe she did until she found out that it 24 was a conflict of interest and then she stopped.</p> <p>25 Q. And after she found out it was a conflict of</p>

8 (Pages 26 to 29)

C. B. "BUTCH" HOWARD

5/20/2010

<p style="text-align: right;">Page 30</p> <p>1 interest, she didn't -- she never worked as a dispatcher  2 again?  3 A. Not that I'm aware of.  4 Q. Jim Cross -- Crownover was accused of sexual  5 harassment, wasn't he?  6 A. Yes, sir.  7 Q. That case was resolved?  8 A. Yes, sir.  9 Q. Do you know who her attorney was? Did you know  10 who her -- who, the person who accused him of sexually  11 harassing, who represented her?  12 A. No, sir, I don't. I don't remember.  13 Q. Why didn't you consider putting Ms. Colvin on a  14 performance improvement plan?  15 A. Why did we not consider that?  16 Q. Yes. Somebody that had been there 18, 19 years  17 without any -- an unblemished record.  18 A. I -- it was my opinion, my personal opinion,  19 that Ms. Colvin had been there sufficient number of years  20 to have known her responsibilities to 911 and that part  21 of that responsibility was to be honest and truthful with  22 the Board and I did not believe that she had been honest  23 and truthful with the Board and that was what my position  24 was based on. I --  25 Q. Who -- I'm sorry.</p>	<p style="text-align: right;">Page 32</p> <p>1 get somebody certified?  2 A. A reasonable period of time, yes, sir.  3 Q. What is that amount of time?  4 A. I'm not aware whether it's a year or two years.  5 I know in law enforcement it's two years and it may be  6 one year in communications. I'm not positive.  7 Q. Do you know why the people weren't certified?  8 A. Why they weren't certified?  9 Q. Yes. The ones that weren't certified.  10 A. It was my understanding that we never turned in  11 any records or got them certified. The records were not  12 provided to Jackson in a timely manner.  13 Q. Was there anybody -- who was suppose to provide  14 those records?  15 A. The Director was.  16 Q. This is the same Director that was so short  17 staffed she had to work certain shifts, is that correct?  18 A. Yes, but if I remember correctly, during this  19 period of time she came to the Board and told us that she  20 was overworked and that she had a lot of things that were  21 bearing on her and I believe, if I'm not mistaken, we  22 hired her an administrative assistant to take care of her  23 administrative business in the office.  24 Q. Who was that?  25 A. I can't remember the young lady's name. I know</p>
<p style="text-align: right;">Page 31</p> <p>1 A. I didn't feel like there was any need for  2 anything other than that. I couldn't possibly sit on a  3 Board and trust somebody that I knew had not been  4 truthful.  5 Q. And she's not been truthful when she said okay,  6 right, that was what you said? You told me other than --  7 I think you said that you asked her about, was everything  8 taken care of and she said, Okay?  9 A. I didn't ask her. I think it was brought up at  10 several Board meetings.  11 Q. Right.  12 A. I know of several occasions that Chief Moore  13 brought it up and asked, point blank, were we okay with  14 certifications, was everybody certified, and we were told  15 everything was okay.  16 Q. All right. How many Board meetings?  17 A. I couldn't tell you how many Board meetings.  18 Certainly more than one.  19 Q. More than one?  20 A. Um-hmm. [indicating affirmative]  21 Q. Anything else that you claim she was untruthful  22 about other than saying it's okay in regards to questions  23 about certification?  24 A. No, sir, not to my knowledge.  25 Q. Isn't it true that you have a period of time to</p>	<p style="text-align: right;">Page 33</p> <p>1 she had a very unique last name.  2 Q. Was she full time or part time?  3 A. I think it was part time.  4 Q. How many hours a week?  5 A. I don't recall.  6 Q. Do you recall when she first came up at that  7 meeting that she asked whether she needed an attorney?  8 A. I believe I recall her asking did she need an  9 attorney.  10 Q. Did you or anyone else tell her that she didn't?  11 A. I didn't tell her that. I don't know if anybody  12 else told her that or not.  13 Q. Well, if somebody else -- a member of the  14 Commission told them that she didn't need an attorney,  15 wouldn't that have been a lie?  16 A. I don't think that she was in a position to need  17 an attorney.  18 Q. Well, she was about ready to get fired, wasn't  19 she?  20 A. Not at -- not at that time, no, sir. Not when  21 she first walked in. Nothing was ever mentioned about  22 termination until after we had heard what she had to say.  23 Q. Tell me what she said.  24 A. You are asking me to go back a long and try to  25 recall what she said. I don't remember.</p>

9 (Pages 30 to 33)

C. B. "BUTCH" HOWARD

5/20/2010

<p style="text-align: right;">Page 34</p> <p>1 Q. All you can testify is about what you do recall.</p> <p>2 A. Well, I do recall she testified to the fact that</p> <p>3 she had been gone and that a lot of the records were -- a</p> <p>4 lot of this was not her fault and also she stated that</p> <p>5 she had never been contacted by the Board of Minimum</p> <p>6 Standards to tell her that she was suppose to make these</p> <p>7 reports, and that -- that's basically all I remember</p> <p>8 right now. There --</p> <p>9 Q. Okay. Did you ever -- I'm sorry. Go ahead.</p> <p>10 A. There may have been some other things said but</p> <p>11 it's been so long ago, I don't remember.</p> <p>12 Q. Did you ever investigate to see whether or not</p> <p>13 it was true what she said there?</p> <p>14 A. I think we investigated that.</p> <p>15 Q. In the next hour before you fired her?</p> <p>16 A. No, sir.</p> <p>17 Q. Well, you did fire her right after she</p> <p>18 testified, right?</p> <p>19 A. Yes, sir. We terminated her. Voted to</p> <p>20 terminate her.</p> <p>21 Q. So you didn't bother to investigate her -- her</p> <p>22 defense before you fired her, did you?</p> <p>23 A. I believe that had been investigated prior by</p> <p>24 Chief Moore and the fact that the records had not been</p> <p>25 produced to Jackson.</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Yes, sir.</p> <p>2 Q. How long did it take to get everybody certified?</p> <p>3 A. About a year.</p> <p>4 Q. Isn't it true that Jessie Colvin was working on</p> <p>5 getting people certified at the time she was fired?</p> <p>6 A. I know she had filed some paperwork, yes, sir.</p> <p>7 Q. Can you testify here under oath that she would</p> <p>8 not have had -- completed getting everybody certified</p> <p>9 within the next year?</p> <p>10 A. You are asking me to testify that she would have</p> <p>11 gotten them?</p> <p>12 Q. No. I'm asking you can you testify under oath</p> <p>13 here today that she would not -- if she wouldn't have</p> <p>14 been fired, within the next year she would not have had</p> <p>15 everybody certified there?</p> <p>16 A. No, I can't state that, that she wouldn't have.</p> <p>17 Q. Is there any reason why she couldn't have had</p> <p>18 everybody certified in that time?</p> <p>19 A. No, sir. There's no reason why she couldn't</p> <p>20 have had everybody certified prior to that. She had</p> <p>21 knowledge of it.</p> <p>22 Q. Um-hmm. And Sherry Fancher, did she receive any</p> <p>23 disciplinary action for dispatchers not being certified?</p> <p>24 A. No, sir, I don't think so.</p> <p>25 Q. Shouldn't she have?</p>
<p style="text-align: right;">Page 35</p> <p>1 BY MR. WOODRUFF: Give us a second.</p> <p>2 [Discussion off the record.]</p> <p>3 CONTINUING BY MR. WOODRUFF:</p> <p>4 Q. Sheriff Howard, we are almost done. I've been</p> <p>5 trying to remember the name -- we are off the record</p> <p>6 here.</p> <p>7 [Discussion off the record.]</p> <p>8 CONTINUING BY MR. WOODRUFF:</p> <p>9 Q. I've just got a few follow ups. You know who</p> <p>10 Sherry Fancher is?</p> <p>11 A. Yes.</p> <p>12 Q. Is she the current 911 --</p> <p>13 A. She is.</p> <p>14 Q. -- Director?</p> <p>15 A. Yes.</p> <p>16 Q. Are you aware that in 2007 she was the training</p> <p>17 officer for the Mississippi Justice Information Center?</p> <p>18 A. Yes. I'm aware of that. Um-hmm. [indicating</p> <p>19 affirmative]</p> <p>20 Q. Isn't it true there were problems with the</p> <p>21 certification with that at that time also?</p> <p>22 A. I remember that being brought up, yes, sir, but</p> <p>23 I think we had an audit done and we were cleared.</p> <p>24 Q. Um-hmm. Is everybody certifi -- is everybody at</p> <p>25 the 911 certified now?</p>	<p style="text-align: right;">Page 37</p> <p>1 A. No, sir. I think we had an audit done and they</p> <p>2 didn't -- they cleared us.</p> <p>3 Q. They cleared you?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Did you receive any -- any -- from the</p> <p>6 certification of the State, did you receive any</p> <p>7 disciplinary action or sanctions from them?</p> <p>8 A. No, sir.</p> <p>9 Q. In fact, nothing bad happened to the County</p> <p>10 because of the problems that you allege with Jessie</p> <p>11 Colvin, did they?</p> <p>12 A. No, sir, not after we sat down and explained</p> <p>13 everything to Mr. Gray.</p> <p>14 Q. Tell me about that conversation.</p> <p>15 A. He just came and met with our Board and we</p> <p>16 explained the situation that we were in and what we</p> <p>17 were -- what our plans were for getting them certified</p> <p>18 and he agreed that that would -- that would suffice.</p> <p>19 Q. Um-hmm. Well, you could've done that with</p> <p>20 Jessie Colvin, couldn't you? She could have done the</p> <p>21 same thing, couldn't she?</p> <p>22 A. I'm assuming she could have done that, yes, sir.</p> <p>23 Why she didn't, I don't know.</p> <p>24 Q. No, I'm talking about after this meeting you had</p> <p>25 where you (sic) were terminated, instead of that, you</p>

10 (Pages 34 to 37)

C. B. "BUTCH" HOWARD

5/20/2010

<p style="text-align: right;">Page 38</p> <p>1 could have just had that meeting with Mr. Gray and told</p> <p>2 him you would have them certified within the next year</p> <p>3 and -- and it all would have been taken care of, wouldn't</p> <p>4 it?</p> <p>5 A. I'm sure it would have been taken care of</p> <p>6 eventually, yes, sir.</p> <p>7 Q. All right. Wasn't there an audit before, from</p> <p>8 the Mississippi Justice Information Center that -- in</p> <p>9 which there were dispatchers who were not certified?</p> <p>10 Were you aware of that?</p> <p>11 A. That there were dispatchers that were not</p> <p>12 certified?</p> <p>13 Q. Yes. With the Mississippi Justice Information</p> <p>14 Center.</p> <p>15 A. I believe that was the allegation, yes, sir.</p> <p>16 Q. And Sherry Fancher received no disciplinary</p> <p>17 action, did she?</p> <p>18 A. No, sir.</p> <p>19 Q. In fact, she was later promoted to Director,</p> <p>20 right?</p> <p>21 A. Yes, sir.</p> <p>22 BY MR. WOODRUFF: Nothing else. Thank you</p> <p>23 very much.</p> <p>24 BY MR. HUSKISON: Sheriff, just one quick</p> <p>25 question.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. No, I wouldn't dispute that.</p> <p>2 Q. She had been back a while, had she not?</p> <p>3 A. She had been back for quite some time, yes, sir.</p> <p>4 Q. And the certification of these dispatchers are</p> <p>5 her responsibility?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Mr. Woodruff has also asked you a lot of</p> <p>8 questions about understaffing at or around the time Ms.</p> <p>9 Colvin lost her job. Whose responsibility is it to hire</p> <p>10 employees out there at the E911?</p> <p>11 A. The Director.</p> <p>12 Q. And that was Ms. Colvin?</p> <p>13 A. Correct.</p> <p>14 BY MR. HUSKISON: That's all I have.</p> <p>15 Thank you.</p> <p>16 BY MR. WOODRUFF: I've got a few follow</p> <p>17 ups.</p> <p>18 FURTHER EXAMINATION BY MR. WOODRUFF:</p> <p>19 Q. Isn't it true that all the -- the seasoned, the</p> <p>20 ones that had been there more than a year dispatchers had</p> <p>21 been certified by the time Jessie Colvin was terminated?</p> <p>22 A. All of the seasoned dispatchers?</p> <p>23 Q. In other words, all of the ones who weren't new</p> <p>24 ones. The new ones take a while to certify, right?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">Page 39</p> <p>1 EXAMINATION BY MR. HUSKISON:</p> <p>2 Q. Mr. Woodruff asked you about, you know, had you</p> <p>3 kept Ms. Colvin on, she could have had the certifications</p> <p>4 done. The information that was presented that Ken Moore</p> <p>5 investigated, do you recall showing that the</p> <p>6 certifications of our dispatchers were out for as long as</p> <p>7 2003, since 2002? Do you remember seeing anything like</p> <p>8 that?</p> <p>9 A. Yes. There were documents there that showed</p> <p>10 that -- where the certifications went back for a number</p> <p>11 of years.</p> <p>12 Q. And the only reason this all came to a head in</p> <p>13 '06 is because some former employees started putting</p> <p>14 things on blogs and we had to look into it?</p> <p>15 A. There were accusations made, yes, sir.</p> <p>16 BY MR. WOODRUFF: Let me just make a</p> <p>17 continuing objection to leading --</p> <p>18 BY MR. HUSKISON: Okay.</p> <p>19 BY MR. WOODRUFF: -- and testifying for</p> <p>20 him.</p> <p>21 Q. [Mr. Huskison] Now, Sheriff, when -- do you</p> <p>22 recall when Jessie Colvin returned from military leave?</p> <p>23 A. No, sir, I don't.</p> <p>24 Q. If the records show it was in January of 2004,</p> <p>25 would you dispute that or --</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. And all the seasoned -- all the ones who had</p> <p>2 been there more than a year were certified as of January,</p> <p>3 2007, isn't that correct?</p> <p>4 A. I don't know that for a fact.</p> <p>5 Q. Did you look into that before you voted to fire</p> <p>6 her?</p> <p>7 A. Did I look into that?</p> <p>8 Q. Yeah.</p> <p>9 A. I'm sure we did at the time, yes, sir.</p> <p>10 Q. Are you sure you did or do you remember doing</p> <p>11 that?</p> <p>12 A. I don't remember doing it.</p> <p>13 BY MR. WOODRUFF: I have nothing further.</p> <p>14 Thank you. Thank you, Sheriff.</p> <p>15 A. All right.</p> <p>16</p> <p>17 [Whereupon the deposition was concluded at</p> <p>18 11.29 a.m.]</p>

11 (Pages 38 to 41)

Page 42

# CERTIFICATE OF COURT REPORTER

I, Teresa B. Henry, Certified Court Reporter for the State of Mississippi, hereby certify to the following:

That the foregoing 41 pages, and including this page, contain a full, true and correct transcript of the testimony of Sheriff C. B. 'Butch' Howard as taken by me at the time and place heretofore stated in the aforementioned matter and later reduced by me to typewritten form to the best of my skill and ability;

That the deponent was placed under oath to truthfully answer all questions in this matter under the authority vested in me by the State of Mississippi; and

That I am not in the employ of or related to any counsel or party in this matter and have no interest, monetary or otherwise, in the final outcome of this proceeding;

WITNESS MY SIGNATURE AND SEAL, this, the 24th day of May, 2010.

TERESA B. HENRY, CSR 1205

(SEAL)

**My Commission Expires:**

December 16, 2010

Page 44

## ERRATA SHEET

Page	Line	Correction/Change
------	------	-------------------

Page 43

**CERTIFICATE OF DEPONENT**

I, C. B. 'Butch' Howard, deponent in the deposition taken in the herein styled and numbered cause, certify that I have examined the foregoing 42 pages, being the total number of pages relating to my testimony, as to the correctness thereof, and that after reading said pages, I find them to contain a full, true and correct transcript of the testimony as given by me in Columbus, Mississippi, on May 20, 2010.

This, the day of ,  
2010.

SHERIFF C.B. 'BUTCH' HOWARD

STATE OF MISSISSIPPI

COUNTY OF

SWORN TO AND SUBSCRIBED before me, this, the

day of \_\_\_\_\_, 2010.

NOTARY PUBLIC

(SEAL)

My Commission Expires:

Page 45

Teresa B. Henry  
Glenn-Henry Reporting  
400 Peg Lane  
Amory, Mississippi 38821  
teresabh@bellsouth.net  
May 24, 2010

Honorable Berkley N. Huskison  
Mitchell McNutt & Sams  
Post Office Box 1366  
Columbus, Mississippi 39703-1366

Re: Colvin vs Lowndes County, MS, et al  
USDC No. 1:09CV187-M-D

Dear Mr. Huskison:

Enclosed is your copy of the deposition of Sheriff C. B. 'Butch' Howard taken in the above entitled cause on May 20, 2010.

Also enclosed are the signature and correction pages to be used by Sheriff Howard when reading your copy of his deposition.

After the signature and correction pages have been completed by Sheriff Howard and properly signed by a Notary, please return these forms to Mr. Woodruff at the address on page two of the transcript so that they may be attached to the original transcript.

If the completed signature and correction sheets have not been received by Mr. Woodruff on or before July 1, 2010, (30 days), reading and signing will be waived.

Sincerely,

Teresa B. Henry

Enclosures

cc: Honorable Ron Woodruff



BEVERLY BROOCKS

4/16/2010

Page 1

1 IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI  
2  
3 JESSIE COLVIN PLAINTIFF  
4 VS. CIVIL ACTION NO. 1:09CV187-M-D  
5 LOWNDES COUNTY, MISSISSIPPI, ET AL DEFENDANTS  
6  
7  
8

9 DEPOSITION OF BEVERLY RALSTON BROOCKS  
10  
11

12 TAKEN AT THE INSTANCE OF THE PLAINTIFF  
13 IN THE LAW OFFICES OF MITCHELL, MCNUTT & SAMS  
14 215 FIFTH STREET NORTH, COLUMBUS, MISSISSIPPI  
15 ON APRIL 16, 2010, BEGINNING AT 1:28 P.M.

16 APPEARANCES:

17 WAIDE & ASSOCIATES  
18 P.O. Box 1357  
19 Tupelo, MS 38802-1357  
20 For the Plaintiff  
21 BY: RON L. WOODRUFF  
22

23 MITCHELL, MCNUTT & SAMS  
24 P.O. Box 1366  
25 Columbus, MS 39703-1366  
For the Defendants  
BY: BERKLEY N. HUSKISON

ALSO PRESENT: MS. JESSIE COLVIN, MR. BUTCH HOWARD, MR. KEN  
MOORE, and MS. BERNICE LILE

Reported by: GENA MATTISON GLENN, CSR 1568  
GLENN-HENRY REPORTING

GLENN-HENRY REPORTING  
maharcr@bellsouth.net

EXHIBIT

tabbles

D

BEVERLY BROOCKS

4/16/2010

<p style="text-align: right;">Page 2</p> <p>1 TABLE OF CONTENTS</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4 BEVERLY RALSTON BROOCKS</p> <p>5 Examination by Mr. Ron L. Woodruff 3</p> <p>6 EXHIBIT</p> <p>7 NO. DESCRIPTION PAGE</p> <p>8 12 E-mail, Ms. Brooks to Ms. Colvin 13</p> <p>9 13 E-mails between Ms. Brooks and Ms. Colvin 13</p> <p>10 14 Notice to Employer of Claim Filed and Request for Information 42</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 Holmes Stores that was based in New Orleans, Louisiana, as a</p> <p>2 retail buyer and manager of personnel.</p> <p>3 Q. How long was a long career?</p> <p>4 A. 1977 until -- moved back here '88 or '89.</p> <p>5 Q. So you lived in New Orleans at the time?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And you're now on the 911 Commission?</p> <p>8 A. No, sir. I resigned from the 911 Commission</p> <p>9 effective in November of 2009.</p> <p>10 Q. Do you know who took your place?</p> <p>11 A. Yes, sir. His name is Van, V-A-N, Yates, Y-A-T-E-S,</p> <p>12 who is a member of the EMS service for Baptist Memorial</p> <p>13 Hospital.</p> <p>14 Q. Why did you resign?</p> <p>15 A. This law firm represents the City of Columbus.</p> <p>16 Overages in cost for E-911 above what's funded by the</p> <p>17 telephone service surcharge is equally funded by the City of</p> <p>18 Columbus and Lowndes County. It's, as with most government</p> <p>19 agencies, a little controversy over who should pay for what;</p> <p>20 and simply felt that it might on some level be viewed as a</p> <p>21 conflict of attorney or put our attorney who represented the</p> <p>22 City of Columbus in a difficult position.</p> <p>23 Q. What attorney represents the City of Columbus?</p> <p>24 A. Jeff Turnage. Jeffrey J. Turnage.</p> <p>25 Q. And Berk generally represents Lowndes County?</p>
<p style="text-align: right;">Page 3</p> <p>1 BEVERLY RALSTON BROOCKS,</p> <p>2 after being duly sworn, testified as follows:</p> <p>3</p> <p>4 EXAMINATION</p> <p>5 BY MR. WOODRUFF:</p> <p>6 Q. Please state your full name for the record.</p> <p>7 A. Beverly Anna Ralston Brooks.</p> <p>8 MR. WOODRUFF: Do you know how to spell that?</p> <p>9 THE WITNESS: She does.</p> <p>10 THE REPORTER: Ralston?</p> <p>11 THE WITNESS: R-A-L-S-T-O-N.</p> <p>12 BY MR. WOODRUFF:</p> <p>13 Q. And where are you currently employed?</p> <p>14 A. Mitchell McNutt and Sams.</p> <p>15 Q. What's your position?</p> <p>16 A. Paralegal.</p> <p>17 Q. How long have you done that?</p> <p>18 A. I believe since 19 -- I was either hired in 1994 or</p> <p>19 1996 and failed to look back.</p> <p>20 Q. What did you do before that?</p> <p>21 A. Immediately before? Attended the paralegal program</p> <p>22 at the W.</p> <p>23 Q. And just generally, I mean, have you worked as a</p> <p>24 paralegal most of your life or done any other kind of work?</p> <p>25 A. No. Very long career with a company called D. H.</p>	<p style="text-align: right;">Page 5</p> <p>1 A. No. The county attorney for Lowndes County is</p> <p>2 Timothy Hudson.</p> <p>3 Q. Right, but -- yeah, he represents -- he's their</p> <p>4 official attorney at their meetings and hearings and stuff.</p> <p>5 MR. HUSKISON: Off the record.</p> <p>6 (Off Record.)</p> <p>7 BY MR. WOODRUFF:</p> <p>8 Q. So was that the only reason you resigned, the</p> <p>9 potential conflict of interest?</p> <p>10 A. Yes, sir. And I don't even know that conflict of</p> <p>11 interest is the right term, but to avoid any mixed</p> <p>12 loyalties.</p> <p>13 Q. Could be a -- for appearances.</p> <p>14 A. Yeah. Appearances, mixed loyalties.</p> <p>15 Q. Right. Okay. I know what you mean. And when did</p> <p>16 you start on the Board?</p> <p>17 A. The appointment would have -- Board of Commissioners</p> <p>18 would have been made, my recollection, in late 2006. There</p> <p>19 were appointments that were expiring effective early 2007,</p> <p>20 so my appointment took effect in 2007, beginning of the</p> <p>21 year.</p> <p>22 Q. January 2007?</p> <p>23 A. I believe what actually happened was, yes, the</p> <p>24 appointments were effective January 2007, with the outgoing</p> <p>25 Board members serving through the first meeting of 2007, the</p>

2 (Pages 2 to 5)

BEVERLY BROOCKS

4/16/2010

<p style="text-align: right;">Page 6</p> <p>1 incoming picking up as voting members the February meeting  2 is my recollection.  3 Q. Do you recall who you replaced?  4 A. Yes, sir. A lady named Edith Minyard. I believe  5 it's M-I-N-Y-A-R-D.  6 Q. Is she still in this area?  7 A. Yes, sir, I believe she is. She's not someone I'm  8 well acquainted with, but she's a common name and I believe  9 she still is in this area.  10 Q. Do you know if she left voluntarily or was forced  11 out?  12 A. I am told by people who knew her well that she had  13 some ambivalence about continuing on the Board. No  14 indication that she was forced out. She had served a long  15 time.  16 Q. And my understanding, it's a four-year term; is that  17 correct?  18 A. I believe that's correct.  19 Q. Tell me about the process about how you get on the  20 Board. Does somebody recommend you? Do you apply for it?  21 How do you end up getting on the 911 Commission?  22 A. By statute, if a county has a 911 Commission, which  23 they're not required to have, but if they elect to do so,  24 that Commission is composed of a representative of each  25 county supervisor's district plus two at-large members.</p>	<p style="text-align: right;">Page 8</p> <p>1 applications are received by the county administrator. The  2 county administrator disseminates those applications to the  3 members of the Board of Supervisors, and the Board of  4 Supervisors vote on it.  5 Q. So the whole Board will vote --  6 A. For each appointment.  7 Q. -- for each appointment, even though it's going to be  8 for one person's district.  9 A. Yes, sir. And representative of that district is --  10 particularly with E-911 is not necessarily a resident of  11 that district but a person who -- for example, Baptist  12 Memorial Hospital -- the gentleman who replaced me, Van  13 Yates, Baptist Memorial Hospital is located in the same  14 district that I represented. It's not a residency  15 requirement.  16 Q. So they voted and you went onto the Board.  17 A. Correct.  18 Q. And did somebody else become a new Board member at  19 that time?  20 A. Yes, sir. Ms. Bernice Lile became a new member at  21 the same time I did, and Chief Moore was made a voting  22 member at the same time I went on the Board. He had  23 previously been a nonvoting member.  24 Q. I'm sorry. Who? Moore?  25 A. Chief Moore.</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. Uh-huh.  2 A. Lowndes County is in the process -- with all of the  3 Boards they appoint, they announce upcoming vacancies or  4 reappointments in their Board meetings, accept applications.  5 They have a time period for doing that. I don't know what  6 that is, can't recall it, but I know it's fixed with all of  7 their appointments. They then review all of those  8 applications and make an appointment. So it's a fairly  9 lengthy process.  10 Q. So you applied for it.  11 A. I did.  12 Q. Okay. Why did you apply for it?  13 A. I have some acquaintance with emergency services and  14 people in emergency services in the county. During the  15 latter half of 2006, as has been discussed here, there was a  16 lot of publicity being raised about questions, questions  17 about that agency, its integrity, its operation. I am a  18 Columbus girl. Born here. Feel very close to this  19 community. I've always been fairly active in social causes,  20 organizations in the community. Felt like this was an  21 important issue of credibility and perhaps I had something  22 to offer to the agency.  23 Q. And how was the person selected? As far as you, how  24 did you get selected? Do you know the process?  25 A. As it is with all of their appointments, all of the</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Chief Moore?  2 A. Yes.  3 Q. From your knowledge, has there ever -- prior to Ms.  4 Colvin has there ever been another female running the E-911  5 Board?  6 A. No idea one way or the other.  7 Q. You don't know?  8 A. (Shakes head side to side.)  9 Q. You've lived here all your life; you don't know?  10 A. That organization is relatively new, as you heard Ms.  11 Colvin's testimony --  12 Q. Well, it goes back to '89.  13 A. Well, which is relatively new when you're my age, and  14 I take her --  15 Q. I'm older than you.  16 A. I take her testimony for the fact. But the -- but  17 the fact is that, you know, in my growing up years you  18 called the fire department, you called the police  19 department.  20 Q. Uh-huh.  21 A. You called the hospital if you needed an ambulance.  22 So --  23 Q. All right. So you don't know of any other female 911  24 directors prior to her; is that correct?  25 A. Not prior. The current director is female.</p>

3 (Pages 6 to 9)

BEVERLY BROOCKS

4/16/2010

<p style="text-align: right;">Page 10</p> <p>1 Q. Do you know any other black 911 directors prior --</p> <p>2 A. In Lowndes County?</p> <p>3 Q. Director of 911.</p> <p>4 A. In Lowndes County, sir?</p> <p>5 Q. Yes.</p> <p>6 A. No, sir.</p> <p>7 Q. Are you aware of whether or not Ms. Colvin had any</p> <p>8 write-ups previous to her termination?</p> <p>9 A. No, sir. After her termination, when we went in --</p> <p>10 those of us who went in and tried to clean up the office</p> <p>11 found very little in the way of a personnel file for Ms.</p> <p>12 Colvin, if anything. So I don't know what might or might</p> <p>13 not have been in that file at one time.</p> <p>14 Q. Did you write -- did the Board write her up before</p> <p>15 they terminated her?</p> <p>16 A. A written statement placed in her file? No, sir.</p> <p>17 Q. Did they -- did they put her on a -- if they thought</p> <p>18 her performance was deficient, did they put her on a -- a</p> <p>19 performance improvement plan to give her a chance to make</p> <p>20 whatever changes you thought were necessary?</p> <p>21 A. I personally had three conversations with Ms. Colvin</p> <p>22 about my concerns to put her on notice of those concerns.</p> <p>23 Q. Isn't it improper for an individual Commission member</p> <p>24 to have direct contact with the director without the whole</p> <p>25 Board there?</p>	<p style="text-align: right;">Page 12</p> <p>1 events, where the questions have been raised previously in a</p> <p>2 Board meeting and the conversations Chief Moore and I had</p> <p>3 with Ms. Colvin subsequent, the conversation was a follow-up</p> <p>4 on that conversation in the Board meeting.</p> <p>5 Q. I'm not talking about Board meeting. I don't dispute</p> <p>6 that if the whole Board is present that you're acting -- and</p> <p>7 the Board is in session and the Board has a quorum, that</p> <p>8 what you're saying in that Board meeting, you're acting as</p> <p>9 the Board. I'm talking about you, individually, talking or</p> <p>10 sending e-mails to the director without the rest of the --</p> <p>11 without being in a Board meeting and without the Board being</p> <p>12 in session and a quorum being there. Are your actions in</p> <p>13 there the actions of the Board, the Commission, or is it</p> <p>14 your individual actions at that point?</p> <p>15 A. If I followed your question correctly, and it was</p> <p>16 quite long --</p> <p>17 Q. It was quite long, and --</p> <p>18 A. -- individual --</p> <p>19 Q. -- I'm not sure if I understand it, but give it a</p> <p>20 shot.</p> <p>21 A. Communications between individual commissioners and</p> <p>22 the director would be individual communications between a</p> <p>23 member of the Board of Commissioners and the director,</p> <p>24 absent, perhaps, an officer of the Commission carrying out a</p> <p>25 directive of the Board.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Two of those conversations were in Board meetings.</p> <p>2 The third occurred --</p> <p>3 Q. Right.</p> <p>4 A. -- when I did ask her -- but no, it's not improper,</p> <p>5 sir. There are individual conversations with the director</p> <p>6 all the time.</p> <p>7 Q. And you had -- you weren't chastised from the Board</p> <p>8 for acting upon yourself and having conversations with</p> <p>9 employees of hers?</p> <p>10 A. Employees of Ms. Colvin's?</p> <p>11 Q. Yeah.</p> <p>12 A. No, sir. Nor was having a conversation with Ms.</p> <p>13 Colvin. As a matter of fact, the Board members were</p> <p>14 supportive of it.</p> <p>15 Q. So -- so the actions of individual Board members --</p> <p>16 strike that. So you're saying that individual members of</p> <p>17 the Commission can act on behalf of the entire Commission?</p> <p>18 A. No, sir. I'm saying that individual Board members</p> <p>19 can have conversations with the director about the</p> <p>20 activities at 911.</p> <p>21 Q. Well, then, aren't you -- aren't you acting on behalf</p> <p>22 of the entire Commission when you're having ex parte</p> <p>23 communication with the director without being in an official</p> <p>24 Board member --</p> <p>25 A. No, sir. And especially not in these series of</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. All right. Well, let's introduce --</p> <p>2 MR. WOODRUFF: Can you mark -- what's the next</p> <p>3 ones? 12 and 13?</p> <p>4 (Off Record.)</p> <p>5</p> <p>6 -----</p> <p>7 (Exhibits Number 12 and 13 marked.)</p> <p>8 BY MR. WOODRUFF:</p> <p>9 Q. Let me show you what's been premarked as Exhibit</p> <p>10 Number 12. Let your attorney take a look at it first.</p> <p>11 MR. HUSKISON: I've seen it.</p> <p>12 BY MR. WOODRUFF:</p> <p>13 Q. Do you recognize that e-mail?</p> <p>14 A. Generally so, yes, sir. I haven't completely</p> <p>15 sped-read it since you handed it to me.</p> <p>16 Q. Well, is it from you?</p> <p>17 A. Yes, sir.</p> <p>18 Q. That's B -- is it pronounced "brooks"?</p> <p>19 A. It's actually got my full name, Beverly Brooks, and</p> <p>20 it is pronounced "brooks."</p> <p>21 Q. Okay. And so this is -- you don't dispute that this</p> <p>22 is an e-mail from you.</p> <p>23 A. No, sir.</p> <p>24 Q. And who is it an e-mail to?</p> <p>25 A. Ms. Colvin.</p>

4 (Pages 10 to 13)

BEVERLY BROOCKS

4/16/2010

<p style="text-align: right;">Page 14</p> <p>1 Q. What's the date on the e-mail?</p> <p>2 A. I don't read backwards very well. 4-11-2007.</p> <p>3 Q. Okay. So this would have been April 11th.</p> <p>4 A. Yes.</p> <p>5 Q. Five days before she was fired.</p> <p>6 A. Sounds correct.</p> <p>7 Q. Is that correct? Go down to the third paragraph down</p> <p>8 there, and in the middle of it -- paragraph starts, Speaking</p> <p>9 of just -- speaking of that, Jessie, I meant every word I</p> <p>10 said about not micromanaging your agency. And you will find</p> <p>11 in time that absent misconduct or extreme circumstances, I</p> <p>12 will vote to support your decisions, even when I may</p> <p>13 personally disagree with them. Professionally, I respect</p> <p>14 you as a director; and philosophically, I understand that</p> <p>15 the captain needs to be free to steer his or her ship. I</p> <p>16 also understand that there is some dynamics with the Board</p> <p>17 that are not particularly helpful at this point in time.</p> <p>18 Tell me about those dynamics with the Board that are</p> <p>19 not particularly helpful at this time.</p> <p>20 A. Well, you had three incoming new voting members, and</p> <p>21 you had existing members who had been in place on the Board</p> <p>22 a long time, and melding any family is always a challenge.</p> <p>23 Q. Is that the only dynamics with the Board that are not</p> <p>24 particularly helpful at this point in time?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 16</p> <p>1 that.</p> <p>2 MR. HUSKISON: One of us did.</p> <p>3 BY MR. WOODRUFF:</p> <p>4 Q. Okay. But let me ask you this: Don't you consider</p> <p>5 the police kind of a paramilitary type of operation? They</p> <p>6 call themselves lieutenants and sergeants and corporals and</p> <p>7 all that other stuff. Aren't they really a paralegal -- a</p> <p>8 paramilitary type of unit, the police and the firefighters</p> <p>9 and the 911?</p> <p>10 A. I would not characterize them as paramilitary, but</p> <p>11 that may be a matter of definition.</p> <p>12 Q. I mean, don't they operate under a lot of the same</p> <p>13 rules that military operate under?</p> <p>14 A. That's a very --</p> <p>15 Q. Or try to?</p> <p>16 A. That's a very broad question; and honestly, my answer</p> <p>17 is no because a military environment is a combat</p> <p>18 environment. It operates under a whole separate structure</p> <p>19 of direction, whereas law enforcement and fire and E-911 in</p> <p>20 the private sector are public service operations.</p> <p>21 MR. WOODRUFF: Go off the record a second.</p> <p>22 (Off Record.)</p> <p>23 BY MR. WOODRUFF:</p> <p>24 Q. Let's go ahead and enter this other -- let me go back</p> <p>25 and ask you on this first one first. What was the purpose</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Just the fact that you had three new members?</p> <p>2 A. Three new members --</p> <p>3 Q. Who was the other new member?</p> <p>4 A. Ms. Lile, myself, and Chief Moore as a voting member.</p> <p>5 He had previously been a nonvoting member and a nonvoting</p> <p>6 member for only a very short time.</p> <p>7 Q. And then in the last three sentences on that page, it</p> <p>8 says, And please -- and this is strictly and absolutely</p> <p>9 personal because my life is so full of wonderful people who</p> <p>10 have in the military -- don't let the military mind-set get</p> <p>11 in your way of being a leader who is also part of a team.</p> <p>12 So you think the fact that she is in the military</p> <p>13 affected her ability to manage people?</p> <p>14 A. No, sir. That's not --</p> <p>15 Q. What do you mean by that comment?</p> <p>16 A. I meant that in a private sector situation, which for</p> <p>17 all practical purposes, compared to the United States</p> <p>18 military, E-911 is more of a private sector environment, the</p> <p>19 approach is more of a teamwork. It's more of a cooperative</p> <p>20 where in the military -- as Mr. Pittman relayed in his</p> <p>21 deposition when you asked him did he have hiring and firing</p> <p>22 authority and he said not as to the military personnel but</p> <p>23 yes as to the civilian personnel, it is a different type of</p> <p>24 operation.</p> <p>25 MR. WOODRUFF: I asked him that? I didn't know</p>	<p style="text-align: right;">Page 17</p> <p>1 of writing this e-mail that we just -- Exhibit Number 12?</p> <p>2 A. Encouragement. Cooperation. We -- "we" being Ms.</p> <p>3 Colvin, Chief Moore and myself -- had met prior to this and</p> <p>4 discussed several subjects, one of them being -- at this</p> <p>5 point, and as you've heard the testimony play out, and for</p> <p>6 quite some time, Columbus-Lowndes E-911 had been operating</p> <p>7 on a very short staff situation due to the fact that Ms.</p> <p>8 Colvin -- or due in part to the fact that Ms. Colvin had not</p> <p>9 maintained an eligibility -- is one of the terms; there are</p> <p>10 others -- so that the process of hiring people was even more</p> <p>11 prolonged than it necessarily should have been.</p> <p>12 And as I've listened today, the normal complement of</p> <p>13 dispatchers which Ms. Colvin testified to was, early on or</p> <p>14 up to -- very close to this point, 12 dispatchers plus</p> <p>15 herself. That normal complement of dispatchers was</p> <p>16 increased in 2006, prior to my joining the Board, to 16</p> <p>17 dispatchers plus the director. They were largely operating</p> <p>18 with about five or six, seven, perhaps, including Ms.</p> <p>19 Colvin, dispatchers.</p> <p>20 Now, that center runs 24-7, 365, with a minimum of</p> <p>21 three consoles operating constantly. To maintain those</p> <p>22 hours, those people were working extremely long hours. They</p> <p>23 were sometimes pulling 24-hour shifts. They were working</p> <p>24 60, 70, 80 hours a week. They were extremely fatigued.</p> <p>25 This had been discussed in Board meetings. Dispatchers had</p>

5 (Pages 14 to 17)

BEVERLY BROOCKS

4/16/2010

<p style="text-align: right;">Page 18</p> <p>1 come to the Board about their fatigue level. It had been  2 publicized in the Columbus Talks forum you've talked about,  3 in anonymous letters to the Board of Supervisors and perhaps  4 some other entities that this was becoming a public -- or  5 had been for some time -- at this point, in April 2007, it  6 had been for some time, a length of time, a public safety  7 issue, mistakes happening. In the Board meeting that  8 proceeded this time period, this had been discussed.  9 I did invite Ms. Colvin to come over to see if we  10 could work outside of a Board meeting, just as a practical  11 matter some ways to try to ease up what was happening to  12 these dispatchers. I did ask Chief Moore to join us because  13 I know Chief Moore has an intricate knowledge of the Wage  14 and Hour laws as they apply to emergency services workers,  15 who are different, and also because his department works --  16 had worked at times -- Columbus Fire worked 12-hour shifts.  17 They were at that time on 24-hour shifts. So he had that  18 knowledge base to bring to it.  19 We sat there with the schedules Ms. Colvin brought.  20 Another factor that came into play was that at that point,  21 not all of those few dispatchers could even work all three  22 consoles. So they were not fungible. They were not  23 completely interchangeable. Looked at some possible ways to  24 create those one-hour breaks away from the center.  25 The Wage and Hour issue to some degree drives whether</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Yes.  2 A. There was no Board authority necessary to send her an  3 e-mail or make a phone call to her.  4 Q. Let me ask you this: Are you aware that a Board or a  5 Commission can only act -- you know, that if you act outside  6 of it, that you're not acting as Commission, it has to be  7 acting as a Commission, otherwise you were acting on your  8 own? Do you know the difference between a Board which is  9 made up of seven people and an individual who is a member of  10 a Board?  11 A. Yes, sir, but "act" is perhaps -- there was nothing  12 in that e-mail that takes any action.  13 Q. You pushed a button that said "send." That's an  14 action. You're counseling the director and telling her how  15 she should go about her job. I think that's action.  16 You're -- and I'm just trying to understand. Are you acting  17 on your own as an individual person, or do you have the  18 authority -- are you speaking in here with the authority of  19 the Board? Did you talk to the other Board members and say,  20 I am going to go -- can I have your permission to go speak  21 for all of you and go in here and tell her how she should be  22 doing her job as director, or am I just doing this myself,  23 not under the authority of the Commission, and going in  24 there and basically, as a friend to a friend or whatever --  25 I'm just trying to understand your role when you were doing</p>
<p style="text-align: right;">Page 19</p> <p>1 they can leave the center.  2 Q. Wait. Let me stop you. My question is -- and I  3 don't want to interrupt people, but my question is I'm  4 trying to -- what I'm trying to understand -- and if you  5 want to explain all that, I mean, you know, Berk can ask you  6 about that. All I'm asking you about is were you acting as  7 a -- under the authority of the Board in this communication.  8 Obviously, you're going about the Commission business here.  9 Wouldn't you agree? You're dealing with the director in an  10 employment-type situation, so you were going about the  11 Board's business here; isn't that correct?  12 A. I understood your question to be what led up to this,  13 and that's what I was trying to answer.  14 Q. Okay. Were you acting about -- were you going about  15 the Board's business here?  16 A. I was going about my -- my concerns as a member of  17 that Commission.  18 Q. Okay. Did you have the authority -- were you acting  19 under the authority of the Board, under the Commission, when  20 you did this?  21 A. I was expressing my concerns as a member of that  22 Commission about a subject that had been discussed by the  23 Board.  24 Q. Did you have the authority of the Board to do this?  25 A. To e-mail her?</p>	<p style="text-align: right;">Page 21</p> <p>1 this stuff right here.  2 A. My role in sending her -- my intent in sending her  3 that e-mail was, as a member of the Commission, to encourage  4 her to address concerns that had been expressed in a Board  5 meeting by the Board.  6 Q. And let me try it one more time. Evidently I'm not  7 doing a very good job. Were you acting under the authority  8 of the Board here, or were you acting on your own behalf?  9 A. I sent that as a member of the Commission. There is  10 no action. There is no discipline. There is no entering  11 into a contract. There is no change in directive or  12 policies or anything that would be an action of the Board  13 contained in that e-mail.  14 Q. You don't think telling a director how they should  15 conduct themselves and treat their employees -- you don't  16 think that is a -- a function of the Commission? You think  17 you can do that as an individual person?  18 A. I believe any member of that Commission can encourage  19 a director to treat their employees well.  20 Q. Okay. So what you're telling me, then, is under your  21 understanding is anything that any of the Board -- Board  22 members does on their own, without -- without being in a  23 Board meeting, then the entire Commission is responsible.  24 MR. HUSKISON: I object to that. That's not what  25 she's saying. She's saying --</p>

6 (Pages 18 to 21)

BEVERLY BROOCKS

4/16/2010

<p style="text-align: right;">Page 22</p> <p>1 MR. WOODRUFF: I'm asking if that's what she's</p> <p>2 saying.</p> <p>3 MR. HUSKISON: What she's saying is she acted in</p> <p>4 her course and scope --</p> <p>5 MR. WOODRUFF: Berk, I don't want your testimony.</p> <p>6 MR. HUSKISON: -- as a Board member when she sent</p> <p>7 the letter. She didn't act on behalf of the Board --</p> <p>8 MR. WOODRUFF: I'm not asking your testimony, Berk.</p> <p>9 I want hers. --</p> <p>10 MR. HUSKISON: -- but it was in her duty as a</p> <p>11 Board member, and her --</p> <p>12 MR. WOODRUFF: I'm asking her testimony.</p> <p>13 MR. HUSKISON: -- responsibility, and that's what</p> <p>14 she said, and I think she's asked and answered it. Ms.</p> <p>15 Brooks, you can try to answer that question if you --</p> <p>16 BY MR. WOODRUFF:</p> <p>17 Q. Now, that he's told you how to answer, go ahead and</p> <p>18 answer it.</p> <p>19 THE WITNESS: Would you please read back Mr.</p> <p>20 Woodruff's last question?</p> <p>21 BY MR. WOODRUFF:</p> <p>22 Q. I'll ask it again. Are you acting as an individual</p> <p>23 or as the Board when you did -- when you counseled and sent</p> <p>24 this e-mail telling the director how to do her job?</p> <p>25 A. Mr. Woodruff, I sent an e-mail to Ms. Colvin, who was</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. It looks to me -- and correct me if I'm wrong --</p> <p>2 there's a brief reply at the top to Jessie Colvin's e-mail</p> <p>3 down below.</p> <p>4 A. That's correct.</p> <p>5 Q. Is that correct? Okay. And from the times on there,</p> <p>6 it looks like that this was later, which means -- you know,</p> <p>7 and I'm just saying, is this answer at the bottom a reply to</p> <p>8 your e-mail from the morning?</p> <p>9 A. May I see my e-mail from the morning, please, sir?</p> <p>10 Q. Yes, you may. I mean, they're both Wednesday, the</p> <p>11 11th. That's at 9 o'clock in the morning. Her response is</p> <p>12 11:00 a.m. Then you came back at about 1:40 p.m.</p> <p>13 A. Those are the times I see on here.</p> <p>14 Q. So these three, can we take these in kind of order?</p> <p>15 A. I believe so.</p> <p>16 Q. Okay. Were any other communication by e-mail other</p> <p>17 than these three during that day that you're aware of?</p> <p>18 A. Not that I recall, sir.</p> <p>19 Q. Okay. And just to make sure, you believe that her</p> <p>20 response -- Ms. Colvin's response at the bottom of Exhibit</p> <p>21 Number 13 is a response to your Exhibit Number 12 e-mail to</p> <p>22 her.</p> <p>23 A. I believe that to be so, yes, sir.</p> <p>24 Q. Okay. All right. And up in the -- do you want a</p> <p>25 chance to read it first or --</p>
<p style="text-align: right;">Page 23</p> <p>1 the director, encouraging her with regard to some concerns</p> <p>2 that had been raised in a Board meeting by the Board.</p> <p>3 Q. Let me try it one more time. Yes or no. Did you --</p> <p>4 this e-mail and this action here, was this done as an</p> <p>5 individual or under the authority of the Board? Yes or no.</p> <p>6 A. That -- that question does not lend itself to a yes</p> <p>7 or no answer.</p> <p>8 Q. Well, it's a very yes or no thing. Are you acting as</p> <p>9 yourself or are you acting as the Board here?</p> <p>10 A. I was acting as a member of the Commission.</p> <p>11 Q. So you're saying that this action is the Board's</p> <p>12 action.</p> <p>13 A. No, sir. That's not what I said.</p> <p>14 Q. Then you're saying this was your action on your own</p> <p>15 and the Board cannot be held accountable for your individual</p> <p>16 actions.</p> <p>17 A. I was saying that that was my action as an individual</p> <p>18 commissioner of that Board.</p> <p>19 Q. We'll move along. This has been premarked Exhibit</p> <p>20 Number 13. Do you recognize this e-mail here.</p> <p>21 A. I believe, Mr. Woodruff, this was contemporaneous</p> <p>22 with the one you just introduced. Generally I do. I have</p> <p>23 not read it word for word.</p> <p>24 Q. Why don't you go ahead and read it?</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Yes, sir, I would appreciate that.</p> <p>2 Q. Go ahead. You have a right to do that.</p> <p>3 A. (Witness reviews document.) Okay, sir. Thank you.</p> <p>4 Q. Have you had a chance to review it? Up at the top of</p> <p>5 this Exhibit Number 13, it says, Thank you, Jessie. I</p> <p>6 appreciate the information and understanding. The power</p> <p>7 struggle I am concerned about is a commissioner who thinks</p> <p>8 she wants to also be the director, and I didn't want to give</p> <p>9 her any help.</p> <p>10 Which -- which commissioner who wants to be the</p> <p>11 director you don't want to give any help to? What's her</p> <p>12 name?</p> <p>13 A. I was referring to Ms. Lile.</p> <p>14 Q. And what do you mean by that?</p> <p>15 A. Ms. Lile had been a member of the dispatch center,</p> <p>16 and she very honestly and admirably knew that it was going</p> <p>17 to be difficult for her as a commissioner to separate</p> <p>18 herself from that. And she did so very admirably, and I did</p> <p>19 not want to do anything to interfere with her efforts one</p> <p>20 way or the other in accomplishing that.</p> <p>21 Q. Were you -- did it bother you that you thought that</p> <p>22 she wanted to be the director and you didn't --</p> <p>23 A. That was a poor choice of words on my part at the</p> <p>24 time. I admired her separation of the two, and I knew it</p> <p>25 was a difficult struggle for her because these were people</p>

