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September 17, 2010

**By Hand Delivery and Electronic Mail**

Mr. Zachary Williams  
Fulton County Manager  
([zachary.williams@fultoncountyga.gov](mailto:zachary.williams@fultoncountyga.gov))

141 Pryor Street, SW, 10th FL  
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*Fulton County Board of Commissioners*

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Dear Mr. Williams and Members of the Fulton County Board of Commission:

This firm represents former Deputy County Manager Gwendolyn Warren and former Investigative Officer Maria Colon of the recently-dismantled Fulton County Office of Professional Standards ("OPS"). This letter serves two purposes. The first is to place you on notice of claims by Ms. Colon and Ms. Warren under the Georgia Whistleblower Act, O.C.G.A. § 45-4-1, and all other applicable laws, arising from Ms.

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Warren's sudden termination without cause and Ms. Colon's demotion and substantial reduction in pay.

Second, this letter serves to outline the facts we believe will be proven at trial if we are unable to settle this matter. In short, our clients were removed from office as a result of their refusal to remain silent about widespread corruption and abuse among high-level Fulton County employees. County Manager Zachary Williams terminated Warren and abruptly halted the operations of OPS, the County's whistleblower agency, days after Warren informed him of her intent to turn over evidence of corruption and theft by employees of the Human Services Department to the District Attorney's Office. We believe Williams' marching orders came directly from certain members of the County Commission.

The "Exquisite Events" Fraud

As set forth in her July 27, 2010 memorandum to County Manager Williams, Colon received an anonymous whistleblower complaint in January 2010 (See *Exhibit A*), alleging that Nicola Hosier, Financial Systems Supervisor for the Health and Human Services ("HHS") Agency, had used County funds to purchase supplies for her private company, Exquisite Events, LLC ("Exquisite"). (See *Exhibit B*). Colon's investigation into county financial records and her review of the pertinent County email databases revealed a shocking and widespread pattern of outright theft of county funds by Hosier to purchase over \$150,000 worth of lavish linens, seating, and other supplies for the operation of Exquisite, a private event planning company. Exquisite is co-owned by Fulton County employees Livia Shephard, Procurement Specialist, Office of Emergency and Transitional Housing, Cheryl Estes, Program Manager, HHS, and Yolanda Samples, WIA Coordinator, Office of Emergency and Transitional Housing. (See *Exhibit C*).

Moreover, Colon's investigation revealed that Juanita Jones, the rental coordinator for the County-owned HJC Bowden Center, operates her own private events firm, Events by Juanita, and advertises the four Fulton County Multipurpose Centers (Bowden, Darnell, Mill, and Benson) as venues for rent through her company. We believe the evidence will show that Jones has been allowed by certain Commissioners to rent out these facilities for her personal business, without paying the County for use of the facilities. The Exquisite website lists Events by Juanita as a "partner."

The investigation further revealed that Livia Shephard had used her position as purchasing agent for Fulton County's homeless shelters to craft false invoices for shelter

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supplies in order to account for the funds being spent on the luxury items purchased by Exquisite.

The investigation further revealed that Hosier had used County-purchased Wal-Mart gift cards to purchase at least \$14,351.64 in personal items and supplies for Exquisite. These items were often shipped to fellow Exquisite owners.

Colon continually updated Deputy County Manager Warren on the progress of her investigation. When it became clear that Colon's investigation had revealed far more than mere workplace misconduct, Warren informed County Manager Williams of the serious criminal conduct uncovered by Colon, and advised him that the evidence should be turned over to law enforcement authorities. Williams expressed concern over Exquisite co-owner Cheryl Estes' close ties to Commissioner Boxill, with whom Ms. Estes was planning to travel to South America for a conference. Williams instructed that Warren and Colon "not put anything in writing," and stop further inquiry until after the November 2010 elections because, in Williams' words, "it could get too political."

