

THE FIRM OF

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Stacey Godfrey Evans
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November 17, 2022

VIA EMAIL ONLY

Kimberly Carroll, Judicial Administrative Assistant, kimberly.carroll@cobbcounty.org
Connie Taylor, Clerk of Superior Court of Cobb County, connie.taylor@cobbcounty.org
H. William Rowling, Jr., County Attorney, h.william.rowling@cobbcounty.org
Debbie Blair, Deputy County Attorney, debra.blair@cobbcounty.org
Dr. Jackie R. McMorris, County Manager, jackie.mcmorris@cobbcounty.org
Lisa Cupid, Commission Chairwoman, lisa.cupid@cobbcounty.org
Keli Gambrell, District 1 Commissioner, keli.gambrell@cobbcounty.org
Jerica Richardson, District 2 Commissioner, jerica.richardson@cobbcounty.org
JoAnn K. Birrell, District 3 Commissioner, joann.birrell@cobbcounty.org
Monique Sheffield, District 4 Commissioner, monique.sheffield@cobbcounty.org

RE: Maya Curry

Dear Sirs and Madams:

We represent Maya Curry in connection with her employment with the Cobb County Superior Court Clerk's office ("Office"). We write to notify you of conduct by the Cobb County Superior Court Clerk, Connie Taylor, including Ms. Taylor's demand that Ms. Curry permanently delete Office files that were responsive to an open records act request. Or, in Ms. Taylor's words, commanding Ms. Curry "to Donald Trump this thing."

Ms. Curry is a longtime public servant who has worked in the accounting departments of Georgia-based entities related to the judicial and justice systems. She takes her duties seriously, embracing her part in serving the citizens of the State of Georgia. Unfortunately, in recent months, Ms. Taylor has demanded that Ms. Curry compromise her role as a public servant by destroying information about Ms. Taylor's retention of passport fees collected by the Office.¹

Ms. Curry joined the Office on March 1, 2022, to serve as an accounting manager. Her duties include supervising three employees, facilitating the allocation of funds, reconciling more

¹ Georgia law allows Ms. Taylor to retain some passport processing fees collected from applicants as "personal compensation." O.C.G.A. § 15-6-77(c). Ms. Taylor, however, chose to also retain as personal compensation an expedited shipping fee of \$24.70 paid by some applicants. Ms. Taylor claims she retained the expedited shipping fees "in error" and has now paid fees back to the Office.

than 20 of the Office's accounts, and, specifically, allocating the funds and reconciling the account associated with passport fees.

On May 4, 2022, Ms. Curry sent an email to Ms. Taylor asking how she wished to allocate the passport funds and informing Ms. Taylor that the previous clerk did not retain all of the fees the Office collected. (*See Exhibit A, attached hereto*). Ms. Taylor refused to respond to the email in writing and instead called Ms. Curry, chastised Ms. Curry for putting the question in writing, directed Ms. Curry not to send anymore emails on the subject matter, stated she was waiting for guidance from the county, and directing Ms. Curry to allocate all passport processing and expedited shipping fees to her personally.

On October 11, 2022, the Office received an open records act request from an Atlanta Journal Constitution journalist regarding the Office's, Ms. Taylor's, and her predecessor's practices related to passport fees ("ORA Request").² Ms. Taylor was out of the office at the time and instructed Ms. Curry to generate a report reflecting passport fees, including how much had been collected for expedited shipping ("Report"). (*See Exhibit B, attached hereto*).

On October 12, 2022, Ms. Curry sent an email to Ms. Taylor attaching the report ("Email"). (*See Exhibit C, attached hereto*).

On October 13, 2022, Ms. Taylor returned to the Office and came to see Ms. Curry multiple times, including to discuss the ORA Request and the Report. Ms. Taylor, *inter alia*, communicated the following:

- Ms. Taylor stated she had no obligation to provide any of the information requested in the ORA Request because the passport fees were "her money."
- Ms. Taylor stated she likewise did not have to provide any records related to her predecessor's collection of passport fees.
- Ms. Taylor stated that she would tell the reporter they did not have any responsive documents.
- Ms. Taylor stated that they would "get rid" of records responsive to the ORA Request.
- Ms. Taylor stated, "We're just going to Donald Trump this thing."
- Ms. Taylor asked about hard copy records related to passport fees, including the check register for payments to her, account reconciliation, and the register of passport activity.