7 (Pages 22 to 25)

BEVERLY BROOCKS

4/16/2010

<p style="text-align: right;">Page 26</p> <p>1 that she knew individually.</p> <p>2 Q. Isn't it true that she continued to work as a</p> <p>3 dispatcher when she was on the Commission, which is a clear</p> <p>4 violation?</p> <p>5 A. I think that's a mischaracterization. I believe that</p> <p>6 question came up very early on, and Ms. Lile got</p> <p>7 clarification that she could not do that and did not do</p> <p>8 that. Now, whether there might have been an overlapping</p> <p>9 shift, I don't know. But I remember Ms. Lile raising that</p> <p>10 question very early and getting clarification that she</p> <p>11 couldn't.</p> <p>12 Q. Isn't it true that for a period of time she both</p> <p>13 worked as a dispatcher and was on the Commission?</p> <p>14 A. You will need to ask Ms. Lile about what --</p> <p>15 Q. I'm just asking you what you know.</p> <p>16 A. I just told you what I know. I know she raised that</p> <p>17 question.</p> <p>18 Q. You don't know whether she did or --</p> <p>19 A. No, sir.</p> <p>20 Q. Okay. That's all I'm asking is what your knowledge</p> <p>21 is.</p> <p>22 Why didn't you give Ms. -- why didn't the Commission</p> <p>23 give Ms. Colvin an opportunity to fix the things that you</p> <p>24 thought were wrong with the E-911? Why didn't you give her</p> <p>25 a performance improvement plan?</p>	<p style="text-align: right;">Page 28</p> <p>1 part on multiple occasions.</p> <p>2 Q. Tell me about that intentional misrepresentation.</p> <p>3 A. Ms. Colvin repeatedly represented that at all</p> <p>4 relevant periods of time, all certifications of the dispatch</p> <p>5 staff at Columbus-Lowndes E-911 were in order, when, in</p> <p>6 fact, for years those dispatchers' certifications, including</p> <p>7 her own, were expired and those persons were being</p> <p>8 unlawfully paid with public funds.</p> <p>9 Q. Being unlawfully paid?</p> <p>10 A. Yes, sir.</p> <p>11 Q. So for five years you're saying that the Lowndes</p> <p>12 County Commission was acting unlawfully?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Did you turn yourself in to the state?</p> <p>15 A. Yes, sir. We contacted -- matter of fact, it had</p> <p>16 been done for us before we became aware of the situation;</p> <p>17 but once we became aware of the situation, we did contact</p> <p>18 State Audit. Mr. Alan Gray also had some conversations with</p> <p>19 State Audit about it.</p> <p>20 Q. Was that before or after you terminated Ms. Colvin?</p> <p>21 A. I made a phone call to State Audit very shortly</p> <p>22 before the Board meeting where she was terminated, my</p> <p>23 recollection being as Mr. Gray was delivering his</p> <p>24 information to Chief Moore -- and, of course, by statute</p> <p>25 it's unlawful to pay a dispatcher with public funds if</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Please be more specific about your question, Mr.</p> <p>2 Woodruff. There were a lot of concerns about --</p> <p>3 Q. Do you know what -- do you know what a performance</p> <p>4 improvement plan is?</p> <p>5 A. I can define the definition from the words.</p> <p>6 Q. And that's when you think somebody's job or</p> <p>7 performance is sub -- is not what it should be; and you sit</p> <p>8 down and tell them, I want you to do A, B, C, D, E, F, and</p> <p>9 you've got 90 days to get this straightened out and fixed,</p> <p>10 and we'll have another meeting then and we'll decide then</p> <p>11 whether or not you've made enough improvement to keep your</p> <p>12 job or not.</p> <p>13 A. That would be the definition I would define from the</p> <p>14 words.</p> <p>15 Q. Okay. Did you give Ms. Colvin a chance to rectify</p> <p>16 what you as a newly member -- new member of the Board</p> <p>17 thought was insufficient as far as her work performance?</p> <p>18 A. As to which specific issue, Mr. Woodruff?</p> <p>19 Q. Any issue.</p> <p>20 A. I did try to work with her on the staffing issues.</p> <p>21 The ultimate issue that led to her termination was not one</p> <p>22 that would lead itself to a plan such as you've just</p> <p>23 described.</p> <p>24 Q. Why is that?</p> <p>25 A. Because it was intentional misrepresentation by her</p>	<p style="text-align: right;">Page 29</p> <p>1 they're not properly certified. I made a phone call to</p> <p>2 State Audit. Of course, they will not tell you if there's</p> <p>3 an ongoing investigation, and I know that, but to try to</p> <p>4 communicate that we had become aware that there was a</p> <p>5 problem and we were doing everything we could to address it</p> <p>6 and get it in order.</p> <p>7 Q. And did you do that during a Board meeting, this</p> <p>8 phone call?</p> <p>9 A. No, sir. During a Board meeting, no.</p> <p>10 Q. So you were acting on your own?</p> <p>11 A. Yes, sir, as a commissioner.</p> <p>12 Q. Well, you understand that a Commission can't act as</p> <p>13 individuals. A Commission is a Commission.</p> <p>14 A. I made that phone call as an individual commissioner.</p> <p>15 Q. Okay. So you were acting on your own. You didn't</p> <p>16 have -- the Board did not give you authority to make that</p> <p>17 phone call to the State?</p> <p>18 A. No, sir.</p> <p>19 Q. Do you always -- have you ever been on a Commission</p> <p>20 before?</p> <p>21 A. I've been on Boards before, yes, sir.</p> <p>22 Q. Have you always acted on your own behalf while you</p> <p>23 were on a Board instead of officially during a Board</p> <p>24 meeting?</p> <p>25 A. Mr. Woodruff, not everything that everyone does who</p>

8 (Pages 26 to 29)



BEVERLY BROOCKS

4/16/2010

<p style="text-align: right;">Page 30</p> <p>1 is a member of the Board is an action of the Board.</p> <p>2 Q. So that's what I'm asking. When you made this phone</p> <p>3 call, were you acting as a concerned citizen or acting on</p> <p>4 behalf of the Board?</p> <p>5 A. As a concerned member of that Commission.</p> <p>6 Q. Don't know what that means. Okay. So you think this</p> <p>7 was intentional on her part?</p> <p>8 A. I cannot speculate as to her thoughts. I know that's</p> <p>9 what was done.</p> <p>10 Q. I thought you said she misrepresented.</p> <p>11 A. She did.</p> <p>12 Q. So you're saying she lied.</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. Well, isn't lying an intentional act,</p> <p>15 something she did on purpose?</p> <p>16 A. Yes, sir.</p> <p>17 Q. So you're saying she intentionally lied to you about</p> <p>18 saying everybody was certified when they weren't certified.</p> <p>19 A. At all relevant points in time, yes, sir.</p> <p>20 Q. And she told you that individually or during a Board</p> <p>21 meeting?</p> <p>22 A. Both.</p> <p>23 Q. And that's why you voted to terminate her?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Did you have any discussion in the Board -- and you</p>	<p style="text-align: right;">Page 32</p> <p>1 memory better than mine, was that he also -- of course, he</p> <p>2 had hired her individually as -- when she first came into</p> <p>3 public employment. He felt very close to her. He visited</p> <p>4 with her in the center, cared a great deal about her. He</p> <p>5 expressed feelings that it was a harsh discipline.</p> <p>6 Q. Uh-huh.</p> <p>7 A. Mr. Woodruff, are we through with these? May I</p> <p>8 return them to the court reporter?</p> <p>9 Q. Sure. Have you ever made a statement to the effect</p> <p>10 that it would be better to have a male running the -- being</p> <p>11 director of the 911?</p> <p>12 A. No, sir. I've never made that statement. I've never</p> <p>13 thought it. I've never felt it.</p> <p>14 Q. Have you ever heard anybody else make a statement</p> <p>15 like that?</p> <p>16 A. No, sir. I have not.</p> <p>17 Q. Never heard it -- never discussed in those closed</p> <p>18 Board meetings.</p> <p>19 A. No, sir. I've never heard anyone make that</p> <p>20 statement, member of the Board or otherwise.</p> <p>21 Q. Isn't it true that women are just too emotional to be</p> <p>22 directors of 911?</p> <p>23 A. No, sir. I take personal offense to that as a woman.</p> <p>24 Q. And the vote was along racial lines, wasn't it?</p> <p>25 A. No, sir. Mr. Gale is Caucasian.</p>
<p style="text-align: right;">Page 31</p> <p>1 had a discussion in the Board meeting. The vote was 4 to 3,</p> <p>2 wasn't it?</p> <p>3 A. I believe so, sir.</p> <p>4 Q. Why did Billy Humphries not want to vote to terminate</p> <p>5 her?</p> <p>6 A. I do not know.</p> <p>7 Q. Do you -- did he say why?</p> <p>8 A. No, sir. Not that I recall.</p> <p>9 Q. Do you recall why J. D. --</p> <p>10 A. Brooks, different spelling.</p> <p>11 Q. J. D. Brooks didn't -- decided he wouldn't vote to</p> <p>12 terminate her?</p> <p>13 A. Mr. Brooks is a man of few words, very soft-spoken.</p> <p>14 I don't remember him expressing anything except his concerns</p> <p>15 for her as an individual.</p> <p>16 Q. Were you concerned about her as an individual?</p> <p>17 A. Absolutely, Mr. Woodruff.</p> <p>18 Q. And Mr. Gale. Is that right?</p> <p>19 A. Yes, sir. Bobby Gale.</p> <p>20 Q. Bobby Gale. He voted not to -- he voted against the</p> <p>21 termination; right?</p> <p>22 A. That's correct.</p> <p>23 Q. Did he express any reason why he wouldn't vote to</p> <p>24 terminate her?</p> <p>25 A. My recollection, and I'm sure he can tell his own</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. I understand. But all four of the people that voted</p> <p>2 to terminate were Caucasian, and two of the three who voted</p> <p>3 to not terminate were African-American; is that correct?</p> <p>4 A. That's correct.</p> <p>5 Q. Have you given me all the reasons why Ms. Colvin was</p> <p>6 terminated? Is there any other reasons other than what</p> <p>7 you've already discussed today?</p> <p>8 A. No, sir. Her -- for me, as an individual voting</p> <p>9 member of that Commission, her misrepresentations made it</p> <p>10 impossible for me to have confidence in her being</p> <p>11 forthcoming and truthful about matters in the future.</p> <p>12 Q. So you claim her lies -- she lied about it. Directly</p> <p>13 looked at you in the eye and lied, didn't she?</p> <p>14 A. Yes, sir. I asked her point blank was there any</p> <p>15 truth to the accusation that certified -- certifications</p> <p>16 have been expired for lengths of time; and she said there</p> <p>17 was not, that that was not true.</p> <p>18 Q. And when did you ask her that?</p> <p>19 A. In the first Board meeting I attended.</p> <p>20 Q. Which was when?</p> <p>21 A. I believe, sir, it was in February. As I said, I</p> <p>22 believe our appointments were effective in January, and the</p> <p>23 February meeting was our first.</p> <p>24 Q. How often were you appointed -- I mean, how often did</p> <p>25 you meet? Was it monthly, bimonthly?</p>

9 (Pages 30 to 33)

BEVERLY BROOCKS

4/16/2010

<p style="text-align: right;">Page 34</p> <p>1 A. Regular meetings were the second Tuesday of every  2 month. The nature of that organization is such that there  3 are a number of special called meetings.  4 Q. Uh-huh. But on a regular basis you meet the second  5 Tuesday -- second --  6 A. Second Tuesday of the month.  7 Q. Second Tuesday of the month, and then you may have  8 other ones?  9 A. Yes, sir.  10 Q. Now, does the appointment -- does the Commission get  11 any pay?  12 A. The commissioners?  13 Q. Yes.  14 A. No, sir.  15 Q. It's a no-pay job?  16 A. No-paying job and no benefits, no -- there are some  17 public Boards I know that receive health benefits, but the  18 commissioners do not receive any benefits.  19 Q. Do you have a bonding company to provide any -- do  20 you have a bonding company that provides some kind of legal  21 protection for you in case you're sued?  22 A. You know, honestly, I can't remember whether the  23 commissioners were bonded or not.  24 Q. You don't know?  25 A. I don't recall.</p>	<p style="text-align: right;">Page 36</p> <p>1 A. It was presented in that meeting for all of us to  2 see.  3 MR. WOODRUFF: Can I see those exhibits?  4 A. In the executive session portion of the meeting.  5 BY MR. WOODRUFF:  6 Q. Was there a document or something that was shown to  7 you?  8 A. Yes, sir. Perhaps more than one page, but one page  9 sticks out in my memory.  10 MR. WOODRUFF: I thought you introduced that.  11 MR. HUSKISON: It's part of all that.  12 MR. WOODRUFF: Huh?  13 MR. HUSKISON: It's part of all of that. I didn't  14 do it as a -- well, I did. It's that second one.  15 MR. WOODRUFF: Is that Exhibit 2, part of 2?  16 Okay.  17 MR. HUSKISON: Yeah, that's part of it.  18 BY MR. WOODRUFF:  19 Q. Let me show you what's been -- it looks like the last  20 page of Exhibit Number 2. Is this the document you're  21 talking about?  22 A. This document contains the same information. I don't  23 remember the one I saw being this clear a copy or this good  24 a quality copy, but it contains the same information showing  25 that quite a few of these dispatcher certifications had</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Can -- could a commissioner be fired during his  2 four-year term?  3 A. The language of the statute, the formative statute  4 says that once a commissioner is appointed they can't be  5 removed except for misconduct.  6 Q. For misconduct. Okay. And after four years do they  7 have to be reappointed or do they stay on? I mean, what's  8 the point after four years, from your knowledge?  9 A. From my knowledge, every four years there would be a  10 reappointment.  11 Q. Okay.  12 A. And, of course, some of those get off cycle because  13 people choose to resign or pass away in office. Things like  14 that happen. But I don't believe an appointment extends  15 beyond four years.  16 Q. So when did you find out that she looked you in the  17 face and lied about what you said she lied about?  18 A. As far as documentary evidence?  19 Q. Yes.  20 A. The first I recall seeing that was at -- during the  21 executive session at the meeting where she was ultimately  22 terminated.  23 Q. The 16th. That was the first time you saw it?  24 A. (Nods head up and down.)  25 Q. Where did that come from?</p>	<p style="text-align: right;">Page 37</p> <p>1 expired in 2002 and 2003, including Ms. Colvin's.  2 Q. Uh-huh. And where was Ms. Colvin between 2002, 2000  3 -- where was she at then?  4 A. Please rephrase your question.  5 Q. Where was she at during that period of time?  6 A. What period?  7 Q. 2000 and --  8 A. She was gone for a one-year deployment to South  9 Carolina, and I believe that was for the year of 2004. Has  10 that been her testimony, or 2003?  11 Q. You've just got to answer what you know.  12 A. There was a one-year deployment. Now, when you say  13 period of time, the time period, in my mind, that this  14 covers is from April of 2002 until April of 2007.  15 Q. Uh-huh.  16 A. Or January 2007.  17 Q. And when did you -- and you never saw that document  18 until March 16th?  19 A. I don't recall seeing it. I don't.  20 Q. What's the date at the top of the document?  21 A. 15th November, 2006. But that looks like to me a  22 date that was either printed or entered or something on a  23 computer system.  24 Q. Right. So would you agree that that data, if it is  25 correct, and I'm not saying it is or isn't, it would only be</p>

10 (Pages 34 to 37)

BEVERLY BROOCKS

4/16/2010

<p style="text-align: right;">Page 38</p> <p>1 correct as of November of 2006? Isn't that correct?</p> <p>2 A. The data contained on that page, yes, sir, would only</p> <p>3 be correct to that date.</p> <p>4 Q. And we're talking about April 16th, 2007. December,</p> <p>5 January, February, March, April, five months later.</p> <p>6 A. But I believe your question relates back to my</p> <p>7 reasons for believing Ms. Colvin should be terminated. And</p> <p>8 recall that I told you that my question to Ms. Colvin was</p> <p>9 whether there had ever been any truth to the accusation that</p> <p>10 certifications had been allowed to expire and not renewed</p> <p>11 and dispatchers working in that center without the proper</p> <p>12 certification for extended periods of time.</p> <p>13 Q. And you know that she knew for a fact that wasn't</p> <p>14 true.</p> <p>15 A. I know that she knew at some point, as she testified</p> <p>16 today, that that wasn't true.</p> <p>17 Q. Yeah. But did she know at the time she told you it</p> <p>18 wasn't true?</p> <p>19 A. Yes, sir. As per her testimony today, she had</p> <p>20 learned that there were problems at least during 2006. What</p> <p>21 she stated to me was in 2007.</p> <p>22 Q. Okay. Do you have a tape of that conversation?</p> <p>23 A. Oh, no, sir.</p> <p>24 MR. WOODRUFF: Give me a second. We may just be</p> <p>25 about done.</p>	<p style="text-align: right;">Page 40</p> <p>1 of her -- because she lied to the Board?</p> <p>2 A. I won't speak for anyone else; but that is my</p> <p>3 characterization, that she had intentionally misrepresented.</p> <p>4 Q. Have you ever -- have you ever looked at her</p> <p>5 termination sheet to see why they -- why, according to the</p> <p>6 Board, she was terminated?</p> <p>7 A. I have seen it, yes, sir.</p> <p>8 Q. Okay. Let me just show you here. It's part of the</p> <p>9 discovery.</p> <p>10 MR. WOODRUFF: Maybe we can get a copy in a break</p> <p>11 and add it to Exhibit Number 14.</p> <p>12 MR. HUSKISON: You can. You're looking at the</p> <p>13 unemployment response; right?</p> <p>14 MR. WOODRUFF: I'm sorry?</p> <p>15 MR. HUSKISON: That's the response to unemployment</p> <p>16 claim.</p> <p>17 MR. WOODRUFF: Okay. Yeah. Okay. I see that's</p> <p>18 part of that.</p> <p>19 A. Now, I may not have seen what's in that.</p> <p>20 BY MR. WOODRUFF:</p> <p>21 Q. Let me just ask you -- we're going to introduce this</p> <p>22 response to the unemployment. What does it say -- what does</p> <p>23 the reason say for her termination?</p> <p>24 A. Would you like me to read it out loud, sir?</p> <p>25 Q. Yeah.</p>
<p style="text-align: right;">Page 39</p> <p>1 (Brief recess.)</p> <p>2 MR. WOODRUFF: Just a couple -- few more lines of</p> <p>3 questions.</p> <p>4 BY MR. WOODRUFF:</p> <p>5 Q. As far as Sheriff Howard, did he say why he was</p> <p>6 voting to -- for termination?</p> <p>7 A. I won't try to quote Sheriff Howard. Obviously he's</p> <p>8 right here. But his position was integrity, credibility and</p> <p>9 trust that had been violated.</p> <p>10 Q. How about Fire Chief Moore?</p> <p>11 A. Exactly --</p> <p>12 Q. Did he express why he was going to terminate -- why</p> <p>13 he was in favor of termination?</p> <p>14 A. Yes, sir, he did; and it was the same feeling that</p> <p>15 integrity, public trust, confidence had been breached.</p> <p>16 Q. And Ms. Lile?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Did she express --</p> <p>19 A. And again, I'm not going to quote her, but she</p> <p>20 particularly expressed that trust was so important in that</p> <p>21 operation. Ms. Lile obviously cared a great deal about</p> <p>22 having to make what was a very difficult decision, as did I,</p> <p>23 as did we all. This was not a decision for anyone who was</p> <p>24 in that room that night.</p> <p>25 Q. So all four of y'all voted to terminate her because</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Unsatisfactory job performance, failure to keep Board</p> <p>2 informed, critical issues on mandatory certification of</p> <p>3 personnel.</p> <p>4 Q. Does it say anything in there about lying?</p> <p>5 A. Failure -- a lie of omission is a still a lie.</p> <p>6 Failure to inform the Board is a lie of omission.</p> <p>7 Q. Does it say anything in there about lying?</p> <p>8 A. It does not use that word, sir.</p> <p>9 Q. Does it use any word that represents lying?</p> <p>10 A. Yes, sir. Failure to inform, omission.</p> <p>11 Q. You said failure --</p> <p>12 A. It is an intentional --</p> <p>13 Q. -- failure to inform is lying?</p> <p>14 A. Mr. Woodruff, the -- I believe it appears this was</p> <p>15 filled out by Mr. Ralph Billingsley. His choice of language</p> <p>16 you may need to talk to him about. I don't take exception</p> <p>17 to what he says. It would not have been my choice of</p> <p>18 language.</p> <p>19 Q. So you would have put on there lying to the Board.</p> <p>20 A. I would have put on there intentional</p> <p>21 misrepresentation.</p> <p>22 MR. WOODRUFF: Nothing further.</p> <p>23 MR. HUSKISON: I don't have any questions.</p> <p>24</p> <p>25 -----</p>

11 (Pages 38 to 41)

Page 44

IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI  
JESSIE COLVIN PLAINTIFF  
VS. CIVIL ACTION NO. 1:09CV187-M-D  
LOWNDES COUNTY, MISSISSIPPI, ET AL DEFENDANTS

6 I, Beverly Ralston Brooks, have read the foregoing  
7 pages, 1-43, of the transcript of my deposition given on  
8 April 16, 2010, and it is true, correct and complete to the  
9 best of my knowledge, recollection and belief except for the  
10 list of corrections, if any, attached on a separate sheet  
11 herewith. Witness my hand, this the \_\_\_\_\_ day of \_\_\_\_\_  
12 \_\_\_\_\_, 2010.

# CERTIFICATE

Notary Public in and for the  
County of \_\_\_\_\_,

Page 45

**Beverly Ralston Brooks**

BEVERLY BROOCKS

4/16/2010

Page 46

1 GLENN-HENRY REPORTING  
2 P.O. BOX 492  
3 AMORY, MS 38821-0492  
4 April 30, 2010  
5  
6 Honorable Berkley N. Huskison  
7 Mitchell, McNutt & Sams  
8 P.O. Box 1366  
9 Columbus, MS 39703-1366  
10  
11 RE: Jessie Colvin vs. Lowndes County, MS, et al  
12 No. 1:09CV187-M-D  
13 Dear Mr. Huskison:  
14 Enclosed is your copy of the transcript of the deposition of  
15 Beverly Ralston Brooks, taken in the above entitled and  
16 numbered cause on April 16, 2010.  
17 Also enclosed is the signature page and corrections page to  
18 be used by the deponent when reading your copy of the  
19 deposition.  
20 After the signature page and corrections page have been  
21 completed by the deponent, and properly signed by a Notary,  
22 please return these forms to Mr. Ron L. Woodruff, so that  
23 they may be attached to the original transcript.  
24  
25 If the completed signature page and corrections sheet have  
not been received by Mr. Ron L. Woodruff on or before June  
5, 2010, (30 days), reading and signing will be waived.  
Thank you for your cooperation.  
Sincerely,  
Gena Mattison Glenn  
CSR 1568  
Enclosures  
cc: Mr. Ron L. Woodruff

13 (Page 46)

BERNICE LILE

5/27/2010

Page 1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

JESSIE COLVIN,

Plaintiff,

vs.

Cause No. 1:09CV187-M-D

LOWNDES COUNTY, MISSISSIPPI, et al,

Defendant.

Deposition of

BERNICE LILE

May 27, 2010

[Appearances Noted Herein]

Taken at the offices of Mitchell McNutt and Sams  
215 5th Street North, Columbus, Mississippi,  
on Thursday, May 27, 2010, at 10:01 a.m.

REPORTED BY: Teresa B. Henry, CSR 1205  
400 Peg Lane  
Amory, Mississippi 38821  
662-256-7880  
662-315-2175  
teresabh@bellsouth.net

GLENN-HENRY REPORTING  
maharcrc@bellsouth.net

EXHIBIT

tabbles

E

Page 2

**Jessie Colvin**

Page 4

9 All formalities, excluding the reading and signing  
10 of the deposition by the deponent, are waived.

11

Page 3

## Certificate of Deponent

1

4

5

18

23

24

Page 5

25 A. '80 -- probably '89 through '95, '90 --

BERNICE LILE

5/27/2010

<p style="text-align: right;">Page 6</p> <p>1 somewhere around in there.</p> <p>2 Q. [Mr. Woodruff] All right. Was that full time</p> <p>3 or part time?</p> <p>4 A. Full time.</p> <p>5 Q. Okay. Did you work after '95 or thereabouts on</p> <p>6 a part time basis?</p> <p>7 A. Yes, I did.</p> <p>8 Q. During what period did you work on a part time</p> <p>9 basis?</p> <p>10 A. Probably from -- I don't know, '95 to '99.</p> <p>11 BY MR. HUSKISON: Just for the record,</p> <p>12 Ron, I know, Ms. Lile, he is not going to hold</p> <p>13 you to these dates. He knows that --</p> <p>14 BY MR. WOODRUFF: Berk, I can barely hear</p> <p>15 you. Can you get a little bit closer or speak</p> <p>16 up?</p> <p>17 BY MR. HUSKISON: Yeah. You are not going</p> <p>18 to hold her to these dates she's doing from</p> <p>19 memory and, you know, --</p> <p>20 BY MR. WOODRUFF: I understand.</p> <p>21 BY MR. HUSKISON: -- whatever her file</p> <p>22 says, her file says. But you are asking her to</p> <p>23 give you her best guess.</p> <p>24 BY MR. WOODRUFF: I understand that. I</p> <p>25 agree with that.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Okay.</p> <p>2 A. -- as far as working. They could no longer pay</p> <p>3 me and I be on the Board.</p> <p>4 Q. Okay.</p> <p>5 BY MR. HUSKISON: Ron, if you -- Ron, this</p> <p>6 is Berk again. Just for record purposes, she's</p> <p>7 confused on that date. Her appointment was</p> <p>8 February of 2007.</p> <p>9 A. 2007.</p> <p>10 BY MR. WOODRUFF: Okay.</p> <p>11 BY MR. HUSKISON: Okay?</p> <p>12 BY MR. WOODRUFF: That's what I was</p> <p>13 thinking, too.</p> <p>14 BY MR. HUSKISON: All right.</p> <p>15 Q. [Mr. Woodruff] All right. That's fine. Do you</p> <p>16 agree that February, 2007, was --</p> <p>17 A. Yes.</p> <p>18 Q. -- the date -- Okay. All right. And it's your</p> <p>19 testimony here under oath that you never worked at the</p> <p>20 911 after you were appointed to the Board?</p> <p>21 A. I don't think I did. Uh-unh. [indicating</p> <p>22 negative]</p> <p>23 Q. Well, I think you said you did before. Are you</p> <p>24 saying you might have?</p> <p>25 A. No, I don't -- no. I don't think I did --</p>
<p style="text-align: right;">Page 7</p> <p>1 BY MR. HUSKISON: Okay.</p> <p>2 Q. [Mr. Woodruff] Were you working there part time</p> <p>3 at the -- strike that.</p> <p>4 Did you get elected to the Board or selected for</p> <p>5 the Board?</p> <p>6 A. Yes, I -- was I working there when I got elected</p> <p>7 to the Board?</p> <p>8 Q. No. Did you get elected to the Board?</p> <p>9 A. I got appointed.</p> <p>10 Q. Appointed. Okay. And when were you appointed</p> <p>11 to the Board?</p> <p>12 A. I think I was appointed in January of 2000,</p> <p>13 probably, and --</p> <p>14 Q. 2000? I'm sorry.</p> <p>15 A. -- didn't go on to the Board until February of</p> <p>16 2000, I think.</p> <p>17 Q. Okay.</p> <p>18 A. I don't remember the years.</p> <p>19 Q. Okay. And you've been on the Board continuously</p> <p>20 since then?</p> <p>21 A. Yes, I have.</p> <p>22 Q. After you were appointed to the Board did you</p> <p>23 ever still work part time at the 911?</p> <p>24 A. No. Once I was appointed to the Board they told</p> <p>25 me I would have to resign my duties --</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Okay.</p> <p>2 A. -- because they told me I would have to resign</p> <p>3 my position in order -- since I was on the Board.</p> <p>4 Q. Did you ever work at the 911 for individuals</p> <p>5 where they would pay you cash?</p> <p>6 A. No, I did not.</p> <p>7 Q. You never did that?</p> <p>8 A. I take that back. I -- no, I did not. No.</p> <p>9 Q. You didn't?</p> <p>10 A. I don't remember. I don't think I ever did.</p> <p>11 That's been a long time ago. I do not remember.</p> <p>12 Q. Okay. I got several answers there. Let me ask</p> <p>13 that again to make sure I know what your answer is.</p> <p>14 After you were appointed to the Board, did you</p> <p>15 ever work for a person at the 911 where they would pay</p> <p>16 you cash to cover their shift?</p> <p>17 A. I do not remember.</p> <p>18 Q. Okay. Might that have happened and you've</p> <p>19 forgotten?</p> <p>20 A. I'm sorry, what?</p> <p>21 Q. Might it have happened and you have forgotten</p> <p>22 about it?</p> <p>23 A. I do not remember.</p> <p>24 Q. Okay. When Jessie Colvin was terminated, you</p> <p>25 voted to terminate her, is that correct?</p>

3 (Pages 6 to 9)



BERNICE LILE

5/27/2010

<p style="text-align: right;">Page 10</p> <p>1 A. Yes, sir.</p> <p>2 Q. And why did you vote to terminate her?</p> <p>3 A. Because her job had not been done.</p> <p>4 Q. Tell me exactly what part of her job wasn't done</p> <p>5 that justified her being terminated.</p> <p>6 A. Board certification and FCC license had not been</p> <p>7 completed.</p> <p>8 Q. What do you mean by Board certification?</p> <p>9 A. They were not certified to work the switchboard.</p> <p>10 Their license had not been up to date.</p> <p>11 Q. Are you talking -- are you talking about the 911</p> <p>12 dispatchers?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Were you aware that all but one of them</p> <p>15 had been certified by January 1st of 2007, before she was</p> <p>16 terminated?</p> <p>17 A. But they had been out since 2000.</p> <p>18 Q. They had been out -- all had been out since</p> <p>19 2000?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. And who told you that?</p> <p>22 A. It was on record.</p> <p>23 Q. Are you looking at some documents that said they</p> <p>24 had been -- that these 911 operators' license had been</p> <p>25 out since 2000?</p>	<p style="text-align: right;">Page 12</p> <p>1 A. No. Most of them had worked there more than a</p> <p>2 year.</p> <p>3 Q. Okay.</p> <p>4 A. Some of them --</p> <p>5 Q. Had any of them worked there less than a year?</p> <p>6 A. I don't recall.</p> <p>7 Q. And you have mentioned -- I think you said the</p> <p>8 dispatchers certified -- you said some other reason you</p> <p>9 voted to terminate her?</p> <p>10 A. From what was brought to our Board meeting, FCC</p> <p>11 license had not been updated.</p> <p>12 Q. And when was that suppose to be updated?</p> <p>13 A. I have no clue. I don't have that in front of</p> <p>14 me.</p> <p>15 Q. Do you know whether or not the relicense for the</p> <p>16 FCC would have been -- would have come up at the time</p> <p>17 that Jessie Colvin was on military leave?</p> <p>18 A. I have no clue.</p> <p>19 Q. Nobody discussed that?</p> <p>20 A. Don't remember.</p> <p>21 Q. Prior to her termination had Jessie Colvin ever</p> <p>22 been terminated, I'm sorry, had ever been disciplined in</p> <p>23 any manner?</p> <p>24 A. From our Board or from previous Boards?</p> <p>25 Q. Any time to your knowledge.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Mr. Gray notified us that they had been. That</p> <p>2 they had not been licensed since 2000.</p> <p>3 Q. Did you have any conversation or communication</p> <p>4 with Mr. Gray?</p> <p>5 A. Only through 911 Board meetings.</p> <p>6 Q. Okay. Well, did you talk to Mr. Gray?</p> <p>7 A. At the Board meeting.</p> <p>8 Q. Okay. You talked to him?</p> <p>9 A. He was in the Board meeting.</p> <p>10 Q. Okay. And he said that these dispatchers had</p> <p>11 not been certified since 2000?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. How many dispatchers had not been</p> <p>14 certified since --</p> <p>15 A. I don't recall the number.</p> <p>16 Q. -- 2000? Were they -- at the time that you</p> <p>17 voted to terminate Ms. Colvin, had they been terminated -</p> <p>18 - I mean, had they been -- had they been recertified?</p> <p>19 A. Some of them had, yes, I believe they had.</p> <p>20 Q. Okay. How long after a dispatcher is hired do</p> <p>21 they have to get certified?</p> <p>22 A. I think they -- I don't know the exact date. I</p> <p>23 think they have a year to be certified.</p> <p>24 Q. Do you know whether any of these people that</p> <p>25 weren't certified had worked there less than a year?</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Not to my knowledge. I do not remember.</p> <p>2 Q. How long has she worked for 911?</p> <p>3 A. I'm not good with dates, as you know. I have no</p> <p>4 clue.</p> <p>5 Q. Well, she was there in '89 when you were there,</p> <p>6 wasn't she?</p> <p>7 A. Yes.</p> <p>8 Q. So, had she ever left working for there since</p> <p>9 '89?</p> <p>10 A. No.</p> <p>11 Q. So you know that she worked there at least --</p> <p>12 you know, at least around 18 years, right?</p> <p>13 A. Um-hmm. [indicating affirmative]</p> <p>14 Q. That's a 'yes'?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Do you know how long she had been the 911</p> <p>17 Director?</p> <p>18 A. No.</p> <p>19 Q. But it was a long time, right?</p> <p>20 A. I don't know.</p> <p>21 Q. It was, what, 7 or 8 years at least?</p> <p>22 A. I don't know.</p> <p>23 Q. Okay. Don't you think that an employee that has</p> <p>24 worked there for 19 years should get a warning before</p> <p>25 they are terminated?</p>

4 (Pages 10 to 13)

BERNICE LILE

5/27/2010

Page 14

1 A. I'm sure that the Board talked to her but I  
 2 was -- I know on our Board we asked her things and she  
 3 told us that they had been taken care of. We assumed  
 4 that they had.  
 5 Q. And tell me what things you had asked for.  
 6 A. Board certi -- the certification of the  
 7 dispatchers.  
 8 Q. When did you ask her that?  
 9 A. In one of our Board meetings. I have no clue  
 10 the date.  
 11 Q. You don't know what date --  
 12 A. No.  
 13 Q. -- you asked her?  
 14 A. No. You would have to go back to the Board  
 15 minutes.  
 16 Q. Isn't it true that in early 2007, they -- for  
 17 probably two or three months, the 911 Center was  
 18 operating out of trailers because they were remodeling  
 19 and upgrading?  
 20 A. Yes.  
 21 Q. Don't you think that was a lot of strain on  
 22 Jessie Colvin to handle that during that period of time?  
 23 A. That was her position.  
 24 Q. So you don't think it as a lot of strain for her  
 25 to take care of that while she was working out of

Page 15

1 trailers?  
 2 A. That was her position.  
 3 Q. And wasn't she short on staff?  
 4 A. That was her calling.  
 5 Q. It was her fault that she was short on staff?  
 6 A. She should've hired some more people.  
 7 Q. Um-hmm. When you were working over at the 911  
 8 Board, have you ever used the 'N' word?  
 9 A. Never.  
 10 Q. Never?  
 11 A. No. Never.  
 12 Q. By the 'N' word, I'm not going to say it on the  
 13 record but you know what I mean, is that correct?  
 14 A. I certainly do.  
 15 Q. Okay. So, if somebody said that they heard you  
 16 say that then they would be lying?  
 17 A. Yes, sir.  
 18 Q. Did you have anything personally against Jessie  
 19 Colvin?  
 20 A. I did not and she knows I would never use that  
 21 word to her.  
 22 Q. Right, but do you have any --  
 23 A. Or anybody.  
 24 Q. Do you have anything personal -- do you have any  
 25 personal problem with Jessie Colvin?

Page 16

1 A. I do not.  
 2 Q. You never had any problem when you worked with  
 3 her?  
 4 A. Do not.  
 5 Q. Did you have any problem with her when you  
 6 worked with her?  
 7 A. I did not.  
 8 Q. Okay. And you had no problem with her since you  
 9 stopped working with her?  
 10 A. Do not.  
 11 Q. Okay.  
 12 BY MR. WOODRUFF: Give me just a second  
 13 and I may have just a few more questions.  
 14 BY MR. HUSKISON: Ron, do you want us to  
 15 step out and let you talk with Ms. Colvin?  
 16 BY MR. WOODRUFF: Yeah. Could you?  
 17 BY MR. HUSKISON: We don't mind doing  
 18 that.  
 19 BY MR. WOODRUFF: All right. Appreciate  
 20 it.  
 21 [Discussion off the record.]  
 22 BY MR. HUSKISON: We're back.  
 23 BY MR. WOODRUFF: Okay. Yeah. I have  
 24 just a few more questions.  
 25 BY MR. HUSKISON: Okay.

Page 17

1 CONTINUING BY MR. WOODRUFF:  
 2 Q. Ms. Lile, what is Mississippi Justice  
 3 Information Center?  
 4 A. MJIC?  
 5 Q. Yeah. MJIC.  
 6 A. Where we get our information from on our  
 7 computers.  
 8 Q. As a dispatcher, do you have to be recertified  
 9 with them?  
 10 A. Yes, you do.  
 11 Q. Were you certified?  
 12 A. Obviously not since I was one of the ones that  
 13 was working.  
 14 Q. Um-hmm. So you were never certified with them?  
 15 A. I was at one time.  
 16 Q. I'm sorry?  
 17 A. Suppose to have been. At one time I was.  
 18 Q. The entire time that you worked there were you  
 19 certified with them?  
 20 A. Suppose to have been.  
 21 Q. Do you know one way or the other?  
 22 A. No, I do not.  
 23 Q. Who was responsible for making sure these  
 24 dispatchers were certified with the MJIC --  
 25 A. Jessie.

5 (Pages 14 to 17)

BERNICE LILE

5/27/2010

Page 18

1 Q. -- at that point? Who?

2 A. Jessie.

3 Q. Jessie was? Are you sure it wasn't Sherry

4 Fancher?

5 A. Jessie was the Director.

6 Q. Um-hmm. Okay. All right. Isn't it true you

7 told Mr. Humphries that you thought they needed a male on

8 the Board because women were too emotional?

9 A. I'm sorry, what?

10 Q. Isn't it true you told Mr. Humphries that they

11 needed a male to be the Director because women are too

12 emotional?

13 A. No, I did not.

14 Q. You didn't say that?

15 A. No, I did not.

16 BY MR. WOODRUFF: I don't have any other

17 questions.

18 BY MR. HUSKISON: Okay. Ron, I'm going to

19 follow up. Can you hear me?

20 BY MR. WOODRUFF: Yeah.

21 BY MR. HUSKISON: Let me get over here. I

22 will get over here in front.

23 EXAMINATION BY MR. HUSKISON:

24 Q. Ms. Lile, you talked a little bit, I think it

25 was pretty clear, you had some trouble with some dates.

Page 19

1 A. Yes. Very much so.

2 Q. You talked about the certification issues with

3 our dispatchers that you were aware of as being one of

4 the reasons for voting to dismiss Ms. Colvin, do you

5 remember that testimony?

6 A. Right.

7 Q. Now, as far as information on when those

8 dispatchers were certified and when those certifications

9 had expired, what did you review or what did you rely on

10 as --

11 A. What Ken Moore brought before the Board at our

12 Board meeting, that he had gotten information from Mr.

13 Gray.

14 Q. And that was that special called Board meeting

15 in April of 2007?

16 A. I don't remember the date.

17 Q. I shouldn't have asked you a date. That was my

18 fault. But, anyway, the Board meeting where Ms. Colvin

19 was called in to answer questions --

20 A. Yes. That is correct.

21 Q. Okay. Now, you also said -- and what you're

22 talking about is Ken Moore brought information in to the

23 Board at that meeting?

24 A. Right.

25 Q. Okay. Now, had Mr. Gray come before the Board

Page 20

1 at that time?

2 A. No, he had not.

3 Q. He came before the Board after that?

4 A. After. Uh-huh. [indicating affirmative]

5 Q. Okay. Now, you talked -- you also mentioned FCC

6 licensing. Had that issue been brought up at that time,

7 the initial meeting where y'all were talking about

8 certification and where Ms. --

9 A. No, it had not.

10 Q. That came up at a later time?

11 A. That came up when Mr. Moore had gotten some

12 information on it.

13 Q. You learned more --

14 A. Um-hmm. [indicating affirmative]

15 Q. -- problems with her job --

16 A. Later on.

17 Q. -- after that? Okay.

18 A. After that initial meeting.

19 Q. All right.

20 BY MR. HUSKISON: Let's see. Ron, give me

21 just a second.

22 [Pause in proceedings.]

23 Q. [Mr. Huskison] Mr. Woodruff also asked you

24 about when you were appointed to that Board and we

25 believe it was February of '07. Does that sound right?

Page 21

1 A. That sounds right. Yes.

2 Q. After being appointed to that Board, did you

3 work as a dispatcher from that point forward?

4 A. No. I was not allowed to. They told me I could

5 not even work for free to help out because I was on the

6 911 Board.

7 Q. Now, I know you were saying you couldn't

8 remember about that. Is there a possibility that you

9 worked some before you learned that you could not work

10 anymore?

11 A. I think I had to --

12 BY MR. WOODRUFF: Objection. Leading.

13 BY MR. HUSKISON: Okay.

14 Q. [Mr. Huskison] You can answer.

15 A. I worked, I think it may have been one day that

16 I filled in and then they told me I could no longer do

17 that and I didn't even take pay for that day because I

18 couldn't do it.

19 Q. You weren't paid for the day?

20 A. No. I was not.

21 BY MR. HUSKISON: That's all I have.

22 Thank you, Ms. Lile.

23 BY MR. WOODRUFF: Nothing further. Thank

24 you.

25 BY MR. HUSKISON: Thanks, Ron.

6 (Pages 18 to 21)

BERNICE LILE

5/27/2010

Page 22

1 BY MR. WOODRUFF: All right. Talk to  
 2 y'all later.  
 3  
 4 [Whereupon the deposition was concluded at  
 5 10:24 a.m.]

Page 24

## CERTIFICATE OF DEPONENT

I, Bernice Lile, deponent in the deposition taken in the herein styled and numbered cause, certify that I have examined the foregoing 23 pages, being the total number of pages relating to my testimony, as to the correctness thereof, and that after reading said pages, I find them to contain a full, true and correct transcript of the testimony as given by me in Columbus, Mississippi, on May 27, 2010.

This, the            day of            ,  
 2010.

BERNICE LILE

STATE OF MISSISSIPPI

COUNTY OF

SWORN TO AND SUBSCRIBED before me, this, the  
 day of            , 2010.

NOTARY PUBLIC

( S E A L )

My Commission Expires:

Page 23

## CERTIFICATE OF COURT REPORTER

I, Teresa B. Henry, Certified Court Reporter for the State of Mississippi, hereby certify to the following:

That the foregoing 22 pages, and including this page, contain a full, true and correct transcript of the testimony of Bernice Lile as taken by me at the time and place heretofore stated in the aforementioned matter and later reduced by me to typewritten form to the best of my skill and ability;

That the deponent was placed under oath to truthfully answer all questions in this matter under the authority vested in me by the State of Mississippi; and

That I am not in the employ of or related to any counsel or party in this matter and have no interest, monetary or otherwise, in the final outcome of this proceeding;

WITNESS MY SIGNATURE AND SEAL, this, the 30th day of May, 2010.

TERESA B. HENRY, CSR 1205

( S E A L )

My Commission Expires:

December 16, 2010

Page 25

## ERRATA SHEET

Page	Line	Correction/Change
------	------	-------------------

7 (Pages 22 to 25)

BERNICE LILE

5/27/2010

Page 26

TERESA B. HENRY  
Glenn-Henry Reporting  
400 Peg Lane  
Amory, Mississippi 38821  
(662) 256-7880  
(662) 315-2175

May 30, 2010

Honorable Berk Huskison  
Mitchell McNutt and Sams  
Post Office Box 1366  
Columbus, Mississippi 39703-1366  
Re: Colvin vs Lowndes County, et al  
USDC No. 1:09CV-187-M-D

Dear Mr. Huskison:

Enclosed is your copy of the deposition of Bernice Lile taken in the above entitled cause on May 27, 2010. Also enclosed are the signature and correction pages to be used by Ms. Lile when reading your copy of her deposition.

After the signature and correction pages have been completed by Ms. Lile and properly signed by a Notary, please return these forms to Mr. Woodruff at the address on page two of the transcript so that they may be attached to the original transcript.

If the completed signature and correction sheets have not been received by Mr. Woodruff on or before July 3, 2010, (30 days), reading and signing will be waived.

Sincerely,

Teresa B. Henry

Enclosures

cc: Honorable Ron Woodruff

8 (Page 26)

ROBERT GALE

5/20/2010

n

n

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

JESSIE COLVIN,

Plaintiff,

vs.

Cause No. 1:09CV187-M-D

LOWNDES COUNTY, MISSISSIPPI, et al,

Defendant.

Deposition of

ROBERT GALE

May 20, 2010

[Appearances Noted Herein]

Taken at the offices of Mitchell McNutt and Sams  
215 5th Street North, Columbus, Mississippi,  
on Thursday, May 20, 2010, at 9:18 a.m.