On July 5, 2010, Warren met with Colon to discuss the continuing investigation, which had, at that point, begun to point to fraud even more massive than the over \$150,000 already uncovered. Warren decided that they "could not sit on this any longer," and directed Colon to prepare a final investigative report and transmittal letter to the District Attorney's Office for prosecution. Warren then informed Williams of her decision.

Two days later, July 7, 2010, at the Board of Commissioners meeting, after meeting with Williams, Commissioner Edwards placed onto the agenda the last-minute item, "What is the role of the Office of Professional Standards?" (See *Exhibit D*). The purpose of this "agenda item" was to begin to place onto the public record negative comments about something certain Commissioners wanted to eliminate. However, in an Executive Session regarding "personnel" called by Commissioner Darnell, we believe certain Commissioners advised Williams that taking a public stand against the county's whistleblower agency would "not look good," and asked him to "handle the problem" himself. Williams agreed, and the "role of the Office of Professional Standards" item was placed on "hold" until the July 21, 2010 meeting.

That very evening, following the Commission meeting, Williams informed Warren that she would be terminated, effective immediately. Williams admitted to Warren that "certain Commissioners want you gone today," primarily due to the

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investigations of OPS. Williams told Warren that he tried to persuade the commissioners to allow him to handle her termination in the manner that executive terminations are usually handled—by providing her a transition period; however, according to Williams “they refused to listen”. The following day, Williams sent out an interoffice memorandum describing Warren’s excellent work as Deputy County Manager, but announcing her termination. (See *Exhibit E*). Warren was never provided a reason for her termination, other than, “certain Commissioners want you gone today.”

The following day, July 8, Williams met with Colon. Williams informed Colon that the future of OPS was uncertain. The following week, Williams informed Colon that he was eliminating OPS. Williams gave Colon the option of being “laid off” or accepting a demotion to “Research Analyst,” at a salary of \$60,180. Ms. Colon’s salary as OPS officer had been \$105,000. Faced with a choice between either a partial or total loss of income, Ms. Colon chose the demotion. (See *Exhibit F*).

On July 20, 2010, the day before the July 21 County Commission meeting, Williams formally and quietly ended OPS. The “role of OPS” item was removed from the agenda of the July 21 meeting. (See *Exhibit G*).

As a result of OPS’s elimination, the investigation of Exquisite came to a halt. The perpetrators of that fraud are employed with Fulton County to this day. We have conducted an independent investigation of the materials uncovered in Colon’s investigation, all of which have been turned over to the Fulton County District Attorney’s office, and have confirmed her findings of massive theft of County funds by the Exquisite partners.

For example, the evidence uncovered by OPS shows that Exquisite partner Hosier used her County Purchasing Card to pay invoices to vendors “Advance Seating” and “Linen N’ Stuff” for items such as wedding linens and luxury “chiavari” wedding chairs. She then submitted Purchasing Card Reconciliation Forms along with fabricated invoices from those vendors, stating that the funds had been used for homeless shelter supplies such as bed sheets and dormitory-style seating. (See *Exhibits H and I*). Hosier also submitted numerous fabricated invoices from a vendor called “RKO, Inc.,” for supplies such as toothpaste and deodorant, to reconcile purchases for wedding linens. RKO, Inc. is actually the corporate parent of Linen N’ Stuff, and does not sell toiletry items. Between March 2008 to November 2009, Fulton County paid a total of \$95,818.91 to RKO, Inc., supposedly for toiletries, but actually for lavish wedding supplies for the Exquisite partners’ private enterprise. (See *Exhibit J*).