² The ORA Request specifically sought the number of people who applied for passports with the Office since 2017, financial records showing the passport fees collected since 2017, financial records showing how the revenue from said fees was spent, and copies of records showing the payments made to the clerks from the revenue for said fees.

- In an effort to preserve the hard copies and prevent their destruction, Ms. Curry responded either that some of the records did not exist or that she would have to search for them.
- Ms. Taylor discussed the Enron scandal and that the accountants were held responsible alongside the executives.
- Ms. Taylor stated she hoped she could trust Ms. Curry and get things figured out.
- Ms. Taylor commanded Ms. Curry to permanently delete the Report and the Email attaching it.
 - Ms. Curry complied with Ms. Taylor's command, believing that she would only be temporarily deleting the files, thus holding off Ms. Taylor in the moment, and that the files could then be recovered. At the time, Ms. Curry was scared, intimidated, anxious, and shocked by what Ms. Taylor was demanding.
- Ms. Taylor then directed Ms. Curry to permanently delete the files from the recycle bin and the trash folder in order to prevent them from being recovered easily.
 - Ms. Curry again complied with Ms. Taylor's command, believing that she would only be temporarily deleting the files, thus holding off Ms. Taylor in the moment, and that the files could then be recovered. At the time, Ms. Curry was scared, intimidated, anxious, and shocked by what Ms. Taylor was demanding.
- Ms. Taylor then discussed only issuing handwritten checks to her for the passport fees and thus discontinuing issuing passport fee checks to her under the Office's electronic Accufund system.
- Ms. Taylor then commanded Ms. Curry to access the electronic Accufund system and delete records of the electronic checks issued to Ms. Taylor for the passport fees.
 - Ms. Curry refused.

Immediately after Ms. Taylor commanded Ms. Curry to delete the Office's records, Ms. Curry reported it to her direct supervisor, including a description of the ORA Request, the Report, Ms. Taylor's insistence on destroying records, and which files were deleted. From there, Ms. Curry started her extensive pursuit of recovering the deleted Report and Email, including the following:

- Asking an IT employee to help her recover the Report and Email, resulting in them downloading a recovery program that was unable to recover the files.
- Reporting to another IT employee that Ms. Taylor had instructed her to permanently delete files that should be preserved, to which the employee referred her to Cobb County's Information Services Department.

- Contacting Cobb County's Information Services Department, which likewise was unable to recover the deleted files.
- Discussing the issue with another IT specialist who suggested she check her laptop (as opposed to the desktop from which she deleted files) to see if the files had yet to be deleted.

Ultimately, Ms. Curry was able to recover the Report and Email from her laptop. She then ensured their preservation, including by uploading them to the Offices "Z Drive," which Ms. Curry understands is a data storage system from which they could be recovered if Ms. Taylor again had them deleted.

Ms. Curry also set about preserving other records relating to the passport fees, including those that Ms. Taylor wished to "get rid of." Ms. Curry scanned in physical documents and also uploaded them to the backed-up Z Drive in case Ms. Taylor had them deleted or destroyed. Ms. Curry also asked others in the office to assist in preserving records, and she believes, for example, that copies were made of the check register for the passport fee account.

In short, Ms. Taylor commanded Ms. Curry to destroy Office records in a conscious attempt to avoid responding to the ORA Request and to remove evidence of the amounts Ms. Taylor personally received from passport fees. In response, Ms. Curry deleted two files (believing they could be immediately recovered), which she then recovered, refused several of Ms. Taylor's commands to delete records, disclosed Ms. Taylor's conduct, and sought to preserve the Office's records.

Approximately one month after Ms. Curry refused to comply with Ms. Taylor's demands to destroy records, Ms. Taylor demanded that Ms. Curry leave the Office and has had Ms. Curry's access to the Office's systems terminated. Ms. Taylor has done this under the pretext of undertaking an investigation into Ms. Curry's supervision of one of her direct reports with whom she had a conversation on November 10, 2022. To even describe the occurrence on November 10, 2022, as an "incident" would be making a mountain out of a mole hill. The employee had taken an umbrella home that a customer had left at the Office, and Ms. Curry asked the employee to return the umbrella to the Office as the customer wanted it back. Ms. Curry also discussed the employee's understanding of her job duties and her areas of professional interest—as she had only been hired in August of 2022. And finally, Ms. Curry asked the employee if things were going okay for her at the Office, as she was concerned that the employee seemed unhappy. The employee expressed some dissatisfaction, particularly with the lack of interaction with her co-workers. And Ms. Curry offered to have a team meeting, which the employee declined, to which Ms. Curry responded by asking what she could do to make the employee happy and repeatedly offering to help resolve any issues. But the employee did not wish to do anything further. The employee—whose mother works in the Office and has a close relationship with Ms. Taylor—then told Ms. Taylor about the conversation, leading to Ms. Taylor calling them in for a meeting, along with the deputy clerk and an HR employee. After several more meetings that day, Ms. Taylor commanded Ms. Curry to go home and stated that they would assess whether she should

return the following Monday, November 14. On Sunday November 13, Ms. Curry was instructed not to return to the office.