REPORTED BY: Teresa B. Henry, CSR 1205  
400 Peg Lane  
Amory, Mississippi 38821  
662-256-7880  
662-315-2175  
teresabh@bellsouth.net

GLENN-HENRY REPORTING  
maharcr@bellsouth.net

EXHIBIT

tabbles

F



ROBERT GALE

5/20/2010

<p style="text-align: right;">Page 6</p> <p>1 just for discussion, at least that was my thinking.  2 Q. Um-hmm.  3 A. Ken had already briefed us on what he had  4 found out, you know. Some of the --  5 Q. Sorry. You said, who? Chief --  6 A. Ken Moore.  7 Q. Ken Moore.  8 A. And I just -- I'd known Jessie a long time. I  9 just thought we was acting hastily.  10 Well, when Jessie came in, I think the first  11 thing she said was, Do I need an attorney? And they  12 said, No. I believe you said that, didn't you,  13 Sheriff?  14 Q. You just have to base it on what you recall.  15 I will have time to depose them and see what they  16 recall.  17 A. So, I'm assuming he thought the same thing.  18 So, anyway, we got into it and Jessie gave her side and  19 I took into consideration that she had been off two  20 tours of duty and --  21 [Phone rings]  22 BY MR. WOODRUFF: Thanks for the  23 reminder.  24 A. -- you know, things --  25 BY MR. HUSKISON: Hold on just a second.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Tell me about what these opinions were, what  2 you recall.  3 A. Well, you know, they -- they just discussed  4 how she was lying, that we couldn't trust her and that.  5 So they was back and forth.  6 Somebody, I believe, asked Ken, he just spoke  7 up and said, Well, everybody knows how I feel. Of  8 course, he's the one that did the investigation.  9 Q. How does he feel, from your observation?  10 A. I assume that it was to fire her.  11 Q. Um-hmm.  12 A. Because I made a motion to that we put a  13 reprimand in her file and it was second and then it was  14 amended to say that they would fire her. And that's  15 when the vote was taken.  16 Q. So, you recommended a reprimand?  17 A. Right.  18 Q. Do you know who seconded it?  19 A. I believe it was Billy -- it had to be Billy  20 Humphries or J. D. -- what's J.D.'s last name?  21 BY MR. MOORE: J. D. Brooks.  22 Q. [Mr. Woodruff] J. D. Brooks.  23 A. I'm trying to think of that last name, --  24 Q. Brooks.  25 A. -- wait a minute. Let me think.</p>
<p style="text-align: right;">Page 7</p> <p>1 BY MR. WOODRUFF: We all have to get our  2 phones on vibrate or silent.  3 A. And, apparently, things had got a little out  4 of hand.  5 Q. [Mr. Woodruff] Um-hmm.  6 A. When she came back, she was harnessed with --  7 on the second tour. When she came back she was  8 harnessed with -- I believe that's about the time we  9 changed a lot of stuff over at 911 equipment-wise and  10 she had to see after that, which was a pretty big  11 project.  12 The fact that she had been there -- I'm just  13 going to estimate 20-some odd years, --  14 Q. Um-hmm.  15 A. -- that we needed to consider more than just  16 the aggravation that she had lied to the Board, which I  17 don't remember.  18 Q. Did you believe she had lied to the Board?  19 A. Did I believe she -- let me put it this way.  20 I didn't hear.  21 Q. You didn't hear anything that was -- where she  22 had lied to the Board?  23 A. Well, no, sir. Also, they were mulling it  24 around the table there and different ones voicing their  25 opinion.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Was it Brooks?  2 A. J. D. Brooks.  3 Q. Okay. And those were two black members of the  4 Board?  5 A. Right.  6 Q. Were they upset about -- from your  7 observations, about them wanting to fire her?  8 A. Yes, sir.  9 Q. Did you ever hear anybody from the Board ever  10 make a comment that they thought a man would be better  11 suited for the 911 director job?  12 A. At that time?  13 Q. At anytime.  14 A. Not really.  15 Q. You say not really. You didn't say no.  16 A. Well, I don't know for sure.  17 Q. You don't recall anybody saying that they  18 thought it would -- they could do a better job than a  19 woman?  20 A. At the Board meeting?  21 Q. At the Board meeting or outside of the Board  22 meeting by one of the Commissioners.  23 A. Not that -- well, I could have.  24 Q. Who did you hear say that?  25 A. Who did -- who did -- I say I could've made</p>

3 (Pages 6 to 9)



ROBERT GALE

5/20/2010

<p style="text-align: right;">Page 10</p> <p>1 that statement at one time or another.</p> <p>2 Q. You might've said the statement?</p> <p>3 A. No, see, after they fired her, we were looking</p> <p>4 for a new one, --</p> <p>5 Q. Um-hmm.</p> <p>6 A. -- and it might have been about that time that</p> <p>7 I might've made that statement --</p> <p>8 Q. Did anybody --</p> <p>9 A. -- but not before.</p> <p>10 Q. Did anybody else -- did you ever hear anybody</p> <p>11 else make that statement?</p> <p>12 A. No, sir.</p> <p>13 Q. Did you ever hear anybody say anything that a</p> <p>14 black female could not do the job because of the</p> <p>15 resulting personnel complaints and responsibilities?</p> <p>16 A. No, sir. I didn't hear that.</p> <p>17 Q. Did you ever hear Sheriff, C. B. Howard say</p> <p>18 that females were unsuited for directors position?</p> <p>19 A. I don't recall that.</p> <p>20 Q. Did you hear Ms. Lyle or anybody else say that</p> <p>21 females are too emotional to handle the position?</p> <p>22 A. Not as I recall.</p> <p>23 Q. And you are aware that at the time she was</p> <p>24 terminated, she had never been written up?</p> <p>25 A. I assumed that, yes, sir.</p>	<p style="text-align: right;">Page 12</p> <p>1 worked for the fire department as a dispatcher and was</p> <p>2 one of the best ones I ever had. I think we have five</p> <p>3 and she was the best one.</p> <p>4 I took that into consideration. She was so</p> <p>5 close to retirement, that I just hated to see her lose</p> <p>6 her job.</p> <p>7 Q. Excuse me. Before this Board meeting, had</p> <p>8 anybody -- had you heard any complaints from any Board</p> <p>9 members of her work performance?</p> <p>10 A. No, sir.</p> <p>11 Q. Do you know -- are you aware that they offered</p> <p>12 her a offer to resign and if she didn't resign, she</p> <p>13 would be terminated, are you aware of that?</p> <p>14 A. I believe I remember that.</p> <p>15 Q. Who has authority for ultimate employment</p> <p>16 decisions for employees of the 911?</p> <p>17 A. The Board.</p> <p>18 Q. The 911 Board?</p> <p>19 A. [Witness nods head up and down.]</p> <p>20 Q. You sure it's not the Board of Supervisors for</p> <p>21 Lowndes County?</p> <p>22 A. It was my understanding that we were a free</p> <p>23 standing board. They didn't have any control over what</p> <p>24 we did one way or the other.</p> <p>25 Q. Are you aware that -- are you aware of what</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Okay. From looking in there, I don't see any</p> <p>2 negative employment reviews or statements in her file</p> <p>3 whatsoever.</p> <p>4 A. I'm assuming that. I never did see her file.</p> <p>5 Q. You are not aware then?</p> <p>6 A. I'm not aware of it.</p> <p>7 Q. Do you think it's fair for an employee to be</p> <p>8 fired without -- without, you know, being put on a</p> <p>9 performance improvement plan first?</p> <p>10 BY MR. HUSKISON: I object to the form.</p> <p>11 You can answer the question if you know.</p> <p>12 A. Well, what was the question?</p> <p>13 Q. [Mr. Woodruff] Well, let me rephrase it. Do</p> <p>14 you think it's fair for an employee who has worked</p> <p>15 there for 20 years and never been written up, to be</p> <p>16 fired without being given the opportunity to be put on</p> <p>17 a performance improvement plan or correct anything she</p> <p>18 was doing wrong?</p> <p>19 BY MR. HUSKISON: We will note the same</p> <p>20 objection.</p> <p>21 Q. [Mr. Woodruff] You can answer.</p> <p>22 A. Well, the employee that -- that has been there</p> <p>23 that long, that's what I took into consideration. She</p> <p>24 had been there 20 years and, to my knowledge, -- well,</p> <p>25 she'd really been there longer than that. She had</p>	<p style="text-align: right;">Page 13</p> <p>1 her appeal options were after she was terminated?</p> <p>2 A. No, sir.</p> <p>3 Q. Have you ever read the by-laws of the Lowndes</p> <p>4 County Enhanced 911 Commission?</p> <p>5 A. At that time I probably had, yes, sir.</p> <p>6 Q. And under Article I. General Purposes, third</p> <p>7 paragraph it says, Although final authority for</p> <p>8 personnel matters rests with the Lowndes County Board</p> <p>9 of Supervisors, the Commission shall oversee all 911</p> <p>10 personnel employed by the county --</p> <p>11 BY MR. HUSKISON: Well now -- hold on a</p> <p>12 second. Are you asking him has he read that</p> <p>13 particular part?</p> <p>14 BY MR. WOODRUFF: I'm just reading --</p> <p>15 BY MR. HUSKISON: Do you want to show</p> <p>16 him that part and let him see it?</p> <p>17 BY MR. WOODRUFF: He can, I just don't</p> <p>18 have a copy. Do you have a copy? I would</p> <p>19 like to do it as an exhibit.</p> <p>20 BY MR. HUSKISON: I don't have a copy</p> <p>21 down here.</p> <p>22 BY MR. WOODRUFF: Yeah. I am just</p> <p>23 reading now. I will let him see it, because</p> <p>24 I only have this one copy.</p> <p>25 BY MR. HUSKISON: Can you specify the</p>

4 (Pages 10 to 13)

ROBERT GALE

5/20/2010

<p style="text-align: right;">Page 14</p> <p>1 date of that document and all that kind of 2 thing? 3 BY MR. WOODRUFF: I don't see a date on 4 it. Oh, okay. September, 1987. 5 Q. [Mr. Woodruff] -- and make appropriate 6 recommendations to the Board as needed. Wouldn't you 7 agree, according -- and you can review that here, sir. 8 Wouldn't you agree, according to the by-laws 9 of the Commission that the ultimate employment 10 decisions are made by the Board? 11 BY MR. HUSKISON: I object. That is -- 12 you are asking him for a legal conclusion 13 based on by-laws and employment policies at 14 the E911 in Lowndes County and I -- I don't 15 think he can make that -- he can give his 16 opinion but he doesn't know what the legal 17 ramifications -- 18 BY MR. WOODRUFF: Well, I think -- 19 BY MR. HUSKISON: -- of this document. 20 BY MR. WOODRUFF: -- you are presuming. 21 I think that -- don't you -- let me ask just 22 a few follow up questions. 23 BY MR. HUSKISON: No, hold on a minute. 24 His testimony was that he believed that this 25 Board, his Board, E911 Board, had the final</p>	<p style="text-align: right;">Page 16</p> <p>1 make statements that possibly could -- 2 BY MR. HUSKISON: Ron, Mr. Woodruff, 3 your statement was that these by-laws were in 4 place and governing and they may not have 5 been. We don't know. I mean, you're 6 putting a piece of paper in front of him -- 7 BY MR. WOODRUFF: You can save that for 8 the summary judgment, Berk. This is my 9 deposition. I have a right to continue on 10 it. 11 BY MR. HUSKISON: Well, I have a right 12 to make that kind of a -- 13 BY MR. WOODRUFF: No, you don't. 14 BY MR. HUSKISON: -- objection because - 15 - 16 BY MR. WOODRUFF: No, you don't. 17 BY MR. HUSKISON: -- I think you are 18 misleading -- 19 BY MR. WOODRUFF: No, you don't. It's a 20 speaking objection and it's totally -- 21 BY MR. HUSKISON: I think you are 22 misleading the witness -- 23 BY MR. WOODRUFF: -- improper. 24 BY MR. HUSKISON: He can answer if he 25 knows.</p>
<p style="text-align: right;">Page 15</p> <p>1 authority and I think that's what his 2 testimony was. Now, you can show him these 3 documents and if he's familiar with them, I 4 think he can testify about them but 5 otherwise, he's -- you're asking him legal 6 conclusions and he's giving them to you -- 7 BY MR. WOODRUFF: Well, I don't think I 8 am. I'm asking him, not as a lawyer to make 9 legal conclusions, I'm asking him as a member 10 of the Commission -- 911 Commission who had 11 to operate according to the by-laws. 12 BY MR. HUSKISON: I don't think -- see, 13 you're making the assumption that -- 14 BY MR. WOODRUFF: Wait. Wait -- 15 BY MR. HUSKISON: -- those by-laws were 16 in place -- 17 BY MR. WOODRUFF: Berk, I want to depose 18 him, not you. 19 BY MR. HUSKISON: Well, I understand, 20 but you're saying -- 21 BY MR. WOODRUFF: I know, but, I mean, 22 you know, I don't need you to -- 23 BY MR. HUSKISON: -- your statement 24 was -- 25 BY MR. WOODRUFF: -- I don't need you to</p>	<p style="text-align: right;">Page 17</p> <p>1 BY MR. WOODRUFF: Thank you. 2 A. I don't know whether it was in effect at that 3 time or not. 4 Q. [Mr. Woodruff] Which -- Hmm. Interesting 5 answer. Did you ever review the by-laws? 6 A. I read through them, yes, sir. 7 Q. And you knew that as a Commission you had to 8 operate pursuant to these by-laws, didn't you? 9 A. Like I said before, I thought we had full 10 authority and that was -- 11 Q. I understand what you thought, but I'm just -- 12 what I'm asking you is, you know, these are the by-laws 13 that accompany -- 14 A. Well, if these was in place at the time, yes, 15 sir, I understand that. 16 Q. Were you aware of any other by-laws? 17 A. There was a lot of them about hiring and 18 firing and-- 19 Q. Okay. I haven't seen any other ones but maybe 20 we will -- 21 A. Well, we had a book. 22 Q. -- make them -- Okay. All right. But 23 according to that, wouldn't you agree -- according to 24 that last sentence there, that the Board of Supervisors 25 has the ultimate authority as far as hiring and firing?</p>

5 (Pages 14 to 17)

ROBERT GALE

5/20/2010

<p style="text-align: right;">Page 18</p> <p>1 A. No, sir. I didn't understand it that way.</p> <p>2 Q. Um-hmm. But wouldn't you agree, that's what</p> <p>3 the by-laws say?</p> <p>4 A. That's what that said, yes, sir.</p> <p>5 Q. Now, I asked you and I forgot what your answer</p> <p>6 was. Did you -- were you aware of her appeal rights,</p> <p>7 Jessie's, once she was terminated, what her rights of</p> <p>8 appeal were?</p> <p>9 A. No, sir.</p> <p>10 Q. You weren't aware of that? Do you know</p> <p>11 whether or not she appealed?</p> <p>12 A. I think, if I remember right, that maybe she</p> <p>13 tried to go before the Board.</p> <p>14 Q. Um-hmm. Were you there at that time?</p> <p>15 A. I was there a little while after she was</p> <p>16 fired.</p> <p>17 Q. No, but I mean, were you at that -- when she</p> <p>18 went in front of the Board after she --</p> <p>19 A. No, sir.</p> <p>20 Q. -- was terminated? You weren't there. Do you</p> <p>21 know anything she did after that to appeal?</p> <p>22 A. I'm sorry?</p> <p>23 Q. After she went before the Board, do you know</p> <p>24 of anything she did after that trying to appeal her</p> <p>25 termination?</p>	<p style="text-align: right;">Page 20</p> <p>1 [Discussion off the record.]</p> <p>2 CONTINUING BY MR. WOODRUFF:</p> <p>3 Q. I've just got a few more questions, Mr. Gale,</p> <p>4 and you will be done with this mess.</p> <p>5 A. All right, sir.</p> <p>6 Q. You mentioned that just before the time that</p> <p>7 Jessie was fired that there had been a big change-over</p> <p>8 to 911 with new equipment and stuff. Did they move to</p> <p>9 a new facility, too?</p> <p>10 A. No, sir. They just changed the operating</p> <p>11 equipment: computers and radios.</p> <p>12 Q. That was very stressful and everything?</p> <p>13 A. I'm sure it was.</p> <p>14 Q. And she was very understaffed, too, wasn't</p> <p>15 she?</p> <p>16 A. Well, let me put it this way.</p> <p>17 Q. Yeah. Go ahead.</p> <p>18 A. I didn't mess with her daily operations.</p> <p>19 Q. Um-hmm.</p> <p>20 A. I tried to stay out of there.</p> <p>21 Q. Um-hmm.</p> <p>22 A. And I only addressed what Jessie brought to</p> <p>23 the Board.</p> <p>24 Q. Right.</p> <p>25 A. But, now, I understand, and this may be a</p>
<p style="text-align: right;">Page 19</p> <p>1 A. She told me she'd got an attorney.</p> <p>2 Q. Okay. Do you know why the Lowndes County</p> <p>3 Board of Supervisors would not hear her appeal?</p> <p>4 A. No, sir.</p> <p>5 BY MR. WOODRUFF: I may be just about</p> <p>6 through.</p> <p>7 [Jessie Colvin arrives to deposition.]</p> <p>8 BY MR. WOODRUFF: Why don't you give us</p> <p>9 just a minute.</p> <p>10 BY MR. HUSKISON: Sure.</p> <p>11 BY MR. WOODRUFF: I am probably just</p> <p>12 about done. Is this your only copy? Could</p> <p>13 we get, like, a copy of that because I'm</p> <p>14 going to basically be asking a lot of people</p> <p>15 about that today and it would be easy to get</p> <p>16 an extra copy.</p> <p>17 BY MR. HUSKISON: Yeah.</p> <p>18 BY MR. WOODRUFF: We can make it an</p> <p>19 exhibit.</p> <p>20 BY MR. HUSKISON: I will make you one.</p> <p>21 BY MR. WOODRUFF: And copies of these,</p> <p>22 too, because I will probably introduce some</p> <p>23 of those.</p> <p>24 BY MR. HUSKISON: Okay.</p> <p>25 BY MR. WOODRUFF: Give us a second.</p>	<p style="text-align: right;">Page 21</p> <p>1 rumor, that while she was gone, both times, the work</p> <p>2 was neglected.</p> <p>3 Q. Um-hmm.</p> <p>4 A. And when she came back, she had all that to</p> <p>5 contend with, getting it straightened out. And I know</p> <p>6 it can get in a mess. But, now -- and this is</p> <p>7 something I didn't know.</p> <p>8 You had been back three years, Jessie, --</p> <p>9 BY MS. COLVIN: Um-hmm. [indicating</p> <p>10 affirmative]</p> <p>11 A. -- is that correct? Well, --</p> <p>12 Q. [Mr. Woodruff] You just have to answer the</p> <p>13 best you can.</p> <p>14 A. She had had --</p> <p>15 Q. Nobody can help you, not even Berk.</p> <p>16 A. She had been back three years and I think at</p> <p>17 that time was when all the changeover was going on. It</p> <p>18 took quite a while. I don't remember what, but some of</p> <p>19 the members seemed to want to help her run it.</p> <p>20 Q. Um-hmm.</p> <p>21 A. You know, I stayed out of that because I don't</p> <p>22 like that. I'm just in there to -- to pass judgment on</p> <p>23 what she brings before us.</p> <p>24 Q. When you said she was gone a couple of times,</p> <p>25 that was military leave, wasn't it?</p>

6 (Pages 18 to 21)

ROBERT GALE

5/20/2010

<p style="text-align: right;">Page 22</p> <p>1 A. Right. I believe Desert Storm and then --</p> <p>2 Q. Um-hmm.</p> <p>3 A. -- she went to Iraq the second time. For what</p> <p>4 length of time, I do not remember. I know it was in</p> <p>5 excess of six months, probably.</p> <p>6 Q. Um-hmm. I'm sorry. I lost my -- forgot what I</p> <p>7 was going to ask. Oh, well, the other thing is, didn't</p> <p>8 a few of the employees come to the Board before she was</p> <p>9 terminated and complain about having to work too many</p> <p>10 hours? That there was just not enough employees? Do</p> <p>11 you recall that?</p> <p>12 A. I remember we were short some --</p> <p>13 Q. Yeah.</p> <p>14 A. -- and they had to work long hours.</p> <p>15 Q. And they wanted her to basically cover the</p> <p>16 shifts of the employees because they were --</p> <p>17 A. Well, I think she -- she didn't cover a shift</p> <p>18 but she came in and worked when she needed to.</p> <p>19 Q. Right. And you mentioned the fact that you</p> <p>20 stayed out of the operation of the 911 center, right?</p> <p>21 A. What Jessie had --</p> <p>22 Q. Right.</p> <p>23 A. -- was in charge of.</p> <p>24 Q. You didn't --</p> <p>25 A. I didn't go over there and talk to the</p>	<p style="text-align: right;">Page 24</p> <p>1 Commission, that's totally improper, isn't it,</p> <p>2 according to what you understand as a member of a</p> <p>3 board?</p> <p>4 BY MR. HUSKISON: Same objection. It's</p> <p>5 asking for a legal conclusion.</p> <p>6 Q. [Mr. Woodruff] You can answer.</p> <p>7 BY MR. HUSKISON: You can give your</p> <p>8 opinion.</p> <p>9 A. I'm not sure about the legality of it.</p> <p>10 Q. [Mr. Woodruff] I'm not asking you for a</p> <p>11 legal. I'm just asking you as somebody who has been on</p> <p>12 boards before and knows what your role is on a board.</p> <p>13 A. If you've got somebody that you trust, it's no</p> <p>14 need for that. That's where a lot of that backbiting</p> <p>15 comes from.</p> <p>16 Q. But a person -- as a member of a board, you</p> <p>17 can't act without the rest of the members --</p> <p>18 A. No, sir.</p> <p>19 Q. -- of the board, can you?</p> <p>20 A. No, sir.</p> <p>21 Q. And if you were going over there and trying to</p> <p>22 micromanage the 911, then you would -- you didn't have</p> <p>23 authority to do that, did you? You only had authority</p> <p>24 as a member of a group?</p> <p>25 BY MR. HUSKISON: Your opinion, again.</p>
<p style="text-align: right;">Page 23</p> <p>1 employees and I didn't go in and tell Jessie to Do</p> <p>2 this, Do that. I didn't do that.</p> <p>3 Q. In fact, have you ever been a member of</p> <p>4 another board other than this Board here?</p> <p>5 A. I was on the hospital board one time, the</p> <p>6 ambulance service.</p> <p>7 Q. And isn't it improper for one board member to</p> <p>8 go in and try to micromanage the operation from your</p> <p>9 experience being on a board?</p> <p>10 BY MR. HUSKISON: I object to the form</p> <p>11 because --</p> <p>12 Q. [Mr. Woodruff] You can answer.</p> <p>13 BY MR. HUSKISON: -- it calls for a</p> <p>14 legal conclusion but you can answer with your</p> <p>15 opinion on it.</p> <p>16 A. My opinion is that I'm on there to make</p> <p>17 judgment on what the Director brings to the Board.</p> <p>18 Q. [Mr. Woodruff] Right.</p> <p>19 A. Not to run 911.</p> <p>20 Q. And, of course, you are aware that a board can</p> <p>21 only speak through its minutes when it has a quorum.</p> <p>22 A. That's correct.</p> <p>23 Q. So, when you have an individual member of the</p> <p>24 Board who has acted on their own accord in dealing with</p> <p>25 personnel managers and everything else with the 911</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. [Mr. Woodruff] And I'm not asking a legal.</p> <p>2 I'm just asking your opinion.</p> <p>3 A. That's my opinion, yes, sir.</p> <p>4 Q. Okay.</p> <p>5 BY MR. WOODRUFF: Thank you very much,</p> <p>6 Mr. Gale.</p> <p>7 A. Yes, sir.</p> <p>8 BY MR. HUSKISON: Let me ask you just a</p> <p>9 few questions, Mr. Gale.</p> <p>10 A. Okay.</p> <p>11 EXAMINATION BY MR. HUSKISON:</p> <p>12 Q. I'm Berk Huskison. As you know, I represent</p> <p>13 the Board, the E911 Board. Now, you mentioned you did</p> <p>14 not get involved in the day to day operations of E911,</p> <p>15 is that correct?</p> <p>16 A. I believe Jessie would bear me out on that. I</p> <p>17 never -- I don't think I was in that office while I was</p> <p>18 on the Board over two or three times.</p> <p>19 Q. And, so, as a Board member, you relied on what</p> <p>20 your Director told you --</p> <p>21 A. Sure.</p> <p>22 Q. -- about what was going on down in that -- in</p> <p>23 the day to day operations?</p> <p>24 A. Yes, sir.</p> <p>25 BY MR. WOODRUFF: Objection. Leading.</p>

7 (Pages 22 to 25)

ROBERT GALE

5/20/2010

<p style="text-align: right;">Page 26</p> <p>1 Q. [Mr. Huskison] So whatever she told you is 2 what you had to rely on, -- 3 BY MR. HUSKISON: Objection to leading. 4 Q. [Mr. Huskison] -- is that right? 5 A. Yes, sir. 6 Q. Okay. Now, -- again, in October -- 7 A. Um-hmm. [indicating affirmative] 8 Q. -- just to refresh your member on it, Ms. 9 Colvin was dismissed in April of '07 and you remember 10 that executive session meeting where she was dismissed? 11 A. Yes, sir. 12 Q. All right. Now, as a Board member, you had 13 not done any personal investigation of what was going 14 on in the back scenes of E911, is that correct? 15 A. The first -- That's correct. 16 Q. And Ken Moore, who was a fellow Board member, 17 had been looking in to some certification issues with 18 our E911 dispatchers at that time? 19 A. That's correct. 20 Q. And he presented that to y'all at that 21 meeting, is that right? 22 A. He said it was incumbent upon him. 23 Q. What he presented, Mr. Gale, the information 24 he had was that we had certification problems with our 25 dispatchers. Do you remember that being what was</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Yes, sir. I had one. 2 BY MR. HUSKISON: Let's do this. Let's 3 mark that as Exhibit -- you want to keep them 4 continuous? 5 BY MR. WOODRUFF: 14 was the last one. 6 Let me see on that. 7 BY MR. HUSKISON: All right, sir. 8 BY MR. WOODRUFF: 14. Let's make it 15. 9 We will make that -- what I showed him 10 earlier 16. 11 BY MR. HUSKISON: Okay. 12 [Whereupon the Employee handbook was marked 13 as Exhibit 15 and the By-Laws were marked as 14 Exhibit 16 to the deposition of Robert Gale.] 15 16 CONTINUING BY MR. HUSKISON: 17 Q. Let me show you something, Mr. Gale. This is 18 a grievance procedure in the handbook that we just 19 marked. Look at that last paragraph there that's on 20 page 13. Just read through that last paragraph. You 21 don't have to read it out loud. 22 [Document examined by witness.] 23 Q. Did you take a look at that? 24 A. Yes, sir. 25 Q. Basically what that says is that the E911</p>
<p style="text-align: right;">Page 27</p> <p>1 presented? 2 A. Yes, sir. 3 Q. Do you have any reason to doubt what Ken Moore 4 presented to you? 5 A. I want a little more investigation into it. 6 Q. Okay. Well, what I'm getting at, you made a 7 motion that afternoon at that meeting for some type of 8 discipline to be handed down to Jessie Colvin, didn't 9 you? 10 A. Right. 11 Q. And, so, you agreed that there were some 12 issues that she had fallen short on? 13 A. I figured that with discipline, that would 14 save her job. Jessie has been a loyal employee for 20 15 years. 16 Q. Okay. What I'm getting at, Mr. Gale, you 17 supported some sort of discipline, just not dismissal, 18 according to your -- 19 A. Well, I made the motion, yeah. 20 Q. Okay. Now, Mr. Woodruff asked you about a 21 document that he referenced as by-laws. Of course, the 22 date on there is September of 1987. I want to show 23 you, have you ever seen your employee handbook? 24 A. I -- 25 Q. That's a copy of it.</p>	<p style="text-align: right;">Page 29</p> <p>1 Board of Commissioners has the final authority on the 2 employees that work at E911? 3 A. Right. 4 Q. Okay. 5 BY MR. WOODRUFF: Can I see that? 6 BY MR. HUSKISON: That's all I have. 7 Thank you, Mr. Gale. 8 BY MR. WOODRUFF: I've got a few follow 9 up. 10 FURTHER EXAMINATION BY MR. WOODRUFF: 11 Q. You made the motion to discipline Jessie 12 Colvin. Was that because you thought she needed to be 13 disciplined or because you were trying to save her job 14 because other members were hell bent on firing her? 15 A. I was trying to save her job. 16 Q. So, I mean, you -- 17 A. I mean, I didn't -- I couldn't, in my heart, 18 believe that Jessie lied to the Board because I didn't 19 hear it. Now, it -- she could have. But, in my heart, 20 she didn't. 21 Q. And there some people on there that wanted her 22 out, weren't there? 23 A. Now, I don't know about that. I've never 24 heard that. 25 Q. But you were just trying to save her job,</p>

8 (Pages 26 to 29)

ROBERT GALE

5/20/2010

<p style="text-align: right;">Page 30</p> <p>1 weren't you?</p> <p>2 A. When we came in there, we had been kept out of</p> <p>3 the loop. It seemed like everybody but two people knew</p> <p>4 what was going on and that was Ken and Beverly.</p> <p>5 We were all surprised when this came up. It</p> <p>6 just came up and in an hour and a half, Jessie was</p> <p>7 gone.</p> <p>8 Q. You said everybody was kept out of the loop.</p> <p>9 You mean, everybody was --</p> <p>10 A. Well, I think two people knew about it.</p> <p>11 Q. Right. I just want to make sure because I</p> <p>12 think the way you said that everybody was out of the</p> <p>13 loop but those two people but what you're saying is</p> <p>14 everybody but those two people were out of the loop.</p> <p>15 Is that what you are saying?</p> <p>16 A. That's what I --</p> <p>17 Q. Yeah. Okay.</p> <p>18 A. -- thought.</p> <p>19 Q. I just wanted to make sure. I think you --</p> <p>20 the way you worded it, it sounded like you were saying</p> <p>21 that those two people were out of the loop but they</p> <p>22 were the ones and everybody else was --</p> <p>23 A. They knew about it before it was presented to</p> <p>24 us.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 32</p> <p style="text-align: center;">CERTIFICATE OF COURT REPORTER</p> <p>I, Teresa B. Henry, Certified Court Reporter for the State of Mississippi, hereby certify to the following:</p> <p>That the foregoing 31 pages, and including this page, contain a full, true and correct transcript of the testimony of Robert Gale as taken by me at the time and place heretofore stated in the aforementioned matter and later reduced by me to typewritten form to the best of my skill and ability;</p> <p>That the deponent was placed under oath to truthfully answer all questions in this matter under the authority vested in me by the State of Mississippi; and</p> <p>That I am not in the employ of or related to any counsel or party in this matter and have no interest, monetary or otherwise, in the final outcome of this proceeding;</p> <p>WITNESS MY SIGNATURE AND SEAL, this, the 22nd day of May, 2009.</p> <p style="text-align: right;">TERESA B. HENRY, CSR 1205</p> <p style="text-align: center;">( S E A L )</p> <p>My Commission Expires:</p>
<p style="text-align: right;">Page 31</p> <p>1 A. And, of course, Ken investigated it and, I'm</p> <p>2 sure, discussed it with Beverly because she was -- she</p> <p>3 seemed like she knew what was going on. But the</p> <p>4 Sheriff was as surprised as I was and it was just a --</p> <p>5 a shock. And it was hastily done.</p> <p>6 Q. So, you had no knowledge about any problems</p> <p>7 with Jessie Colvin and people wanting to fire her prior</p> <p>8 to this meeting, is that correct?</p> <p>9 A. People wanting to fire her?</p> <p>10 Q. Yes.</p> <p>11 A. No, sir.</p> <p>12 Q. And, as far as you know, none of the other</p> <p>13 Board members except for Ken Moore and Beverly knew</p> <p>14 about this?</p> <p>15 A. I don't think they did. That was my</p> <p>16 observation.</p> <p>17 BY MR. WOODRUFF: Nothing further.</p> <p>18 Thank you, sir.</p> <p>19 A. Yes, sir.</p> <p>20</p> <p>21 [Whereupon the deposition was concluded at</p> <p>22 9:58 a.m.]</p>	<p style="text-align: right;">Page 33</p> <p>December 16, 2010</p> <p style="text-align: center;">CERTIFICATE OF DEPONENT</p> <p>I, Robert Gale, deponent in the deposition taken in the herein styled and numbered cause, certify that I have examined the foregoing 32 pages, being the total number of pages relating to my testimony, as to the correctness thereof, and that after reading said pages, I find them to contain a full, true and correct transcript of the testimony as given by me in Columbus, Mississippi, on May 20, 2010.</p> <p>This, the            day of            , 2010.</p> <p style="text-align: right;">ROBERT GALE</p> <p>STATE OF MISSISSIPPI COUNTY OF</p> <p>SWORN TO AND SUBSCRIBED before me, this, the day of            , 2010.</p> <p style="text-align: right;">NOTARY PUBLIC</p> <p style="text-align: center;">( S E A L )</p> <p>My Commission Expires:</p>

9 (Pages 30 to 33)

ROBERT GALE

5/20/2010

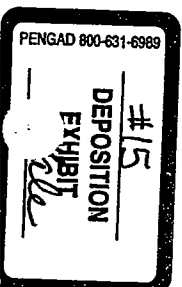
<p style="text-align: right;">Page 34</p> <p style="text-align: center;"><b>ERRATA SHEET</b></p> <table border="1"><thead><tr><th>Page</th><th>Line</th><th>Correction/Change</th></tr></thead><tbody></tbody></table>	Page	Line	Correction/Change	<p style="text-align: right;">Page 36</p> <p style="text-align: center;">Enclosures</p> <p style="text-align: center;">cc: Honorable Ron Woodruff</p>
Page	Line	Correction/Change		
<p style="text-align: right;">Page 35</p> <p style="text-align: center;">Teresa B. Henry Glenn-Henry Reporting 400 Peg Lane Amory, Mississippi 38821 teresabh@bellsouth.net May 22, 2010</p> <p>Honorable Berkley N. Huskison Mitchell McNutt &amp; Sams Post Office Box 1366 Columbus, Mississippi 39703-1366</p> <p>Re: Colvin vs Lowndes County, MS, et al USDC No. 1:09CV187-M-D</p> <p>Dear Mr. Huskison:</p> <p>Enclosed is your copy of the deposition of Robert Gale taken in the above entitled cause on May 20, 2010.</p> <p>Also enclosed are the signature and correction pages to be used by Mr. Gale when reading your copy of his deposition.</p> <p>After the signature and correction pages have been completed by Mr. Gale and properly signed by a Notary, please return these forms to Mr. Woodruff at the address on page two of the transcript so that they may be attached to the original transcript.</p> <p>If the completed signature and correction sheets have not been received by Mr. Woodruff on or before July 1, 2010, (30 days), reading and signing will be waived.</p> <p style="text-align: center;">Sincerely,</p> <p style="text-align: center;">Teresa B. Henry</p>				

10 (Pages 34 to 36)

**EMPLOYEE**



**HANDBOOK  
2007**





## LOWNDES COUNTY E-911 PERSONNEL HANDBOOK

**PURPOSE OF MANUAL:** The purpose of this manual is to acquaint you with important information relating to your employment with E-911. The policies and rules contained herein are not exclusive, but are merely meant to provide you general guidelines concerning your responsibilities to E-911. This manual should not be construed as providing any legitimate expectation of continued employment with E-911. Nothing contained in the manual alters the E-911's right to discharge any employee in its sole discretion for any reason or no reason. It is not an expressed or implied employment agreement, contract or guarantee of employment or of any benefits or of continued employment, nor is it intended to create any property interest in continued employment with E-911.

**DEPARTMENTS COVERED BY PERSONNEL HANDBOOK:** Policies outlined in this manual are applicable to personnel within Lowndes County E-911 only.

### DEFINITIONS:

1. **APPLICANT:** Any person seeking or requesting employment in any capacity as an employee of Lowndes County E-911, Mississippi.
2. **DAY OFF:** A normal working day on which an employee has not been scheduled to work or has requested time off.
3. **DISABILITY:** Incapacity or inability to perform regular work duties.
4. **DISCIPLINARY ACTION:** Reprimand, suspension or dismissal.
5. **HOLIDAY:** Any holiday observed by the State of Mississippi and Lowndes County or any day in lieu thereof designated by the E-911 Board of Commissioners.
6. **REGULAR PART-TIME EMPLOYEE:** A regular part-time employee is a person who has completed his/her six (6) month probationary period and has received a regular part-time appointment and is employed not less than twenty (20) hours but less than forty (40) hours per week. Ordinarily, employees in this category are compensated at an hourly rate for work performed. Regular part-time employees shall receive pro-rata benefits based on the ratio of the number of hours they are regularly employed to forty (40) hours per week. **EXAMPLE:** A part-time employee who works twenty (20) hours per week is entitled to 20/40<sup>th</sup> or half benefits, i.e. four (4) hours holiday pay when full time employees receive eight (8) hours holiday pay.
7. **REGULAR FULL TIME EMPLOYEE:** A regular full-time employee is one who has completed his/her probationary period and has been given a regular appointment for a particular designated job at a designated amount of compensation. Regular full-time employees will receive all employee benefits.
8. **PROBATIONARY EMPLOYEE:** A probationary employee is a person who has been employed as a prospective regular employee and is required to meet a minimum six (6) month trial period in order to be considered for a regular appointment. A probationary employee is entitled to all employee benefits including medical insurance coverage provided he/she meets the group medical insurance eligibility requirements.

9. **PROBATIONARY PERIOD:** A working period of six (6) calendar months following the time of employment of position to which appointed by actual performance of the duties of the position.
10. **TEMPORARY EMPLOYEE:** A temporary employee is a person who is hired for a specific period of time, with no promise of extended employment. Temporary can be part-time or full-time employees. Usually, this employment is seasonal and is of a temporary nature. Temporary employees are not entitled to employee benefits except medical insurance (provided he/she meets the group medical insurance eligibility requirements) and workmen's compensation.
11. **RESIGNATION:** The voluntary withdrawal by an employee full time, part time or temporary, from the employee of Lowndes County E-911.
12. **SUSPENSION:** The temporary dismissal of an employee, full time, part time or temporary from his/her duties. A suspended employee shall not be entitled to salary, vacation or sick leave or any other benefit (excluding Health Insurance) during his/her suspension.

**EMPLOYMENT POLICY:** It is the policy of the Board of E-911 Commissioners to fill vacant positions in E-911 service with a qualified applicant. E-911 is an Equal Opportunity/Affirmative Action employer in employment, and all applicants shall be given equal consideration and equal opportunity for employment regardless of race, color, creed, religion, ancestry, national origin, sex, marital status, age, veteran status, or physical or mental handicap.

**EMPLOYMENT IN GENERAL:** Employment with E-911 is based on a particular job vacancy, requirements to fill job, and budgetary limitations.

A. In the event a reduction in force of employees becomes necessary, the reduction will be by job classification. The layoffs within the particular job classification will be as follows:

- 1) Temporary employees
- 2) Probationary part-time employees
- 3) Probationary full-time employees
- 4) Regular part-time employees
- 5) Regular full-time employees

Employees in the particular job classification in which the reduction occurs and whom fall within any category listed above with the least amount of continuous service with E-911 will be initially selected for layoff.

B. No person appointed to any position within the E-911 office, shall employ or appoint as an officer, clerk, stenographer, deputy assistant, who is to be paid out of public funds, a person related by blood or marriage within the third degree, computed by the rule of the civil law, to the person having or exercising the authority to make such appointment or to contract such employment as employer. This provision shall not apply to any employee who shall have been employed or appointed by E-911 prior to the time his or her husband, within the third degree, became appointed to E-911 office.

#### **DESIGNATION OF PERSONNEL OFFICER AND PERSONNEL SECTION:**

The E-911 Director is designated as the Personnel Officer and will operate the personnel section within this office to handle all personnel matters required.

**APPLICATIONS FOR EMPLOYMENT:** The Lowndes County E-911 Office accepts employment applications for E-911 positions. Job descriptions for certain positions are available in the Director's office. Applications for position will be accepted in the E-911 Director's office, during regular office hours and be kept in the active file for up to six months.

- A. Files will be purged every six (6) months, on January 2<sup>nd</sup> and July 2<sup>nd</sup> of each year.
- B. If an applicant wishes to re-activate his/her application, then he/she must notify the E-911 Director prior to the end of the six month period in which he/she applied (either January 2<sup>nd</sup> or July 2<sup>nd</sup> of each year). Any such reactivation by an applicant is effective for only the six month period and if the applicant wishes to reactivate an application for a subsequent six month period then the applicant must notify the E-911 Director within the subsequent six month period then the applicant must notify the E-911 Director within the current six month period in which the application is active.
- C. The E-911 Director will maintain a file of active applicants from which to select possible candidates for vacant positions.

#### **RECRUITMENT, SELECTION AND PLACEMENT:**

The E-911 Director shall be responsible for screening all applications and resumes.

All qualified applicants will be tested and ranked accordingly. However, applicants who are currently working with a related agency and/or have met the minimum standards set forth by the Mississippi Board of Emergency Telecommunications may be exempt from pre-employment testing.

Upon being hired by the E-911 Director, the employee shall be responsible for completing all forms required by Lowndes County and/or E-911 and applicable laws. All new employees will be briefed on the job responsibilities and expectations as an E-911 employee.

Lowndes County E-911 is an Equal Opportunity Employer. All employment will be based solely on merit, fitness, and experience of the applicant.

All employees of E-911 shall be employees of E-911 as a whole and not of any particular Supervisor or District. However, any employee which the E-911 Director is authorized to employ may be terminated at the will and the pleasure of the E-911 Director and/or the Lowndes County E-911 Commission. The E-911 Board of Commission may, by a majority vote of the entire board supersede any act of the E-911 Director or change, modify or revoke any act which has been completed by the E-911 Director provided the change, modification, and/or revocation does not constitute a breach of contract.

**PHYSICAL EXAMINATION:** E-911 shall have the right to require any applicant after employment to submit to a physical examination, blood test, or urinalysis test, to determine the applicant's fitness to perform the prospective job. Moreover, E-911 shall have the right to require any employee at any time as may be determined to be appropriate by the E-911 Board of Commissioners and/or E-911 Director to submit to urine and/or blood testing for detection of the presence of alcohol or drugs. Such testing will be conducted with the documented consent of the employee. Refusal by an employee to submit to such testing shall be considered grounds for

dismissal. The Lowndes County E-911 Drug & Alcohol Policy will be furnished to all new employees.

#### SOCIAL SECURITY:

As prescribed by the Mississippi Code Annotated Section 25-11-3 to 25-11-21 (1972).

UNEMPLOYMENT COMPENSATION: The Employment Security Commission as prescribed by Mississippi Code Annotated Section 71-5-1 et administers Unemployment Compensation, sec. (1972).

#### PROCESSING OF NEW EMPLOYEES AND ESTABLISHMENT OF PERSONNEL FILE:

Upon selection of an employee for employment, the E-911 Director will ensure that the new employee is processed through the personnel section where he/she will be oriented and all personnel matters attended to. New employees will be briefed by the E-911 Director or his designee as to duties and responsibilities prior to beginning work. The E-911 Director will establish a file known as the Personnel File, where all personnel records (exclusive of medical records) pertaining to the employees will be maintained, and will apply to all employees. Employees may review their Personnel File at a convenient time by contacting the E-911 Director.

MEDICAL RECORDS: In accordance with Title 1 of the AMERICANS WITH DISABILITIES ACT OF 1990, medical records on each employee will be kept in separate files. Employees may view their own medical record file at a convenient time by contacting the E-911 Director.

TERMINATION OF EMPLOYEES: When employment with E-911 is to be terminated, the employee will also be processed through the personnel section prior to the effective date of termination.

- A. RESIGNATION: An employee desiring to terminate service with E-911 may do so by submitting a letter of resignation to the E-911 Director at least ten (10) working days prior to the employee's final working day.
- B. VOLUNTARY TERMINATION WITHOUT GIVING NOTICE: An employee will be considered as having resigned without notice when he or she does not give the required ten (10) working days notice or when the employee has been absent from his or her job without leave of absence for a period of one day without reporting to his or her Supervisor or to the E-911 Director. Any employee who is considered to have resigned without notice as defined in this section shall forfeit all vacation, accumulated leave, accumulated sick leave and other fringe benefits provided by E-911.
- C. EXIT INTERVIEWS: All employees who leave the employment of E-911 shall be interviewed by the E-911 Director or his designee before a final paycheck is issued. This exit interview should be scheduled on or near the final day of employment and is designed to protect the employee's benefits, provide accurate forwarding address, give E-911 helpful comments and suggestions regarding work experience with E-911, provide the opportunity for discussing the reason or reasons for termination, and provide E-911 with information that may be beneficial in improving its general employee relations.

- D. If an employee intends to terminate his or her employment, notice should be given to his or her Shift-Supervisor so that proper notification can be forwarded to the payroll clerk. Failure to give such notice will delay the receipt of the employee's final paycheck.
- INVOLUNTARY TERMINATION: Involuntary termination of employees is described in the handbook under the section dealing with "Disciplinary Action" and "Types of Disciplinary Action."

#### EMPLOYEE BENEFITS:

- A. HOLIDAYS: The following holidays will be observed as prescribed by Mississippi Code Annotated (1972): Section 3-3-7.

January 1 <sup>st</sup>	New Year's Day
The 3 <sup>rd</sup> Monday in January	Robert E. Lee/Martin Luther King's Birthday
The 3 <sup>rd</sup> Monday in February	Washington's Birthday
The Last Monday in April	Confederate Memorial Day
The Last Monday in May	Memorial Day/Jefferson Davis' Birthday
July 4 <sup>th</sup>	Independence Day
The 1 <sup>st</sup> Monday in September	Labor Day
November 11 <sup>th</sup>	Veteran's Day
The 4 <sup>th</sup> Thursday in November	Thanksgiving Day
December 25 <sup>th</sup>	Christmas Day

- B. It is considered policy that employees who work on a legal holiday can be absent on another day. Employees working the holiday will receive a comp day for that holiday.

LOSS OF HOLIDAY BENEFITS: An employee who has been absent from work without authorization on the work day before or after a designated holiday, shall not be entitled to holiday pay.

- C. LEAVE: Employees, including qualified part-time employees, may be granted leave as provided for these rules. No other kind of leave may be granted, except a REGULAR FULL-TIME OR REGULAR PART-TIME EMPLOYEE, upon written application to and in the discretion of the Board of Commissioners, may obtain a leave of absence without pay to exceed six (6) months, without forfeiting previous accumulated continuous service. Upon voluntary termination of employment and within ten (10) working days has been given of such termination by the employee then said employee shall be paid for the amount accumulated and unused vacation leave, not to exceed payment for fifteen (15) days.

#### VACATION PAY (ANNUAL LEAVE)

<u>YEARS OF SERVICE</u>	<u>ANNUAL VACATION LEAVE</u>
1 year	2 weeks or 10 working days
10 years or more	3 weeks or 15 working days

Regular, part-time employees will receive a pro rata share of vacation days after 12 months of employment based upon the ratio of number of days he/she worked in relation to 260 days. (260 days per year constitutes full-time employment) Example: 130 days

divided by 260 days = .50%. Shift Supervisors and Director have the authority to select how and when vacation days may be taken. Shift Supervisors leave time must be submitted for approval to the Director. The employees will coordinate with the supervising official as to the actual date of taking leave. Leave will not be granted for periods longer than fifteen (15) working days for any one leave period. Unused annual leave may not be carried over from year to year. All unused annual leave carried beyond your anniversary date will be forfeited. The anniversary date of an employee is the month and day of the month he/she was hired. If an employee does not use his or her vacation leave prior to his/her anniversary date, then he/she will lose the unused portion of that year's leave.

**FAMILY MEDICAL LEAVE:** The FAMILY AND MEDICAL LEAVE ACT OF 1993 provides for up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for Lowndes County E-911 Board of Commissioners for at least one year and for over 1250 hours over the previous 12 months. The 12 weeks of leave to be granted herein are not in addition to the maximum leave period set forth in subsection (6), but run concurrently with the same.

(1) Unpaid leave will be granted for any of the following reasons:

\*To care for the employee's child after birth, or placement for adoption or foster care.

\*To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.

\*For a serious health condition that makes the employee unable to perform the employee's job.

(2) The employee may be required to provide advanced leave notice and medical certification. Taking of leave may be denied if the employee fails to provide a two-week advance notice when leave is foreseeable.

(3) Lowndes County may require medical certification to support a request for leave because of serious health condition, and may require second and third opinions (at the expense of the employee) and a fitness for duty report.

(4) For the duration of the FMLA leave, the county will maintain the employee's health coverage and pay any part of the premium that the county normally pays.

(5) Upon return to work from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

(6) The use of FMLA leave will not result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

**LEAVE UNDER PREGNANCY:** Federal law requires that women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected that similar in their ability or inability to work.

(1) Sick leave, annual leave, administrative leave, and leave of absence without pay shall be granted to pregnant women on the same terms as leave is granted to employees who are qualified for sick leave in accordance with these rules.

(2) The E-911 Director shall not terminate the employment of an employee because of pregnancy.

G.

**SICK LEAVE:** Regular probationary employees and full-time employees earn sick leave credits at the rate of one day per month; regular part-time employees will have sick leave pro-rated based on the number of hours worked. Sick leave may be taken only during a genuine illness of the employee or the serious illness of a member of his or her immediate family residing in his or her household. A certificate from a doctor may be required before an absence of over three days or continual excessive absences can be charged against sick leave. Separation from Lowndes County E-911 cancels all unused accumulated sick leave. Sick days accumulated may not be used for personal time off.