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In what was perhaps a poorly-thought out oversight, Hosier listed the address on the "RKO, Inc.," invoices as:

1440 Arrow Highway, Unit D  
Dalton, GA 31608  
(706) 303-0083 (Office)  
(706) 303-6366 (Fax)

There is no "RKO, Inc." registered to do business in the state of Georgia at that address. However, the actual address for Linen N' Stuff in California is:

1440 Arrow Highway, Unit D  
Irwindale, CA 91760  
(626) 303-0083 (Office)  
(626) 303-6366 (Fax).

Furthermore, Hosier used her County Account at WalMart.com to purchase massive amounts of Wal-Mart "gift cards," for example, purchasing 965 gift cards in the amount of \$25.00 at a cost of \$24,144.30 on August 19, 2009, and a large number of "high value" gift cards on March 25 and 29, 2007, for a total of \$72,154.75. Hosier then used those gift cards to purchase personal items and events supplies, with payments spread out across a number of gift cards. The items were shipped to Hosier and the other members of Exquisite. (See *Exhibit K*).

Given the massive level of fraud undertaken by the Exquisite group, it is astounding that County Manager Williams, with full knowledge of the content of Colon's investigation, would urge Colon and Warren to "keep quiet" about their findings, and then eliminate their jobs when they refused. More disturbing still is the action of members of the County Commission to intervene on behalf of the perpetrators of this fraud and demand the dismantlement of the very agency whose job was to uncover fraud, waste, and abuse in Fulton County. The whistleblowers were punished for doing the right thing and protecting the integrity of County funds, while the thieves are still employed to this day and are probably still stealing County funds. This is among the most brazen and decisive acts of retaliation against a whistleblower that I have encountered in my many years representing whistleblowers.

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*A Pattern of Interference with OPS investigations*

This was not the first time that members of the County Commission have intervened to save a corrupt, yet politically loyal, employee from the oversight of OPS.

Most prominent is the apparent intervention of Commissioner Darnell to reinstate Stevie Everson, a Transportation Coordinator for the Department of Human Services, who OPS found had used his perceived authority to solicit sexual favors from a job applicant. (See *Exhibit L*). The materials uncovered in Colon's investigation clearly showed that Everson had attained sexual favors from an individual who contacted Everson to seek helping getting a job with the County. (See *Exhibit M*). Based on the investigation, Warren terminated Everson.

Approximately two weeks prior to the day on which Colon's investigative report on Everson was to be released, Commissioner Darnell solicited Everson to speak before the Board of Commissioners regarding his supposed dissatisfaction with Atlanta Transportation Systems ("ATS"), a vendor the State contracts with to transport seniors to County facilities. (See *Exhibit N*). It is plain from the transcript of the July 15, 2009 meeting that what was billed as a "discussion" of senior transportation issues was in fact an opportunity for Darnell to paper the public record with expressions of dissatisfaction with ATS, against whom she had developed a personal vendetta. For example, Darnell, in questioning Ken Vanhoose, who was in charge of the day-to-day operations of the transportation system, aggressively pushes the idea that ATS was unsatisfactory. For example, when Mr. Vanhoose does not identify the "serious problems" Darnell is looking for, Darnell pushes him in the direction she wants the discussion to go:

**Commissioner Darnell:** All right. What else do you have about the transportation problems about broken down buses and no air conditioning in the buses, and people not able to get to the center because they are stranded on the side of the road?

It also becomes apparent that Darnell has recruited Everson as a pawn in her campaign against ATS, as she introduces him with an effusive amount of praise:

**Commissioner Darnell:** [ . . . ] I'm receiving some very positive comments about this young man from citizens, and that's what I like. I like to feature those who are doing well.

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In turn, Everson stated precisely what Warren wanted to place onto the public record, i.e., that the current vendor (ATS), needed to be replaced:

**Commissioner Darnell:** [ . . . ] All right. I'm referring specifically to the problems that we have about equipment being broken down or not functioning properly. What do you know about that?

**Mr. Everson:** Commissioner Darnell, since Day 1 -- since August since I came on Board, we have had several problems with -- continued problems with complaints in reference to equipment. It's been an ongoing situation with Fulton County. I've been documenting it. I've been following up with the State -- been going out and meeting with the providers. I'm trying to find a way to get something done about it, and *I've come to a conclusion it's time for a change with the providers that we have with Fulton County.*

(emphasis added). This despite the fact that Everson was a fairly low level employee with no authority over the vendor used by the State.