**DEATH IN THE FAMILY:** In the event of a death in the immediate family, employees absent from work will be granted up to three (3) days leave without pay. Any time taken over the three (3) days must be requested as leave or absent without pay. An employee's immediate family is defined as the employee's spouse, and the employee's children, parents, grandparents, brothers or sisters.

**MILITARY LEAVE:** Any employee who is a member of any of the reserve components of the Armed Forces in the United States or a former member of the service of the United States is entitled to leave of absence from duties, without loss of pay or seniority and without effect on service rating, on all days during which said employee shall be required and ordered to perform duty with troops, at field exercises, for instruction, for state service, or for annual field training for period not to exceed fifteen (15) working days in any one (1) calendar year. An employee is required to submit an order or statement from the appropriate military officer as evidence of active duty for which leave is taken. The order or statement must accompany the request for leave. Employees who are called to emergency duty by the state, to quell riots or provide services in disasters such as floods, earthquakes, or hurricanes, shall be granted military leave with pay. Any employee who enlists, is drafted, or is inducted into the Armed Forces for active duty during a period of declared war or presidential emergency shall be granted military leave of absence without pay for the period of military commitment.

Any employee returning from military service under the above mentioned reasons is returned with the same status and shall be entitled to the privileges that would have been accorded with the employee had service been continued in that position, such as:

- (1) sick and annual leave accumulated and unused by the employee at the time of entrance into the military service;
- (2) salary adjustments resulting from changes in the compensation plan;
- (3) opportunity for consideration for promotions, which the employee might have received, had service been uninterrupted.

Upon termination of military duty, an employee is entitled to re-employment rights to his or her old position or to a position in the same class. An employee is required to apply for reinstatement within ninety (90) days of discharge.

An employee returning from military service who has been disabled during military service to the extent that said employee is incapacitated for performing former duties is, whenever possible, reassigned or transferred to other duties for which that

employee is qualified. Such reassignment is, if possible, within the same compensation range as the employee's former position.

The provisions in this section apply only to employees who have been discharged or released from the armed services under conditions other than dishonorable.

Military leave used in excess of the fifteen (15) days allowed may be charged against accumulated annual leave or may be taken without pay.

The intent of E-911 here with respect to military leave is to comply with all applicable laws, both state and federal, as well as any controlling regulations and when contained herein, the appropriate laws or regulations shall control.

#### J. ADMINISTRATIVE LEAVE: For the purpose of this section, "administrative leave" means discretionary leave with pay, other than annual leave or sick leave, granted by the E-911 Board of Commissioners in extraordinary circumstances.

(1) Any employee serving as a witness or juror or party litigant may be granted administrative leave provided any fees paid for such services or necessary expenses in any court of administrative tribunal shall be paid to Lowndes E-911.

(2) An employee who has exhausted accrued sick leave or annual leave may be absent from his job, without loss of compensation, where such absence is approved by the E-911 Board of Commissioners. Provided, however, such leave shall be charged against any subsequently earned sick leave or annual leave.

**OVERTIME:** For overtime purposes, employees fall into several different categories. First, employees are either exempt or non-exempt for payment of overtime when they work over forty (40) hours per week. Elected officials, Shift Supervisors, and certain other executives or administrative employees who are paid a salary, are exempt from overtime pay and therefore do not receive overtime pay or compensatory time when working in excess of forty (40) hours per week.

All other employees are either salaried non-exempt or hourly non-exempt depending upon whether they receive a salary or paid an hourly rate for hours worked. These employees are paid overtime at an hourly rate of one and one half times their hourly rate for all hours worked over forty (40). However, salaried non-exempt or hourly non-exempt employees may participate in a comp plan in which they receive comp time in lieu of overtime pay, which is explained below.

All overtime work necessary by office personnel shall be done at the work place. E-911 records should not be taken from their respective offices.

All overtime must be authorized and approved by the E-911 Director prior to performance of this work. In the event sudden requirements necessitates overtime, the immediate supervisor should seek employees to volunteer to work this overtime.

It is the intent of the E-911 with respect to the payment of overtime compensation or granting of compensatory time off in lieu of monetary overtime compensation to comply with all applicable regulations of the Department of Labor issued pursuant thereto and whenever any appropriate and applicable regulations of the Department of Labor conflict with anything contained herein, then the appropriate and/or applicable regulation shall govern.

**L. INSURANCE:** All regular employees will be covered under the County's group insurance program and the premiums for such coverage will be paid by the County for the County's group insurance program during the time of processing prior to commencement of employment. When paid leave is exhausted, the County shall continue to pay the employee's insurance premiums for 3 months.

**M. PUBLIC EMPLOYEE RETIREMENT SYSTEM:** All regular part-time, regular full-time, and probationary employees of E-911 are required to become members of the State Retirement System as a condition of employment.

Retirement is administered by the Public Employee's Retirement System prescribed by Mississippi Code Annotated Section 25-11-101 ET. Seq. And Section 25-13-1 (1972).

**USE OF TELEPHONES:** Our telephone is installed for business purposes. However, when personal calls are necessary, please make them brief. Remember when your phone is tied up, E-911 business can not be conducted. Personal calls will be limited to two (2) calls per shift and not to exceed three (3) minutes per call.

**LOITERING:** While we work at the pleasure of the public, we at all times want to conduct ourselves in a courteous manner. Our jobs should be conducted in a businesslike atmosphere. Each of us should discourage non-E-911 employees from interfering with our duties. Violations should be discouraged during working hours and public participation should be discouraged except in observance of public meetings and hearings. Conversely, our hampering our fellow employees will not be condoned. Each of us has his duties and those duties should not be interfered with. Those observed as loitering and hampering others will be dealt with by E-911 management.

**WORK POLICIES AND PROCEDURES:** All employees are expected to perform at the maximum level of productivity. Therefore, all employees are expected to be at their duty station and working unless work related activities require them elsewhere. Employees leaving their work station without proper authority will not be tolerated. An employee is required to advise and receive permission from their immediate supervisor prior to leaving their workstation.

All employees are expected to dress properly in the work place. Those E-911 employees engaged in office work are asked not to dress in mini skirts, mini dresses, tank tops, shorts or blue jeans. Acceptable clothing by the general public is expected at all times.

**LEAVE RECORDS:** The E-911 Director will furnish leave forms (Vacation and Sick) for all employees. Forms will be completed by the Shift Supervisors and employees and forwarded to the Director for posting to leave records on a daily basis. Vacation must be approved prior to actually taking the time off.

**ABSENCE AND TARDINESS:** Because of the critical importance of services provided by E-911, it is essential that employees abide by the work schedule assigned.

Work schedules will not be changed without prior approval of Chief Shift Supervisor and/or Director. Work schedules will be the official document for time worked and must be signed as such before turned in for payroll.

**PAY PERIODS:** Employees are normally paid on the 1<sup>st</sup> day of the month and the last day of the month, providing these dates do not fall on a holiday and/or weekend. The office of the E-911 Director or his designated representative, distributes each department's paycheck to the Shift Supervisor.

It is the responsibility of the Shift Supervisor or his designated assistant to sign the time sheets and deliver the check to the designated employee.

Checks not delivered on payday will be returned to the E-911 Director or his designated representative not later than the following workday with an explanation as to non-delivery. Under no circumstances will advance toward future payroll be made to employees. Generally, an employee's paycheck reflects current period worked.

**GARNISHMENT:** E-911 is required by law to comply and cooperate with any garnishment levied against an employee by appropriate authorities.

E-911 expects all employees to show a high degree of financial responsibility. Since financial difficulties would have an adverse influence on an employee's performance of duty, it is of paramount importance that financial affairs are maintained in good order.

An employee who has more than one garnishment levied against him will be subject, where permitted by law, to disciplinary action including possible termination. A second garnishment will not be tolerated.

**VENDING AND SOLICITATION:** Solicitation of or by employees for non-work related purposes during working time (of either the soliciting or solicited employee) in work related areas is prohibited without expressed prior approval of the Chief Shift Supervisor concerned. Such a rule is necessary to prevent interference with work and to protect employees from unwanted solicitation.

**PERSONAL CONDUCT:** All employees will conduct themselves with proper decorum at all times in their various duties. Courtesy will be extended to the public and to fellow employees to the maximum degree. If disagreements arise, the employee will refer the matter to his/her next supervising official for appropriate action. Actions on the part of the individual employee will at all times be such as to leave a favorable impression with the public. Disrespectfulness shown to the public or a fellow employee will not be tolerated.

**USE OF E-911-OWNED PROPERTY:** E-911 employees shall be expected to exercise proper judgement, safety practice and common sense in the use of E-911-owned property assigned to them in connection with their official duties. Carelessness and negligence in the use of E-911 property may result in disciplinary actions being taken.

E-911 owned property shall not be used for the personal benefit or convenience of the individual employee and shall be used only by authorized employees, unless otherwise authorized. The unauthorized use of E-911 owned property assigned to an employee might result in disciplinary action as deemed appropriate by the E-911.

An employee found in violation of any traffic law or ordinance while operating an E-911 owned vehicle shall also be subject to disciplinary action and shall be responsible for paying all fines and court costs resulting therefrom.

Employees will not operate any Lowndes County vehicle without a valid operator's license at any time.

**DISCIPLINARY ACTION:** Nothing contained in this section is intended nor should you construe it to alter E-911's right to discharge its employees in any manner as determined appropriate by E-911 and again all employment with E-911 is for no definite period of time and is at the will and pleasure of the E-911 Director and/or Board of Commissioners and may be terminated by the E-911 Director and/or Board of Commissioners.

Lowndes E-911 has established disciplinary policies and procedures that are fair, prompt, and legally sufficient. While not required by law (due to the fact that employees serve at the will and pleasure of E-911 and have no expectancy of continued employment nor any property interest in continued employment), it is the desire of E-911 that various forms of discipline follow an informal procedure of due process. E-911 has set up a schedule of offenses and disciplinary actions in accordance with the guidelines set forth below:

(1) **First Group Offenses:**

Generally these offenses are less severe and may be corrected by oral and written reprimands. The accumulation of three first group offenses within a three-month period may result in suspension without pay not to exceed three working days. A fourth written notice may result in dismissal.

- (a) unsatisfactory attendance or excessive tardiness;
- (b) abuse of E-911 time such as unauthorized time away from work area or failure to notify your immediate supervisor promptly upon completion of assigned work;
- (c) obscene or abusive language;
- (d) conviction of a moving traffic violation while operating E-911 vehicles;
- (e) inadequate or unsatisfactory job performance.

(2) **Second Group Offense:**

Acts of behavior in this group are generally more severe than first group offenses. Corrective action may include written reprimand and suspension not to exceed five (5) working days without pay. Commission of two-second group offenses may result in dismissal. Accumulation of one-second group offense and three written notices for first group offenses may result in dismissal.

- (a) failure to follow instruction, performs assigned work otherwise comply with applicable established written policy;
- (b) violation of safety rules in the absence of a threat to life;
- (c) reporting to work under the influence of or when alcohol or the unlawful use of controlled substances impairs ability;
- (d) willful or negligent dereliction of E-911 record or property;
- (e) acts of physical violence or fighting;
- (f) violation of safety rules where there exists a threat to life or human safety;
- (g) unauthorized possession or use of firearms, dangerous weapons or explosives;
- (h) threatening or coercing employees or supervisors;
- (i) criminal convictions for felonies or other acts of conduct occurring on or off the job performance or of such nature that to continue, the employee in assigned position could constitute negligence in regard to the agency's duties to the public or to other E-911 employees;
- (j) engaging in prohibited political activity.

The above grounds for disciplinary action are illustrative only and E-911 reserves the right in its discretion to determine the type and means of discipline, including discharge, in each case.

The type of discipline imposed and set forth above may vary, depending upon, in the opinion of the E-911 Director and/or the Board of Commissioners, the seriousness and frequency or the infraction. If in the opinion of E-911 personnel, a single violation of any of the following rules is serious enough to warrant discharge, employee may be discharged for the violation, not withstanding any information listed above relative particular types of conduct. If, in the sole opinion, discretion and determination of the Board and/or Director, discharge is not so warranted, then discipline may be imposed in any manner and upon any terms as deemed appropriate by or behalf of E-911. Thus, in any given instance as deemed appropriate by E-911, latter may make the determination that, as an example, a first group offense should result in termination, while said determination and decision shall rest within the sole discretion of the E-911 Director and/or Board empowered to make said decision.

Additionally, and as set forth earlier in the handbook and as stated hereinafter, all employment with E-911 is of no definite period of time and is at the will and pleasure of the E-911 Director and/or Board of Commissioners; any such employment may be terminated by the E-911 Director and/or Board of Commissioners.

**TYPES OF DISCIPLINARY ACTION:** A Shift Supervisor or official may employ several types of disciplinary action.

- (1) Written Reprimand: In situations where a verbal warning has not resulted in the expected improvements or where more severe initial action is required, the Shift Supervisor may prepare a written reprimand for the employee concerned, outlining the offense and why disciplinary action is being taken. A copy of the written reprimand will be furnished to the employee and the E-911 Director for inclusion in the personnel file.
- (2) Suspension: An employee may be suspended without pay for any of the reasons listed under the heading of DISCIPLINARY ACTION or any other reason deemed sufficient and appropriate by the particular Shift Supervisor; it being understood that all

- employment with E-911 is at the will and pleasure of the E-911 Director and/or Board of Commissioners.
- (3) Dismissal: An employee may be dismissed from employment with E-911 for any appropriate reason the E-911 Director and/or Board of Commissioners deems necessary, it being understood that all employment with E-911 is at the will and pleasure of the E-911 Director and/or Board of Commissioners. The affected employee shall be furnished a written statement specifically stating the reasons for the dismissal by the Director and a copy for inclusion in the employee's personnel record.
- (4) Right of Appeal: An employee who has been disciplined may appeal the disciplinary action taken, provided that he follows the "Grievance Procedures" outlined in the following section of this manual.

**GRIEVANCE PROCEDURES:** The E-911 Director is designated as the Affirmative Action Officer and will handle grievance procedures as outline below for employees who feel that they have a legitimate complaint against E-911 or their supervisor relating to their employment in a particular job, provided the complaint is made within forty-eight (48) hours after the alleged grievance took place.

Step 1 - An employee may present a grievance verbally or in writing to his or her immediate supervising official. Upon receipt of the grievance, the immediate supervising official will respond to the employee's complaint.

Step 2 - If the employee is not satisfied with the immediate supervising official's action, the employee shall present the grievance in writing to the Shift Supervisor.

Step 3 - If the complaint is still unresolved to the satisfaction of the employee, Shift Supervisor, or, the employee may contact the E-911 Director in writing for an investigation of the matter involved, who will investigate and report his findings to the Chairman of the E-911 Board of Commissioners.

Step 4 - Upon receipt of the report from the E-911 Director, the Chairman of the E-911 Board of Commissioners may call a board meeting for the purpose of discussing the grievance and making a determination as to whether a hearing is warranted for disposition of the case. The employee may appear with witnesses in his/her behalf if a hearing is conducted.

Step 5 - The E-911 Board of Commissioners reserves the right in its sole discretion to consider or not to consider any grievance or to conduct a hearing.

An employee, unless suspended or dismissed, shall be offered a reasonable amount of administrative leave from regular duties without loss of pay for presentation and processing of the grievance. It is the expressed intention of E-911 that the above grievance procedures shall provide for the prompt and equitable resolution of complaints of whatever nature, including but not limited to discrimination on the basis of race, color, creed, religion, ancestry, national origin, sex, marital status, age or physical or mental handicap.

Any E-911 employee has the right to present to the Lowndes County E-911 Board of Commissioners any grievance as aforementioned with the understanding that the E-911 Board of Commissioners shall be empowered to make the final determination relative to the grievance and it is again emphasized that this grievance procedure does not give the employee any right of continued employment or any expectancy of continued employment nor any property interest in employment and again is emphasized that all employment with E-911 is at the will and pleasure of the E-911 Director and/or Board of Commissioners and may be terminated at any time at the option of the E-911 Director and/or Board of Commissioners.

**POLICY CONCERNING DISCIPLINARY ACTION AND GRIEVANCE PROCEDURE:**

As mentioned in the opening statement in the Manual, the rules of conduct and the procedures to be used in assessing conduct and in handling out disciplinary action as well as the aforementioned informal grievance procedure are guidelines for standards of conduct and personal responsibilities. E-911 would prefer not to see the necessity to establish any type of rules. However, experience has proven time and time again that there are some persons who simply are unable to comply and co-exist. For that reason the aforementioned guidelines have been set forth with respect to impermissible conduct, the possible disciplinary action for such conduct as well as informal procedures relative to discussion with the employee as to the improper conduct. Needless to say, it is impossible to cover every occurrence, but the aforementioned rules are peculiar to business which experience has proven to be necessary and important. However, it should again be pointed out that the aforementioned discussion relative to disciplinary action, work rules, types of disciplinary action and grievance procedures do not create, nor should they be construed to create, a contract of employment between any employee and E-911 nor do the same give any employee any property interest or expectancy of continued employment with E-911. Again, all employment with E-911 is for no definite period of time and is at the will and pleasure of the E-911 Director and/or Board of Commissioners at any time for any reason terminated by the E-911 Director and/or Board of Commissioners. No E-911 representative has authority to enter into any agreement for employment with an employee that promises the employee a job for a specified period of time.

**EQUAL EMPLOYMENT OPPORTUNITY POLICY:**  
**A. EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

- (1) It is the fundamental policy of Lowndes County E-911 to provide Equal Opportunity to all its employees and applicants for employment, and to assure that there shall be absolutely no discrimination against any persons on grounds of race, color, religion, national origin, physical or mental handicap, or sex, except when sex is a bona fide occupational qualification. This obligation extends to all areas of employment including, but not necessarily limited to the following:

- Recruitment
  - Selection and Placement (Job Assignments)
  - Rate of Pay
  - Promotion and Transfer
  - Disciplinary Measures
  - Demotions, Layoffs, and Terminations
  - Daily Working Conditions
  - Testing and Training
  - Awards, Compensation and Benefits
- (2) The importance of fulfilling this policy is given top priority consideration in the day to day operation of Lowndes E-911. All E-911 employees have been made

14

**B.**

- (3) aware that any violation of the letter or spirit of this policy by an employee shall result in appropriate actions, including discharge if warranted.
- (4) This policy is consistent with the provisions and objectives of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, Americans with Disabilities Act of 1990, the Civil Rights Act of 1991 with implementation accomplished in accordance with specifics defined in Lowndes E-911's Affirmative Action Program.
- (5) Responsibility for the development, implementation, and maintenance of procedures in accordance with the Equal Employment Opportunity Policy, is assigned to the E-911 personnel actions to insure that E-911 policy on Equal Opportunity is being adhered to.

**DISSEMINATION OF E-911 POLICY**

- (1) Lowndes E-911's Equal Opportunity Policy Statement is posted in conspicuous places on the premise of Columbus-Lowndes E-911.
- (2) The substance of this policy, which bears the signatures of the Lowndes County E-911 Board of Commissioners, will continue to be communicated through written notice to all employees with Lowndes E-911.
- (3) Notification shall be given in accordance with 31 C.R.R. Part 51, 51.55 that E-911 does not discriminate on the basis of handicapped status in the admission or access to, or treatment or employment in, its programs and activities, and that the responsible employee designated to coordinate E-911's efforts to comply with 51.55 shall be the E-911 Director.
- (4) Periodic meetings will be held on a formal or informal basis between employees and Shift Supervisors, the purpose of which meeting will be to assess administrative aspects of the Lowndes E-911 Affirmative Action Program to assure continued compliance with our Equal Employment Opportunity Policy. Although individual employee complaints and dissatisfaction will not be aired at these meetings, the participants will be alert in recognizing any serious pattern of problems developing and apply high priority efforts in their day to day schedule to correct any identifiable E-911 deficiencies.
- (5) Reports of Equal Employment Opportunity meetings will be prepared on a formal basis and submitted for administrative review and program planning. Supervisors will be charged with the responsibility of informing their workforce of current and projected developments in the Equal Employment area.
- C. RESPONSIBILITY FOR PROGRAM IMPLEMENTATION**
- (1) Responsibility for the development, implementation, and maintenance of procedures in accordance with the Equal Employment Opportunity Policy is assigned by the Board to the E-911 Director.
- (2) The E-911 Director is responsible for executing the program, coordinating policy matters, developing and/or strengthening lines of communication between employees and supervisors achieving compliance, generally, with policy, laws, and regulations.
- (3) These responsibilities include, but are not limited to the following:

15



- (a) Encouragement and assistance to minority group persons in meeting the training and education qualifications for job vacancies.
- (b) Assistance to management and supervisory personnel in arriving at solutions to any problem encountered in executing the Affirmative Action Program.
- (c) Development of policy with respect to Equal Employment Opportunity.
- (d) Development and maintenance of internal and external communications techniques.
- (e) Troubleshooting actual and/or potential discriminatory practices involving any E-911 employee.
- (f) Design and implementation of a monitoring reporting system to measure the program effectiveness, the need for changes, and the specific goals and objectives actually obtained.
- (g) Serve as a liaison between Lovvades E-911 and compliance agencies, minority organizations, and community action groups.
- (h) Keep the E-911 Board of Commissioners and employees informed of current developments in the equal opportunity area.

**SEXUAL HARASSMENT:** It is the policy of E-911 to strictly prohibit any conduct which constitutes sexual harassment and to discipline any employee guilty of committing such conduct. Sexual harassment is defined as sexual advances, requests for sexual favors and any other conduct of a sexual nature (including sexually explicit language, jokes, etc.) when:

- (1) The employee must submit to the offensive conduct as an explicit or implicit condition of employment or promotion.
- (2) The employee rejects advances and risks losing a job, promotion, privileges or benefits whereas the employee, who submits going, favors and advantages.
- (3) The employee's job performance is interfered with as a result of the offensive behavior, or the work atmosphere becomes hostile and intimidating.

It is the policy of Lovvades E-911 to maintain a work environment that is free from the hostile atmosphere created by sexual harassment or intimidation. Such action will not be tolerated. Any employee who believes that he or she has been subjected to sexual harassment shall immediately report the conduct to their Shift Supervisor or the E-911 Director (whichever they feel more comfortable with). It will then be incumbent upon the Shift Supervisor or E-911 Director to promptly and thoroughly investigate the allegation. The results of the investigation will be presented to the appropriate members of management who will decide what action is warranted by the situation, to include disciplinary action that could result in the termination of the offending party. It is the responsibility of each member of management to create and maintain an atmosphere free of sexual harassment. In addition, it is the responsibility of each employee to respect the rights of fellow employees.

**POLITICAL ACTIVITIES:** E-911 employees will not engage in any type of political campaign activity during their normal work time. It is expected that wages paid by E-911 for work assignments be directed to that purpose only.

**AMENDMENT:** The policies embodied herein are not intended, nor should the same be construed, to provide a legitimate expectation of continued employment to any E-911 employee. All employees are employed at the will and pleasure of the E-911 Director and/or Board of Commissioners and may be discharged or disciplined at the sole discretion of the E-911 Director and/or Board of Commissioners. Nothing contained in this Amendment, nor any verbal representation by any person, should be construed as affecting or changing the employment at will doctrine. Additionally, the E-911 Director and/or Board of Commissioners reserves the right to change, alter or discontinue any of the policies contained herein without

## BY-LAWS OF LOWNDES COUNTY ENHANCED 911 COMMISSION

### ARTICLE I – GENERAL PURPOSES

The purposes for which this corporation is formed, and the powers which it may exercise, were set forth in an order approved by the Lowndes County Board of Supervisors in September 1987, and is attached as Appendix F. Said order is established in accordance with House Bill 104, Section IV, passed by the 1986-87 Mississippi Legislature.

The aforementioned statute empowers the Board of Supervisors of any county to create a local commission in order to ensure the health, safety and welfare of the county by establishment of an emergency central dispatching system, generally known as Enhanced 911.

This Commission is charged by the supervisors with sole responsibility for matters related to financial, legal and administrative activities necessary for the effective coordination of all E-911 facilities, equipment and manpower. The aforesaid Commission will establish any and all procedures and directives required to implement overall policies established with concurrence of the Lowndes County Board of Supervisors. Furthermore, the Commission will make recommendations to the Board of Supervisors in all financial, legal and administrative matters pertaining to the operations of the 911 system. Although final authority for personnel matters rests with the Lowndes County Board of Supervisors, the Commission will oversee all E-911 personnel employed by the county and make appropriate recommendations to the Board as needed.

### ARTICLE II – NAME AND LOCATION

SECTION I: The name of the Commission is henceforth referred to as the Columbus-Lowndes E-911 Commission.

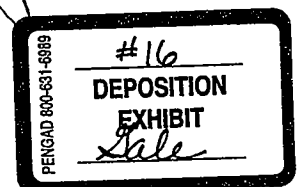
SECTION II: The principal office of the Commission shall be located in the Lowndes County Courthouse in the office of the E911 Director.

### ARTICLE III – FISCAL YEAR

The fiscal year of the corporation shall begin the first day of October of each year and shall end on the last day of September.

### ARTICLE IV – APPOINTMENT OF COMMISSIONERS

SECTION I: All Commissioners shall be appointed by the Lowndes County Board of Supervisors.



SECTION II: A total of seven (7) commissioners will serve at any one time in accordance with the State Statute.

SECTION III: The initial terms as set forth in the law are as follows:

- (2) two-year terms
- (3) three-year terms
- (2) four-year terms

SECTION IV: The Board of Supervisors shall appoint one Commission member from each supervisory district and two members at large.

SECTION V: Appointments made after the initial term shall be for four years unless made to fill an unexpired term of a commissioner who has resigned.

#### ARTICLE V – DUTIES OF COMMISSIONERS

SECTION I: Commissioners shall attend all meetings called for the purpose of conducting the business of the Columbus-Lowndes E-911 Commission.

SECTION II: Failure to attend three (3) consecutive meetings without justification will result in dismissal from the Board of Commissioners.

SECTION III: Each Commissioner will have one vote on all matters before the Commission. If a Commissioner does not vote, the vote will be counted as an assenting vote.

SECTION IV: A quorum will consist of not less than four members.

SECTION V: A simple majority of any quorum will decide any issue addressed by the Commission in the conduct of its business activities.

#### ARTICLE VI – CONDUCT OF THE COMMISSION BUSINESS

SECTION I: The Board of Commissioners will consist of seven (7) members who will be the sole members of the Commission.

SECTION II: The Commission members will meet every second Tuesday of the month or as designated by the Chairman.

SECTION III: Special called meetings may be held at any time with proper notice.

SECTION IV: Any member of the Commission may request a special called meeting.

SECTION V: Responsibility for notification of the Commissioners regarding all meetings rests with the Secretary.

SECTION VI: All officers of the Commission other than the Secretary will be selected from among the duly appointed Commissioners.

SECTION VII: Officers will consist of a Chairman, Vice-Chairman and Secretary.

SECTION VIII: The Secretary may be hired by the Commission. In this event, the Secretary will act as an ex-officio member of the Commission.

SECTION IX: Election of officers will take place each year at the September meeting. They will take office at the first meeting of the fiscal year.

SECTION X: Meetings, both regular and special, will be conducted by the parliamentary procedure outlined in Roberts Rules of Order.

SECTION XI: Persons wanting to speak at the meeting (both regular and special) must submit and receive written request to the Secretary at least four (4) working days prior to the meeting.

#### ARTICLE VII – DUTIES OF THE OFFICERS

SECTION I: Duties of the Chairman – The Chairman shall preside over all meetings of the Commission, including special meetings requested by members of the Commission. Said Chairman shall perform all acts and duties usually performed by the Chief Executive Officer of a corporation, as well as serving as presiding officer. These duties include, but are not limited to: notification of members regarding meetings, designation of sub-committees or other working committees. The Chairman may appoint non-members to serve on sub-committees or other working committees.

SECTION II: Duties of the Vice Chairman – In the absence of the Chairman, the Vice Chairman shall assume all duties and responsibilities of the Chairman acting as the presiding officer over meetings and conducting the business of the Commission.

SECTION III: Duties of the Secretary – The Secretary shall record the minutes of all meetings of the Commission, including special meetings requested by the members of the Commission. The Secretary shall notify and Commissioners and the Director of E-911 of all meetings. The Secretary shall prepare the agenda for all meetings. Records of Columbus-Lowndes E-911 Commission shall be maintained at the office of the Director for public review. Said Secretary shall maintain accurate records for reference by the Commission, Director of E-911 and the Board of Supervisors.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

JESSIE COLVIN,

Plaintiff,

vs.

Cause No. 1:09CV187-M-D

LOWNDES COUNTY, MISSISSIPPI, et al,

Defendant.

Deposition of

J. D. BROOKS

May 20, 2010

[Appearances Noted Herein]

Taken at the offices of Mitchell McNutt and Sams  
215 5th Street North, Columbus, Mississippi,  
on Thursday, May 20, 2010, at 11:41 a.m.

REPORTED BY: Teresa B. Henry, CSR 1205  
400 Peg Lane  
Amory, Mississippi 38821  
662-256-7880  
662-315-2175  
teresabh@bellsouth.net

J. D. BROOKS

5/20/2010

<p>Page 2</p> <p>Appearances:</p> <p>Honorable Ron L. Woodruff Waide and Associates Post Office Box 1357 Tupelo, Mississippi 38802</p> <p>REPRESENTING Plaintiff</p> <p>Honorable Berkley N. Huskison Mitchell McNutt and Sams Post Office Box 1366 Columbus, Mississippi 39703-1366</p> <p>REPRESENTING Defendants</p> <p>Also present:</p> <p>Jessie Colvin C. B. 'Butch' Howard Ken Moore</p>	<p>Page 4</p> <p>1 STIPULATION</p> <p>2 It is stipulated by and between the parties that</p> <p>3 the deposition of J. D. Brooks is being taken pursuant to</p> <p>4 notice under the Federal Rules of Civil Procedure.</p> <p>5 All objections, except to the form of the</p> <p>6 question, are reserved until such time as the deposition,</p> <p>7 or any part thereof, is sought to be introduced into</p> <p>8 evidence.</p> <p>9 All formalities, excluding the reading and signing</p> <p>10 of the deposition by the deponent, are waived.</p> <p>11</p>
<p>Page 3</p> <p>TABLE OF CONTENTS</p> <p>Style and Appearances 1</p> <p>Stipulation 4</p> <p>Examination by Mr. Woodruff 5</p> <p>Examination by Mr. Huskison 15</p> <p>Further Examination by Mr. Woodruff 23</p> <p>Certificate of Court Reporter 25</p> <p>Certificate of Deponent 26</p>	<p>Page 5</p> <p>1 J. D. BROOKS</p> <p>2 having been first duly sworn, was examined under oath and</p> <p>3 testified as follows:</p> <p>4 EXAMINATION BY MR. WOODRUFF:</p> <p>5 Q. Please state your full name for the record.</p> <p>6 A. J. D. Brooks.</p> <p>7 Q. Mr. Brooks, the reason why we are deposing you -</p> <p>8 - my name is Ron Woodruff. I represent Jessie Colvin in</p> <p>9 her lawsuit. You were, in 2007, were a member of the 911</p> <p>10 Commission, is that correct?</p> <p>11 A. Right.</p> <p>12 Q. Are you still a member of the Commission?</p> <p>13 A. Right.</p> <p>14 Q. How long have you been a member of the</p> <p>15 Commission?</p> <p>16 A. About 12 or 13 years.</p> <p>17 Q. Okay.</p> <p>18 BY MR. HUSKISON: Let me tell you</p> <p>19 something, J.D., --</p> <p>20 BY MR. WOODRUFF: If you would talk up,</p> <p>21 probably, a little bit.</p> <p>22 BY MR. HUSKISON: She's taking down what</p> <p>23 you say. Just a little bit louder. I know you</p> <p>24 are soft spoken. There's nothing wrong with</p> <p>25 that. Just, if you can, speak up just a little</p>

2 (Pages 2 to 5)

J. D. BROOKS

5/20/2010

<p style="text-align: right;">Page 6</p> <p>1 bit.</p> <p>2 Q. [Mr. Woodruff] Are you related to Leroy Brooks?</p> <p>3 A. I might be. I'm not sure.</p> <p>4 Q. Not that you know of?</p> <p>5 A. No.</p> <p>6 Q. Okay. Prior to April of 2007, were you aware of</p> <p>7 any problems with Jessie Colvin in her performance as</p> <p>8 Director of the 911?</p> <p>9 A. No. No problems.</p> <p>10 Q. Had you -- let me ask you this because I forgot</p> <p>11 to ask Sheriff Howard, is it still the joint city and</p> <p>12 county 911 Commission -- 911?</p> <p>13 A. Well, we've got city and county in there, yeah.</p> <p>14 Q. Okay. Is the city ponying up again, paying part</p> <p>15 of the cost of it?</p> <p>16 A. Well, now they are. Now they are. Um-hmm.</p> <p>17 [indicating affirmative]</p> <p>18 Q. When did they start paying part of the cost</p> <p>19 again?</p> <p>20 A. I believe this year, that's when they started</p> <p>21 paying.</p> <p>22 Q. 2010?</p> <p>23 A. Right.</p> <p>24 Q. Okay. Do you recall a meeting about a month</p> <p>25 before Jessie Colvin -- I'm sorry, a Board meeting about</p>	<p style="text-align: right;">Page 8</p> <p>1 BY MR. HUSKISON: Brooks.</p> <p>2 Q. [Mr. Woodruff] She's the one who recommended</p> <p>3 the termination?</p> <p>4 A. Right.</p> <p>5 Q. Do you know who seconded it?</p> <p>6 A. I'm not sure who seconded it. I'm not sure --</p> <p>7 Ken Moore, or.</p> <p>8 Q. Just what you recall.</p> <p>9 A. I don't really recall.</p> <p>10 Q. Did -- And you voted against termination, --</p> <p>11 A. Right.</p> <p>12 Q. -- is that correct?</p> <p>13 A. Right.</p> <p>14 Q. Why did you vote against termination?</p> <p>15 A. Well, what they were saying about the -- we</p> <p>16 hadn't -- really had any -- any -- I hadn't heard of any</p> <p>17 complaints of being -- of the regulations, you know. We</p> <p>18 didn't have any problems so, I mean, I didn't really</p> <p>19 think it should have been no termination.</p> <p>20 Q. Did you believe that Jessie Colvin lied to you--</p> <p>21 A. No.</p> <p>22 Q. -- during this Board meeting?</p> <p>23 A. No.</p> <p>24 Q. Did you believe she was doing her job?</p> <p>25 A. She was definitely doing her job.</p>
<p style="text-align: right;">Page 7</p> <p>1 a month before Jessie Colvin was fired where the three</p> <p>2 employees -- three 911 dispatchers complaining about</p> <p>3 hours and everything else? Do you recall that?</p> <p>4 A. Yeah. I believe I...</p> <p>5 Q. Do you have your copy of that? Exhibit 4, I</p> <p>6 think. Let me show you what's been introduced as Exhibit</p> <p>7 4. Okay. This is the -- what was provided by your</p> <p>8 attorney as the, I guess, minutes of that.</p> <p>9 Let me give you a chance to take a look at that</p> <p>10 and see whether or not you believe this reflects what</p> <p>11 happened at that meeting.</p> <p>12 [Pause in proceedings.]</p> <p>13 And I'm really not going to ask you questions</p> <p>14 about it. I just basically -- does that seem like what</p> <p>15 you recall from the hearing?</p> <p>16 A. Well, I can't really remember having a hearing</p> <p>17 on that. I'm not -- I can't really....</p> <p>18 Q. I mean, it's been over three years ago.</p> <p>19 A. I can't remember that.</p> <p>20 Q. Let's talk about the hearing when Jessie Colvin</p> <p>21 was terminated. Did you have advance notice that she</p> <p>22 might be terminated that night?</p> <p>23 A. No.</p> <p>24 Q. Who recommended her termination?</p> <p>25 A. I believe Beverly Brock.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. And she had been working 911 for 18, 19 years?</p> <p>2 A. Right.</p> <p>3 Q. And had never been written up, had she?</p> <p>4 A. Uh-unh. [indicating negative] No.</p> <p>5 Q. Never had any discipline action?</p> <p>6 A. No.</p> <p>7 Q. You work for the roads department --</p> <p>8 A. Right.</p> <p>9 Q. -- of Lowndes County?</p> <p>10 A. Yeah.</p> <p>11 Q. Are you a supervisor or a --</p> <p>12 A. Right. Foreman. Yeah.</p> <p>13 Q. You are a foreman?</p> <p>14 A. Um-hmm. [indicating affirmative]</p> <p>15 Q. Do you think it would be fair if you were fired</p> <p>16 after 18, 19 years if you had never been written up or</p> <p>17 never even gotten a warning about your job performance?</p> <p>18 A. No, I wouldn't think that was fair.</p> <p>19 Q. That wouldn't seem very a very fair --</p> <p>20 A. No, sir.</p> <p>21 Q. -- way to treat an employee, would it?</p> <p>22 A. Right.</p> <p>23 Q. Is that what you were thinking as far as that?</p> <p>24 A. Right. With the -- right. With the work that</p> <p>25 she had done and, you know, she just -- I mean, I didn't</p>

3 (Pages 6 to 9)

J. D. BROOKS

5/20/2010

<p style="text-align: right;">Page 10</p> <p>1 think -- it wasn't fair, no.</p> <p>2 Q. And, in fact, just that year she had been</p> <p>3 involved in overseeing and taking care of a major</p> <p>4 overhaul of the 911 Center?</p> <p>5 A. Right.</p> <p>6 Q. New computers, new furniture, new layout, the</p> <p>7 whole thing --</p> <p>8 A. Right.</p> <p>9 Q. -- very stressful, a lot of extra work, --</p> <p>10 A. Right.</p> <p>11 Q. -- is that correct?</p> <p>12 A. That's correct.</p> <p>13 Q. In fact, she was very understaffed, too, wasn't</p> <p>14 she?</p> <p>15 A. Right. She had to come in and -- in the middle</p> <p>16 of the night and take over -- I mean, work 'til up --</p> <p>17 Q. Right.</p> <p>18 Q. -- in the day dispatching and stuff.</p> <p>19 Q. Did the Board even talk about -- I mean, the</p> <p>20 Commission talk about maybe trying to get her some more</p> <p>21 help instead of firing her?</p> <p>22 A. Well, they was talking about getting, you know,</p> <p>23 other help. Matter of fact, she -- when she came back</p> <p>24 from deploy, she came right back in and went to work.</p> <p>25 Some of the Board members talked about telling her that</p>	<p style="text-align: right;">Page 12</p> <p>1 about it, you know.</p> <p>2 Q. Well, isn't it true that some of the Board</p> <p>3 members thought that they needed a man in the position?</p> <p>4 A. I -- I've heard that but I'm not -- I'm not...</p> <p>5 Q. Who did you hear that from?</p> <p>6 A. It was brought up in one of the meetings. I'm</p> <p>7 not sure who it was.</p> <p>8 Q. You don't recall who it was?</p> <p>9 A. Right.</p> <p>10 Q. But one of the Commissioners brought it up in</p> <p>11 one of the meetings that they needed a man in that</p> <p>12 position?</p> <p>13 A. Yeah. That was brought up, yeah.</p> <p>14 Q. Do you hear anything about maybe women are too</p> <p>15 emotional?</p> <p>16 A. No, I can't really remember.</p> <p>17 Q. They just thought they needed a man?</p> <p>18 A. That's what I heard. I heard that at that</p> <p>19 meeting.</p> <p>20 Q. And Ms. Colvin is a -- she's a black female?</p> <p>21 A. Um-hmm. [indicating affirmative]</p> <p>22 Q. She's the first female and the first black</p> <p>23 person to be 911, isn't she, --</p> <p>24 A. Yes.</p> <p>25 Q. -- as far as the --</p>
<p style="text-align: right;">Page 11</p> <p>1 she needed to rest, she needed to, you know, take a</p> <p>2 break.</p> <p>3 Q. When she came back from where?</p> <p>4 A. When she was deployed up on -- yeah.</p> <p>5 Q. When she was deployed with the service --</p> <p>6 A. Right.</p> <p>7 Q. -- for about a year?</p> <p>8 A. Right.</p> <p>9 Q. In fact, twice she had to go on deployment, --</p> <p>10 A. Right.</p> <p>11 Q. -- you know, active duty serving the country, is</p> <p>12 that correct?</p> <p>13 A. Right. Um-hmm. [indicating affirmative]</p> <p>14 Q. And isn't it true that some of these problems as</p> <p>15 far as certification, in fact, most of them occurred</p> <p>16 whenever she was deployed and not there, right?</p> <p>17 A. Right. Right.</p> <p>18 Q. So, that wasn't fair, was it?</p> <p>19 A. No. Uh-unh. [indicating negative] I didn't</p> <p>20 think it was.</p> <p>21 Q. Why do you think they wanted to get rid of her,</p> <p>22 then?</p> <p>23 A. I don't know. I mean, I -- it just came up all</p> <p>24 at once as far as I know, you know. They say it was just</p> <p>25 one of them things, you know. I didn't know anything</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Yes.</p> <p>2 Q. -- Director?</p> <p>3 A. Right.</p> <p>4 Q. And when she was terminated she was replaced by</p> <p>5 a white male?</p> <p>6 A. Right.</p> <p>7 Q. Jim Crownover, --</p> <p>8 A. Right.</p> <p>9 Q. -- is that right?</p> <p>10 A. Right.</p> <p>11 Q. In fact, he had to resign a short time later</p> <p>12 because he was accused of sexual harassment, wasn't he?</p> <p>13 BY MR. HUSKISON: Object. That's not why</p> <p>14 he had to resign, Ron. Do you want to be under</p> <p>15 oath and participate? You are just testifying</p> <p>16 and asking him, Is that right? Yes.</p> <p>17 BY MR. WOODRUFF: I can't testify. I'm --</p> <p>18 BY MR. HUSKISON: That's</p> <p>19 not why he resigned and that has</p> <p>20 nothing to do with this case.</p> <p>21 BY MR. WOODRUFF: All right. Strike that.</p> <p>22 He was accused --</p> <p>23 BY MR. HUSKISON: I object to the</p> <p>24 question.</p> <p>25 Q. [Mr. Woodruff] He was accused of sexual</p>

4 (Pages 10 to 13)



J. D. BROOKS

5/20/2010

<p style="text-align: right;">Page 14</p> <p>1 harassment.</p> <p>2 A. Right. He was accused of it.</p> <p>3 Q. [Mr. Woodruff] And he resigned for some reason.</p> <p>4 A. Well, actually, he -- he didn't resign. What he</p> <p>5 did, he was just fill in until we get someone to replace</p> <p>6 him.</p> <p>7 Q. So he was interim?</p> <p>8 A. Right. Interim.</p> <p>9 Q. And after that, they hired a white male to take</p> <p>10 his place?</p> <p>11 A. Right. Right.</p> <p>12 Q. So, isn't it true that some of the Commission</p> <p>13 members obviously wanted a male in that position?</p> <p>14 A. I've heard some say it but I'm not sure who it</p> <p>15 was.</p> <p>16 Q. Which ones have you heard say it?</p> <p>17 A. I'm not sure who it was.</p> <p>18 Q. But they said it during the Board meeting?</p> <p>19 A. Yeah. It was in one of the Board meetings.</p> <p>20 Q. And they said they wanted -- you heard more than</p> <p>21 one or just one person?</p> <p>22 A. I'm not sure who it was but I know it was</p> <p>23 mentioned.</p> <p>24 BY MR. WOODRUFF: Give me just a second.</p> <p>25 [Discussion off the record.]</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. What was the Board concerned about?</p> <p>2 A. I mean, they suppose to been about the</p> <p>3 dispatchers, not about the blogs.</p> <p>4 Q. You remember -- did you read a newspaper?</p> <p>5 A. I never did read the newspaper.</p> <p>6 Q. Never have read the newspapers in the times</p> <p>7 leading up to her dismissal?</p> <p>8 A. Well, I read it but not -- not the blogs and all</p> <p>9 that kind of stuff.</p> <p>10 Q. You read the newspaper but not the blogs?</p> <p>11 A. No, I didn't.</p> <p>12 Q. Mr. Brooks, your testimony is, under oath, that</p> <p>13 you weren't aware of these certification problems before</p> <p>14 April 17 when she was dismissed?</p> <p>15 A. No.</p> <p>16 Q. Didn't know anything about it?</p> <p>17 A. No. I didn't have -- I -- well, let me back up.</p> <p>18 I knew that -- that -- when it came up about the</p> <p>19 certification thing. Before that special meeting --</p> <p>20 Q. Yes.</p> <p>21 A. -- I didn't know anything about it. When it</p> <p>22 came up, Ms. Colvin told them that she had been talking</p> <p>23 with this lady down in -- about the certification.</p> <p>24 She had sent in for them. Matter of fact, the</p> <p>25 office down there where Mr. Gray, whatever his name is,</p>
<p style="text-align: right;">Page 15</p> <p>1 BY MR. WOODRUFF: No further questions but</p> <p>2 Mr. Huskison may have a few.</p> <p>3 BY MR. HUSKISON: Yeah, let me follow up</p> <p>4 with a few, Mr. Brooks.</p> <p>5 EXAMINATION BY MR. HUSKISON:</p> <p>6 Q. You mentioned, I think, and I know he was</p> <p>7 basically testifying for you but he said had you ever</p> <p>8 heard of any problems with E911 with Jessie Colvin, do</p> <p>9 you remember him asking you that question?</p> <p>10 A. Um-hmm. [indicating affirmative] Yes, sir.</p> <p>11 Q. Do you remember in October of '96, (sic) in the</p> <p>12 months before she was dismissed, all the newspaper</p> <p>13 articles and blogging about the certification of our</p> <p>14 dispatchers?</p> <p>15 A. Well, only thing I did was heard of the</p> <p>16 blogging. I never -- I never did see any of it.</p> <p>17 Q. You had heard about that, though, hadn't you?</p> <p>18 A. I heard about the blogging but I didn't know --</p> <p>19 I mean, I never did know what it was about. I know that</p> <p>20 some of the employees were doing a lot of blogging</p> <p>21 because -- matter of fact, the Board was getting into</p> <p>22 that.</p> <p>23 Q. They were concerned about it, weren't they?</p> <p>24 A. Concerned about it. But it wasn't -- not about</p> <p>25 the registration.</p>	<p style="text-align: right;">Page 17</p> <p>1 was over, but she wasn't talking to him. She was talking</p> <p>2 to some lady. There was another lady down there.</p> <p>3 The lady told her that they was proud of Lowndes</p> <p>4 County by coming in there trying to get the -- all the</p> <p>5 dispatchers certified, 'cause a bunch of the 911</p> <p>6 dispatchers -- director wasn't even trying to get their</p> <p>7 dispatchers certified.</p> <p>8 Q. Well, the reason we were trying to get them</p> <p>9 certified is because they weren't certified before, is</p> <p>10 that right?</p> <p>11 A. Well, --</p> <p>12 Q. You would agree with that, won't you?</p> <p>13 A. Well, yeah, they was certified but some of them</p> <p>14 had -- the certification had been went out. They had</p> <p>15 been certified before.</p> <p>16 Q. Do you remember Ken Moore telling you how long,</p> <p>17 when you were in that meeting, how long that we had had</p> <p>18 some of our certifications out?</p> <p>19 A. No. He -- I heard -- he -- it was in the</p> <p>20 special meeting that he brought it up. I didn't</p> <p>21 really -- he could tell on that but I did not know.</p> <p>22 Q. You would agree with me, Mr. Brooks, that</p> <p>23 certifications of our dispatchers is important?</p> <p>24 A. It's important but I think -- if it had been</p> <p>25 that important that our 911 would have been in trouble,</p>

5 (Pages 14 to 17)

J. D. BROOKS

5/20/2010

<p style="text-align: right;">Page 18</p> <p>1 looks like that Mr. Gray or someone would have came in  2 and let our Board know about it or send us a letter --  3 send a letter and let us know about it before.  4 Q. You believe it was Mr. Gray's responsibility and  5 not the Director of E911?  6 A. Well, no, I believe the Director was doing that  7 because the lady was commending her for trying to get  8 them done. But their office down -- their office down  9 there was messed up. They couldn't even find some of  10 this.  11 Q. You know that from personal knowledge?  12 A. From what -- from what did they say.  13 Q. From what who said?  14 A. That's what them folks told us.  15 Q. Who told you that?  16 A. I mean, that's what Ms. Colvin told us in the  17 Board meeting.  18 Q. That's what Ms. Colvin told you?  19 A. Yes. At the Board meeting.  20 Q. You didn't go out and check on what Ms. Colvin  21 said after that meeting, did you?  22 A. I didn't have no reason because, I mean, if  23 something is that bad, looks like somebody would have  24 come -- they would have sent us a letter, send to the  25 chairman of the Board or somebody should have known about</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Who said it?  2 A. I'm not sure who said it but it was said. Yeah.  3 It was said.  4 Q. You don't know -- when was it said?  5 A. It was said in the Board meeting. Matter of  6 fact, when we -- when we was in the supervisor's office,  7 that's when it was said, in the courthouse.  8 Q. In the supervisor's office?  9 A. Yeah. We met upstairs there, yeah.  10 Q. Which was before or after Ms. Colvin was  11 dismissed?  12 A. After.  13 Q. After she was dismissed?  14 A. Yeah.  15 Q. You are aware now that you have a female 911  16 Director, --  17 A. Right. Um-hmm. [indicating affirmative]  18 Q. -- Sherry Fancher?  19 A. Right. Um-hmm. [indicating affirmative]  20 Q. And we had an interim, Jim Crownover, and then a  21 guy that was in there for a short period of time --  22 A. Yeah.  23 Q. -- and now we have a female?  24 A. Right.  25 Q. Okay. And you supported that, didn't you?</p>
<p style="text-align: right;">Page 19</p> <p>1 it.  2 Q. Were you aware that there had been  3 communications with the state office and Ms. Colvin about  4 our certifications?  5 A. I'm sure they -- they'd -- yeah, 'cause she -- I  6 mean, -- 'cause she had to go and get them, you know, to  7 try to get certified. Yeah.  8 Q. Did you see actual letters?  9 A. No, I didn't see any letters.  10 Q. But you are aware that there had been  11 communication --  12 A. Right.  13 Q. -- from the state --  14 A. Right.  15 Q. -- before --  16 A. Yeah, because she was trying to get the ones  17 that had -- that wasn't certified plus she had all the  18 other stuff to do.  19 Q. And that's part of her job as Director of E911?  20 A. That's right. Right.  21 Q. Now, you made the comment under questioning from  22 Mr. Woodruff that somebody in the Board -- in a Board  23 meeting said that a male would be better suited for that  24 position.  25 A. Oh, yeah, it was said.</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Yeah.  2 Q. Was it a unanimous support for Sherry Fancher?  3 A. Right.  4 Q. Was it one of those Board members that supported  5 Sherry Fancher that said they didn't want a female in  6 there?  7 A. Yeah. Uh-huh. [indicating affirmative]  8 Q. Well, who was it?  9 A. I'm not sure who it was.  10 Q. As you sit here today, you can't tell me who  11 made such a serious statement as that?  12 A. I don't know but it was made. Yeah.  13 Q. Was it Bobby Gale?  14 A. I'm not sure who made it but it was made. I'm  15 not sure who it was.  16 Q. All right. Now, the four Board members that  17 supported dismissal was Beverly Brooks, --  18 A. Um-hmm. [indicating affirmative]  19 Q. -- Sheriff Howard, --  20 A. Right.  21 Q. -- Ken Moore and Bernice Lyle.  22 A. Right.  23 Q. Have you ever heard them say anything derogatory  24 about females -- a female being in that position? Let's  25 take Beverly Brooks. Have you ever heard her say</p>

6 (Pages 18 to 21)

J. D. BROOKS

5/20/2010

Page 22

1 anything about a female being in that position?  
 2 A. No. Not that I know of. I mean, I -- No. Uh-  
 3 unh. [indicating negative]  
 4 Q. Same question for Sheriff Howard. Has he ever  
 5 said anything about needing a male in that job?  
 6 A. No. Not that -- I mean, like I said, I don't  
 7 know who said it at that time. I'm not sure who it was.  
 8 Q. Did Sheriff Howard say it?  
 9 A. I'm not -- I can't say that. I can't say that.  
 10 I'm not sure.  
 11 Q. Same question for Ken Moore. Did he ever make  
 12 any comments that he wanted a male in there?  
 13 A. I can't say that. No. I'm not sure.  
 14 Q. Well, J. D., I mean, you -- somebody said it.  
 15 It's in your mind. Did Ken Moore make that statement?  
 16 A. I mean, right now, I -- somebody said it. I  
 17 don't know who.  
 18 BY MR. WOODRUFF: Objection. He's  
 19 answered the question about four times already.  
 20 Q. [Mr. Huskison] Well, Bernice Lyle. Did she say  
 21 it?  
 22 A. Like I said, I don't know who said it but it was  
 23 said.  
 24 Q. But all four of these that supported getting rid  
 25 of Jessie Colvin eventually supported hiring Sherry

Page 23

1 Fancher, --  
 2 BY MR. WOODRUFF: Objection.  
 3 A. Right.  
 4 Q. [Mr. Huskison] -- a female, is that right?  
 5 BY MR. WOODRUFF: Objection.  
 6 A. Yes. Um-hmm. [indicating affirmative]  
 7 BY MR. HUSKISON: That's all I have.  
 8 Thank you. Thank you, Mr. Brooks.  
 9 FURTHER EXAMINATION BY MR. WOODRUFF:  
 10 Q. Isn't it -- are you sure that it was a unanimous  
 11 vote for Sherry Fancher? My understanding is that  
 12 Sheriff Howard didn't vote for Ms. Fancher.  
 13 A. I don't know about that.  
 14 Q. Do you recall for sure? Are you sure about  
 15 that?  
 16 A. I -- I don't know. He might not. I'm not sure  
 17 about that. I'm not sure.  
 18 Q. And you don't know whether Mr. Gale -- are you  
 19 sure Mr. Gale voted for Ms. Fancher?  
 20 A. I'm not sure. I'm not sure about that. I don't  
 21 know.  
 22 BY MR. WOODRUFF: I have nothing further.  
 23 BY MR. HUSKISON: Thank you.  
 24 [Whereupon the deposition was concluded at  
 25 12:07 p.m.]

Page 24

## CERTIFICATE OF COURT REPORTER

I, Teresa B. Henry, Certified Court Reporter for  
 the State of Mississippi, hereby certify to the  
 following:

That the foregoing 24 pages, and including this  
 page, contain a full, true and correct transcript of the  
 testimony of J. D. Brooks as taken by me at the time and  
 place heretofore stated in the aforementioned matter and  
 later reduced by me to typewritten form to the best of my  
 skill and ability;

That the deponent was placed under oath to  
 truthfully answer all questions in this matter under the  
 authority vested in me by the State of Mississippi; and

That I am not in the employ of or related to any  
 counsel or party in this matter and have no interest,  
 monetary or otherwise, in the final outcome of this  
 proceeding;

WITNESS MY SIGNATURE AND SEAL, this, the 24th  
 day of May, 2010.

TERESA B. HENRY, CSR 1205

( S E A L )

My Commission Expires:

December 16, 2010

Page 25

## CERTIFICATE OF DEPONENT

I, J. D. Brooks, deponent in the deposition  
 taken in the herein styled and numbered cause, certify  
 that I have examined the foregoing 25 pages, being the  
 total number of pages relating to my testimony, as to the  
 correctness thereof, and that after reading said pages, I  
 find them to contain a full, true and correct transcript  
 of the testimony as given by me in Columbus, Mississippi,  
 on May 20, 2010.

This, the            day of            ,  
 2010.

J. D. BROOKS

STATE OF MISSISSIPPI

COUNTY OF

SWORN TO AND SUBSCRIBED before me, this, the

day of            , 2010.

NOTARY PUBLIC

( S E A L )

My Commission Expires:

7 (Pages 22 to 25)

ERRATA SHEET		
Page	Line	Correction/Change

cc: Honorable Ron Woodruff

**COLUMBUS-LOWNDES E-911 BOARD OF COMMISSIONERS**  
**MINUTES OF SPECIAL BORD MEETING HELD ON MARCH 28, 2008**

A special board meeting of the Board of Commissioners of the Columbus-Lowndes E-911 Commission was held at the E-911/EMA Conference Room on March 28, 2008, Chairman, Beverly Brooks, presiding:

Upon calling role, the chairman announced the presence of the following commissioners:

Beverly Brooks, Chairman and D-2 Member  
Bernice Lile, Vice Chairman and D-3 Member  
Chief Ken Moore, At Large Member  
Sheriff C. B. "Butch" Howard, At Large Member  
J. D. Brooks, D-4 Member  
R. W. "Bobby" Gale, D-1 Member

Absent was Billy Humphries, D-5 Member.

The Chairman opened the meeting by pointing out that the commissioners had interviewed five applicants for the executive director position. It was pointed out that the special meeting was called to discuss those applicants. A motion was made for closed determination by Commissioner Gale, seconded by Commissioner Lile and passed by unanimous vote of the board. It was pointed out that we need to move into executive session to discuss the applicants. A motion was made to move into executive session by Commissioner Gale to discuss the personnel matters. The motion was seconded by Commissioner Howard and passed by unanimous vote of the board. In executive session, the five applicants were discussed by the commission. At the end of discussion, a motion was made by Commissioner Howard to exit executive session. The motion was seconded by Commissioner Moore and passed by unanimous vote of the board. The meeting moved back into open session.

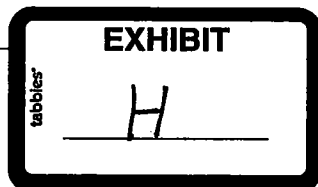
In open session, Commissioner Moore made a motion to offer the position of director to Sheri Fancher at a salary of \$48,000 per year and six month probationary period. The motion was seconded by Commissioner Howard. Seeing no discussion, the chairman asked those in favor to raise their right hand. The motion passed by unanimous vote of the board. The chairman thanked the commissioners for their hard work and careful consideration.


The chairman then asked if there was any other business to come before the board. There being none, Commissioner Howard made a motion that the meeting be adjourned. Upon a second by Commissioner Brooks and unanimous vote, the meeting was adjourned.

4/10/08  
Date

  
Chairman Beverly Brooks

4/10/08  
Date



  
Secretary/Attorney Will T. Cooper

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**JESSIE COLVIN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 1:09CV187-M-D**

**LOWNDES COUNTY, MISSISSIPPI, ET AL.**

**DEFENDANTS**

---

**MEMORANDUM BRIEF IN SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

---

**INTRODUCTION**

Plaintiff Jessie Colvin filed this action against Lowndes County and several Lowndes County E911 board members in their individual capacities. Colvin claims that she was discriminated against on the basis of her sex and race and that the defendants violated her due process rights as well as her rights under USERRA. Colvin is a black female. She was hired as director of Lowndes County E911 in February 2000. She served as the director until her discharge by the E911 Board of Commissioners on April 16, 2007. Contrary to the allegations in the Complaint, E911 dismissed Colvin based on unsatisfactory job performance and/or refusal to keep the board informed of critical issues concerning mandatory certification of dispatchers. Plaintiff cannot support any of her claims.

**FACTUAL BACKGROUND**

Colvin became director of the Lowndes County E911 in February 2000. (Jessie Colvin depo. at pp. 25-30; attached as Ex. "A" to motion). During her tenure as director, she took one year away from work in military service beginning in February 2003 and returning in February 2004. (Id. at 31, 40). In late 2006 and early 2007, there were several job related issues that were coming to the attention of the E911 board members. Many of the complaints were directed at

Colvin and involved dispatcher certification and overwork of dispatchers. Some former employees started posting information on blogs regarding the lack of certification of E911 dispatchers and other issues. (Colvin depo. at 51). The local newspaper picked up on the blogs and there were several news reports of alleged certification problems at E911. (Columbus Fire Chief Ken Moore depo. at p. 7, attached as Ex. "B" to motion; Lowndes County Sheriff Butch Howard depo. at p. 10, attached as Ex. "C" to motion; Beverly Brooks depo. at p. 18, attached as Ex. "D" to motion). Beginning in late 2006, the Board of Commissioners began questioning Colvin regarding problems regarding certification of E911 dispatchers as mandated by the Mississippi Department of Public Safety. (Moore depo. at p. 8). Colvin informed the board that the certification of dispatchers was up to date. (Moore depo. at pp. 24-26; 42-43; Howard depo. at p. 11; Brooks depo. at p. 30). Colvin denies that she was questioned specifically on these matters and further denies that she told board members all was fine. Colvin testified that when the board questioned her about certifications, she was in the process of correcting and that this is what she told the board. (Colvin depo. at pp. 71-72).

After continued reports by the local newspaper, the board, through board member Columbus Fire Chief Ken Moore, conducted an informal investigation and found significant problems with certifications. (Moore depo. at p. 8; Howard depo. at pp. 23-23). Sometime in mid-April, Moore contacted Allen Gray, an operations management analyst with the Mississippi Department of Public Safety, to inquire about the status of certifications with E911 dispatchers. (Moore depo. at p. 9). Plaintiff had contacted Mr. Gray by phone and letter on several occasions in October 2006 and January 2007 after she discovered the certification problems and was apparently attempting to correct the certification deficiencies that had been ongoing since as early as 2002. (Colvin depo. at pp. 47-55; October 23, 2006 letter from Colvin to Gray attached

as Ex. "1" to depo.; October 26 response from Gray with attachments, attached as Ex. "2" to Colvin depo.). Gray's October 26 response to Colvin outlined multiple problem areas at E911. Gray provided information to Moore on April 11 and the documents provided included the letters received from Colvin and responded to by Gray mentioned above. (Moore depo. at pp. 12-14; documents provided attached as Exs. 19 and 22 to depo. of Moore). Colvin had continued to indicate to the board that the certification problems had been taken care of. She never informed the board that there were significant problems and that she was in the process of trying to correct those problems, but rather led the board to believe that the corrections were in place.

The board called a special meeting on April 16, 2007, to review the investigation of Commissioner Moore and allow Colvin to provide an explanation for the significant problems. (Howard depo. at p. 10). When confronted again with the certification issues, Colvin defended her position by claiming that she had not been aware of the requirements related to certification and that she was addressing issues. (Colvin depo. at pp. 113-14). At the time of the April 16 meeting, Colvin had corrected most of the certification problems, but one dispatcher was working without proper certification. (Moore depo. at pp. 17-19). Colvin had been attempting to correct the certification problems since October 2006. When she began the correction process, none of the 12 dispatchers working at E-911 were certified, including Colvin, and most of them lacked certification as far back as 2002 and 2003. (Colvin depo. at pp. 59-63). Colvin was not doing her job as Director of E-911.

At the meeting on April 16, 2007, the board voted to dismiss Colvin's employment by a 4-3 majority vote. (Broocks depo. at pp. 30-31). The reason for the dismissal was unsatisfactory job performance and/or refusal to keep the board informed of critical issues concerning mandatory certification of personnel. (April 17 dismissal memo attached as Ex. 7 to Colvin



depo.). Each of the four board members that supported dismissal believed that Colvin had not been up front with the board on certification matters. (Moore depo. at pp. 25-26; Howard depo. at pp. 17, 30; Broocks depo. at pp. 27-30; Bernice Lile depo. at pp. 9-10; 19, Lile depo. attached as Ex. E. to motion). In addition to the certification problems, the board also learned after Plaintiff was removed as director that FCC licenses had expired, creating another major issue for E911. (Lile depo. at pp. 9-10, 20). Colvin acknowledged that one FCC license had expired and that this was also her responsibility. (Colvin depo. at pp. 126-27). Colvin appealed the decision of the board through the procedure set forth in the E911 handbook and was represented by counsel in the appeal process. (Colvin depo. at pp. 119-122; April 18, 2007 appeal letter, attached as Ex. 8 to Colvin depo.; Grievance Procedure included in E-911 Employee Handbook, attached as Ex. 15 to Robert Gale depo., Gale depo. attached as Ex. F to motion). The Board of Commissioners heard Colvin's appeal and voted by the same 4-3 margin to affirm the earlier decision to terminate her employment. (April 23, 2007 letter to Colvin informing her of board's vote to uphold termination attached as Ex. 9 to Colvin depo.).

Of the seven member board, two of the board members were black. Both black board members, Billy Humphries, who is now deceased, and J. D. Brooks, and another white male board member, Robert Gale, voted against dismissal. J. D. Brooks did not vote to dismiss because he did not believe Colvin lied and thought she was doing a good job. (J. D. Brooks depo. at p. 8, attached as Ex. G to motion). Gale recalled that other board members were concerned with Colvin's trustworthiness. (Gale depo. at pp. 7-8). He initially made a motion for reprimand and it failed. (Id. at p. 8). He believed that Colvin's job performance did not support dismissal, but lesser discipline. (Gale depo. at p. 27). The remaining four board members, Chief Moore, Sheriff Howard, Broocks and Lile, voted in favor of dismissal, both on the initial vote

and when the appeal was heard.

## **DISCUSSION**

### **I. COLVIN HAS NO VIABLE CLAIM FOR DUE PROCESS VIOLATIONS.**

Plaintiff claims that her due process rights were violated when the E911 Board of Commissioners denied her opportunity to take her grievance before the Lowndes County Board of Supervisors. She bases this claim on bylaws that were apparently put in place at the time E911 was created in September of 1989. Those bylaws include the following section: “Although final authority for personnel matters rests with the Lowndes County Board of Supervisors, the Commission will oversee all E-911 personnel employed by the county and make appropriate recommendations to the Board as needed.” (E-911 bylaws, attached as Ex. 16 to depo. of Gale). However, the E911 employee handbook that was in place in 2007 specifically states that all employment decisions are to be considered and finalized by the E911 Board of Commissioners. (E-911 Employee Handbook, attached as Ex. 15 to Gale depo.; Grievance Procedure at p. 13). The grievance procedure goes on to say that the policy does not give an employee any right to continued employment or create a property interest in employment.

In this case, even though the bylaws provide that the Lowndes County Board of Supervisors have final authority over personnel matters, the handbook governs. All E-911 Board of Commissioners understood that they were responsible for personnel matters at E-911. The handbook was in place in 2007 and provided a grievance process for Colvin to pursue in this case. It is unrefuted that Colvin was provided a grievance hearing to voice her concerns with this decision. The E911 board dismissed her at a special called meeting on or about April 16, 2006, and Colvin filed a grievance at that time. Shortly after her dismissal, the E911 Board of Commissioners allowed Colvin, with her attorney, to present her case again to the board. After

hearing from Colvin and her attorney, the board upheld the dismissal decision by the same 4-3 vote. Even if the court was to find that Colvin somehow has a right to have the Lowndes County Board of Supervisors review this decision based on bylaws that were no longer controlling on employment issues, this court has recognized that a plaintiff does not have a constitutionally protected interest in a grievance hearing. In *Mullen v. City of Grenada, Mississippi*, 210 WL 1380381 \*3 (N.D. Miss. 2010), United States District Court Chief Judge Michael Mills, following Fifth Circuit law, held that failure to provide a hearing, required by handbook, is simply a breach of contract and such a claim is not cognizable under Section 1983. *Braden v. Texas A&M Univ. Sys.*, 636 F.2d 90, 93 (5<sup>th</sup> Cir. 1981). Plaintiff cannot state a Section 1983 due process claim based on her claim that her employment dismissal was not reviewed by the Lowndes County Board of Supervisors. Moreover, even she could somehow state a Section 1983 due process claim, it is clear that E911 followed the grievance procedure included in the employee handbook and allowed Plaintiff, with her attorney, to present an appeal of her dismissal to the E911 board. This is all that is required by E911 handbook or the law and there is no basis for a due process claim in this case.

## **II. PLAINTIFF HAS NO CLAIM FOR USERRA VIOLATIONS.**

Plaintiff also claims E911 violated her rights under USERRA. The USERRA provides in part: “A person who is a member of ... a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership....”. 38 U.S.C. § 4311(a). Subsection (c) of the statute provides, in pertinent part:

An employer shall be considered to have engaged in actions prohibited under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the

action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service.

38 U.S.C. § 4311(c)(1). USERRA's purpose is, *inter alia*, to “eliminat[e] or minimiz[e] the disadvantages to civilian careers and employment which can result” from non-career military service. *Day v. Lockheed Martin Space Systems Co.* 304 Fed.Appx. 296, 297 (5th Cir. 2008) (38 U.S.C. § 4301(a)(1)). The USERRA prohibits employment discrimination against individuals who are members of the armed forces. *Collins v. Audubon Nature Institute*, 2008 WL 4468413, 4 (E.D. La. 2008). The USERRA prohibits an employer from denying any benefit of employment to a member of the armed services on the basis of his or her military status or obligation. *Snowman v. IMCO Recycling, Inc.*, 347 F.Supp.2d 338, 342 (N.D. Tex. 2004).

The burden-shifting scheme applicable to cases under the National Labor Relations Act applies to claims made under the USERRA. *Collins*, 2008 WL 4468413 at 4 (citing *Gummo v. Village of Depew, New York*, 75 F.3d 98, 106 (2d Cir.); *NLRB v. Transportation Management Corp.*, 462 U.S. 393, 401 (1983); *see also Snowman*, 347 F.Supp.2d at 342. With respect to the procedural framework and evidentiary burdens of the parties for claims of discrimination under the USERRA,

[t]he procedures established by precedent require an employee making [such] a claim of discrimination to bear the initial burden of showing by a preponderance of the evidence that the employee's military service was “a substantial or motivating factor” in the adverse employment action. If this requirement is met, the employer then has the opportunity to come forward with evidence to show, by a preponderance of the evidence, that the employer would have taken the adverse action anyway, for a valid reason.

*Snowman*, 347 F.Supp.2d at 342 -343 (quoting *Sheehan v. Department of the Navy*, 240 F.3d 1009, 1013-14 (Fed. Cir. 2001) (footnote and citations omitted); “Stated another way, there must be “an initial showing by the employee that military status was at least a motivating or substantial factor in the [employer's] action, upon which the [employer] must prove, by a

preponderance of the evidence, that the action would have been taken despite the protected status [of the employee].” *Id.* (emphasis added). A “motivating factor” means that the employer, in taking the action against the employee, “relied upon, took into account, considered, or conditioned its decision on [the employee's] military-related [status or obligation].” *Rogers v. City of San Antonio*, 211 F.Supp.2d 829, 836 (W.D. Tex. 2002) (quoting *Robinson v. Morris Moore Chevrolet-Buick, Inc.*, 974 F.Supp. 571, 576 (E.D. Tex. 1997)). However, the employer has no liability if it proves that “it would have made the same decision without regard to the employee's protected status.” *Id.* Moreover, a causal connection linking the allegedly discriminatory action to the military service is required.

In this case Plaintiff has failed to meet her burden. She has not set forth any evidence indicating that E911 based any employment decisions on military leave taken three years before her dismissal. Plaintiff apparently claims that the problems that support her dismissal all occurred while she was on military leave and that E911’s consideration of those issues in her dismissal violate USERRA. (Colvin depo. at p. 133). She apparently makes this claim because most of the uncertified dispatchers initially allowed certification to lapse in 2002 and 2003. Colvin was out on military leave from February 2003 through February 2004. Upon her return, she reassumed her duties and responsibilities as director of E911. Plaintiff acknowledged in her deposition that dispatcher certifications were her responsibility as Director and that these issues should have been corrected. (Colvin depo. at pp. 45, 47-48, 55). She returned from military leave over three years before she was dismissed. The issues with dispatcher certification surfaced in October 2006 and the E-911 conducted an investigation into certification and other issues in April 2007. This timeline alone refutes any claim of military leave discrimination. Plaintiff’s USERRA claim should be dismissed as a matter of law.

### III. PLAINTIFF CANNOT SUPPORT A CLAIM OF RACE OR GENDER DISCRIMINATION.

Under Title VII, “[i]t shall be an unlawful employment practice for an employer (1) ... to discharge any individual ... because of such individual's race, religion [or] sex....” 42 U.S.C. § 2000e-2(a). A plaintiff may prove discrimination by either direct evidence, circumstantial evidence, or both. *Burton v. Madix Store Fixtures*, 2006 WL 3247329, \*3 (N.D. Tex. 2006).<sup>1</sup> “Direct evidence is evidence which, if believed, proves the fact [of intentional discrimination] without inference or presumption.” *Coleman v. Exxon Chemical Corp.*, 162 F.Supp.2d 593, 607 (S.D. Tex. 2001) (Citing *Brown v. East Mississippi Electric Power Ass'n*, 989 F.2d 858, 861 (5th Cir. 1993)); “Direct evidence includes any statement or document which shows on its face that an improper criterion served as a basis, though not necessarily *the* basis, for the adverse employment action.” *Burton*, 2006 WL 3247329 at \*3 (citing *Sanstad v. CB Richard Ellis, Inc.*, 309 F.3d 893, 897-98 (5th Cir. 2002)). If an inference is required to prove the employer’s discriminatory animus, the evidence is circumstantial, not direct. *Id.* Further, “[a]n inference of discrimination may arise from *strong* circumstantial evidence supporting plaintiff’s *prima facie* case, but the plaintiff *must* come forth with more than a mere scintilla of evidence.” *Mercer v. Capital Mgt. and Realty, Inc.*, 2006 WL 3157086, \*3 (E.D. Tex. 2006) (emphasis added) (citing *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 147 (2000)). In the absence of direct proof of discrimination, the tripartite burden-shifting test established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973) applies. See *Mercer*, 2006 WL 3157086 at \*3 (citing *Crawford v. Formosa Plastics Corp.*, 234 F.3d 899, 901 (5th Cir. 2000)).

---

<sup>1</sup> The court evaluates plaintiff’s Title VII, race and gender discrimination claims under the same general burden-shifting framework originally set forth by the Supreme Court in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 93 S.Ct. 1817, 36 L.Ed.2d 668 (1973), as modified by *Desert Palace, Inc. v. Costa*, 539 U.S. 90, 123 S.Ct. 2148, 156 L.Ed.2d 84 (2003). *Coleman*, 162 F.Supp.2d at 607-08.

The court first considers whether the plaintiff has established a *prima facie* case of discriminatory treatment. *Byers v. Dallas Morning News, Inc.*, 209 F.3d 419, 425 (5th Cir. 2000). The plaintiff must establish her initial burden by a preponderance of the evidence. *McDonnell Douglas Corp.*, 411 U.S. at 802. In a discharge case, to establish her *prima facie* case, Plaintiff is required to show that she (1) is a member of a protected group; (2) was qualified for the position at issue; (3) was discharged or suffered some adverse employment action by the employer; and (4) was replaced by someone outside her protected group or was treated less favorably than other similarly situated employees outside the protected group.” *McCoy v. City of Shreveport*, 492 F.3d 551, 557 (5th Cir. 2007) (citing *Wheeler v. BL Dev. Corp.*, 415 F.3d 399, 405 (5th Cir. 2005)). If the plaintiff establishes a *prima facie* case, the burden of production shifts to the defendant to articulate a legitimate, non-discriminatory reason for its action. *McCoy*, 492 F.3d at 557. However, “the employer's burden is only one of production, not persuasion, and involves no credibility assessment.” *Id.* At that point, the *McDonnell Douglas* framework disappears and the plaintiff must produce substantial evidence of pretext in order to prevail on her discrimination claim.” *Auguster v. Vermilion Parish Sch. Bd.*, 249 F.3d 400, 403 (5th Cir. La. 2001) (citing *Bauer v. Albemarle Corp.*, 169 F.3d 962, 967 (5th Cir. 1999)) (emphasis added). As the Fifth Circuit has explained: “‘Evidence that the proffered reason is unworthy of credence must be enough to support a reasonable inference that the proffered reason is false; a mere shadow of doubt is insufficient.’ This court has consistently held that an employee's ‘subjective belief of discrimination’ alone is not sufficient to warrant judicial relief.” *Bauer*, 169 F.3d at 967 (quoting *E.E.O.C. v. La. Office of Cmty. Servs.*, 47 F.3d 1438, 1443-44, 1448 (5th Cir. 1995)). For the purposes of this motion only, E911 does not dispute that Plaintiff may arguably establish her *prima facie* case. However, even so, she cannot create a question of

fact on the her burden to show that the reason given by E911 for her dismissal is a pretext for race and/or gender discrimination.

E911 has met its burden of establishing legitimate, non-discriminatory reasons for Colvin's dismissal. The evidence shows that Colvin failed to obtain necessary certifications for dispatchers and that certifications had not been in place for most dispatchers since as early as 2002. In addition, board members that voted to dismiss her were concerned that she had misled the board. Colvin must establish that these reasons provided by the voting members were merely pretext for discrimination. She attempts to meet this burden by disputing the issues raised by E911 and alleging that her job performance was adequate. Colvin cannot survive summary judgment simply by denying or explaining away her obvious job performance problems. The proper inquiry is "whether the employer's perception of the employee's performance, accurate or not, was the real reason for her termination." *Laxton v. Gap, Inc.*, 333 F.3d 572, 579 (5<sup>th</sup> Cir. 2003) (internal quotations and citations omitted). "Even an employer's incorrect belief in the underlying facts/or improper decision based on those facts – demonstrates a legitimate, non-discriminatory reason for termination. *Amezquita v. Beneficial Texas, Inc.*, 264 F.App'x. 379, 386 (5<sup>th</sup> Cir. 2008); *Jordan v. Mississippi State Dept. of Health*, 2008 WL 2415185 \*5 (S.D. Miss. 2008). The concern is whether the evidence supports an inference that E911 intentional discriminated against plaintiff, an inference that can only be drawn if its proffered reason was not the real reason for discharge. *Laxton*, 333 F.2d at 579; *Walker v. East Central Planning & Dev. Dist., Inc.*, 2010 WL 147803 \*5 (S.D. Miss. 2010). Colvin has provided no evidence that the E911 board did not perceive her job performance and her lack of candor with the board as a problem. In fact, the uncontroverted evidence is that Colvin, as director of E911, was responsible for certification of dispatchers and that dispatchers had not been certified, some as



far back as 2002. Although Colvin was attempting to correct certifications, the fact that the certifications were expired for such a significant length of time, certainly warrants the decision made by the majority of the E911 Board of Commissioners in this case. Even though three board members voted against dismissal, one of those board members made motion for some discipline. (Gale depo. at p. 8). Although there may be a disagreement as to whether dismissal was appropriate, this court should not second guess the decision of a majority board.

In an effort to cast doubt on the reasons given by E-911 for her dismissal, Colvin relies on alleged comments made by a former E911 board member, Billy Humphries, who is now deceased. Colvin testified in her deposition that before he died, Humphries told her that all four board members that voted against her stated that “they felt that a black woman could not do the job.” (Colvin depo. at p. 132). Remarkably, Colvin claimed that Humphries said Sheriff Howard, Fire Chief Moore, Broocks and Lile said exactly the same thing on the issue. Plaintiff did not provide any indication as to when the comments were made or what more was discussed on the matters. Each of the E911 board members denied making the comments. This evidence is not sufficient to support a claim of race discrimination in this case. There is no question that Colvin was having job performance problems. Dispatchers at E911, including Colvin, lacked the necessary certification to answer the phone since as far back as 2002 and 2003. The board was under fire in the public on the issues and had every right to address the matter with Colvin. Even one of the board members that did not support dismissal, made a motion for some discipline. In this case, it is clear that the board never considered dismissal of Colvin until the problems with dispatcher certification arose. This is so, even though there were other leadership issues coming to the attention of the board in the months leading up to her April 17 dismissal. The board supported Colvin even with the significant poor press coverage directed at E911 and complaints

from current dispatchers on March 23 about the hours that they were being required to work and the inability to take breaks. (Colvin depo. at pp. 89-93). The alleged comments from a deceased board member about statements from four board members without any indication of when the alleged statements were made or what context they were made in are not sufficient to support a claim of race discrimination.

As to her gender claim, Colvin also relies on alleged statements that Humphries told her. She testified in her deposition that Humphries told her that Sheriff Howard, Chief Moore, Bernice Lile and Beverly Broocks each stated that the job would be better served by a male versus a female and that females are too emotional. (Colvin depo. at p. 130). Current board member J. D. Brooks testified in his deposition that during a board meeting after Colvin was dismissed and when the board was considering a replacement, one of the board members may have commented that “a male would be better suited for the job.” (Brooks depo. at pp. 12-14, 19-20). Brooks could not identify which board member may have made the statement. (Id. at 21-22). Although Brooks could not identify who may have said this, Bobby Gale testified that he was probably the board member that commented that a man would be better suited for the job when the board was considering a replacement for Colvin. (Gale depo. at pp. 9-10). Gale affirmed that no other board member made a statement in favor of men. (Id.). Gale was one of the three board members that supported Colvin. Any comments that he may have made after her dismissal do not support a claim of gender discrimination. None of the board members that voted to dismiss Colvin made any comment about preferring a man for this job. (Howard depo. at p. 26; Lile depo. at p. 18; Broocks depo. at p. 32). Even if you assume that one board member made a gender based comment, it is unrefuted that Sheri Fancher, a female, was hired as director of E-911 in March of 2008 by unanimous vote of the same group of board members that

dismissed Colvin. (March 28, 2008, minutes from special board meeting wherein Fancher was unanimously appointed director of E911 attached as Ex. H to motion). Fancher is currently serving as director of E911. Those same board members that Colvin claims discriminated against her on the basis of gender voted in support of the female dispatcher less than a year after Colvin was dismissed. Colvin does not have sufficient evidence of gender discrimination to move this claim forward.

In this case, the question is whether Colvin was discriminated against. Although Colvin may dispute the level of her job performance failures, she does not dispute that performance problems existed. There is also no dispute that the E911 board was concerned with dispatcher certification issues and taking steps to determine the status of current dispatchers. The board brought the issue to a head only after receiving faxed information from Allen Gray with the state office on certification that raised serious questions about a history of certification problems and the efforts of the director to correct the deficiencies. There can be no question that this board was attempting to address a serious problem and that information learned from the state and back and forth interaction with Colvin was the reason a vote on Colvin's employment was had on April 16, 2007. Colvin has not provided sufficient proof to support a discrimination claim. "It is well established that employment discrimination laws are not intended to be a vehicle for transforming the courts into personnel managers who second-guess the business decisions of employers." *Cornish v. Tex. Dept. of Prot. and Reg. Serv.*, 2006 WL 832502, \*8 (N. D. Tex. 2006) (citing *Bryant v. Compass Group USA Inc.*, 413 F.3d 471, 478 (5th Cir. 2005); *Bienkowski v. American Airlines, Inc.*, 851 F.2d 1503, 1507-08 (5th Cir. 1988)). "Management does not have to make proper decisions, **only non-discriminatory ones.**" *Cornish*, 2006 WL 832502 at \*8 (citing *Bryant*, 413 F.3d at 478) (emphasis added); *See also Sarpy v. Town of Homer*, 2008 WL

2645654, 2 (5th Cir. July 7, 2008); (“Appellants' proof of pretext consists of their conclusory subjective beliefs, which is insufficient to survive a summary judgment motion.”); *Bauer*, 169 F.3d at 967 (“This court has consistently held that an employee's subjective belief of discrimination alone is not sufficient to warrant judicial relief.”) *Haynes v. S. Tippah Sch. Dist.*, 2009 U.S. Dist. LEXIS 94323 (N.D. Miss. Oct. 6, 2009) (“Plaintiff's own unsubstantiated testimony regarding the ‘general feeling’ at the school does not constitute competent summary judgment evidence of discrimination.”).

Plaintiff cannot establish a fact question on whether the legitimate, non-discriminatory reasons articulated by E-911 for her dismissal were a pretext for discrimination. This court should dismiss Plaintiff's claims of race and gender discrimination here.

#### **IV. COLVIN CANNOT SUPPORT CLAIMS OF INDIVIDUAL LIABILITY AGAINST E911 BOARD MEMBERS.**

Under Title VII an “employer” may not discriminate on the basis of race, color, religion, sex or national origin. 42 U.S.C. § 2000e-(2). In *Grant v. Lonestar Co.*, the Fifth Circuit held that individuals are not liable under Title VII. *Grant v. Lonestar*, 21 F.3d 649, 651 (5<sup>th</sup> Cir. 1994). Plaintiff's claims of race and/or gender discrimination should be dismissed in their entirety for the reasons discussed above. If the claims survive summary judgment, those claims should not continue against the individual defendants.

USERRA has a definition of employer similar to Title VII. Under USERRA, the term “employer” means “Any person, institution, organization, or entity that pays salary or wages for work performed or that has control over employment opportunities, ... .” 38 U.S.C. § 4303(4)(A). In this case, the individual board members do not have authority on their own to make employment decisions. Any claim under USERRA, to the extent the claim survives the arguments raised above, is only available against E-911, Plaintiff's employer.

The only possible claim that could be maintained against the individual defendants would be Colvin's claim for due process violations. As argued above, Colvin cannot support a constitutional claim against E911 on the basis of the "final authority" section in E911 bylaws or any grievance procedure in the E-911 handbook. Even if the court does find the due process claim survives the motion, there is no support for liability of any individual defendants. As this court is aware, defendants as individuals are immune from suit under Section 1983 in most circumstances when the claims surround employment decisions. "Governmental officials performing discretionary functions are protected from civil liability under the doctrine of qualified immunity if their conduct violates no "clearly established statutory constitutional rights in which a reasonable person would have known." *Nichols v. Univ. of Southern Mississippi*, 669 F.Supp. 2d 684, 699-700 (S.D. Miss. 2009); *Sorenson v. Ferrie*, 134 F.3d 325, 327 (5<sup>th</sup> Cir. 1998) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800 (1982)). An employment decision is a classic discretionary function and there is no basis for an argument that any individual board member violated a clearly established constitutional right in this case. *Nichols*, 669 F.Supp.2d at 700. Colvin has no evidence to support a violation of any due process rights and, even if she did, individual defendants cannot be held liable under Section 1983 in this case.

### CONCLUSION

For the reasons set forth above, Defendants respectfully request that their Motion for Summary Judgment be granted, and for whatever other and further relief the Court deems appropriate.

This the 19th day of August, 2010.

s/Berkley N. Huskison (MSB #9582)  
*Attorney for Lowndes County, Mississippi,*  
*the Lowndes County Board of Supervisors,*  
*Beverly Brooks, Sheriff C. B. Howard,*  
*Bernice Lile and Fire Chief Ken Moore*

Of Counsel

Mitchell, McNutt & Sams, P.A.  
Attorneys at Law  
Post Office Box 1366  
Columbus, Mississippi 39703-1366  
(662) 328-2316 – phone  
(662) 328-8035 – fax

**CERTIFICATE OF SERVICE**

I hereby certify that on August 19, 2010, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Jim Waide, Esquire  
Ron L. Woodruff, Esquire  
Waide & Associates, P.A.  
Post Office Box 1357  
Tupelo, MS 38802-1357  
*jwaide@waidelaw.com*  
*rlw@waidelaw.com*

This the 19th day of August, 2010.

s/Berkley N. Huskison

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**JESSIE COLVIN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 1:09CV187-M-D**

**LOWNDES COUNTY, MISSISSIPPI, ET AL.**

**DEFENDANTS**

---

**PLAINTIFF'S BRIEF IN OPPOSITION TO  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

---

**FACTS**

Jessie Colvin grew up in Columbus, Mississippi, and graduated from Caldwell High School. (Deposition of Jessie Colvin, p. 7, Exhibit "A")

Around 1986, Colvin received an Associates Degree in secretarial sciences from East Mississippi Community College. (Colvin depo., p. 8) In 2007, she began attending MUW in Columbus, working towards a degree in accounting. (Id., p. 11)

In 2005, Colvin retired from the military, after spending three years in active duty, and 17 years in the reserves. (Colvin depo., p. 8) Colvin was deployed in support of Operation Desert Shield in 1991, and Operation Iraqi Freedom in 2003. (Id.) While in the military, she received diplomas for telecommunications, nuclear and biological, and personnel services, among other studies. (Id., pp. 11-12)

Around 1986, Colvin went to work for the Columbus Fire Department as dispatcher/records clerk. (Colvin depo., p. 15)

In 1989, Lowndes County was setting up the E911 system to replace the fragmented system whereby the fire department, police department, sheriff's department and ambulance service all had their own dispatchers. (Colvin depo., p. 19) Colvin applied and was hired to be an E911 dispatcher, one of the original thirteen dispatchers. (Id., p. 21) Benny McDowell, white male, was the first E911 director. (Id.) Around 1996, John Brown, white male, replaced McDowell as E911 director. (Id., p. 24)

Over the next eleven years, Colvin was promoted to shift supervisor, chief shift supervisor, and then interim director. (Colvin depo., p. 22) When John Brown left in 2000, Colvin was promoted to E911 director. (Id., pp. 26, 28)

While director, Colvin was still in the reserves and had to perform those duties one weekend a month, and two weeks each Summer. (Colvin depo., p. 32) While Colvin was away, Mitzi Bolton would handle the duties of director. (Id.)

In February 2003, Colvin was called up to active duty in support of Operation Iraqi Freedom, until February 2004. (Colvin depo., p. 31) Mitzi Bolton was acting director while Colvin was gone. (Id., p. 32)

It was not until late 2006, that Colvin became aware that there was any problem with the certification of any dispatchers. (Colvin depo., p. 46) Colvin sent a letter to Alan Gray of the Minimum Standards Board asking why they had never been notified about the problems with the certification of the dispatchers. (Id., p. 47; Exhibit "B," Letter from Colvin to Gray dated October 23, 2006) Colvin also sent a roster of her dispatchers. (Exhibit "C," Emergency Telecommunication Roster) Colvin was trying to find out what her dispatchers needed as far as certification and what classes were reimbursable. (Colvin depo., p. 52) Colvin had never received



any training as far as how to get and/or keep her dispatchers certified, and she did not know what was entailed in the certification. (Id., p. 54)

Alan Gray responded with the information that Colvin needed to fully comply with the Board. (Exhibit “D,” Letter from Gray to Colvin dated October 26, 2006) After receiving this information, Colvin contacted Brenda Gowdy, the trainer for Lee County, got everything taken care of right away, and submitted the information to the Minimum Standards Board. (Id., pp. 58-59)

On January 24, 2007, around two months later, Colvin received a letter from Alan Gray that indicated Colvin had taken care of all certification problems with her seasoned dispatchers. (Colvin depo., pp. 63, 65; Exhibit “E,” Letter from Gray to Colvin dated January 24, 2007) Further, Colvin initiated systems to make sure that the new hires were certified within the proper time frame of one year. (Id., p. 67) Contrary to what Defendant claims, at the time that the Board asked Colvin about the certification of the dispatchers, all of that information had been sent to the Minimum Standards Board and was being completed. (Id., p. 71)

In January 2007, new members came onto the Board. (Colvin depo., p. 74) Defendant, Beverly Broocks, was added to the Board. (Deposition of Beverly Broocks, p. 5, Exhibit “F”) Defendant Bernice Lile also came on the Board at this time. (Id., p. 8) Defendant Ken Moore became a voting member of the Board, when previously he had been a non-voting member. (Id.)

Colvin was asked by the Board whether there were certification problems with the dispatchers, and Colvin honestly told them that those problems had been taken care of already. (Colvin depo., p. 75) During this time period, Colvin was working with only five or six dispatchers for a center that needed around 16 dispatchers. (Broocks depo., p. 17) Three dispatchers had left, three had been terminated, and no replacements had been hired because it was a long process.

(Deposition of Mitzi Hatcher, p. 11, Exhibit G)

Besides the short staff, in order to update the E911 center, the operation center had to be moved to a mobile trailer for around five or six months. (Colvin depo., p. 83) All of the files had to be placed in boxes. (Id.) Colvin went before the Board, and asked for and received a part-time secretary to assist at this time. (Id., p. 85) During this time period, Colvin was burdened with a major upgrade of the 911 facility, and was operating short staffed. (Deposition of C.B. "Butch" Howard, p. 28, Exhibit "H")

In March 2007, dispatchers Mitzi Hatcher, Jim Crownover and Sherri Fancher went to the Board and complained about all the hours they had to work, not being able to get vacation, and not being able to leave the center. (Colvin depo., p. 78; Exhibit "I," E911 March 23<sup>rd</sup> Board Minutes)

Crownover told the Board that it needed to streamline its hiring procedures because the center was so understaffed. (Deposition of James C. Crownover, pp. 7-9, Exhibit "J") Crownover testified that he never had any problems with Colvin, who had been his direct supervisor for the previous seven years. (Id., p. 6) Mitzi Hatcher similarly testified that she never had any problem with Colvin. (Hatcher depo., p. 8) Sherri Fancher also testified that she had no problems with Colvin, except at the end when she was overworked. (Fancher depo., p. 10)

On April 11, 2007, Broocks sent an email to Colvin that said in part:

I also understand that there are some dynamics with the Board that are not particularly helpful at this point in time. All that said, I am personally concerned that there is something of a power struggle existing and being fueled by fatigue on everyone's part.

(Exhibit "K," Email from Broocks to Colvin, dated April 11, 2007)

On April 16, 2007, Colvin found out about the power struggle on the Board when she was called in for a special meeting of the Board. (Colvin depo., p. 112) The Board questioned Colvin

about dispatcher certification and rosters. (Id.) Colvin honestly answered their questions. (Id.)

The next day, Sheriff Howard and Ken Moore came to the center and told Colvin that if she did not resign, she would be terminated. (Colvin depo., p. 114) Colvin refused to resign. (Id., p. 115) Colvin was then presented with a memorandum stating that the E911 Board of Commissioners had voted to terminate her employment because of unsatisfactory job performance and failure to keep the Board informed of critical issues concerning mandatory certification of personnel. (Exhibit “L,” Memorandum dated April 17, 2007)

The Board voted 4-3 to terminate Colvin, with four white members, Howard, Moore, Lile, and Brooks, voting to terminate. (Brooks depo., pp. 31, 33) The two black members, Humphries and J.D. Brooks voted against termination, as did one white member, Bobby Gale. (Id.)

Colvin asked Sheriff Howard:

. . . what poor performance, can you cite to me what poor job performance. I’ve never been written up. I’ve never even been disciplined the whole time I worked for 911. I was telecommunicator of the year two times running. I was never disciplined or was I ever called into a Board meeting [and told] my job was below standards. As a matter of fact . . . it was praised. . . . Ken Moore stated because the dispatchers were not certified, they’re not certified until the members and the Board state that they’re certified, which in fact, on the date that they terminated me, all dispatchers were certified, with the exception of the new ones which were within the time frame of one year. Their rosters and the certification that they had, the minimum classes and everything that they had, had been sent forward to the Minimum Standards Board. So everything was . . . up to par.

(Colvin depo., p. 116)

J.D. Brooks, black, testified that prior to April 2007, he was unaware of any problems with the performance of Colvin as E911 director. (Deposition of J.D. Brooks, p. 6, Exhibit “M”) When asked whether Colvin was doing her job, J.D. Brooks answered, “She was definitely doing her job.” (Id., p. 8) Further, Brooks testified that Colvin had never been written up or received any other

disciplinary action. (Id., p. 9)

Robert Gale voted against terminating Colvin also, “Because it was too fast and I didn’t think she was being treated right. . .” (Deposition of Robert Gale, p. 5, Exhibit “N”)

The actions by the majority white Board were clearly not fair because Lowndes County 911 was not the only communications center that had dispatchers that were not certified. (Colvin depo., p. 118) The problem was statewide and the Minimum Standards Board was in the process of cleaning house and getting everyone in the state certified. (Id.)

Further, the FCC license that had expired, did so in 2003, while Colvin was on military leave. (Colvin depo., pp. 126-27) Colvin had submitted the paperwork to the FCC to get the license renewed, and Colvin had received an extension twice in regard to the license. (Id.) Many of the problems that Colvin was allegedly fired for happened during the time she was on military leave, which violates USERRA. (Howard depo., p. 24) Mitzi Hatcher, who was the interim manager during this period of time, received no disciplinary action, and is still a shift supervisor with E911. (Id., p. 25)

On April 18, 2007, Colvin appealed her termination. (Exhibit “O,” Letter from Colvin dated April 18, 2007)

On April 19, 2007, a hearing was held at which Brenda Gowdy testified by phone that Colvin was not aware of the problem, and once she was aware, she did everything she could to rectify the problem. (Colvin depo., p. 121) Gowdy also informed the Board that the Minimum Standards Board was in disarray. (Id.)