The political favor garnered by Everson paid off in dividends on March 11, 2010, when the Commission-appointed Personnel Board, against the specific advice of the County Attorney, (see *Exhibit O*), found that Warren lacked the authority to terminate Everson, and reinstated him. (See *Exhibit P*) The Board found that Everson had in fact engaged in egregious misconduct, *and* that Everson had submitted fabricated documents in support of his appeal; however, the Board reinstated him, based on the erroneous finding that Warren did not have the authority to terminate him. The County Attorney appealed the Board's decision, but that appeal was suddenly withdrawn, without explanation, on July 26, 2010. Everson is employed with the County to this day.

It was, in fact, during the course of the long appeal process following Everson's termination fiasco that Commissioner Darnell stated to County Manager Williams, regarding her dissatisfaction with OPS, "at Fulton County, we don't investigate ourselves."

While the Exquisite Events and Everson cases offer the starkest examples of the Commissioners' marginalization of OPS, numerous other examples exist. For example, a May 21, 2010 report disclosed that numerous Human Services employees had received or had been approved for a total of \$12,675 in "supportive service" payments, which are meant to help out-of-work employees, despite the fact those employees were still on the

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payroll. (See *Exhibit Q*). To our knowledge, no action has been taken to cancel pending improper payments or to recover funds improperly paid out.

As another example, Darnell on more than one occasion expressed her dissatisfaction with OPS to Williams in the context of OPS's investigation of conflicts of interest in the County's Information Technology ("IT") Department. In a detailed investigative report, Colon demonstrated that Deputy IT Director Danny Troutman, along with Webmaster Walith Niallah, had steered lucrative contracts to a vendor in whom they had direct financial interests. Though the targeted employees were terminated, an appeal is currently pending before a Commission-appointed Ethics Board. The entirety of this investigative report is included in the enclosed CD-Rom.

We believe that, through the civil discovery process, we will uncover significantly more evidence of fraud, waste, and abuse at the highest levels of Fulton County government. We believe that the information currently in our possession is only the tip of the proverbial iceberg.

Meanwhile, the decision to terminate Ms. Warren and demote Ms. Colon to a position at half her salary has had a terrible impact on the lives of our clients. Both Ms. Warren and Ms. Colon moved their entire lives from Broward County, Florida to Atlanta in 2008 with the promise of a great opportunity in the Civil Rights capitol of the United States. Instead, each of them finds themselves struggling financially, the momentum of their careers derailed, all because they would not remain silent about the abuse of County resources. Colon has been placed in an office nearby both Everson and Hosier, who are aware of Colon's investigative activities, and harass her daily.

Our clients are entitled to compensation for lost wages, in addition to compensatory damages in an amount governed by the enlightened conscience of the jury. For purposes of notice, you are hereby notified that the claims of Mss. Warren and Colon exceed \$10 million.

I am willing to meet with the County's representatives to discuss a possible resolution. Obviously, a precursor to any resolution is immediate action to end the theft of taxpayer dollars being undertaken by the Exquisite partners. In addition, strong action must be taken to re-establish a whistleblowing agency like OPS within Fulton County, but to provide that office with the independence and enforcement powers it needs to protect County resources and expose corruption. Fulton County citizens' tax dollars are being squandered for personal and political gain. While I am willing to negotiate toward



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a resolution, we will require strong and verifiable assurances that the County intends to do the right thing here. It is our belief and our hope that, either by resolving this matter or litigating this matter, we will lead to greater transparency and integrity in Fulton County. That will benefit all of our County's citizens.

Please let me hear from you as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Lee Parks', with a stylized, cursive script.

A. Lee Parks

Cc: James Radford  
Gwendolyn Warren  
Maria Colon  
Paul Howard, Jr., Fulton County District Attorney  
Richard Belcher, WSB News  
Donna Lorenz, Atlanta Journal Constitution