On April 23, 2007, Colvin was informed that the termination was upheld. (Exhibit “P,” Letter from Butch Howard dated April 23, 2007)

After the 911 Board denied Colvin's appeal, Colvin attempted to appeal to the Lowdes Board of Supervisors. (Colvin depo., p. 148) Even though the bylaws of the handbook state that the Board of Supervisors is ultimately responsible for all employment matters, the board refused to hear her appeal. (Id.)

After Colvin was fired, James Crownover, white male, was hired as interim manager over the E911. (Crownover depo., pp. 4, 13) Crownover, like Colvin, was one of the original thirteen (13) employees hired to work in the E911 center in 1989. (Id., p. 4) At the time that Crownover was appointed interim manager, there was an EEOC charge against him for sexual harassment by a black female that worked at the E911 center. (Id., pp. 10-12)

In June 2007, the Board hired Daniel Pittman, white male, to be E911 director. (Deposition of Daniel Pittman, pp. 4, 11-12, Exhibit "Q") Pittman had no experience in E-911. (Id., p. 13) He resigned from the position effective November 30, 2007. (Id., p. 5)

On August 27, 2007, Colvin filed her EEOC charge, alleging race and gender discrimination. (Exhibit "R," EEOC Charge)

After Colvin filed her EEOC charge, the Board hired Sherri Fancher, white female, to be interim director in January 2008, then director in March 2008. (Deposition of Sherri Fancher, pp. 4-5, Exhibit "S") The Board only hired another female to run the center after Colvin had filed her EEOC Charge.

Billy Humphries, black, deceased former E911 Board member, told Colvin that Sheriff Howard, Ken Moore, Bernice Lile and Beverly Broocks told him that "the job was better served by a male versus a female, a female could not get the job done. He also stated that . . . a female was too emotional to handle that position." (Colvin depo., p. 130) Howard, Moore, Lile and Broocks

also told Humphries that a black female could not do the job. (Id., p. 132) J.D. Brooks testified that “they” brought up at one of the Board meetings that they needed a man in the position. (J.D. Brooks depo., pp. 12, 14)

Defendants have now filed their Motion for Summary Judgment. [Docket 44]. Plaintiff will show that the motion is not well taken and should be denied.

### **STANDARD OF REVIEW**

“[S]ummary judgment is an extreme and drastic measure which courts should use sparingly and only in the clearest of cases.” *Printy v. Crochet & Borel Services*, 196 F.R.D. 46, 50 (E.D. Tex. 2000). Summary judgment is appropriate only if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. *Hirras v. National R.R. Passenger Corp.*, 95 F.3d 396, 399 (5<sup>th</sup> Cir. 1996) (quoting Fed. R. Civ. P. 56(c)). The party seeking summary judgment carries the burden of demonstrating that there is no evidence to support the non-movant’s case. *Celotex Corporation v. Catrett*, 477 U.S. 317, 325 (1986).

“Although summary judgment is a useful device, it must be used cautiously or it may lead to drastic and lethal results.” *Murrell v. Bennett*, 615 F.2d 306, 309 (5<sup>th</sup> Cir. 1980). See also, *Jackson v. Cain*, 864 F.2d 1235, 1241 (5<sup>th</sup> Cir. 1989); *Runnells v. Armstrong World Industries, Inc.*, 105 F.Supp.2d 914, 918 (C.D. IL 2000).

In ruling on a motion for summary judgment, the Court is not to make credibility determinations, weigh evidence, draw inferences from the facts, or draw from the facts, legitimate inferences for the movant. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). Rather, the evidence of the non-movant is to be believed and all justifiable inferences are to be drawn in his

favor. *Anderson*, 477 U.S. at 255.

The United States Supreme Court reversed the Fifth Circuit's setting aside of a jury verdict in an employment discrimination case in *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133 (2000). In *Reeves*, the Fifth Circuit Court of Appeals had applied the *Boeing Co. v. Shipman*, 411 F.2d 365 (5th Cir. 1969) (*en banc*) test in rejecting a jury verdict. The Supreme Court overturned the Fifth Circuit, holding:

In concluding that these circumstances (defendant's impressive evidence of non-discrimination) so overwhelmed the evidence favoring petitioner that no rational trier of fact could have found that petitioner was fired because of his age, the court of appeals impermissibly substituted its judgment concerning the weight of the evidence for the jury.

*Reeves, supra*, at 153.

Juries play a paramount role in employment cases and in evaluating summary judgment evidence. This Court should not engage in credibility determinations, the weighing of evidence and the drawing of legitimate inferences from the facts, which are jury functions, not those of a judge. *Reeves*, 530 U.S. at 133.

In *Valle v. Johnson Controls World Services, Inc.*, 957 F.Supp. 1404, 1414 (S.D. Miss. 1996), the Fifth Circuit held, "Because Title VII complaints generally involve complex and disputed facts, summary judgment is often an inappropriate method of adjudicating such claims." Further, the Fifth Circuit has held:

In reviewing a motion for summary judgment, the court must indulge every reasonable inference from the underlying facts in favor of the party opposing the motion. The party who defended against the motion for summary judgment must have his allegations taken as true and must receive the benefit of the doubt when his assertions conflict with those of the movant. In general, summary judgment is an inappropriate tool for resolving claims of employment discrimination, which involve nebulous questions of motivation and intent. Often, motivation and intent can only be proved through circumstantial evidence; determinations regarding motivation and

intent depend on complicated inferences from the evidence and are therefore peculiarly within the province of the fact finder.

*Thornbrough v. Columbus and Greenville Railroad Co.*, 760 F.2d 633, 640-41 (5th Cir. 1985). See also, *Kralman v. Illinois Dept. of Veterans' Affairs*, 23 F.3d 150 (7th Cir. 1994); *Batey v. Stone*, 24 F.3d 1330 (11th Cir. 1994).

“Trial courts must be particularly cautious about granting summary judgment in discrimination cases, because in such cases the employer’s intent is ordinarily at issue.” *Peralta v. Cendant Corp.*, 123 F.Supp.2d 65, 75 (D. Conn. 2000) (citing *Chertkova v. Connecticut General Life Insurance Co.*, 92 F.3d 81, 87 (2nd Cir. 1996)). Where the facts are such that two inferences may be drawn, a factual issue for the jury is presented. *Hunt v. Cromartie*, 526 U.S. 541 (1999). “At the summary judgment stage, the nonmovant need only point to the existence of a genuine issue of material fact.” *Gee v. Principi*, 289 F.3d 342, 345 (5th Cir. 2002).

Finally, “a motion for summary judgment should not be granted unless the entire record shows a right to judgment with such clarity as to leave no room for controversy and establishes affirmatively that the adverse party cannot prevail under any circumstances.” *Gibson v. Henderson*, 129 F.Supp.2d 890 (M.D. N.C. 2001).

Defendants cannot meet that test and summary judgment would be improper.

## **ARGUMENTS AND AUTHORITIES**

### **I. DUE PROCESS**

Plaintiff withdraws her due process claim at this time.



## II. USERRA

Enacted in 1994, the Uniform Services Employment and Reemployment Rights Act, 38 U.S.C. §§ 4301-33 (“USERRA”), prohibits employment discrimination on the basis of military service. Plaintiff brings suit under Section 4311 of USERRA, which provides two separate causes of action upon which relief can be granted. Section 4311(a) provides, in relevant part:

A person who is a member of, applies to be a member of, performs, has performed, applies to perform or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service or obligation. 38 U.S.C. § 4311(a).

The statute further provides that “[a]n employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken any action to enforce a protection afforded under this chapter ... or (4) has exercised a right provided for in this chapter.” 38 U.S.C. § 4311(b). Plaintiff alleges both that he has been denied promotion, actionable under 38 U.S.C. § 4311(a), and that his employer, the City of Suffolk, and its agents, Wilson and Dodson, have retaliated against him for exercising his rights under this chapter, actionable under 38 U.S.C. § 4311(b).

*Brandsasse v. City of Suffolk, Va.*, 72 F.Supp.2d 608, 612 -613 (E.D.Va. 1999)

Further,

The statute provides that an employer shall be considered to have violated Section 4311(a) “if the person's membership ... or obligation for service in the uniformed services is a *motivating factor* in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership.” 38 U.S.C. § 4311(c)(1) (emphasis added). Likewise, liability will arise under Section 4311(b) if a plaintiff's action to enforce or exercise his rights under the statute is a “*motivating factor* in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership.” 38 U.S.C. § 4311(c)(2)(emphasis added).

*Id.*, 616 -617.

Further,

The Congressional Record and the courts which have interpreted USERRA indicate that the burden-shifting framework approved by the Supreme Court in *NLRB v. Transportation Management Corp.*, 462 U.S. 393, 401, 103 S.Ct. 2469, 76 L.Ed.2d

667 (1983), is used to determine whether an employer discharged a reservist in violation of USERRA. *See Gummo v. Village of Depew, NY*, 75 F.3d 98, 106 (2d Cir.1996), *cert. denied*, 517 U.S. 1190, 116 S.Ct. 1678, 134 L.Ed.2d 780 (1996) ( *citing* S.Rep. No. 158, 103d Cong., 2d Sess. 45 (1994), and H.R.Rep. No. 65, 103d Cong., 2d Sess. 18, 24 (1994)); *Kelley v. Maine Eye Care Associates, P.A.*, 37 F.Supp.2d 47, 54 (D.Me.1999); *Chance v. Dallas County Hosp. Dist.*, No. 3-96-CV-2842-BD, 1998 WL 177963, at \*3 (N.D.Tex. Apr.6, 1998), *judgment vacated on other grounds in Chance v. Dallas County Hosp. Dist.*, 176 F.3d 294 (5th Cir.1999); *Smith v. Thomas Lighting*, No. Civ. A.1:97CV239-D-D, 1998 WL 527307, at \*2 (N.D.Miss. Aug. 5, 1998); *Daggett v. Chicago Transit Auth.*, No. 96-CV-05348, 1998 WL 831848, at \*10 (N.D.Ill. Nov.25, 1998); *Robinson v. Morris Moore Chevrolet-Buick, Inc.* 974 F.Supp. 571, 575 (E.D.Tex.1997). In the absence of contrary binding authority, this court looks to these cases to establish the legal framework in which plaintiff's claims are evaluated.

*Id.*, 617.

Finally,

Under this legal framework, a claimant must first establish a prima facie case of discrimination by showing by a preponderance of the evidence that his protected status was a motivating factor in the adverse employment action. *See Robinson*, 974 F.Supp. at 575; *see also Kelley*, 37 F.Supp.2d at 54. To establish a certain factor as a motivating factor, a claimant need *not* show that it was the *sole* cause of the employment action, but rather that it is one of the factors that “a truthful employer would list if asked for the reasons for its decision.” *Kelley*, 37 F.Supp.2d at 54; *see also Robinson*, 974 F.Supp. at 575 ( *citing Price Waterhouse v. Hopkins*, 490 U.S. 228, 250, 109 S.Ct. 1775, 104 L.Ed.2d 268 (1989) (addressing Title VII gender discrimination claim and related defense)). Indeed, “[m]ilitary status is a motivating factor if the defendant relied on, took into account, considered, or conditioned its decision on that consideration.” *Dallas County Hospital Dist.*, 1998 WL 177963, at \*3; *see also Robinson*, 974 F.Supp. at 576 ( *citing Price Waterhouse*, 490 U.S. at 250, 109 S.Ct. 1775). After plaintiff establishes a prima facie case by a preponderance of the evidence, the employer may avoid liability if he can demonstrate that military status was not a motivating factor in the adverse employment action. *See Gummo*, 75 F.3d at 106.

*Id.*

#### **A. Prima Facie - Motivating Factor.**

In this case, the Board claims that it terminated the Plaintiff because of unsatisfactory job performance and failure to keep the Board informed of critical issues concerning mandatory

certification of personnel. Part of what the Board considered unsatisfactory job performance included dispatcher certifications that expired during the time that Colvin was called up to active duty for Operation Iraqi Freedom.

The FCC license that had expired, did so in 2003, while Colvin was on military leave. Colvin had submitted the paperwork to the FCC to get the license renewed, and Colvin had received an extension twice in regard to the license. Many of the problems that Colvin was allegedly fired for happened during the time she was on military leave, which violates USERRA. Mitzi Hatcher, who was the interim manager during this period of time, received no disciplinary action, and in fact, is still a shift supervisor with E911.

Terminating Colvin because of things that occurred during the time that she was serving her country is exactly the sort of abuse that USERRA was enacted to prevent.

In sum, Plaintiff can make a *prima facie* case of discrimination in violation of USERRA.

### **1. Same Decision**

Plaintiff worked for E911 for eighteen years, the last seven years as the director. In all of that time, she had never been written up or disciplined. The Board, by a vote of 4-3, terminated her for certification issues that occurred while she was on military leave. The Board did not have any other reason to terminate her. Thus, the Board cannot argue that it would have made the decision if not for the problems that happened while she was on military leave.

Plaintiff asks that Defendants' motion be denied in regards to her USERRA claim.

### **III. RACE AND GENDER DISCRIMINATION**

Title VII race gender claims may be proven with either direct or circumstantial evidence. *Fierros v. Texas Dept. of Health*, 274 F.3d 187, 192-92 (5th Cir. 2001). When the Plaintiff presents

direct evidence of intentional discrimination, “the burden of proof shifts to the employer to establish by a preponderance of the evidence that the same decision would have been made regardless of the forbidden factor.” *Brown v. East Miss. Elec. Power Ass’n*, 989 F.2d 858, 861 (5th Cir. 1993).

In this case, there is direct evidence of race and gender discrimination. Billy Humphries, who was one of the two black Board members, told Colvin that the Board did not want a black female running the E911. For that reason, this Court should deny Defendants’ motion in regards to Colvin’s claim of race and gender discrimination.

Regardless, more commonly, however, plaintiffs lack any sort of “smoking gun” evidence of discrimination, and must resort to proving their case circumstantially through the burden-shifting framework established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973).

In order to make a circumstantial *prima facie* case of unlawful race discrimination, Colvin need only introduce evidence that:

- (1) she is a member of a protected class;
- (2) she was qualified for the position;
- (3) she suffered an adverse employment decision;
- (4) she was replaced by someone of another race or gender, or, treated less favorably than a similarly situated person of a different race.

*McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973); *St. Mary’s Honor Center. v. Hicks*, 509 U.S. 502, 509 (1993); *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133 (2000); *Smith v. City of Jackson, Miss.*, 351 F.3d 183, 196 (5th Cir. 2003); *Russell v. McKinney Hosp. Venture*, 235 F.3d 219, 223-24 (5th Cir. 2000); *Medina v. Ramsey Steel Co., Inc.*, 238 F.3d 674 (5th Cir. 2001).

“To establish a *prima facie* case, [the plaintiff] need only make a very minimal showing.”

*Nichols v. Loral Vought Systems Corp.*, 81 F.3d 38, 41 (5th Cir. 1996).

**A. PRIMA FACIE**

**1. Protected Class**

Plaintiff Jessie Colvin is a black female.

**2. Qualified**

Plaintiff worked for E911 for eighteen years, the last seven years as the director. In all of that time, she had never been written up or disciplined.

**3. Adverse Employment Decision**

On April 17, 2007, Jessie Colvin was fired.

**4. Replaced by Someone of a Different Race and/or Gender.**

After Plaintiff was terminated, she was first replaced by James Crownover, white male, on a interim basis. Next, Daniel Pittman, white male, was hired on a permanent basis to be the E911 director.

Clearly, Plaintiff can make a *prima facie* case of race and gender discrimination.

**B. LEGITIMATE NON-DISCRIMINATORY REASON**

Once a plaintiff has made their *prima facie* case, the burden of production shifts to the defendant to come forward with a legitimate, non-discriminatory reason for the adverse employment decision. *Nowlin v. Resolution Trust Corporation*, 33 F.3d 498, 507 (5th Cir. 1994). Once a plaintiff has produced evidence of these elements of his *prima facie* case, the burden of production then shifts to the defendant to “produc[e] evidence that the plaintiff was rejected, or someone else was preferred, for a legitimate, nondiscriminatory reason.” *U. S. Postal Serv. Bd. of Governors v. Aikens*, 460 U.S. 711, 714 (1983).

Defendant claims that it terminated Plaintiff because of unsatisfactory job performance and failure to keep the Board informed of critical issues concerning mandatory certification of personnel, satisfying its burden of proof.

### C. PRETEXT

In the third step in this burden-shifting framework, plaintiff must produce some evidence that the proffered reason is probably false or may not be the real reason. If the plaintiff does so, he has created a jury question which would make summary judgment improper.

The United States Supreme Court has held:

The defendant's "production" (whatever its persuasive effect) having been made, the **trier of fact** proceeds to decide the ultimate question: whether plaintiff has proven "that the defendant intentionally discriminated against [him]" because of his race. The **factfinder's disbelief** of the reasons put forward by the defendant (particularly if disbelief is accompanied by a suspicion of mendacity) may, together with the elements of the prima facie case, suffice to show intentional discrimination. Thus, **rejection of the defendant's proffered reasons will permit the trier of fact** to infer the ultimate fact of intentional discrimination . . . upon such rejection, no additional proof of discrimination is *required*.

*St. Mary's Honor Center v. Hicks*, 509 U.S. 502, 511 (1993) (emphasis added and citations omitted).

In *U.S. Postal Service Bd. of Governors v. Aikens*, 460 U.S. 711 (1983), the late Chief Justice Rehnquist aptly stated why summary judgment should rarely be granted in discrimination cases once the plaintiff has made a minimal showing of his *prima facie* case and has put forth some evidence that the proffered legitimate, non-discriminatory reason is pretext:

All courts have recognized that the question facing triers of fact in discrimination cases is both sensitive and difficult. The prohibitions against discrimination contained in the Civil Rights Act of 1964 reflect an important national policy. There will seldom be "eyewitness" testimony as to the employer's mental processes." "The law often obliges finders of fact to inquire into a person's state of mind. As Lord Justice Bowen said in treating this problem in an action for misrepresentation nearly a century ago:

The state of a man's mind is as much a fact as the state of his digestion. It is true that it is very difficult to prove what the state of a man's mind at a particular time is, but if it can be ascertained it is as much a fact as anything else." *Eddington v. Fitzmaurice*, 29 Ch.Div. 459, 483 (1885).

*U.S. Postal Service Bd. of Governors*, 460 U.S. at 716-17.

The Board claims it fired Colvin because of unsatisfactory job performance and failure to keep the Board informed of critical issues concerning mandatory certification of personnel. However, what is clear is that Colvin had not been trained in re-certification of dispatchers and was unaware of the certification process with the FCC. Once Gowdy informed Colvin about the problems, Colvin got all of it taken care of within two months. At the time that Colvin was terminated, she already had all of the dispatchers certified properly and set up systems to have all of the new hires certificated within the statutory year.

Colvin had worked for the E911 for eighteen years without a blemish to her employment record, she had never been written up or disciplined. The last seven years of her employment she was the director. It does not make sense that they would fire a long-time director who had performed well the first time there was a problem, especially when she had already solved the problem before the termination. Even Robert Gale stated that what they did to her was not fair.

Further, the vote for termination was 4-3, primarily along racial lines. Four white members voted to terminate. The two black members, and one white member, voted against termination. Bobby Humphries told Colvin that Howard, Moore, Broocks, and Lile, did not want a black female as director.

In sum, Plaintiff can make a *prima facie* case of race and gender discrimination and has produced sufficient evidence to rebut Defendants' proffered reason for termination, making

summary judgment improper.

#### **D. MIXED MOTIVE**

In the alternative, Plaintiff can survive summary judgment by showing that race or gender was a motivating factor in her non-promotion, even if other factors were present.

On June 9, 2003, the United States Supreme Court handed down *Desert Palace, Inc. v. Costa*, 539 U.S. 90 (2003). In a unanimous decision, Justice Thomas, writing for the Supreme Court, held that a “plaintiff need only present sufficient evidence for a reasonable jury to conclude, by a preponderance of the evidence, that ‘race, color, religion, sex, or national origin was a motivating factor for any employment practice.’” *Id.* at 101. Since *Desert Palace*, the other circuits have been forced to change the standards for Title VII cases. *See, Rowland v. American General Finance, Inc.*, 340 F.3d 187, 194 (4th Cir. 2003) (vacating jury verdict because plaintiff not given a mixed-motive instruction); *White v. Burlington Northern & Santa Fe R. Co.*, 364 F.3d 789, 811 (6th Cir. 2004) (noting that Supreme Court in *Desert Palace* has cautioned courts against unwarranted limitations or otherwise unambiguous statutory text). *See also, McGinest v. GTE Service Corp.*, 360 F.3d 1103, 1122 (9th Cir. 2004); *Stegall v. Citadel Broadcasting Co.*, 350 F.3d 1061 (9th Cir. 2003).

On June 25, 2004, the Fifth Circuit indicated that it was in line with the United States Supreme Court and no longer distinguished circumstantial from direct evidence in regard to Title VII cases. *Rachid v. Jack In The Box, Inc.*, 376 F.3d 305, 311 (5th Cir. 2004). In *Rachid*, the Fifth Circuit held that a plaintiff can satisfy the third prong of the burden-shifting analysis either by showing pretext or by showing that the protected characteristic was a motivating factor:



Our holding today that the mixed-motives analysis used in Title VII cases post-*Desert Palace* is equally applicable in ADEA represents a merging of the *McDonnell Douglas* and *Price Waterhouse* approaches. Under this integrated approach, called, for simplicity, the modified *McDonnell Douglas* approach: the plaintiff must still demonstrate a prima facie case of discrimination; the defendant then must articulate a legitimate, non-discriminatory reason for its decision to terminate the plaintiff; and, if the defendant meets its burden of production, “the plaintiff must then offer sufficient evidence to create a genuine issue of material fact ‘either (1) that the defendant’s reason is not true, but is instead a pretext for discrimination (pretext alternative); or (2) that the defendant’s reason, while true, is only one of the reasons for its conduct, and another “motivating factor” is the plaintiff’s protected characteristic (mixed-motive[s] alternative).’”

*Rachid*, at 312.

The Fifth Circuit is employing this modified *McDonnell Douglas* approach as first articulated in *Rachid*. See *Machinchick v. PB Power, Inc.*, 398 F.3d 345, 352 (5th Cir. 2005).

Even if the problems with certification was a legitimate non-discriminatory reason for Colvin’s termination, a reasonable jury could conclude that her race and gender was a motivating factor for that decision, and summary judgment would be improper.

#### **IV. CLAIMS AGAINST THE INDIVIDUAL DEFENDANTS**

Plaintiff withdraws her claims against the individual Defendants at this time.

#### **CONCLUSION**

For all the reasons stated herein, Plaintiff requests that Defendants’ Motion for Summary Judgment be denied, except where otherwise conceded.

Respectfully submitted,

WAIDE & ASSOCIATES, P.A.

BY: /s/ Ron L. Woodruff  
RON L. WOODRUFF  
MS BAR NO. 100391

WAIDE & ASSOCIATES, P.A.  
ATTORNEYS AT LAW  
POST OFFICE BOX 1357  
TUPELO, MISSISSIPPI 38802  
TELEPHONE: 662-842-7324  
FACSIMILE: 662-842-8056  
EMAIL: [waide@waidelaw.com](mailto:waide@waidelaw.com)

Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I, Ron L. Woodruff, attorney for Plaintiff, do hereby certify that I have this day electronically filed the above and foregoing with the Clerk of the Court, utilizing the ECF system, which sent notification of such filing to the following:

Lawrence L. Little, Esq.  
[larry@larrylittlelaw.com](mailto:larry@larrylittlelaw.com)  
[tina@larrylittlelaw.com](mailto:tina@larrylittlelaw.com)

Tara Beth Scruggs, Esq.  
[tara@larrylittlelaw.com](mailto:tara@larrylittlelaw.com)  
[tina@larrylittlelaw.com](mailto:tina@larrylittlelaw.com)

THIS the 8th day of August, 2010.

/s/ **Ron L. Woodruff**  
RON L. WOODRUFF

JESSIE W. COLVIN

**COPY**

4/16/2010

Page 1

1 IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI  
2  
3 JESSIE COLVIN PLAINTIFF  
4 VS. CIVIL ACTION NO. 1:09CV187-M-D  
5 LOWNDES COUNTY, MISSISSIPPI, ET AL DEFENDANTS  
6  
7  
8

9 DEPOSITION OF JESSIE W. COLVIN  
10  
11

12 TAKEN AT THE INSTANCE OF THE DEFENDANTS  
13 IN THE LAW OFFICES OF MITCHELL, MCNUTT & SAMS  
14 215 FIFTH STREET NORTH, COLUMBUS, MISSISSIPPI.  
15 ON APRIL 16, 2010, BEGINNING AT 9:06 A.M.

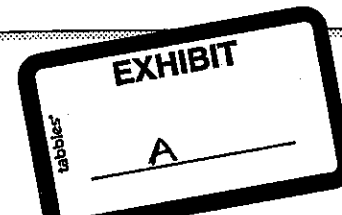
16 APPEARANCES:

17 WAIDE & ASSOCIATES  
18 P.O. Box 1357  
19 Tupelo, MS 38802-1357  
20 For the Plaintiff  
21 BY: RON L. WOODRUFF

22 MITCHELL, MCNUTT & SAMS  
23 P.O. Box 1366  
24 Columbus, MS 39703-1366  
25 For the Defendants  
BY: BERKLEY N. HUSKISON

26 ALSO PRESENT: MR. BUTCH HOWARD, MR. KEN MOORE,  
27 MS. BERNICE LILE and MS. BEVERLY BROOCKS

28 Reported by: GENA MATTISON GLENN, CSR 1568  
29 GLENN-HENRY REPORTING



JESSIE W. COLVIN

4/16/2010

Page 7

1 repetitive, but Shannon, is she working anywhere?

2 A. No. She got laid off, so she's unemployed right now.

3 Q. Where was she working?

4 A. Sitel.

5 Q. Now, your home out in New Hope -- do you own that  
6 home?

7 A. I'm buying it. Uh-huh.

8 Q. Got a mortgage on it?

9 A. Uh-huh.

10 Q. With who?

11 A. It's going to be with -- excuse me -- U.S. Army  
12 Reserves. It's a federal loan.

13 Q. Now, what's your date of birth?

14 A. 12-13-1959.

15 Q. Did you grow up here in Columbus?

16 A. I did.

17 Q. Tell me a little bit about your -- and just -- you  
18 can do it briefly, but your education.

19 A. Okay. I graduated from Caldwell High School. I went  
20 to East Mississippi Community College. I have a two-year  
21 associate's degree. And I went on to the United States  
22 Army, three years in the military. I have --

23 Q. Hold on just a second.

24 A. I'm sorry.

25 Q. What's your associate's degree at EMCC?

JESSIE W. COLVIN

4/16/2010

Page 8

1 A. It's going to be in secretarial science.

2 Q. Do you remember when you got that? Year?

3 A. Let me think about it. Maybe '86, I think, and I'm  
4 not sure of that.

5 Q. And you said -- and I know you've got some military  
6 experience.

7 A. Uh-huh.

8 Q. Tell me about that.

9 A. Okay. I have 20 years of military experience. I did  
10 three years on active duty as a telecommunicator operator  
11 specialist. I have a diploma in that. I have a diploma in  
12 nuclear, biological and chemical warfare.

13 After the three years of being in the military, I  
14 joined the Reserves; and I was in the Reserves for 17 years,  
15 where I was deployed in support of Operation Desert Shield  
16 in 1991, and then I was deployed in 2003 to 2004 for Iraqi  
17 Freedom.

18 Q. Are you still in the Reserves?

19 A. No, I retired in -- and I'm -- let's see. 2005, I do  
20 believe. I'm not sure of the date but I retired in 2005.

21 Q. In 2005 you were --

22 A. Somewhere 2004, 2005. Uh-huh.

23 Q. You were employed at E-911 at that time?

24 A. Yes. Uh-huh.

25 Q. Did you leave the Reserves in good standing?

JESSIE W. COLVIN

4/16/2010

Page 11

1 Q. Did you do any other education after that other than  
2 military?

3 A. Yeah. I'm currently attending MUW, and I am pursuing  
4 a degree in accounting.

5 Q. When did you start that pursuit?

6 A. Let's see. 2007.

7 Q. So after EMCC in 1986 when you got your degree  
8 there --

9 A. Uh-huh.

10 Q. -- the next education --

11 A. Uh-huh.

12 Q. -- pursuit is 2007 at the W?

13 A. Well, actually, if you're talking about education, as  
14 far as the military I have plenty of training there.

15 Q. Yes, ma'am, and I think you've told me that.

16 A. Yeah.

17 Q. Just for the record tell me a little bit about that  
18 again.

19 A. Okay. I have a telecommunication -- a diploma in  
20 telecommunications. I have a nuclear and biological  
21 diploma. I have.

22 Q. This is all through the military?

23 A. This is all through the military.

24 Q. Go ahead.

25 A. I have -- you're going to have to bear with me.

JESSIE W. COLVIN

4/16/2010

Page 12

1 Q. Okay.

2 A. I have a personnel service --

3 Q. Hold on a second.

4 (Off Record.)

5 BY MR. HUSKISON:

6 Q. Go ahead.

7 A. Administrative personnel service. Primarily shipping  
8 (phonetic) and development courses. And numerous others  
9 that I don't have the paperwork in front of me, so I'm  
10 sorry.

11 Q. What is -- what are those type of -- and I -- for  
12 lack of a better word, the education, what do you have to do  
13 to get the telecommunications --

14 A. You have to go to school, get trained, get certified.

15 Q. And how long of a process is that for that one?

16 A. For that one it's going to be -- I think it's going  
17 to be three months.

18 Q. Three months?

19 A. Uh-huh.

20 Q. Do you go at night or during the day?

21 A. During the daytime, eight hours a day.

22 Q. Eight hours a day.

23 A. Uh-huh.

24 Q. For three months?

25 A. Yes, sir. I do. Uh-huh.

1 back?

2 Q. You tell me -- just tell me what you're thinking of,  
3 and I'll tell you if we need to know more about it. How  
4 about that?

5 A. Okay. I started out at the fire department --

6 Q. Okay.

7 A. -- in 19 -- I don't know about these dates. I think  
8 it's going to be 1986, I do believe. And I was a  
9 dispatcher/records clerk for the Columbus Fire Department.

10 Q. Tell me about that hiring process.

11 A. That hiring process, we had to go through the  
12 Board -- I'm sorry -- the City Council. The City Council.  
13 Was interviewed before the City Council. And there was a  
14 test that you did over at the fire department where you had  
15 to dispatch some calls, take a typing test, and then it went  
16 forward on to the City Council for vote.

17 Q. And who was the fire chief at that time?

18 A. The fire chief was Robert W. Gale.

19 Q. Was he responsible for pushing you or getting you  
20 hired or helping you get hired?

21 A. Well, no one was. I mean, I just went before the  
22 City Council based on application and based on testing.

23 Q. Okay. You put your application in?

24 A. Put my application in.

25 Q. Do you know who reviewed it to take you to the City



JESSIE W. COLVIN

4/16/2010

Page 19

1 all.

2 A. I don't think so.

3 Q. What were you -- you sounded like you were about to  
4 tell me something. What were you thinking --

5 A. Well, see, I'm trying to figure -- okay. Now, as far  
6 as I know, no.

7 Q. No complaints by anybody against you about your work  
8 performance there?

9 A. No.

10 Q. Okay. And you likewise had none against anybody  
11 else.

12 A. No.

13 Q. Why did you decide to leave the fire department?

14 A. Because they were incorporating E-911, and it was  
15 going to be -- what -- my understanding being -- and like I  
16 said, you're going to have to bear with me. This has been  
17 22 years ago.

18 Q. Sure. Sure.

19 A. They were getting ready to set up a 911 system. And  
20 the fire department had dispatchers, the police department  
21 had dispatchers, the sheriff's department has dispatchers,  
22 and the ambulance service had dispatchers. They were going  
23 to take those dispatchers and put them in 911 and make it a  
24 centralized dispatch center. So I applied for the position  
25 because the position at the fire department was no longer

JESSIE W. COLVIN

4/16/2010

Page 22

1 A. Yes, sir. I was -- yeah.

2 Q. Go ahead.

3 A. Well, I got promoted to supervisor in -- I can't give  
4 you the dates, but I got promoted to supervisor, shift  
5 supervisor. Then I was promoted to chief shift supervisor,  
6 and then I was promoted to engine director and then promoted  
7 to director within that 11-year time frame.

8 Q. So you had been working -- for lack of a better word,  
9 working your way up through the system, through the  
10 dispatcher system since 1989?

11 A. Yes, sir.

12 Q. Any -- until you got to be director in 2000.

13 A. Uh-huh.

14 Q. Any significant issues at work that you recall?

15 A. Significant -- could you --

16 Q. In your mind significant.

17 A. You mean as far as -- can you clarify that for me?

18 Q. Abilities to get along with your coworkers,  
19 certification issues, any -- anything.

20 A. Not to my knowledge.

21 Q. Okay. Now, when you -- as you promoted your way up  
22 through, was Benny McDowell still in charge?

23 A. When I became shift supervisor he was.

24 Q. Okay. Who was it -- do you remember the year you  
25 became shift supervisor, moved from dispatcher to shift

JESSIE W. COLVIN

4/16/2010

Page 24

1 you moved up the first time?

2 A. Okay. It's going to be between '91 and '92.

3 Q. Okay.

4 A. Okay. I'm sorry.

5 Q. Who was the -- do we have a director at that point?

6 A. '91 and '92 was going to be Benny McDowell. He was  
7 the director. And then chief shift supervisor is going to  
8 be John Brown.

9 Q. When did somebody replace McDowell as director?

10 A. I want to say maybe -- and this is a guess --  
11 somewhere between '96 and 1997.

12 Q. Who was that? Who took Benny McDowell's --

13 A. John Brown.

14 Q. John Brown became director, and you all -- how many,  
15 roughly, dispatchers and shift supervisors and all that do  
16 we have?

17 A. You're still going to have 13 and 3.

18 Q. Okay. As shift supervisor, and I think you answered  
19 this, but you're responsible for the dispatchers under your  
20 control?

21 A. Uh-huh.

22 Q. Do you also sit in that chair and answer calls?

23 A. Uh-huh. You're a working supervisor.

24 Q. And if your dispatchers that work under you don't  
25 show up, are you responsible for sitting in that chair for

JESSIE W. COLVIN

4/16/2010

Page 26

1 Q. At that time when you became -- I think you were  
2 named interim --

3 A. Yes.

4 Q. -- first? How long were you interim?

5 A. Maybe a month.

6 Q. A month?

7 A. Maybe.

8 Q. And when you became interim was there -- were you  
9 appointed by the E-911 Board?

10 A. Yes.

11 Q. Was any other -- were any of your other coworkers  
12 wanting to be interim at that time?

13 A. I don't know.

14 Q. Don't know? You just know you were the one named.

15 A. Yeah.

16 Q. Is that right?

17 A. Uh-huh.

18 Q. All right. And I assume there was a process by which  
19 you all applied to be director.

20 A. Yes.

21 Q. Do you know who all applied?

22 A. I don't know.

23 Q. Tell me about the interview process to become  
24 director of E-911 when you did it in 2000.

25 A. Okay. I was interviewed by the E-911 Board of

JESSIE W. COLVIN

4/16/2010

Page 28

1 Q. If you don't remember, you don't remember.

2 MR. WOODRUFF: Yeah.

3 A. I just don't --

4 BY MR. HUSKISON:

5 Q. We can look back.

6 A. Okay.

7 Q. I was just -- I just wondered if you --

8 MR. WOODRUFF: If you remember later, just let him  
9 know. If it comes to you later on or you remember next  
10 week, call me up and I'll -- we'll supplement discovery.

11 A. Okay.

12 BY MR. HUSKISON:

13 Q. Did you have unanimous support from that Board when  
14 you were hired?

15 A. Yes.

16 Q. When you went in 2000 -- and I show it was February  
17 of 2000. Does that sound right?

18 A. Well, maybe. Yes, sir.

19 Q. Tell me -- as director at E-911, tell me what your  
20 job duties and functions are.

21 A. Okay. Job duty and function was I was a payroll  
22 officer. I was -- I did the work schedule. I did the  
23 budgeting. I was the liaison for the 911 dispatch center.  
24 I'm thinking. Let me see. What all did I give you?

25 Q. Payroll, work schedule, budget, liaison.

JESSIE W. COLVIN

4/16/2010

Page 31

1 Q. Any significant issues that you remember? And when I  
2 say significant issues, I'm talking about any issues where  
3 state auditors came and looked at what was going on at E-911  
4 and found problems or things of that nature.

5 A. Not that I'm aware of.

6 Q. Okay. Now, in 2003, I think it was February, you  
7 went on military leave; is that right?

8 A. Uh-huh. Yes, sir.

9 Q. Tell me the circumstances surrounding that.

10 A. Me going on military leave?

11 Q. Yes, ma'am.

12 A. I was called to active -- my unit was called to  
13 active duty in support of Operation Iraqi Freedom.

14 Q. Where were you called to?

15 A. I went to South Carolina. Fort Jackson, South  
16 Carolina.

17 Q. And I think the records in the personnel file shows  
18 you were there about a year?

19 A. Uh-huh. Yes, sir.

20 Q. Any problems with the E-911 Board and you taking that  
21 time off for military?

22 A. No, sir.

23 Q. Okay. I want to make it -- it's not time off. It's  
24 military leave. Okay. And no problems -- you had no  
25 problems with the Board and the way that was handled.

JESSIE W. COLVIN

4/16/2010

Page 32

1 A. You mean as far as them saying I couldn't go?

2 Q. Yes, ma'am.

3 A. No. No.

4 Q. They were supportive of you going on military leave.

5 A. Yes.

6 Q. All right. While you were out who handled your  
7 duties as director?

8 A. Mitzi Hatcher.

9 Q. Tell me your communications with Ms. Hatcher prior to  
10 leaving in terms of what she was supposed to be doing. Did  
11 you have any discussions with her about what you expected?  
12 Anything like that?

13 A. Yeah. I was -- Mitzi actually -- let me explain  
14 something here. I was always -- from day one, started with  
15 the fire department up until 2004, was in the Reserves.

16 Q. Uh-huh.

17 A. And two weeks in the summer and one weekend out of  
18 the month.

19 Q. Okay.

20 A. So when I made E-911 director, I was gone at least  
21 two weeks in the summer, sometimes three weeks in the  
22 summer. Mitzi Hatcher, she was the senior shift supervisor.  
23 So while I was gone, she held the responsibilities of taking  
24 care of the dispatch center while I was gone.

25 Mitzi Hatcher, when I got ready to leave, was told

JESSIE W. COLVIN

4/16/2010

Page 46

1 A. Uh-huh.

2 Q. Did you check those certifications of your  
3 dispatchers?

4 A. No, I did not.

5 Q. January 2006, did you check those certifications of  
6 your dispatchers?

7 A. No, I did not.

8 Q. When did you first discover that we had some issues  
9 with certifications of our dispatchers?

10 A. Brenda Gowdy. Brenda Gowdy, who was -- and I'm  
11 trying to think when was that. Maybe -- I don't know the  
12 exact date, but it's going to be Brenda Gowdy, who was  
13 chairman of minimum standards training.

14 When we were doing the upgrade of the 911  
15 communication center, Lee County came -- the Lee County  
16 director, along with his training officer, who was Brenda  
17 Gowdy at that time, came to look at the dispatch center and  
18 what we were doing. They were going to do some of the same  
19 kind of things that we were doing. After that meeting  
20 Brenda Gowdy asked me had you heard from -- had I heard from  
21 Alan Gray. I told her no, I had not heard from Alan Gray.  
22 And I asked her who Alan Gray was because I had never heard  
23 of Alan Gray.

24 Q. What time -- what date and year do you remember this  
25 being?



JESSIE W. COLVIN

4/16/2010

Page 47

1 A. I'm -- I -- give me a minute to think about this  
2 because we -- April 2000 -- it had to be somewhere -- and I  
3 don't know exactly when that was because we were still in  
4 the process of upgrading. I had the -- I think the CAD was  
5 in -- what we completely did was we renovated the 911  
6 dispatch center. All of the old equipment came out, and  
7 there was new equipment that was put in there. And the date  
8 I'm not sure of. I'm just not sure of the date.

9 Q. You think it was in 2006, sometime in 2006?

10 A. Yeah, it had to be sometime in 2006 but I don't know  
11 exactly when.

12 Q. After you talked with Ms. Gowdy, I assume you  
13 understood that there could be some problems with our  
14 certifications at E-911 here?

15 A. Yes.

16 Q. What did that prompt you to do?

17 A. It prompted me to get in touch with Alan Gray and  
18 find out what was needed and why I had not received  
19 anything. And I also spoke with Mitzi Hatcher, who was the  
20 acting director in 2004, asked her had she received anything  
21 from Minimum Standards Board stating that the dispatchers'  
22 certification -- the dispatchers were no longer certified,  
23 and she had not received any type of information. So I did,  
24 in fact, send a letter to Alan Gray; and I got that  
25 information from Brenda Gowdy. And there should be an

JESSIE W. COLVIN

4/16/2010

Page 52

1 Q. Okay. And you can look at the letter, but tell me in  
2 general what you were requesting from him and what your  
3 letter was about. You can look at it and tell me or you can  
4 just tell me from your memory.

5 A. Well, basically what the letter states, that I was  
6 trying to find out what my dispatchers need, what classes  
7 were reimbursable, just the information that's on the letter  
8 reference to the certification and recertification of the  
9 dispatchers.

10 Q. Okay. And did he respond to you shortly thereafter?

11 A. I should have gotten something from him. I don't  
12 think it was from him. It was from someone else. I'm not  
13 sure who it was. Some -- either the training officer or  
14 somebody.

15 MR. HUSKISON: Let's mark that as Exhibit 2.

16

17

- - - - -

18 (Exhibit Number 2 marked.)

19 BY MR. HUSKISON:

20 Q. Ms. Colvin, if you'll look at that, this is a letter  
21 dated October 26, 2006. Looks like it's to you from Alan  
22 Gray.

23 A. (Witness reviews document.)

24 (Off Record.)

25 BY MR. HUSKISON:

1 Q. What you're saying is that you deny getting that  
2 memo, which is page -- the third page of that document --  
3 certification memo?

4 MR. WOODRUFF: Third page. It's right here.

5 A. This right here? Yeah.

6 BY MR. HUSKISON:

7 Q. You never received that?

8 A. I didn't get this.

9 Q. Okay. Even though he says he sent it to you.

10 A. Yes, sir.

11 Q. All right. And your testimony here, as director of  
12 E-911 at that time, you weren't familiar with  
13 recertification and certification requirements for your  
14 dispatchers?

15 A. I was familiar with certification and recertification  
16 as a dispatcher in -- when I started as a dispatcher, but  
17 not as -- I had no training as far as what you were supposed  
18 to do. As a matter of fact Jim Crownover was the training  
19 officer -- along with John Brown, the training officer for  
20 certification and recertification for dispatchers.

21 So let me make myself perfectly clear here. I knew  
22 that the dispatchers needed to be certified; but as far as  
23 what was entailed in the certification, that was John Brown,  
24 former director, and Jim Crownover, who was a training  
25 officer for that.

JESSIE W. COLVIN

4/16/2010

Page 58

1 A. No.

2 Q. All right. Now, you're looking at -- on the second  
3 page of that letter, it gives you the name of Brenda Gowdy.  
4 Had you talked with Ms. Gowdy at that point?

5 A. I sure did. I got in touch with her.

6 Q. No, had you talked to her before this letter?

7 A. Yeah. I talked to Brenda before this letter.

8 Q. And you've told me a little bit about that  
9 discussion. What did you talk about with Ms. Gowdy?

10 A. I talked to her about the dispatcher certification.  
11 I talked to her about it because she asked me -- and like I  
12 said, I don't know the exact dates, and I don't want to be  
13 pinned down a date, but she -- because I don't know. I  
14 don't have anything in front of me. When I walked out of  
15 911, everything was left there. But when she talked -- they  
16 came over and she asked me did I know -- had I talked to  
17 Alan Gray, I did not even know who Alan Gray was.  
18 Apparently there were some disgruntled dispatchers that had  
19 gotten in touch with Alan Gray and Brenda Gowdy, as a matter  
20 of fact, and stated that they had not been trained in three  
21 years. They had no training in three years.

22 So I got with Brenda Gowdy. I took all of the  
23 training files that I had. I went up to Lee County  
24 Communications -- and I don't know what date that was. That  
25 was sometime in 2006. Got all that done, got that taken

JESSIE W. COLVIN

4/16/2010

Page 59

1 care of, submitted that paperwork to Minimum Standards  
2 Board.

3 Q. And what you're saying is somebody was complaining  
4 that our folks at E-911 here in Lowndes County were not  
5 certified, were they not?

6 A. Uh-huh. Yeah.

7 Q. And that prompted you into action; is that right?

8 A. Because I didn't know. I mean, I really and truly  
9 did not know. And I would -- I know what you're saying --

10 Q. As director of E-911 --

11 A. -- that as director I -- it was my responsibility to  
12 know, but I did not know. And when I --

13 Q. Are you familiar with the penalties and the problems  
14 that that could cause for E-911 here, having uncertified  
15 folks on those phones?

16 A. No, I was not familiar with that, and -- no, I  
17 wasn't.

18 Q. Okay. Now, the section -- looks like it's on about  
19 the fourth page of that.

20 A. Uh-huh.

21 Q. Go on back one more. That's the memorandum that he  
22 references in the letter, and it goes through the  
23 certification requirements.

24 A. Uh-huh.

25 Q. Were you familiar with those requirements when you

JESSIE W. COLVIN

4/16/2010

Page 63

1 Q. You don't know whether you got it or not?

2 A. I don't know. I'm not -- I'm -- yeah. I don't know  
3 that.

4 Q. You were -- in that November time frame -- October,  
5 November time frame, you were well aware that certification  
6 problems were in -- existed at the E-911?

7 A. Yeah, I was well aware of that. I was made aware of  
8 that.

9 Q. All right. I'm going to show you --

10 MR. HUSKISON: Let's mark as Exhibit 3 -- if you  
11 would, Ms. Colvin, put that on the back of that exhibit.

12 THE WITNESS: On the back?

13 MR. HUSKISON: Yes, ma'am.

14

15

- - - - -

16 (Exhibit Number 3 marked.)

17 BY MR. HUSKISON:

18 Q. Looks like that's a letter January 24, '07 --

19 A. Uh-huh.

20 Q. -- to you from Alan Gray; is that right?

21 A. Yeah.

22 Q. Take a look at it. Did you receive that letter?

23 A. Yeah.

24 Q. And he references that you had sent your 2007 of  
25 roster emergency telecommunicators in?

JESSIE W. COLVIN

4/16/2010

Page 65

1 A. Uh-huh.

2 Q. And Hatcher.

3 A. Uh-huh.

4 Q. Says y'all were all recertified on January 1, '07; is  
5 that right?

6 A. That's -- yeah, that's what it says.

7 Q. Tell me what y'all did to get recertified in that  
8 time frame.

9 A. All paperwork was submitted. All of their training  
10 and all of their paperwork was submitted to the Board, as I  
11 was told by Brenda Gowdy to submit all of their paperwork to  
12 the -- all of their training.

13 Q. Did you have to do any particular training to get  
14 your certification?

15 A. The only other thing that had to be done, that they  
16 had to train, was the recertification, 16-hour  
17 recertification; and that was done through Brenda Gowdy.  
18 Brenda Gowdy came to the 911 center and did the 16-hour  
19 recertification. That was the only thing -- only training  
20 that they were lacking.

21 Q. Did you go through that training?

22 A. I did.

23 Q. 16 hours worth?

24 A. Uh-huh. Two days.

25 Q. Okay. Now, the last three down there, Edwards,

JESSIE W. COLVIN

4/16/2010

Page 67

1 Q. Sits there with them?

2 A. Sits there with them and train them. Yeah.

3 Q. Okay. Now, that letter from Alan Gray was in early  
4 January? I think I said it already. Let me make sure I'm  
5 saying it right. January 24, 2007.

6 A. That's what that states. Uh-huh.

7 Q. Okay. You knew at that point you still had some  
8 problems with your certifications; is that right?

9 A. Certification at that point was only for -- your  
10 seasoned dispatchers with the recertification were all  
11 certified. The part -- now getting a program in place for  
12 my new dispatchers that were within that time frame, and  
13 that's what we were working on.

14 Q. All right. Now, when, Ms. Colvin, did you first  
15 become aware that the Board had some concerns with our  
16 certifications and the job you were doing in general?

17 A. Let's see. I'm going to say probably in 2000 and --  
18 maybe in 2006 when the E-911 -- let's see. As far as the  
19 certification goes, sometime in 2006. When, I don't know.

20 Q. The Board members were asking you questions about  
21 that certification and recertifications?

22 A. Yeah. It was sometime in 2000 and -- I want to --  
23 there was a Board meeting -- let me think about this. There  
24 was a Board meeting in 2006 where you had some employees  
25 that came before the Board and stated about MJIC



JESSIE W. COLVIN

4/16/2010

Page 71

1 Q. After they would come, after they would leave would  
2 Board members ask you about what was going on, how we stood?

3 A. They only came one time.

4 Q. And when they came that one time --

5 A. Uh-huh. Yeah.

6 Q. -- did Board members question you about where we  
7 stood on some of these things they were complaining about?

8 A. MJIC certification?

9 Q. Yes, ma'am, that.

10 A. Yeah.

11 Q. What was your response?

12 A. We were fine, because we were. The FBI -- it was a  
13 routine audit. We were fine.

14 Q. What about on certifications of our dispatchers? Did  
15 they ever --

16 A. I don't really think --

17 Q. -- ask you those questions?

18 A. I wasn't asked about the dispatchers. I don't really  
19 know what was asked about the dispatcher certification.  
20 Now, like I said, you could get the minutes. I don't have  
21 any minutes in front of me. But at the time that the Board  
22 asked me about the certification, all of that information  
23 had been sent forward. It had been sent forward to Minimum  
24 Standards Board, to get in compliance with Minimum Standards  
25 Board.

JESSIE W. COLVIN

4/16/2010

Page 74

1 had them monthly.

2 A. Uh-huh.

3 Q. I don't have them in front of me at the moment. We  
4 can get them.

5 A. Okay.

6 Q. But you had monthly Board meetings.

7 A. Uh-huh.

8 Q. Do you recall the Board members asking you  
9 specifically, Hey, we've got some things showing up on  
10 Columbus Talks, we've got some complaints from these former  
11 employees, are our certifications in order?

12 A. No, I don't recall that, now.

13 Q. You don't -- they never asked you about whether the  
14 certifications were in good shape?

15 A. I don't recall that. What I recall was Ken Moore  
16 asking what does it take for dispatchers to be certified.  
17 What was the Minimum Standards requirements for dispatcher  
18 certification, and I answered those questions.

19 Q. And he asked you that in Board meetings?

20 A. In a Board meeting, I do believe. Yes.

21 Q. And what was your response?

22 A. And I told him what I knew at the time, the  
23 certification for the dispatchers, based on the  
24 documentation that was presented to me with Mr. Gray.

25 Q. Did you tell him we still had problems with our

JESSIE W. COLVIN

4/16/2010

Page 75

1 certification?

2 A. At the time, in January, we didn't have any problems.  
3 These dispatchers was already certified. They were  
4 certified in January. So we didn't have -- the only thing  
5 that we had, and that was -- this certification here on the  
6 new employees. The new employees have one year to be  
7 certified.

8 Q. All dispatchers other than new employees -- your  
9 testimony is all dispatchers other than new employees had  
10 their certification in January of '07?

11 A. That's correct.

12 Q. Okay. Now -- and that's what you informed Board  
13 member Moore, Ken Moore.

14 A. I wasn't asked that question about who was certified  
15 and who was not, to my knowledge.

16 Q. Okay.

17 A. To my knowledge. And without having those Board  
18 minutes in front of me, to my knowledge I was not asked who  
19 was certified and who was not.

20 Q. I want to be clear. What did -- what did Ken Moore  
21 ask you?

22 A. Just general information about the dispatcher  
23 certification, what does it take for the dispatchers to be  
24 certified.

25 Q. And you --

JESSIE W. COLVIN

4/16/2010

Page 78

1 A. She was -- yes, she was. All dispatchers work on the  
2 phone.

3 Q. But she was not certified.

4 A. No.

5 Q. Okay. Did you ever -- and I know in Alan Gray's --  
6 in his letter to you in January, he mentioned that he didn't  
7 have papers -- separation papers on a couple of folks. Did  
8 you ever follow up and send him those separation papers?

9 A. Yes, I did.

10 Q. You did? Did you do that before your job ended in  
11 April?

12 A. Yes, sir, I do believe.

13 Q. All right. Now, do you recall dispatchers that were  
14 on staff at that time, and employees at -- in the March,  
15 April time frame, do you recall them going to the Board and  
16 complaining about the hours that they are being required to  
17 work?

18 A. Yeah, I do.

19 Q. Which dispatchers was that?

20 A. That's going to be Mitzi Hatcher, Jim Crownover and  
21 Sherri Fancher.

22 Q. Do you remember what their complaints were?

23 A. Their complaint was that they was working 12 hours --  
24 actually, their complaint was -- let me get this right. Jim  
25 complained about not getting vacation, Sherri complained

JESSIE W. COLVIN

4/16/2010

Page 83

1 up for a minute; okay? Prior to that dispatch center being  
2 in disarray --

3 Q. Dispatch center being in disarray, what date was  
4 that?

5 A. Prior to 2000 and -- I want to say 2006.

6 Q. Okay.

7 A. Okay?

8 Q. So you had been back; you were in place --

9 A. Uh-huh.

10 Q. -- in 2006. All right.

11 A. Yeah.

12 Q. In the middle of 2006?

13 A. I don't know exactly.

14 Q. And what do you mean disarray?

15 A. Like everything was moved out.

16 Q. Okay.

17 A. Everything was moved out, put in boxes. Put in  
18 boxes. Some was under lock and key. The personnel files  
19 were put in boxes under lock and key. Coming back, getting  
20 the dispatch center up to where we could -- we actually  
21 operated out of a mobile trailer. That's where we operated  
22 out of for almost -- I don't know -- maybe five, six months.  
23 We operated there. And while that was going on, my job was  
24 to get that dispatch center back in order.

25 Now, personnel files were in the process, as I

JESSIE W. COLVIN

4/16/2010

Page 85

1 Board, and I don't know -- like I said, I don't have  
2 anything in front of me, dates or times; but I did go before  
3 the Board and told them I needed help.

4 Q. And your -- when you say you don't have anything in  
5 front of you --

6 A. I don't know -- I can't give you a time frame as to  
7 what I did. I can't do that because what time frame or --  
8 and I know this will come back up where she said she did  
9 this in April. I don't know the exact date of what  
10 transpired, but I do know that I went before that Board and  
11 requested a secretary or administrative assistant because  
12 there was too much for me to handle.

13 Q. And did you get an administrative assistant?

14 A. I did get an administrative assistant.

15 Q. You don't remember what time frame that was?

16 A. It's going to be after I come back from the -- after  
17 I came back from -- I'm still going to say it's going to be  
18 2006.

19 Q. 2006?

20 A. I guess maybe 2006 or the latter part of --

21 Q. What was her name?

22 A. Labeachie (phonetic) Richardson.

23 Q. So we can look at whatever her --

24 A. Uh-huh.

25 Q. -- whenever she was hired --

JESSIE W. COLVIN

4/16/2010

Page 112

1 And when she was told to leave, I was called in; and then I  
2 was told to leave. Actually, I was. I was told to leave  
3 and -- by Sheriff Howard, and then if they needed me, they  
4 would come and get me; and they came and got me later.

5 Q. Okay.

6 A. And once they came back and got me, I was questioned  
7 about dispatcher certification, rosters had not been sent  
8 in, and blah, blah, this, that and the other. Without being  
9 prepared for what was going on, I went and pulled what I  
10 knew I had which was on those dispatchers, those rosters I  
11 had in fact, and the training that they had had so far had  
12 been sent forward.

13 Sheriff Howard told Ken Moore, and Bernice Liles was  
14 looking for a date, told him to check with Minimum Standards  
15 Board and find out what was the hold-up on getting that  
16 information. And I was told then -- what else went in  
17 there? Oh, and I asked did I need an attorney.

18 Q. Okay.

19 A. I did ask if I needed an attorney. I was told not at  
20 this time by Sheriff Howard. And then I think -- and I  
21 don't know what else went on. Like I said, without having  
22 something -- I was told to leave and if they needed anything  
23 further from me, they will let me know. The Board meeting  
24 ended. I was still in my office. Everybody left. I got in  
25 my vehicle and I went home, and I think that was after 6

1 would come back and get me. No one did. And the Board  
2 meeting was adjourned, and after that everybody came to --  
3 went to the conference room. There was nobody there. So I  
4 locked my door and I went home.

5 Q. When was your next discussion with anybody on that  
6 Board?

7 A. It was going to be the next day. That next day  
8 Sheriff Howard and Ken Moore came in. And it was after  
9 lunch. Sheriff Howard looked in the door said that -- I was  
10 on the radio. I was doing something. I don't even know  
11 what I was doing. But anyway, said that he needed to speak  
12 with me. I went downstairs in the conference room. I was  
13 presented with -- I was presented with an agreement that I  
14 would resign or be terminated. Well, no, an agreement I  
15 would resign my -- let's get this right. The Board -- I'm  
16 trying to get it in the order that it was presented; okay?

17 Q. Sure. Take your time.

18 A. The first thing was I was presented with an  
19 agreement. Something about I would resign my position in  
20 one month and I would not sue. There was about seven or  
21 eight pages. I didn't finish reading it. I handed that  
22 back to Sheriff Howard.

23 The next thing that was presented to me was a  
24 memorandum from Sheriff Howard stating that the E-911 Board  
25 of Commissioners had voted to terminate me based on poor job



JESSIE W. COLVIN

4/16/2010

Page 115

1 performance the night -- the following night. So I asked  
2 what type of poor job performance, and I do believe it was  
3 stated that the dispatchers were not certified. Not  
4 keeping --

5 Q. Go ahead.

6 A. The dispatchers were not certified.

7 MR. HUSKISON: Let's go ahead and mark that as 7.

8

9

10 (Exhibit Number 7 marked.)

11 BY MR. HUSKISON:

12 Q. Ms. Colvin, you were testifying about you were given  
13 the opportunity to resign?

14 A. Yeah.

15 Q. Did you decline that opportunity?

16 A. Yes, I did.

17 Q. And at that point, you said that Sheriff Howard  
18 provided you with a termination notice?

19 A. Right here.

20 Q. And we just marked it as Exhibit 7. It's dated April  
21 17, '07; is that right?

22 A. Yeah. That's what it's dated.

23 Q. And he provided you information about filing a  
24 grievance at that point as well; is that right?

25 A. Right there.

JESSIE W. COLVIN

4/16/2010

Page 116

1 Q. All right. Now, anything else you remember about the  
2 meeting with the sheriff and Chief Moore?

3 A. That's pretty much it. I asked him about what poor  
4 job performance, can you cite to me what poor job  
5 performance. I've never been written up. I've never even  
6 been disciplined the whole time I worked for 911. I was  
7 telecommunicator of the year two times running. I was never  
8 disciplined or was I ever called into a Board meeting, per  
9 se, and my -- my job was below standards. As a matter of  
10 fact, it was -- my job was as -- Board meetings was -- it  
11 was praised. So he stated -- Ken Moore stated that because  
12 the dispatchers were not certified, they're not certified  
13 until the members and the Board state that they're  
14 certified, which, in fact, on the date that they terminated  
15 me, all dispatchers were certified, with the exception of  
16 the new ones which were within that time frame of one year.  
17 Their rosters and the certification that they had, the  
18 minimum classes and everything that they had, had been sent  
19 forward to the Minimum Standards Board. So everything was  
20 in -- everything was up to par.

21 Q. You saw earlier the roster and the response from Alan  
22 Gray.

23 A. Uh-huh. Yeah.

24 Q. Those records, I know you're saying they were up to  
25 par.

JESSIE W. COLVIN

4/16/2010

Page 117

1 A. Yeah.

2 Q. But the certifications weren't. They were out of  
3 date back as far as '02 and '03, were they not?

4 A. Yes. But at the time that I was terminated, all  
5 dispatchers, all of that had been straightened out.  
6 Dispatchers were recertified, and you will have their  
7 professional certificates. They were recertified January of  
8 2007. The newer employees that were there had a training  
9 scheduled, and they were doing their training, and all those  
10 rosters had been sent up.

11 Q. Now, make it clear in the record.

12 A. Uh-huh.

13 Q. We were operating our dispatch center with  
14 uncertified dispatchers from whenever they became  
15 uncertified in '02 and '03 forward till you finally decided  
16 to get those certifications in order --

17 MR. WOODRUFF: Objection.

18 A. No.

19 BY MR. HUSKISON:

20 Q. -- in the end of '06.

21 A. No. I didn't finally decide when -- you're making it  
22 seem like I just all of a sudden decided that the  
23 dispatchers need to be certified, and best -- better state  
24 something on the record as well.

25 Q. Okay. Go ahead.

1 A. Lowndes County 911 was not the only communications  
2 center that had dispatchers that were not certified. As a  
3 matter of fact, Brenda Gowdy, who was president of the  
4 Minimum Standards Board who had took over at that time --  
5 there was another president. Things were not getting done.  
6 Even -- even if the certification -- the recertification,  
7 the paperwork had been sent forward to the Minimum Standards  
8 Board, it wouldn't have gotten done. They cleaned house.  
9 They cleaned house. They found records that were -- the  
10 young ladies -- the training officer responsible for sending  
11 out the rosters to each discipline, whether it be 911, fire  
12 department, these rosters was found in her desk. So she  
13 was -- they cleaned house there. They were in the process  
14 of cleaning house as well as getting everybody in the state  
15 certified. We were not the only ones that were not  
16 certified.

17 Q. Ms. Colvin, your responsibility is Lowndes  
18 County-Columbus E-911; right?

19 A. Yes.

20 Q. It's not everybody else.

21 A. But I'm just letting you know that there were some  
22 extenuating circumstances behind that.

23 Q. Would you agree with me what everybody else is doing  
24 doesn't matter; it's what Lowndes E-911 was doing?

25 MR. WOODRUFF: Objection.

1 A. Okay.

2 Q. It's April 19th, which is two days after your  
3 dismissal; right?

4 A. Yeah.

5 Q. Okay. Tell me what you recall about that particular  
6 grievance hearing, what you did, what did you present.

7 A. We just -- I presented the information, just what I  
8 told you, what happened with the E-911 -- what happened with  
9 the dispatcher certification, and Brenda Gowdy -- Mr.  
10 Lipscomb also spoke with Brenda Gowdy by phone and explained  
11 to the Board that I didn't know. I was not aware that those  
12 dispatchers were not certified. I had not been trained, so  
13 I was not aware. And it's when I found that out, I did  
14 everything that I possibly could do to rectify the problem.  
15 I got the -- I got them back up to standards where they  
16 were. Got them recertified. I was not aware of that.

17 And as I stated, Brenda Gowdy can testify to the  
18 disarray of the Minimum Standards Board. As far as Alan  
19 Gray is concerned, I never heard anything from him until --  
20 and this is basically what I told the Board, until I sent  
21 that letter dated October 23rd in reference to the  
22 dispatcher certification, what is needed, what is done,  
23 everything that I needed to know to get those dispatchers  
24 certified.

25 Q. Ms. Colvin, did you -- were you present when the

JESSIE W. COLVIN

4/16/2010

Page 126

1 get into some -- some information about that. We talked  
2 about earlier some of your job duties were to pay bills?

3 A. Yes, sir.

4 Q. And you agree that's some of your job  
5 responsibilities.

6 A. Yes, sir.

7 Q. We talked about -- we didn't talk about FCC licenses.  
8 Is it your responsibility to make sure that E-911 is up to  
9 date on their licensing?

10 A. It is.

11 Q. Did you do that?

12 A. I did.

13 Q. You did?

14 A. I did.

15 Q. When you left E-911 what was the status of your FCC  
16 license?

17 A. You had one that was in violation.

18 Q. You had what?

19 A. You had one that had expired.

20 Q. Is that your responsibility to make sure that doesn't  
21 happen?

22 A. Well, if I'm not here, I can't do anything about it.  
23 Those license expire in December of 2003 and I was on active  
24 duty, so --

25 Q. 2003, but you came back and you're director in '04,

JESSIE W. COLVIN

4/16/2010

Page 127

1 '05 and '06?

2 A. I didn't have anything to do with that. I was trying  
3 to get those licenses back. I was trying to get those  
4 licenses back.

5 Q. You were attempting to get the licenses back?

6 A. That is correct.

7 Q. Had you been informed that they were not in place?

8 A. I had been informed from a letter from the FCC, and I  
9 submitted the paperwork along with why, because I wasn't  
10 here. I was not here when those license expired.

11 Q. I understand you weren't here back in '03 and '04,  
12 but you were here in '05.

13 A. Yes, I was.

14 Q. And you were here in '06.

15 A. They were extended. The license were extended in --

16 Q. They were?

17 A. Yes, they were.

18 Q. And how many times did you have to send in  
19 information to try to get those FCC licenses?

20 A. They were extended in -- two times, as a matter of  
21 fact. Those licenses were extended --

22 Q. Did it twice?

23 A. I did it, did it twice.

24 Q. And I think -- I want to make sure I'm clear. Did  
25 you get notice from them that they weren't up to date?

JESSIE W. COLVIN

4/16/2010

Page 130

1 Board of Supervisors, and these four folks right here that  
2 are sitting next to me. Tell me what facts you have that  
3 your race was a part of this decision, any facts that you  
4 have that support that?

5 A. Should I say it?

6 MR. WOODRUFF: Yeah.

7 A. Billy Humphries, former E-911 Board of Commissioners,  
8 stated that Sheriff Howard, Ken Moore, Bernice Lile and  
9 Beverly Broocks stated that that job was better served by  
10 male versus a female, a female could not get the job done.  
11 He also stated that they did not think a female -- they  
12 stated that a female was too emotional to handle that  
13 position.

14 BY MR. HUSKISON:

15 Q. Billy Humphries, who is a former Board member?

16 A. Yes, because he's deceased.

17 Q. He's now dead.

18 A. That's correct.

19 Q. And he told you these four said that.

20 A. Yes, he did.

21 Q. Let's take them one at a time. What did he tell you  
22 Sheriff Howard said?

23 A. He stated that Sheriff Howard stated that a female  
24 was too emotional, that that job needed to be done by a  
25 male.



JESSIE W. COLVIN

4/16/2010

Page 132

1 take it one at a time; okay? Go ahead.

2 A. No.

3 Q. All right. Your other claim is race discrimination.  
4 Tell me what facts that you have support -- in your mind  
5 support your claim of race discrimination.

6 A. Billy Humphries stated that, and that -- he stated  
7 that they felt that a black woman could not do the job.

8 Q. Stated that they felt --

9 A. No, he stated that they stated a black female could  
10 not do the job.

11 Q. Who is they?

12 A. Sheriff Howard, Ken Moore, and Bernice Lile and  
13 Beverly Broocks.

14 Q. Billy Humphries, who is now deceased --

15 A. Former 911 director.

16 Q. -- told you --

17 A. I mean -- excuse me.

18 Q. Board member.

19 A. Board member. Former E-911 Board member.

20 Q. Told you that each one of these four told him that a  
21 black female can't do this job.

22 A. Yes, sir.

23 Q. Any other evidence --

24 A. No, sir.

25 Q. -- of race? That's your evidence of race. Okay.

1 THE WITNESS: Okay.

2 MR. HUSKISON: We'll get this thing finished up.

3 (Brief recess.)

4 MR. HUSKISON: I have no other questions. Thank  
5 you for your time today.

6 MR. WOODRUFF: Let's see. I think I might have  
7 something. Yeah. Just one question.

8

9 EXAMINATION

10 BY MR. WOODRUFF:

11 Q. After -- after the 911 commission denied your  
12 grievance, did you try to appeal to the Lowndes Board of  
13 Supervisors?

14 A. I did.

15 Q. Tell me about that.

16 A. I sent a letter per the handbook and per the bylaws  
17 to the then county administrator, Nick Hairston, requesting  
18 a grievance before the Lowndes County Board of Supervisors.

19 Q. And what happened with that?

20 A. He sent the letter back to my attorney stating that I  
21 could not go before the Board of Supervisors.

22 MR. WOODRUFF: Nothing further.

23 MR. HUSKISON: All right.

24 (Deposition concluded at 12:12 p.m.)

25

**COLUMBUS/LOWNDES E911  
COMMUNICATION CENTER  
515 2<sup>ND</sup> AVENUE NORTH  
COLUMBUS, MISSISSIPPI 39701  
TELEPHONE (662) 329-5726 Fax (662) 329-5721  
EMAIL LCJCOLVIN@BELLSOUTH.NET**

October 23, 2006

Ms. Jessie W. Colvin, E911 Director  
Lowndes County E911  
515 2<sup>nd</sup> Avenue North  
Columbus, Mississippi 39702

Attn: Mr. Allen Gray  
Emergency Telecommunicator  
Mississippi Peace Officer Standards and Training  
3750 I-55 Frontage Rd N  
Jackson, Mississippi 39211-6323

Dear Mr. Gray:

I am sending my Employee Roster as required by minimum standards. I have been made aware that some of the employees on this roster will not meet the minimum standards requirements. The paperwork as well as the 16-hour re-certification class has been scheduled for the employees that are not in compliance. You will be receiving all the paperwork within the next couple of weeks.

I have not received any information from The Minimum Standards Board in writing or via telephone that an employee roster should be sent in when new employees were hired or old employees left the agency. I do pose the question, Why haven't I received correspondence from The Minimum Standards Board requesting the employee rosters and other information needed to keep my dispatchers in compliance? Where is this information sent and who should receive it. I am also requesting the following information because it has never been provided to me before:

- (1) Policy and Procedures regarding Minimum Standards Training and Requirements
- (2) What classes are reimbursable by Minimum Standards?
- (3) In Service Training: What are the requirements?
- (4) A list of qualified instructors to teach the classes.
- (5) How is the information from Minimum Standards Board disseminated down to the PSAP's in the State of Mississippi and,
- (6) What type of changes are in effect and how will I be notified?



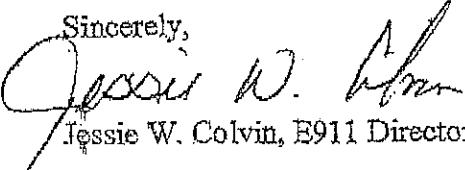
①

Exhibit # 1  
Testimony of Jessie Colvin  
Date 11/6/10

Page 2

Mr. Allen, I am employing your assistance with this matter. Please let me know who the contact people are in reference to obtaining the information that is necessary to get my Telecommunicators in compliance. I looked forward to hearing from you and any suggestions that you have to help me with this situation.

Sincerely,

  
Jessie W. Colvin, E911 Director

(2)



# MISSISSIPPI

## PEACE OFFICER STANDARDS & TRAINING

### EMERGENCY TELECOMMUNICATOR ROSTER

Name of \_\_\_\_\_  
 Department Lowndes County E 9-1-1 Phone # 662-329-5726  
 Department's Address 515 Second Avenue North Columbus MS 39701 Fax # 662-329-5721  
 Post Office Box/Street Number City/State Zip  
 Department's E-mail lcolvin@belisouth.net

PLEASE COMPLETE AND SIGN THE FOLLOWING ROSTER FOR EMERGENCY TELECOMMUNICATORS ONLY AND RETURN TO THE ADDRESS LISTED AT THE BOTTOM OF THIS PAGE.

Name (Last, First Middle)	Social Security Number	Position or Rank	Date of Employment (Month / Day / Year)	BETST Certificate #
Brown, Jacqueline K	[REDACTED]	dispatcher	03/01/95	TERMINATED
Burgin, Julia A		"	11/16/98	E-02738
Colvin, Jessie W		Director	06/19/89	E-00082
Crownover, James C		dispatcher	06/28/89	E-00035
Edwards, Kamilah		"	06/28/06	TERMINATED
Fancher, Sheri L		"	07/02/90	E-00056
Faris, Ruth A		"	12/18/91	E-00024
Hatcher, Mita D		"	11/29/89	E-00078
Korom, Paul		PT dispatcher	06/30/06	
Lorenz, Aaron		PT dispatcher	09/27/06	
Motes, Phyllis L		dispatcher	03/23/06	TERMINATED
Shepherd, Patsy S		"	04/16/94	TERMINATED
Singleton, Shafonda		"	06/05/06	
White, Joyce		"	05/20/05	

WARNING: MGA § 37-7-10 FRAUDULENT STATEMENTS AND REPRESENTATIONS PROVIDES FOR SEVERE PENALTIES FOR MISREPRESENTATIONS OR FRAUDULENT STATEMENTS TO A BOARD. THIS STATUTE AUTHORIZES A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) AND A JAIL SENTENCE OF UP TO FIVE (5) YEARS.

#### AFFIDAVIT

I swear or affirm that this list is a complete and exhaustive list of all emergency telecommunicators as defined by Mississippi Code as Annotated Section 19-5-303 who are currently employed by my organization.

Signature of Agency/Department Head \_\_\_\_\_

Exhibit # 5

Testimony of Jessie Colvin

Date 4/16/10

Date Signed OCT 23, 2006

EXHIBIT

tabbies

C

MISSISSIPPI PEACE OFFICER STANDARDS & TRAINING

REV. - JUNE 2002

8750 I-55 Northridge  
 Jackson, Mississippi 39211-6323  
 Telephone # - (601) 987-3098, Fax # - (601) 987-3098

**COLUMBUS/LOWNDES E911  
COMMUNICATION CENTER**

P.O BOX 1101  
COLUMBUS, MS 39703  
(662) 329-5726 FAX (662) 329-5721

EMAIL: [lcjcolvin@bellsouth.net](mailto:lcjcolvin@bellsouth.net)

November 17, 2006

Ms. Jessie W. Colvin, E911 Director  
Lowndes County E911  
P.O. Box 1101  
Columbus, Mississippi 39703

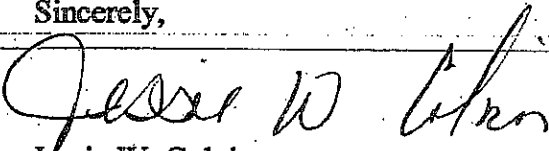
Attn: Mr. Allen Gray  
Emergency Telecommunicator  
Mississippi Peace Officer Standards and Training  
3750 I-55 Frontage Rd N  
Jackson, Mississippi 39211-6323

Dear Mr. Gray:

I am sending the dispatchers training requirements for Minimum Standards Training. For future reference could you please address all correspondence to:

Jessie W. Colvin, E911 Director  
Lowndes County E911  
P.O. Box 1101  
Columbus, MS 39703

Sincerely,

  
Jessie W. Colvin  
E911 Director

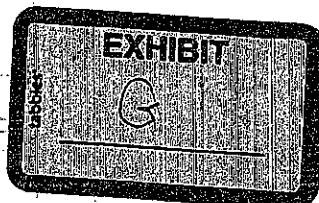


Exhibit #

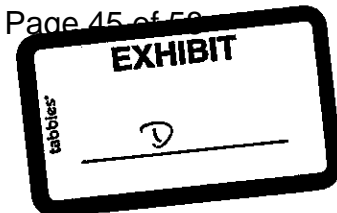
6

Testimony of

Jessie Colvin

Date

4/16/10



HALEY R. BARBOUR  
GOVERNOR

STATE OF MISSISSIPPI  
DEPARTMENT OF PUBLIC SAFETY

GEORGE PHILLIPS  
COMMISSIONER

PEACE OFFICER  
STANDARDS AND TRAINING

ROBERT D. DAVIS  
DIRECTOR

October 26, 2006

Ms Jessie W. Colvin, Director  
Lowndes County E-911  
512 2nd Avenue North  
Columbus, Ms 39702

Exhibit # 2  
Testimony of Jessie Colvin  
Date 4/16/10

Director Colvin,

Enclosed you will find a memorandum sent May 22, 2006 to your attention which gives the Legislative authorization and the requirements for initial certification and re-certification.

The current policies of the Mississippi Board of Emergency Telecommunications Standards and Training are on file with the Secretary of State's office as well as on-line at [www.dps.state.ms.us](http://www.dps.state.ms.us) click on Public Safety Planning, click on Standards and Training, click on Emergency Telecommunications. This site also gives you access to any and all Board approved forms for emergency telecommunications.

You question this office as to its lack of correspondence with your agency, however the previous request for the Emergency Telecommunicator Roster have been sent to the same address as the one you received this year. According to policy an agency is required to furnish the Board a current roster once a year. The policy does not require a formal request be made, but as a courtesy a roster request has been sent to your agency.

The Board has established that it was empowered to set minimum requirements for certification and re-certification of Emergency Telecommunicators. The Basic Communicator Course, Emergency Medical Dispatch Course, and Eight(8) Hour Field Observations required for initial certification are reimbursable after certification is achieved. The State Re-Certification Course and elective courses relating to emergency telecommunications are reimbursable while a valid certification is maintained.

Your letter also asked how the Board disseminates information to the PSAP's, the Board meets quarterly and at least two(2) meetings per year have been held in conjunction with state conferences of Emergency Telecommunications. The last meeting was held October 18, 2006 at the Ms 911 Coordinator's Conference in Tunica, Ms. The Board meetings are open to the public and attendance at the conferences allows communicators and supervisors easy access to the Board.

If and when the Board makes significant changes to policy, it is published for public review on our website and on the Secretary of State's website. The staff also prepares a memorandum of understanding to be sent to all agencies. The attached May 22 memo is such an example.

You have also requested a list of State certified instructors. The currently active instructors include the following:

Ms Brenda Gowdy, Lee County Communications  
Ms Trebia Rogers, Grenada Central Communications  
Ms Gwen Davis, Indianola, Ms  
Ms Tammy Adkins, Neshoba County E-911  
Mr Mike Robertson, Ms Band of Choctaw Indians Fire Department  
Lt Robert Graham, Jackson Police Department  
Ms Vinnie Cooley, Lauderdale County E-911  
Ms Barbara Windham, Jones County 911  
Ms Corrinna Clarke, Pascagoula Police Department  
Ms Greta Temple, Madison Police Department

We are confident that any of these instructors would be of assistance in any training.

This office extends an offer to assist you in coming in compliance with Mississippi laws and Board policies covering the certification of your emergency telecommunicators. You may contact me at 601-987-3063 or by e-mail at [agray@mdps.state.ms.us](mailto:agray@mdps.state.ms.us).

Sincerely,

Alan Gray  
Operations Management Analyst, Principle  
Ms Department of Public Safety Planning  
Office of Standards and Training

enclosures

cc: file

④



## MEMORANDUM

To: All Agency Directors

From: Mississippi Board of Emergency Telecommunications Standards and Training

Subject: State Certification for Emergency Telecommunicators

The Board and its staff have authorized the following information to be issued to all agencies utilizing Emergency Telecommunicators.

On July 1, 1993 the Mississippi Legislature established the Mississippi Board of Emergency Telecommunications Standards and Training. The Board was empowered to develop minimum standards for the training and certification of public safety and 911-telecommunicators. This act further states:

" Any state agency or political subdivision that employs a person as a telecommunicator who does not meet the requirements of this act [Laws, 1993,ch536], or who employs a person whose certificate has been suspended or revoked under provisions of this act is prohibited from paying the salary of such person, and any person violating this subsection shall be personally liable for making such payment".

The Board wants to be clear with its requirements for certification, and this memo will attempt to detail current requirements.

### CERTIFICATION

Initial certification must be completed within twelve (12) months of the date of hire.

- (1) An Application for Certification ( parts I, II ,and III) is to be sent to the Board within ~~thirty (30)~~ days of hire.
- (2) The forty (40) hour Basic Communications Course is required of all telecommunicators. APCO and NECI are the approved vendors at this time.
- (3) An eight hour field observation in each of the disciplines (law enforcement, fire, emergency medical services) the telecommunicator will serve is required.
- (4) If the telecommunicator will dispatch emergency medical services, the completion of an Emergency Medical Dispatch Course is required. APCO, NECI, NAEMD, and United States DOT are the approved courses at this time.

The initial certification is valid for thirty-six (36) months from the date of issuance. A re-

5

- (3) Overnight accommodations prior to training are authorized only if the distance to training is greater than one hundred (100) miles and the training begins at or before eight (8) AM. No overnight expenses are allowed following the end of class.
- (4) If an agency sends multiple students to the same class they must car pool. A rule of four (4) students per car will be followed for mileage reimbursement.
- (5) Out-of State travel requires prior written approval of the Board staff.

The termination of an emergency telecommunications employee must be reported to the Board within ten (10) days using the Termination/Reassignment form. When applicable, the telecommunicator's "Professional Certificate" must be returned to the Board following the termination/reassignment of the employee.

All agencies are required to submit an annual roster of emergency telecommunicators employed by their agency and the current certification status of each telecommunicator.

If you have questions concerning certification requirements, documentation of training, availability of training classes, or reimbursement of training expenses, please contact either Mr. Alan Gray or Mr. Derek Robertson at the following:

Office of Standards & Training  
3750 I-55 North Frontage Road  
Jackson, Mississippi 39211

(601) 987-3063 Alan Gray  
(601) 987-3070 Derek Robertson  
(601) 987-3086 Fax

We can also be reached by email at [agray@mdps.state.ms.us](mailto:agray@mdps.state.ms.us) or [d Robertson@mdps.state.ms.us](mailto:d Robertson@mdps.state.ms.us)

certification process should be completed prior to expiration of the initial certificate.

The re-certification process requires completion of the following:

- (1) Completion of at least forty-eight (48) hours of board-approved electives from no fewer than six (6) subject areas.
- (2) Completion of the State Re-Certification Course during the last twelve (12) months of the initial certification.\*
- (3) Submission of an Application for Re-Certification.

\* Re-certification course only required for the first re-certification.

#### REIMBURSEMENT of TRAINING EXPENSES

The requirements of special training under the Act are also supported by a reimbursement system to fund the expenses incurred for training. The Act allows the Board to set limits on amounts for reimbursement and the Board has included the following expenses in its reimbursement allowances:

- (1) Tuition Cost for all Board approved courses.
- (2) Salary for actual time in training class.\*
- (3) Expenses to include meals, lodging and mileage for attending out of area training.

\* Salary expenses are not reimbursable if the telecommunicator is out of compliance.

Limits must be imposed on training costs to protect the integrity of the program and the Board has made the following limitations:

- (1) Tuition is set by type of training with a range allowed as follows:

Basic Communications	\$350.00 to \$395.00
EMD	\$300.00 to \$350.00
Re-Certification	\$175.00 to \$200.00
Electives	An average of \$17.50 per hour

- (2) Meal rates cannot exceed the state per-diem rate and should be limited to the following maximum amounts for partial travel days:

Breakfast	\$7.00
Lunch	\$13.00
Dinner	\$20.00

LOWNDES COUNTY E-911  
ROSTER REVIEW AND CERTIFICATION STATUS

15-Nov-06

LAST NAME	FIRST NAME	SOCIAL SECURITY #	DATE OF HIRE	CERT NUMBER	CERT STATUS	CERT NEEDS
BROWN	JACQUELINE		3/1/95	E-00900	EXP 2/03	NEED RE-CERT APP, 6 ELECTIVES/48 HRS
BURGIN	JULIA		11/16/1998	E-02738	EXP 7/03	NEED RE-CERT APP, 6 ELECTIVES/48 HRS
COLVIN	JESSIE		6/19/1989	E-00032	EXP 5/02	NEED RE-CERT APP, 5 ELECTIVES/32 HRS
CROWNOVER	JAMES		6/28/1989	E-00035	EXP 4/02	NEED RE-CERT APP, 6 ELECTIVES/48 HRS
EDWARDS	KAMILAH		8/28/2006	N/A	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES
FANCHER	SHERI		7/2/1990	E-00056	EXP 4/02	NEED RE-CERT APP, 5 ELECTIVES/32 HRS
FARIS	RUTH		12/18/1991	E-00024	EXP 4/02	TERM 5/99, NEED APP, 6 ELECTIVES/48 HRS
HATCHER	MITZI		11/29/1989	E-00078	EXP 4/02	NEED RE-CERT APP, 6 ELECTIVES/48 HRS
KOROM	PAUL		6/30/2006	N/A	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES
LORENZ	AARON		9/27/2006	N/A	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES
MOTES	PHYLLIS		3/23/2006	E-03030	OK 11/07	OK
SHEPARD	PATSY		4/16/1994	E-00239	EXP 4/02	TERM 5/99, NEED APP, 6 ELECTIVES/48 HRS
SINGLETON	SHALONDA		6/5/2006	N/A	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES
WHITE	JOYCE		5/20/2005	N/A ***	N/A	NEED APP, 40 HR BASIC, EMD, 3 RIDES

\*\*\* Ms WHITE IS OVER 12 MONTH GRACE PERIOD.

18



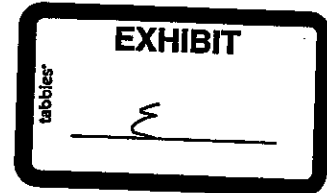
HALEY R. BARBOUR  
GOVERNOR

STATE OF MISSISSIPPI  
DEPARTMENT OF PUBLIC SAFETY

GEORGE PHILLIPS  
COMMISSIONER

PEACE OFFICER  
STANDARDS AND TRAINING

ROBERT D. DAVIS  
DIRECTOR



January 24, 2007

Columbus-Lowndes County E-911  
P O Box 1101  
Columbus, Ms 39703

Dear Ms Colvin,

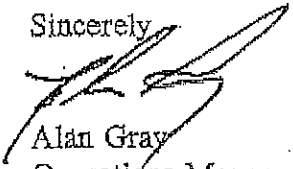
Thank you for submitting your FY 2007 roster of Emergency Telecommunicators. Our staff has reviewed the roster and attached is a listing of the status of each communicator according to our records.

If you disagree with our findings, please contact either Alan Gray or Derek Robertson to reconcile the differences.

The Department of Public Safety web site [www.dps.state.ms.us](http://www.dps.state.ms.us) contains a link to all forms necessary to properly attain certification and a link to the training calender to schedule training.

Thank you again for your response.

Sincerely,

  
Alan Gray

Operations Management Analyst, Principle

Exhibit #

3

Testimony of

Jessie Colvin

Date

4/16/10

AGENCY: Columbus-Lowndes County E-911					
DATE REVIEWED: 1/24/2007					
LAST	Social Security	DATE OF	CERT	EXP	NEEDED
Colvin		3/1/1995	E-02738	1/1/2010	Exp 07/03, re-cert as of 01/01/2007
		6/19/1989	E-00032	1/1/2010	Exp 05/02, re-cert as of 01/01/2007
		8/28/1989	E-00035	1/1/2010	Exp 04/02, re-cert as of 01/01/2007
		7/2/1990	E-00056	1/1/2010	Exp 04/02, re-cert as of 01/01/2007
Fancher		12/18/1991	E-00024	1/1/2010	Exp 04/02, re-cert as of 01/01/2007
		11/29/1989	E-00078	1/1/2010	Exp 04/02, re-cert as of 01/01/2007
Hatcher		6/30/2006	new	6/30/2007	Basic, EMD, 3 Rides
		9/27/2006	new	9/27/2007	Basic, EMD, 3 Rides
Lorenz		3/23/2006	E-03030	1/1/2007	Application, Transfer of Certificate
		6/5/2006	new	6/5/2007	Basic, EMD, 3 Rides
Singleton		5/20/2005	new	5/20/2006 *	EMD, 3 Rides
		6/28/2006	new	6/28/2007	Not on last roster need termination notice
Edwards		4/16/1994	E-00239	4/1/2002	Not on last roster need termination notice
		3/1/1995	E-00900	2/1/2003	Not on last roster need termination notice
Brown					

\* Not eligible for any reimbursements.

(10)

4/16/2010

BEVERLY BROOCKS

Page 1

1 IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI  
2  
3 JESSIE COLVIN PLAINTIFF  
4 VS. CIVIL ACTION NO. 1:09CV187-M-D  
5 LOWNDES COUNTY, MISSISSIPPI, ET AL DEFENDANTS  
6  
7  
8

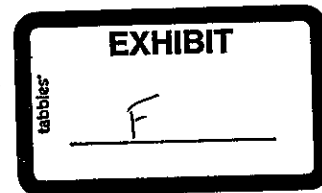
9 DEPOSITION OF BEVERLY RALSTON BROOCKS  
10  
11

12 TAKEN AT THE INSTANCE OF THE PLAINTIFF  
13 IN THE LAW OFFICES OF MITCHELL, MCNUTT & SAMS  
14 215 FIFTH STREET NORTH, COLUMBUS, MISSISSIPPI  
15 ON APRIL 16, 2010, BEGINNING AT 1:28 P.M.

16 APPEARANCES:

17 WAIDE & ASSOCIATES  
18 P.O. Box 1357  
19 Tupelo, MS 38802-1357  
20 For the Plaintiff  
21 BY: RON L. WOODRUFF

22 MITCHELL, MCNUTT & SAMS  
23 P.O. Box 1366  
24 Columbus, MS 39703-1366  
25 For the Defendants  
BY: BERKLEY N. HUSKISON



26 ALSO PRESENT: MS. JESSIE COLVIN, MR. BUTCH HOWARD, MR. KEN  
27 MOORE, and MS. BERNICE LILE

28 Reported by: GENA MATTISON GLENN, CSR 1568  
29 GLENN-HENRY REPORTING

BEVERLY BROOCKS

4/16/2010

Page 5

1 A. No. The county attorney for Lowndes County is  
2 Timothy Hudson.

3 Q. Right, but -- yeah, he represents -- he's their  
4 official attorney at their meetings and hearings and stuff.

5 MR. HUSKISON: Off the record.  
6 (Off Record.)

7 BY MR. WOODRUFF:

8 Q. So was that the only reason you resigned, the  
9 potential conflict of interest?

10 A. Yes, sir. And I don't even know that conflict of  
11 interest is the right term, but to avoid any mixed  
12 loyalties.

13 Q. Could be a -- for appearances.

14 A. Yeah. Appearances, mixed loyalties.

15 Q. Right. Okay. I know what you mean. And when did  
16 you start on the Board?

17 A. The appointment would have -- Board of Commissioners  
18 would have been made, my recollection, in late 2006. There  
19 were appointments that were expiring effective early 2007,  
20 so my appointment took effect in 2007, beginning of the  
21 year.

22 Q. January 2007?

23 A. I believe what actually happened was, yes, the  
24 appointments were effective January 2007, with the outgoing  
25 Board members serving through the first meeting of 2007, the



BEVERLY BROOCKS

4/16/2010

Page 8

1 applications are received by the county administrator. The  
2 county administrator disseminates those applications to the  
3 members of the Board of Supervisors, and the Board of  
4 Supervisors vote on it.

5 Q. So the whole Board will vote --

6 A. For each appointment.

7 Q. -- for each appointment, even though it's going to be  
8 for one person's district.

9 A. Yes, sir. And representative of that district is --  
10 particularly with E-911 is not necessarily a resident of  
11 that district but a person who -- for example, Baptist  
12 Memorial Hospital -- the gentleman who replaced me, Van  
13 Yates, Baptist Memorial Hospital is located in the same  
14 district that I represented. It's not a residency  
15 requirement.

16 Q. So they voted and you went onto the Board.

17 A. Correct.

18 Q. And did somebody else become a new Board member at  
19 that time?

20 A. Yes, sir. Ms. Bernice Lile became a new member at  
21 the same time I did, and Chief Moore was made a voting  
22 member at the same time I went on the Board. He had  
23 previously been a nonvoting member.

24 Q. I'm sorry. Who? Moore?

25 A. Chief Moore.

BEVERLY BROOCKS

4/16/2010

Page 17

1 of writing this e-mail that we just -- Exhibit Number 12?

2 A. Encouragement. Cooperation. We -- "we" being Ms.  
3 Colvin, Chief Moore and myself -- had met prior to this and  
4 discussed several subjects, one of them being -- at this  
5 point, and as you've heard the testimony play out, and for  
6 quite some time, Columbus-Lowndes E-911 had been operating  
7 on a very short staff situation due to the fact that Ms.  
8 Colvin -- or due in part to the fact that Ms. Colvin had not  
9 maintained an eligibility -- is one of the terms; there are  
10 others -- so that the process of hiring people was even more  
11 prolonged than it necessarily should have been.

12 And as I've listened today, the normal complement of  
13 dispatchers which Ms. Colvin testified to was, early on or  
14 up to -- very close to this point, 12 dispatchers plus  
15 herself. That normal complement of dispatchers was  
16 increased in 2006, prior to my joining the Board, to 16  
17 dispatchers plus the director. They were largely operating  
18 with about five or six, seven, perhaps, including Ms.  
19 Colvin, dispatchers.

20 Now, that center runs 24-7, 365, with a minimum of  
21 three consoles operating constantly. To maintain those  
22 hours, those people were working extremely long hours. They  
23 were sometimes pulling 24-hour shifts. They were working  
24 60, 70, 80 hours a week. They were extremely fatigued.  
25 This had been discussed in Board meetings. Dispatchers had

BEVERLY BROOCKS

4/16/2010

Page 31

1 had a discussion in the Board meeting. The vote was 4 to 3,  
2 wasn't it?

3 A. I believe so, sir.

4 Q. Why did Billy Humphries not want to vote to terminate  
5 her?

6 A. I do not know.

7 Q. Do you -- did he say why?

8 A. No, sir. Not that I recall.

9 Q. Do you recall why J. D. --

10 A. Brooks, different spelling.

11 Q. J. D. Brooks didn't -- decided he wouldn't vote to  
12 terminate her?

13 A. Mr. Brooks is a man of few words, very soft-spoken.  
14 I don't remember him expressing anything except his concerns  
15 for her as an individual.

16 Q. Were you concerned about her as an individual?

17 A. Absolutely, Mr. Woodruff.

18 Q. And Mr. Gale. Is that right?

19 A. Yes, sir. Bobby Gale.

20 Q. Bobby Gale. He voted not to -- he voted against the  
21 termination; right?

22 A. That's correct.

23 Q. Did he express any reason why he wouldn't vote to  
24 terminate her?

25 A. My recollection, and I'm sure he can tell you his own

BEVERLY BROOCKS

4/16/2010

Page 33

1 Q. I understand. But all four of the people that voted  
2 to terminate were Caucasian, and two of the three who voted  
3 to not terminate were African-American; is that correct?

4 A. That's correct.

5 Q. Have you given me all the reasons why Ms. Colvin was  
6 terminated? Is there any other reasons other than what  
7 you've already discussed today?

8 A. No, sir. Her -- for me, as an individual voting  
9 member of that Commission, her misrepresentations made it  
10 impossible for me to have confidence in her being  
11 forthcoming and truthful about matters in the future.

12 Q. So you claim her lies -- she lied about it. Directly  
13 looked at you in the eye and lied, didn't she?

14 A. Yes, sir. I asked her point blank was there any  
15 truth to the accusation that certified -- certifications  
16 have been expired for lengths of time; and she said there  
17 was not, that that was not true.

18 Q. And when did you ask her that?

19 A. In the first Board meeting I attended.

20 Q. Which was when?

21 A. I believe, sir, it was in February. As I said, I  
22 believe our appointments were effective in January, and the  
23 February meeting was our first.

24 Q. How often were you appointed -- I mean, how often did  
25 you meet? Was it monthly, bimonthly?

MITZI HATCHER

4/16/2010

Page 1

1 IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI

2 JESSIE COLVIN

PLAINTIFF

3 VS.

CIVIL ACTION NO. 1:09CV187-M-D

4 LOWNDES COUNTY, MISSISSIPPI, ET AL

DEFENDANTS

5  
6  
7  
8 DEPOSITION OF MITZI HATCHER

9  
10  
11 TAKEN AT THE INSTANCE OF THE PLAINTIFF  
12 IN THE LAW OFFICES OF MITCHELL, MCNUTT & SAMS  
215 FIFTH STREET NORTH, COLUMBUS, MISSISSIPPI  
ON APRIL 16, 2010, BEGINNING AT 3:21 P.M.

13  
14  
15 APPEARANCES:

16 WAIDE & ASSOCIATES

17 P.O. Box 1357

18 Tupelo, MS 38802-1357

For the Plaintiff

BY: RON L. WOODRUFF

19 MITCHELL, MCNUTT & SAMS

20 P.O. Box 1366

Columbus, MS 39703-1366

21 For the Defendants

BY: BERKLEY N. HUSKISON

EXHIBIT

tabbies

G

22 ALSO PRESENT: MS. JESSIE COLVIN, MR. BUTCH HOWARD, MR. KEN  
23 MOORE, MS. BERNICE LILE and MS. BEVERLY  
24 BROOCKS

25 Reported by: GENA MATTISON GLENN, CSR 1568  
GLENN-HENRY REPORTING

MITZI HATCHER

4/16/2010

Page 8

1 Q. Did you have any problem with Jessie -- I guess she  
2 was your direct supervisor for the last seven years she was  
3 there.

4 A. Right.

5 Q. Did you have any problem with her?

6 A. Oh, no. We were what I considered very good friends.

7 Q. Got along well?

8 A. Uh-huh.

9 Q. And do you know why she was terminated?

10 A. No.

11 Q. Did anybody ever tell you that?

12 A. No.

13 Q. Nobody from the Board told you?

14 A. No.

15 Q. What was the rumor going around the dispatchers'  
16 office of why she was terminated?

17 A. What were the rumors?

18 Q. Yes.

19 A. Just that some things had not been getting done.

20 Q. Do you know specifically what they were claiming  
21 wasn't getting done?

22 A. Well, I mean, I just kind of heard through the  
23 grapevine maybe some bills weren't getting paid, some  
24 licenses were being expired and that type thing. That was  
25 just hearsay. I didn't know that for sure.

MITZI HATCHER

4/16/2010

Page 11

1 A. Yes.

2 Q. Did you go ahead and meet with the Board?

3 A. Yes, we did.

4 Q. Did you meet individually or together?

5 A. Individually.

6 Q. So it was you with all seven Board members?

7 A. Yes.

8 Q. What did you tell them?

9 A. That we were just completely emotionally and  
10 physically stressed.

11 Q. Uh-huh.

12 A. That we had been working six days a week, 12 hours a  
13 day. And with that type of job, high stress job --

14 Q. Uh-huh.

15 A. -- we needed some kind of relief because you would  
16 come to work and your mind was just -- you were just --

17 Q. Were you short staffed?

18 A. Yes.

19 Q. Why were you short staffed?

20 A. Well, there had been, like, three leave, three  
21 terminated, and we weren't getting anywhere with the hiring  
22 process.

23 Q. Do you know why?

24 A. No.

25 Q. It was kind of a long process to hire somebody,

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

JESSIE COLVIN,

Plaintiff,

vs.

Cause No. 1:09CV187-M-D

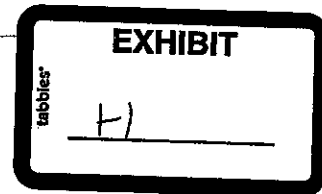
LOWNDES COUNTY, MISSISSIPPI, et al,

Defendant.

Deposition of

C. B. 'BUTCH' HOWARD

May 20, 2010



[Appearances Noted Herein]

Taken at the offices of Mitchell McNutt and Sams  
215 5th Street North, Columbus, Mississippi,  
on Thursday, May 20, 2010, at 10:32 a.m.

REPORTED BY: Teresa B. Henry, CSR 1205  
400 Peg Lane  
Amory, Mississippi 38821  
662-256-7880  
662-315-2175  
teresabh@bellsouth.net

ORIGINAL



1 A. He brought a report. He brought us copies of  
2 certification documents from Jackson that showed a lot of  
3 our dispatchers were not certified and it showed the  
4 periods of time that they were certified and not  
5 certified.

6 Q. And you knew that Jessie Colvin had been -- was  
7 still in the military, right?

8 A. Yes, sir.

9 Q. In fact, she had been gone for two long  
10 stretches while she was in the military, isn't that  
11 correct?

12 A. Yes, sir.

13 Q. And isn't it true that a lot of the problems  
14 with the 911 certification happened whenever she was  
15 doing military -- off on military service?

16 A. I'm aware that some of it happened while she was  
17 gone on military leave, yes, sir.

18 Q. Who was in charge of the 911 office when Jessie  
19 Colvin was gone the last time on military leave?

20 A. I believe that was Mitzi Hatcher.

21 Q. So -- and she was in charge of the thing, right?

22 A. She and, I guess some of the others were more or  
23 less in charge of setting up schedules and keeping it  
24 operating while Jessie was gone.

25 Q. She was the acting interim director of 911?

1 A. To my knowledge, yes, sir.

2 Q. Was she held accountable for the mistakes that  
3 were made while she was the interim director?

4 A. I don't know that there was any discussions  
5 about her making any mistakes while --

6 Q. I think you just said that some of the problems  
7 with certification happened while Jessie was on military  
8 leave and Mitzi was the interim director.

9 A. I don't think that any of this came out until we  
10 looked into it in 2007, so nobody knew at that point in  
11 time that we were in that situation until 2007.

12 Q. When you found out, did you -- did Mitzi get any  
13 disciplinary action because of the things she failed to  
14 do while Ms. Colvin was serving the country?

15 A. No, sir.

16 Q. And, in fact, she is the Director now, isn't  
17 she?

18 A. No, sir.

19 Q. She's not? She's assistant? What is her  
20 position now?

21 A. She is a shift supervisor.

22 Q. So, she's the manager person?

23 A. Yes, sir.

24 Q. Managerial?

25 A. Yes, sir.

1 Q. And you were the one who handed it to her and  
2 asked her to sign it, isn't that true?

3 A. I did. Yes, sir.

4 Q. And she refused to sign it?

5 A. She did.

6 Q. And then you handed her a letter telling her she  
7 was terminated?

8 A. I did.

9 Q. Isn't it true that right before Jessie Colvin  
10 was terminated that they had just made a major overhaul  
11 as far as equipment and furnishings at the 911 Center?

12 A. We had upgraded 911, yes, sir.

13 Q. That was a big undertaking, wasn't it?

14 A. Yes, sir.

15 Q. Who was in charge of that undertaking, of making  
16 the changeover?

17 A. Ms. Colvin was.

18 Q. And she was also operating short staffed, too,  
19 wasn't she?

20 A. Yes.

21 Q. So, she was making a huge changeover with  
22 equipment and furnishings at the 911 Center, she was  
23 short staffed to the point where she had to cover shifts  
24 herself and -- and yet you terminated her because she  
25 didn't have part of her job done, is that correct, the

## State of Mississippi County of Lowndes

### E911 March 23<sup>rd</sup> Board Minutes

The Columbus-Lowndes E911 Board of Commissioners met in a special meeting pursuant to adjournment on **Friday afternoon March 23<sup>rd</sup>, 2007 at 4:00 o'clock p.m.**, in the conference room of the EMA & E911. President CB Howard called the meeting to order.

**Present:** All Board Members  
Director & Secretary



**Meeting Purpose:** The work schedule of E911 Dispatchers.

#### **I. Closed Determination:**

Commissioner Beverly Brooks offered the motion to go in closed determination Commissioner R.W. "Bobby" Gale seconded the motion.

#### **II. Executive Session:**

Commissioner R.E. "Bobby" Gale offered the motion to go into executive session, seconded by Commissioner Beverly Brooks, the board voted 7-0 to discuss a personnel matter in regards to E911 Dispatchers expressing signs of high work stressed levels, over worked scheduling, and not having sufficient break time.

III. Commissioner Bernice Lile offered to the board of commissioners, work complaints on behalf of three (3) veteran dispatchers, **Jim Crownover, Sheri Fancher, and Mitzi Hatcher.** Commissioner Bernice Lile concerns: The three dispatchers are under the consideration of resigning from the job due to the shortage of dispatchers in the day- to-day operations for the following reasons:

- (1) Mentally Stressed
- (2) Over Worked scheduling
- (3) Not having sufficient break time during the day-to-day operations

Commissioner Bernice Lile presented a work schedule that would include assigning/scheduling Director Jessie Colvin to work at a station to give dispatchers break times as well as lunchtime.

**Director Jessie Colvin:** The three (3) dispatchers have not made their concerns

Exhibit # 4  
Testimony of Jessie Colvin  
Date 4/6/10

known to Jessie Colvin as director of E911 Telecommunications; in the form of a complaint or request. The director informed the board, the order of dispatchers' work scheduling. The director is presently working day shifts and late shifts due to the shortage of dispatcher's help, to give relief to regular dispatchers. The new hires are in the stages of taking the voice and background test. The process slow and is not complete; there is only one person at CPD to conduct the voice checks, which makes the dispatchers' hiring a slow process. After seven (7) positions are filled; the overtime will cease, there should not be a shortage of dispatchers. There will be four (4) people on duty during most of the shifts. Director Colvin explains: There is at all times a veteran dispatcher at every shift with the dispatchers in training. The part-time help (firemen) are not available until 4:00 p.m. during the week. Director Colvin indicated to the board, dispatchers will not take breaks when the opportunity is open to do so.

#### **IV. Chain of Command:**

Chief Ken Moore suggested to the board; the dispatchers should follow the (a) "Chain of Command" When dispatchers have requests, concerns, any matters in regards to a personnel issue: Take it first to Director Jessie Colvin, if the director does not provide the dispatchers with a satisfactory answer or answer that leaves doubts, the director should give the dispatchers the opportunity to bring the matter to the board.

**(b) Recommendations to Director: Encourage every dispatcher to take daily breaks,**

**20 minutes morning breaks**

**30 minutes lunch**

**20 minutes afternoon breaks**

**(c)** Chief Ken Moore offered the motion for President Howard to contact Jim Crownover, Sheri Fancher, and Mitzi Hatcher to give them the opportunity to register the above complaints to the board. Commissioner Billy Humphries seconded the motion and the board voted 7-0.

#### **V. End Executive Session:**

Commissioner Billy Humphries offered the motion to end the executive session and convene in regular session, seconded by Commissioner Beverly Brooks, the board voted 7-0.

#### **VI. Adjournment:**

Commissioner Billy Humphries offered the motion to adjourn the meeting, seconded by Commissioner JD Brooks, the board voted 7-0.

Board meeting: **Tuesday, April 10<sup>th</sup> 2007, 4:30 p.m.**

JAMES C. CROWNOVER

4/16/2010

Page 1

1 IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI  
2 JESSIE COLVIN PLAINTIFF  
3 VS. CIVIL ACTION NO. 1:09CV187-M-D  
4 LOWNDES COUNTY, MISSISSIPPI, ET AL DEFENDANTS  
5  
6  
7  
8

9 DEPOSITION OF JAMES C. CROWNOVER  
10  
11

12 TAKEN AT THE INSTANCE OF THE PLAINTIFF  
13 IN THE LAW OFFICES OF MITCHELL, MCNUTT & SAMS  
14 215 FIFTH STREET NORTH, COLUMBUS, MISSISSIPPI  
15 ON APRIL 16, 2010, BEGINNING AT 2:37 P.M.

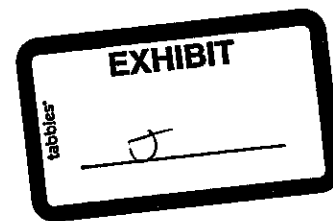
16 APPEARANCES:

17 WAIDE & ASSOCIATES  
18 P.O. Box 1357  
19 Tupelo, MS 38802-1357  
20 For the Plaintiff  
21 BY: RON L. WOODRUFF

22 MITCHELL, MCNUTT & SAMS  
23 P.O. Box 1366  
24 Columbus, MS 39703-1366  
25 For the Defendants  
BY: BERKLEY N. HUSKISON

ALSO PRESENT: MS. JESSIE COLVIN, MR. BUTCH HOWARD, MR. KEN  
MOORE, MS. BERNICE LILE and MS. BEVERLY  
BROOCKS

Reported by: GENA MATTISON GLENN, CSR 1568  
GLENN-HENRY REPORTING



JAMES C. CROWNOVER

4/16/2010

Page 4

1 A. I guess.

2 Q. Kind of like the Lost 6? And Jessie Colvin was one  
3 of those original 13.

4 A. Exactly.

5 Q. And I believe -- was Mitzi Hatcher one of the  
6 original 13?

7 A. No. Mitzi came on in October. We started in June.

8 Q. How about Sherri Fancher?

9 A. I think October also, right there close.

10 Q. Any other people that you're aware of started in '89  
11 that are still there?

12 A. No.

13 Q. And did you retire? Did you leave voluntarily?

14 A. Yes.

15 Q. When Jessie Colvin was terminated, you were the  
16 interim director for a few months; is that correct?

17 A. Yes, sir.

18 Q. And who asked you to be the interim director?

19 A. Sheriff Howard, the Board director.

20 Q. The Board director came to you? Was it a Board  
21 meeting or did he just come individually?

22 A. No. He called a special meeting, called me at home  
23 to come to 911 to have a meeting, and he asked me would I be  
24 the interim director, interim.

25 Q. Uh-huh.



1 A. -- director, but she was the third director I think I  
2 worked for.

3 Q. Right, but I'm talking about --

4 A. Yeah. She was the director.

5 Q. But all the time you were a shift supervisor, she was  
6 the director.

7 A. Yes.

8 Q. And so she was your direct supervisor.

9 A. Right.

10 Q. Did you ever have any problems with her?

11 A. Not personally, no.

12 Q. Did you ever go report to the Board or any of the  
13 Board members problems you were having with her?

14 A. That -- the only time I ever went to the Board was  
15 that April Board meeting before Jessie was terminated. It  
16 was like, what, the 13th -- the second Tuesday, whatever  
17 date that was. That was the first time that I had met with  
18 the Board to discuss anything, yes.

19 Q. So did they invite you to the Board, or did you  
20 ask --

21 A. No, I sent a letter requesting.

22 Q. Okay. And why were you -- why did you send a letter  
23 to the Board to request a meeting?

24 A. Because the working conditions had gotten to a point  
25 to where that my personal life was being involved, with very

JAMES C. CROWNOVER

4/16/2010

Page 7

1 little time off, working six on and one off, 12-hour shifts.

2 And I saw no future because it had been approximately five  
3 months since the situation had started escalating --

4 Q. Uh-huh.

5 A. -- and there was no -- there was no drastic change.  
6 There was no hiring taking place to relieve our situation.

7 Q. Why wasn't there any hiring taking place? Do you  
8 know?

9 A. That's what I addressed the Board. And I made it  
10 clear that I was not casting aspersions on anyone. I said,  
11 But the procedures need to be looked at. It's taking too  
12 long. That was my main concern.

13 Q. In fact, they did change the procedures afterwards,  
14 didn't they?

15 A. I'm sure they did, yes.

16 Q. In fact, they stopped requiring people to do lie  
17 detector tests, didn't they?

18 A. They did some changes, but I'm not sure of all the  
19 changes.

20 Q. Because the Commission had so many hoops that the  
21 people had to jump through to work, it took forever to get a  
22 new employee on Board. Isn't that correct?

23 A. It was just a process that needed to be looked at.

24 Q. Streamlined.

25 A. I wanted it looked at --

JAMES C. CROWNOVER

4/16/2010

Page 8

1 Q. You wanted it streamlined.

2 A. -- to streamline it where we could get some people  
3 in. Right.

4 Q. So it wasn't --

5 A. What they did -- what they decided to do, I don't  
6 know.

7 Q. Right. I understand.

8 A. But I just needed to voice my concern that something  
9 needed to be done to streamline the situation.

10 Q. I understand. Did you go by yourself or with other  
11 employees?

12 A. There was two other employees.

13 Q. Who were the other two employees?

14 A. Sherri Fancher and Mitzi Hatcher.

15 Q. Did you claim it was Jessie Colvin's fault that --

16 A. No. I made it clear in the meeting that I was not  
17 casting aspersions on anyone.

18 Q. Uh-huh.

19 A. I said that the procedures needed --

20 Q. Right.

21 A. -- to be looked at, to change, because we needed some  
22 change.

23 Q. Did any of those other two go there and say it was  
24 Jessie Colvin?

25 A. You'd have to ask them.

JAMES C. CROWNOVER

4/16/2010

Page 9

1 Q. Well, you were at the Board. I'm saying what they  
2 said at the Board.

3 A. I don't know. We went in one at a time.

4 Q. Oh, you went in one at a time. Okay.

5 A. Uh-huh.

6 Q. Thanks. So you don't know what the other one said.

7 A. No.

8 Q. And -- and you -- you had no other criticism of  
9 Jessie Colvin or the 911 department other than that, or did  
10 you have any other complaints?

11 A. The working conditions had gotten to the point  
12 that -- and we wasn't being able to take any vacation. My  
13 son at the time was in -- was in Virginia, stationed in  
14 Virginia in the Army, fixing to go to Iraq. And he could  
15 not afford to come home on leave. My wife said, We're going  
16 to take vacation and go up there, and I'm saying, I can't  
17 take vacation --

18 Q. And I just want to make sure -- is there anything  
19 else --

20 A. Other than the -- the working conditions --

21 Q. There weren't enough people and you had to work too  
22 many hours and you didn't see any --

23 A. Exactly. I didn't see any relief.

24 Q. -- any relief coming, and that was your only problem?

25 A. That was my main concern. Right.

JAMES C. CROWNOVER

4/16/2010

Page 10

1 Q. I just want to make sure. Was there any other  
2 concern you went to the Board with?

3 A. Not to my knowledge.

4 Q. All right. That's -- did -- and you know I hate to,  
5 but I do have to ask you this: At that time there was a  
6 sexual harassment lawsuit or EEOC charge against you?

7 A. I'm not sure if it was still pending or not. It's  
8 been settled.

9 Q. Okay. So it's been resolved.

10 A. It's been resolved.

11 Q. Who filed the charge?

12 THE WITNESS: Do you remember the girl's name?

13 MR. HUSKISON: I do, but I can't testify. If you  
14 don't remember, you don't remember.

15 BY MR. WOODRUFF:

16 Q. If you don't remember --

17 A. I can't remember her name.

18 Q. Was she another worker there?

19 A. Uh-huh.

20 Q. And did she file an EEOC charge, if you know what  
21 that is?

22 A. What -- I don't understand what this has to do with  
23 the situation today because that has been resolved.

24 Q. I understand.

25 A. And I was asked to be the interim director -- interim

1 because I was a senior -- the senior --

2 Q. Right.

3 A. -- dispatcher, and that's it.

4 MR. HUSKISON: And just for the record, Mr. -- I  
5 think he's going to ask very general questions and be done.

6 BY MR. WOODRUFF:

7 Q. I'm not going to go deep into it, but -- and I don't  
8 know if it is relevant. That's why I have to explore it  
9 just to see if it is, if there is any relevance. I just  
10 don't know for sure. That's why I have to just -- and I'm  
11 not going to go in deep. I just want -- you don't remember  
12 the person's name? Is that correct?

13 MR. HUSKISON: It was Kam Edwards.

14 A. Kam Edwards. That's right.

15 BY MR. WOODRUFF:

16 Q. I'm sorry?

17 A. Kam Edwards.

18 Q. C-A-M?

19 A. K-A-M.

20 Q. K-A-M.

21 MR. HUSKISON: Kamilah.

22 BY MR. WOODRUFF:

23 Q. Kamilah. And was she a 911 operator?

24 A. Yes.

25 Q. She was a -- obviously a female, black female?

JAMES C. CROWNOVER

4/16/2010

Page 12

1 A. Yes.

2 Q. Okay. Do you know -- and was an EEOC charge filed or  
3 was it just internal?

4 A. It was EEOC.

5 Q. Okay. Was there a lawsuit filed, or do you know?

6 A. Yes.

7 Q. Okay. And as far as you know, it's been resolved.

8 A. Yes.

9 Q. So it's done with.

10 A. It's done.

11 Q. That's all the questions I had about that.

12 And was there any agreement, when you took over as  
13 the interim director, about how long you would do it? Was  
14 it till they found a permanent director?

15 A. That was my understanding --

16 Q. Uh-huh.

17 A. -- that it was until they hired a director.

18 Q. Okay. You told -- you told them specifically you  
19 weren't interested.

20 A. I wasn't interest in the permanent.

21 Q. You didn't apply for the permanent.

22 A. I did not apply for it, no.

23 Q. So you were just helping them out.

24 A. That's right.

25 Q. Did they give you extra money for that period of

1 time?

2 A. No. No. They gave me the option of salary or  
3 hourly, and I said I'll just stay just like I am.

4 MR. WOODRUFF: Just a second.

5 (Brief recess.)

6 MR. WOODRUFF: I've just got a few more questions.

7 BY MR. WOODRUFF:

8 Q. During the time you were interim director -- and let  
9 me see. Was it right after, like the day after the 16th she  
10 was fired? April 16th, 2007.

11 A. I think it was that afternoon.

12 Q. So right -- I mean, right then.

13 A. Right. Uh-huh.

14 Q. And it looks like Mr. Pittman came in in either end  
15 of June, early July.

16 A. I think he started like the 5th of July.

17 Q. Right after the 4th.

18 A. Right after the 4th.

19 Q. Okay. So we're talking about basically May, June?

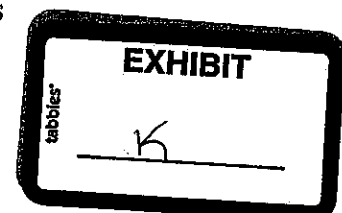
20 A. Two and a half months.

21 Q. Two and a half months. Okay. During that  
22 two-and-a-half-month period, did -- were you instructed to  
23 make any changes as far as procedures, you know, as far as  
24 what the dispatchers or procedures that were being done at  
25 the -- at the 911 office?



>  
 > From: "Beverly Broocks" <Bbroocks@mitchellmcnutt.com>  
 > Date: 2007/04/11 Wed AM 09:56:27 CDT  
 > To: "Jessie W. Colvin" <jcicolvin@bellsouth.net>  
 > Subject: follow up on voice mail  
 >  
 > Jessie,  
 > I left you a voice mail message last evening after the board meeting  
 > and have not heard from you yet so I am following up via email.  
 >  
 > Frankly, I was very surprised that, after hearing from the dispatchers,  
 > you did not come forward with any indication that you would make a  
 > genuine effort find a way to give the 12 hour dispatchers a hour lunch  
 > break once or twice during the course of their work week. I understand  
 > the complexity of your scheduling, but with Paul going full time,  
 > Sarah's level of training and competence and the kind of hours you are  
 > putting in, it is incomprehensible to me that six hours of coverage (or  
 > less if the night shift are less interested in the one hour breaks)  
 > could not be accomplished for two days a week for a few weeks - even  
 > possibly by scheduling Paul and Sarah for odd or split shifts. After  
 > all, neither of them has been putting in the kind of time the senior  
 > dispatchers and yourself have put in during this crisis and surely they  
 > would want to do anything they can at this point to show that they are  
 > anxious to help and be a part of the team.  
 >  
 > Speaking of that, Jessie, I meant every word I said about not  
 > micromanaging your agency and you will find in time that absent  
 > misconduct or extreme circumstances I will vote to support your  
 > decisions even when I may personally disagree with them.  
 > Professionally, I respect you as the Director and philosophically I  
 > understand that the captain needs to be free steer his or her ship. I  
 > also understand that there are some dynamics with the Board that are not  
 > particularly helpful at this point in time. All that said, I am  
 > personally concerned there is something of a power struggle existing and  
 > being fueled by fatigue on everyone's part.  
 >  
 > In my opinion, the smartest thing you could do right now is, on your own  
 > initiative and without interference by the Board, do everything you can  
 > to give your staff confidence in your support for them. Find a way to  
 > do a few of these hour lunches and let people go ahead and get vacations  
 > on the calendar (tentatively pending unavoidable and unforeseeable  
 > events) and you can make yourself a hero. And please, and this is  
 > strictly and absolutely personal because my life is so full of wonderful  
 > people who have served in the military, don't let the military mindset

Exhibit # 12 Beverly Broocks  
 Testimony of Jessie W. Colvin  
 Date 4/16/10



**MEMORANDUM**

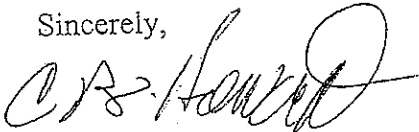
TO: Jessie Colvin  
FROM: E911 Board of Commissioners  
DATE: April 17, 2007

---

This is to inform you the E911 Board of Commissioners voted to terminate your employment effective immediately. The reason for this decision is unsatisfactory job performance and failure and/or refusal to keep the Board informed of critical issues concerning mandatory certification of personnel.

If you desire to file a grievance concerning your termination the procedure is set forth, beginning at page 13, in your employee handbook. It is important you strictly follow the procedure as out-lined in the handbook.

Sincerely,



Chairman

I acknowledge receipt of this communication this the 17th day of April, 2007.

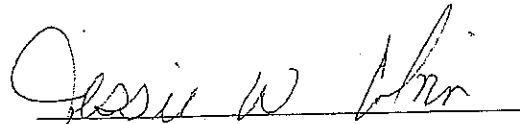
  
EMPLOYEE

Exhibit # 7  
Testimony of Jessie Colvin  
Date 4/16/10



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

---

JESSIE COLVIN,

Plaintiff,

vs.

Cause No. 1:09CV187-M-D

LOWNDES COUNTY, MISSISSIPPI, et al,

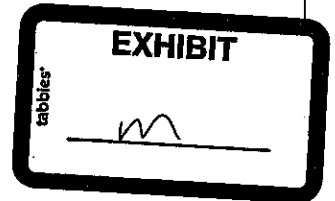
Defendant.

---

Deposition of

J. D. BROOKS

May 20, 2010



[Appearances Noted Herein]

Taken at the offices of Mitchell McNutt and Sams  
215 5th Street North, Columbus, Mississippi,  
on Thursday, May 20, 2010, at 11:41 a.m.

REPORTED BY: Teresa B. Henry, CSR 1205  
400 Peg Lane  
Amory, Mississippi 38821  
662-256-7880  
662-315-2175  
teresabh@bellsouth.net

**ORIGINAL**

1 bit.

2 Q. [Mr. Woodruff] Are you related to Leroy Brooks?

3 A. I might be. I'm not sure.

4 Q. Not that you know of?

5 A. No.

6 Q. Okay. Prior to April of 2007, were you aware of  
7 any problems with Jessie Colvin in her performance as  
8 Director of the 911?

9 A. No. No problems.

10 Q. Had you -- let me ask you this because I forgot  
11 to ask Sheriff Howard, is it still the joint city and  
12 county 911 Commission -- 911?

13 A. Well, we've got city and county in there, yeah.

14 Q. Okay. Is the city ponying up again, paying part  
15 of the cost of it?

16 A. Well, now they are. Now they are. Um-hmm.  
17 [indicating affirmative]

18 Q. When did they start paying part of the cost  
19 again?

20 A. I believe this year, that's when they started  
21 paying.

22 Q. 2010?

23 A. Right.

24 Q. Okay. Do you recall a meeting about a month  
25 before Jessie Colvin -- I'm sorry, a Board meeting about

1 BY MR. HUSKISON: Brooks.

2 Q. [Mr. Woodruff] She's the one who recommended  
3 the termination?

4 A. Right.

5 Q. Do you know who seconded it?

6 A. I'm not sure who seconded it. I'm not sure --  
7 Ken Moore, or.

8 Q. Just what you recall.

9 A. I don't really recall.

10 Q. Did -- And you voted against termination, --

11 A. Right.

12 Q. -- is that correct?

13 A. Right.

14 Q. Why did you vote against termination?

15 A. Well, what they were saying about the -- we  
16 hadn't -- really had any -- any -- I hadn't heard of any  
17 complaints of being -- of the regulations, you know. We  
18 didn't have any problems so, I mean, I didn't really  
19 think it should have been no termination.

20 Q. Did you believe that Jessie Colvin lied to you--

21 A. No.

22 Q. -- during this Board meeting?

23 A. No.

24 Q. Did you believe she was doing her job?

25 A. She was definitely doing her job.

1 Q. And she had been working 911 for 18, 19 years?

2 A. Right.

3 Q. And had never been written up, had she?

4 A. Uh-unh. [indicating negative] No.

5 Q. Never had any discipline action?

6 A. No.

7 Q. You work for the roads department --

8 A. Right.

9 Q. -- of Lowndes County?

10 A. Yeah.

11 Q. Are you a supervisor or a --

12 A. Right. Foreman. Yeah.

13 Q. You are a foreman?

14 A. Um-hmm. [indicating affirmative]

15 Q. Do you think it would be fair if you were fired  
16 after 18, 19 years if you had never been written up or  
17 never even gotten a warning about your job performance?

18 A. No, I wouldn't think that was fair.

19 Q. That wouldn't seem very a very fair --

20 A. No, sir.

21 Q. -- way to treat an employee, would it?

22 A. Right.

23 Q. Is that what you were thinking as far as that?

24 A. Right. With the -- right. With the work that  
25 she had done and, you know, she just -- I mean, I didn't

1 about it, you know.

2 Q. Well, isn't it true that some of the Board  
3 members thought that they needed a man in the position?

4 A. I -- I've heard that but I'm not -- I'm not...

5 Q. Who did you hear that from?

6 A. It was brought up in one of the meetings. I'm  
7 not sure who it was.

8 Q. You don't recall who it was?

9 A. Right.

10 Q. But one of the Commissioners brought it up in  
11 one of the meetings that they needed a man in that  
12 position?

13 A. Yeah. That was brought up, yeah.

14 Q. Do you hear anything about maybe women are too  
15 emotional?

16 A. No, I can't really remember.

17 Q. They just thought they needed a man?

18 A. That's what I heard. I heard that at that  
19 meeting.

20 Q. And Ms. Colvin is a -- she's a black female?

21 A. Um-hmm. [indicating affirmative]

22 Q. She's the first female and the first black  
23 person to be 911, isn't she, --

24 A. Yes.

25 Q. -- as far as the --

1 harassment.

2 A. Right. He was accused of it.

3 Q. [Mr. Woodruff] And he resigned for some reason.

4 A. Well, actually, he -- he didn't resign. What he  
5 did, he was just fill in until we get someone to replace  
6 him.

7 Q. So he was interim?

8 A. Right. Interim.

9 Q. And after that, they hired a white male to take  
10 his place?

11 A. Right. Right.

12 Q. So, isn't it true that some of the Commission  
13 members obviously wanted a male in that position?

14 A. I've heard some say it but I'm not sure who it  
15 was.

16 Q. Which ones have you heard say it?

17 A. I'm not sure who it was.

18 Q. But they said it during the Board meeting?

19 A. Yeah. It was in one of the Board meetings.

20 Q. And they said they wanted -- you heard more than  
21 one or just one person?

22 A. I'm not sure who it was but I know it was  
23 mentioned.

24 BY MR. WOODRUFF: Give me just a second.

25 [Discussion off the record.]



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

---

JESSIE COLVIN,

Plaintiff,

vs.

Cause No. 1:09CV187-M-D

LOWNDES COUNTY, MISSISSIPPI, et al,

Defendant.

---

Deposition of

ROBERT GALE

May 20, 2010

[Appearances Noted Herein]

Taken at the offices of Mitchell McNutt and Sams  
215 5th Street North, Columbus, Mississippi,  
on Thursday, May 20, 2010, at 9:18 a.m.

REPORTED BY: Teresa B. Henry, CSR 1205  
400 Peg Lane  
Amory, Mississippi 38821  
662-256-7880  
662-315-2175  
teresabh@bellsouth.net

**ORIGINAL**

**EXHIBIT**

tabbies

N

ROBERT GALE

having been first duly sworn, was examined under oath and testified as follows:

EXAMINATION BY MR. WOODRUFF:

Q. Please state your full name for the record.

A. Robert Wesley Gale.

Q. Mr. Gale, are you -- did you used to be on the 911 Board?

A. Yes, sir.

Q. Are you still on the 911 Board?

A. No, sir.

Q. When did you go off the 911 Board?

A. I can't really give you a date. It's probably been a year and a half ago.

Q. Okay. But you were on the 911 Board when Jessie Colvin was terminated?

A. Yes, sir.

Q. You voted against terminating her?

A. Yes, sir.

Q. Why did you vote against terminating her?

A. Because it was all too fast and I didn't think that she was being treated right, you know.

Q. Why didn't you think she was being treated right?

A. Well, when she came in, it was suppose to be

April 18<sup>th</sup>, 2007

Sheriff C.B. Howard  
Chairman, E911 Board of Commissioners  
527 Martin Luther King Drive S  
Columbus, Mississippi 39701

Dear Sheriff Howard:

I am following the procedures set forth in the Lowndes County E911 Employee Handbook in reference to The E911 Board of Commissioners decision to terminate my employment with Lowndes County E911.

I fully understand that the E911 Board of Commissioners reserves the right in its sole discretion to consider or not to consider any grievance or to conduct a hearing.

I have been with this agency since its inception and would greatly appreciate the opportunity to clear up a few issues regarding my termination.

The memorandum stated that The E911 Board of Commissioners fired me for unsatisfactory job performance and or refusal to keep the Board informed of critical issues concerning mandatory certification of personnel. I hope that I am given the opportunity to present my case in regards to these matters.

Sincerely,

Jessie W. Colvin

I acknowledge receipt of this communication this the 18 day of April, 2007

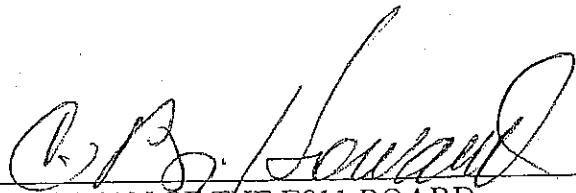
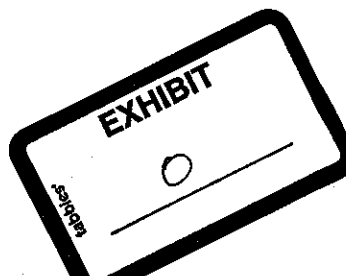
  
\_\_\_\_\_  
CHAIRMAN OF THE E911 BOARD

Exhibit # 8  
Testimony of Jessie Colvin  
Date 4/16/10



**COLUMBUS-LOWNDES E-911  
COMMUNICATIONS CENTER**

**515 2nd Ave N  
Columbus, MS 39701  
(662) 329-5726 FAX (662) 329-5721**

April 23, 2007

Ms. Jessie Colvin  
125 Lauren Lane  
Columbus, MS. 39702

Dear Ms. Jessie:

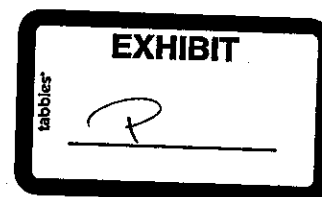
On Thursday, April 19, 2007 at a hearing wherein the Board considered the testimony and evidence presented by you and your attorney, the board voted to uphold your termination.

Respectfully submitted,

C. B. "Butch" Howard  
Chairman  
E-911 Board of Commissioners

Cbh/bh  
cc: Hon. Randolph Lipscomb

Exhibit # 9  
Testimony of Jessie Colvin  
Date 4/16/10



DANIEL C. PITTMAN

4/16/2010

Page 1

1 IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI  
2  
3 JESSIE COLVIN PLAINTIFF  
4 VS. CIVIL ACTION NO. 1:09CV187-M-D  
5 LOWNDES COUNTY, MISSISSIPPI, ET AL DEFENDANTS  
6  
7  
8

9 DEPOSITION OF DANIEL CRAWFORD PITTMAN  
10  
11

12 TAKEN AT THE INSTANCE OF THE PLAINTIFF  
13 IN THE LAW OFFICES OF MITCHELL, MCNUTT & SAMS  
14 215 FIFTH STREET NORTH, COLUMBUS, MISSISSIPPI  
15 ON APRIL 16, 2010, BEGINNING AT 1:09 P.M.

16 APPEARANCES:

17 WAIDE & ASSOCIATES  
18 P.O. Box 1357  
19 Tupelo, MS 38802-1357  
20 For the Plaintiff  
21 BY: RON L. WOODRUFF

22 MITCHELL, MCNUTT & SAMS  
23 P.O. Box 1366  
24 Columbus, MS 39703-1366  
25 For the Defendants  
BY: BERKLEY N. HUSKISON

26 ALSO PRESENT: MS. JESSIE COLVIN, MR. BUTCH HOWARD, MR. KEN  
27 MOORE, MS. BERNICE LILE and MS. BEVERLY  
28 BROOCKS

29 Reported by: GENA MATTISON GLENN, CSR 1568  
30 GLENN-HENRY REPORTING

GLENN-HENRY REPORTING  
maharcr@bellsouth.net

EXHIBIT

6a9f

tabbles

9b

DANIEL C. PITTMAN

4/16/2010

Page 4

1 Q. And what did you do before that?

2 A. Henkel Technologies.

3 Q. Where is that located?

4 A. Severstal. I was at account specialist at Severstal  
5 Mississippi.

6 Q. You were hired as the 911 director in June 2007; is  
7 that correct?

8 A. Yes.

9 Q. Do you have any experience in -- as far as 911 prior  
10 to that?

11 A. No.

12 Q. How did you come to apply for that job?

13 A. On line.

14 Q. Where were you employed at the time, or were you?

15 A. I was not employed. I was on retirement leave.

16 Q. From?

17 A. The Air Force.

18 Q. How many years had you been in the Air Force?

19 A. Just over 20.

20 Q. What kind -- what did you do in the Air Force?

21 A. Air traffic controller.

22 Q. Air traffic? And did you interview for the job of  
23 director of 911?

24 A. Yes.

25 Q. Who were you interviewed by?

1 A. The E-911 Board.

2 Q. All seven of them?

3 A. Yes.

4 Q. Okay. At one time or separately?

5 A. One time.

6 Q. One time. So you went with all seven. Do you know  
7 other people that were applying for the job or position?  
8 Were you aware of who else was applying or --

9 A. No, sir.

10 Q. Okay. And evidently they offered you the job.

11 A. Correct.

12 Q. And my understanding is you resigned voluntarily in  
13 December of 2007.

14 A. November.

15 Q. November.

16 A. Yes, sir.

17 Q. Okay. Was it effective December?

18 A. I believe it was effective November 30th.

19 Q. Okay.

20 A. The last day of the month.

21 Q. All right. And why did you resign working for them?

22 A. Just -- it wasn't what I thought it was going to be.

23 Q. Didn't enjoy the -- was it financial or was it just  
24 the work itself?

25 A. Not financial. Just politics. Just -- it wasn't for

DANIEL C. PITTMAN

4/16/2010

Page 11

1 they would be certified. You know, what kind of range are  
2 we talking?

3 A. After five months, I'm --

4 Q. You just don't --

5 A. I'm not sure.

6 Q. You don't recall?

7 A. I believe I hired four people, and I'm -- I don't  
8 remember where they were in their training.

9 Q. Do you know how many people were working there when  
10 you started?

11 A. I don't recall.

12 Q. Approximately. Was it like 15, 16?

13 A. 15, 16.

14 Q. Is that considered a full staff?

15 A. Pretty close.

16 Q. Was most of the people that -- was a lot of the  
17 people that were working there fairly new, under a year?

18 A. I don't recall.

19 Q. You don't recall. And for the record, what's your  
20 gender?

21 A. My gender? Male?

22 Q. Yes. And --

23 MR. HUSKISON: Yeah.

24 MR. WOODRUFF: Right. Ten points.

25 BY MR. WOODRUFF:



1 Q. And what is your race?

2 A. White.

3 Q. And I don't --

4 MR. WOODRUFF: Give us a second.

5 (Off Record.)

6 BY MR. WOODRUFF:

7 Q. Tell me all the changes when -- when you started, I  
8 think you said it was July or June?

9 A. July.

10 Q. July. Are you sure it wasn't June, June 22nd?

11 A. I believe I was hired in June; but due to vacation  
12 and prior commitments, I did not start until July.

13 Q. Okay. So during that five months, I believe you said  
14 five months you were there, did you make any changes, any  
15 procedural changes about what -- the way things were done?

16 A. Weather.

17 Q. Sorry?

18 A. Weather. Our weather system.

19 Q. Okay.

20 A. Brought in TVs, got the weather on the TVs. Our  
21 computer monitor was so small that it couldn't be seen, so I  
22 upgraded that.

23 Q. How about changes as far as hiring, training,  
24 certifying employees? Did you make any changes there?

25 A. I wouldn't consider them changes.

1 Q. Tell me anything you did differently.

2 A. I'm not sure what was -- I don't know what was done  
3 prior so --

4 Q. Well, how did you know what to do?

5 A. I called a guy in Louisville and I talked to the  
6 administrator in Jackson --

7 Q. Uh-huh.

8 A. -- that was over 911 --

9 Q. Uh-huh.

10 A. -- for the whole state.

11 Q. But you had no experience in E-911; is that correct?

12 A. Correct.

13 Q. How did you go in there and supervise people that you  
14 didn't know what their -- did you read a manual or --

15 A. I read books.

16 Q. Uh-huh.

17 A. Other -- like I said, the trainer out of Louisville,  
18 the main representative out of Jackson that's over the whole  
19 state.

20 Q. Who were those people? Do you remember?


21 A. I don't recall names, no.

22 Q. But to your knowledge did you make any changes as far  
23 as the way the dispatchers performed their jobs?

24 A. Not that I can recollect.

25 Q. Did you make any changes about the way employees

EEOC Form 5 (5/01)

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To:      Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <b>423-2007-2447</b>	
<div style="float: right;">and EEOC</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">RECEIVED</div> <div style="clear: both;"></div>			
Name (Indicate Mr., Ms., Mrs.) <b>Ms. Jessie W. Colvin</b>		Home Phone (Incl. Area Code) <b>(662) 327-4182</b>	Date of Birth <b>12-13-1959</b>
Street Address <b>125 Lauren Lane</b>		City, State and ZIP Code <b>Columbus, MS 39702</b>	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>LOWNDES COUNTY E911 SERVICES</b>		No. Employees, Members <b>15 - 100</b>	Phone No. (Include Area Code) <b>(662) 329-5896</b>
Street Address <b>515-2nd Avenue, North, Columbus, MS 39701</b>		City, State and ZIP Code	
Name <b>LOWNDES COUNTY BOARD OF SUPERVISORS</b>		No. Employees, Members	Phone No. (Include Area Code) <b>(662) 329-5884</b>
Street Address <b>P. O. Box 1364</b>		City, State and ZIP Code <b>Columbus, MS 39703</b>	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest      Latest <b>04-16-2007      04-16-2007</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). <p>On April 16, 2007, I was discharged from my position as the E911 Director. I had been employed in that position since February, 2000 and employed as a Dispatcher since June 19, 1989.</p> <p>The E911 Board of Commissioners said I was discharged for poor job performance and failure to keep the Board informed of critical matters involving employee certification.</p> <p>I believe that I have been discriminated against because of my race (Black) and sex (female) in violation of Title VII of the Civil Rights Act of 1964, as amended since:</p> <p>I was never warned about my work performance as the E911 Director. My interim replacement as Director was a White male who was accused of sexual harassing a Black female E911 employee. My permanent replacement is a White male who has no prior experience with E911 work. Board members have made statements to the effect that a man would be better suited for the position of E911 Director and would do a better job than a woman. Every director prior to my employment was a White male. <i>(SEE ATTACHMENT)</i></p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
<div style="text-align: center;">           Date      Charging Party Signature       </div>		SUBSCRIBED AND SWORN TO (month, day, year)	

EXHIBIT

R

SHERRI FANCHER

4/16/2010

Page 1

1 IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI  
2 JESSIE COLVIN PLAINTIFF  
3 VS. CIVIL ACTION NO. 1:09CV187-M-D  
4 LOWNDES COUNTY, MISSISSIPPI, ET AL DEFENDANTS  
5  
6  
7  
8

9 DEPOSITION OF SHERRI FANCHER  
10  
11

12 TAKEN AT THE INSTANCE OF THE PLAINTIFF  
13 IN THE LAW OFFICES OF MITCHELL, MCNUTT & SAMS  
14 215 FIFTH STREET NORTH, COLUMBUS, MISSISSIPPI  
15 ON APRIL 16, 2010, BEGINNING AT 2:55 P.M.

16 APPEARANCES:

17 WAIDE & ASSOCIATES  
18 P.O. Box 1357  
19 Tupelo, MS 38802-1357  
20 For the Plaintiff  
21 BY: RON L. WOODRUFF

22 MITCHELL, MCNUTT & SAMS  
23 P.O. Box 1366  
24 Columbus, MS 39703-1366  
25 For the Defendants  
BY: BERKLEY N. HUSKISON

26 ALSO PRESENT: MS. JESSIE COLVIN, MR. BUTCH HOWARD, MR. KEN  
27 MOORE, MS. BERNICE LILE and MS. BEVERLY  
28 BROOCKS

29 Reported by: GENA MATTISON GLENN, CSR 1568  
30 GLENN-HENRY REPORTING

GLENN-HENRY REPORTING  
maharcrc@bellsouth.net

EXHIBIT

tabbies

cbfc4

5

SHERRI FANCHER

4/16/2010

Page 4

1 A. Yes, sir.

2 Q. Did you get a promotion sometime?

3 A. I recently, two years ago, was promoted to director.

4 Q. Okay. And did you ever -- were you ever a shift  
5 manager?

6 A. I'm sorry. I was shift supervisor.

7 Q. From when to when?

8 A. I believe it was 1995 to 1996.

9 Q. All right. So you were there for a couple of years.  
10 Why did you stop being a shift supervisor?

11 A. I was on the 3:00-to 11:00 shift, and day shift  
12 became available --

13 Q. Uh-huh.

14 A. -- and I had a small child at the time.

15 Q. So you took the -- took the better shift over the  
16 supervisor.

17 A. Yes, sir.

18 Q. All right. So at the time you were promoted to the  
19 director, you were not a manager.

20 A. No, sir. Was not.

21 Q. Okay. And you said two years ago. Would that --  
22 tell me, was that in 1998?

23 A. No, sir. It was -- I was promoted -- I was interim  
24 from January of '08 and then promoted to director March of  
25 '08.

SHERRI FANCHER

4/16/2010

Page 5

1 Q. All right. And who immediately preceded you? Was it  
2 Mr. Pittman?

3 A. Yes, sir. Dan Pittman.

4 Q. And he left sometime in December?

5 A. He left -- my recollection was December of '07.

6 Q. Okay. Right after he left did you become interim?

7 A. I was promoted interim in January.

8 Q. Who ran the place between that period of time? Do  
9 you remember?

10 A. I don't believe anybody was in charge of that. It  
11 was about three weeks. I don't believe anyone was promoted  
12 at that time.

13 Q. So you're the second female 911 operator?

14 A. Yes, sir.

15 Q. And for the record, you are Caucasian or white.

16 A. Yes, sir.

17 Q. And you are female.

18 A. Yes, sir.

19 Q. Okay. And that's just -- when the judge reads the  
20 deposition, he can't look you in the face.

21 A. Okay.

22 Q. So we have to put it down on paper. And Jessie  
23 Colvin is the only African-American who's ever been the  
24 director.

25 A. Yes.

SHERRI FANCHER

4/16/2010

Page 10

1 You're fired, pack your bags, hit the road, Jack; or did you  
2 have to --

3 A. No --

4 Q. -- go to the Board and make a recommendation and the  
5 Board had to vote on firing the person?

6 A. If I felt that they needed to be terminated, then  
7 that was my decision to do so.

8 Q. So you didn't have to have Board approval.

9 A. No.

10 Q. You would probably tell the Board what you did.

11 A. If it was something that -- yes, I did.

12 Q. You kept them informed --

13 A. Yes.

14 Q. -- but you didn't have to have their permission or  
15 authority.

16 A. No.

17 Q. And Jessie Colvin was your supervisor for seven  
18 years.

19 A. Yes, sir.

20 Q. Did you have any problems with her?

21 A. No.

22 Q. In seven years you never had any problems?

23 A. No. The -- the only -- no, I didn't. The only  
24 problem at the end was we were overworked.

25 Q. That's the next thing I was going to get to.