On November 16, 2022, the Marietta Daily Journal published an article regarding Ms. Taylor's personal compensation for passport fees and her return of approximately \$84,000 to the Office's coffers ("Article").³ Ms. Taylor is quoted as follows in the Article: "Our system that we have, which is an obsolete system, has taken the (\$35 fee and the \$24.70 fee) and included those together, and those amounts were given to me, personally, which was an error." The Article further states that "Taylor said she noticed the error during an audit in early October, a month prior to the first media report." Ms. Curry is unaware of any audit having occurred, although Ms. Curry did draft the Report in October 2022 detailing the allocation of passport fees to Ms. Taylor. Furthermore, Ms. Curry is unaware of an "error" based on an "obsolete system" that comingled funds. Rather, Ms. Curry is aware of her May 4, 2022 email informing Ms. Taylor that the previous clerk had split the fees and asking Ms. Taylor if she would like to maintain the split—which Ms. Taylor declined, opting instead to take all the passport processing and expedited fees as personal compensation.

On November 17, County Manager Jackie McMorris personally called Ms. Curry to inform her that there is an "investigation," that Ms. Curry is on "administrative leave," and that "adverse action" may be forthcoming. Notably, placing Ms. Curry on administrative leave is itself an adverse employment action.

We urge the County, Ms. Taylor, and the Office to reconsider its adverse employment actions against Ms. Curry and to avoid further adverse employment actions. As the County and Office are aware, Georgia law provides robust protections for whistleblowers. Among other things, O.C.G.A. § 45-1-4 protects public employees like Ms. Curry from retaliation, which includes "the discharge, suspension, or demotion by a public employer of a public employee or any other adverse employment action taken by a public employer against a public employee in the terms or conditions of employment for disclosing a violation of or noncompliance with a law, rule, or regulation to either a supervisor or government agency."

Furthermore, while Ms. Taylor has stated to Ms. Curry that she is an "at-will employee," that does not mean that Ms. Curry is bereft of rights. Employees who have been terminated for refusing to engage in illegal conduct can assert claims for intentional infliction of emotional distress. *See, e.g., Nicholson v. Windham*, 257 Ga. App. 429, 430 (2002).

Preservation Demand

This letter also serves as notice that Cobb County, the Office, Ms. Taylor and their affiliated entities, employees, agents, and assigns (collectively, "you") are hereby directed to preserve any and all evidence, documents, information, material, or communications related in any way to the Office's collection of passport fees, the payment of any passport fees to Ms. Taylor, the ORA Request, the Report, the Email, and Ms. Curry's employment. By this letter,

³ https://www.mdjonline.com/news/local/improper-passport-fee-collections-due-to-system-error-cobb-superior-court-clerk-says/article_99015174-65cd-11ed-a0fc-bbbfb3b4ecd5.html.

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you are directed not to destroy, conceal, or alter any paper or electronic files, physical evidence, and/or other data generated, relating in any way, no matter how remote, to the aforementioned subjects and issues.

Many records and files are maintained electronically. This letter specifically requests that all paper and hard copy originals be maintained and preserved in their original format. By the same token, electronic documents and the storage media on which they reside—emails, texts, voicemails, phones, computers, social media messaging, etc.—contain relevant, discoverable information beyond that which may be found in printed documents. Therefore, even where a paper copy exists and has been preserved, please preserve and maintain all electronically stored documents and information in their original native format. This preservation demand specifically encompasses any and all electronic documents, including but not limited to, all word-processed files, e-mails, spreadsheets, all databases, and any other electronically stored and/or generated documents or files.

* * *

Please let us know when the County, Ms. Taylor, and the Office intend to reinstate Ms. Curry's employment and cease in retaliatory employment actions against her. Finally, this letter does not constitute an exhaustive statement of our client's claims, contentions, rights, and/or remedies, all of which are hereby expressly reserved.

Govern yourself accordingly.

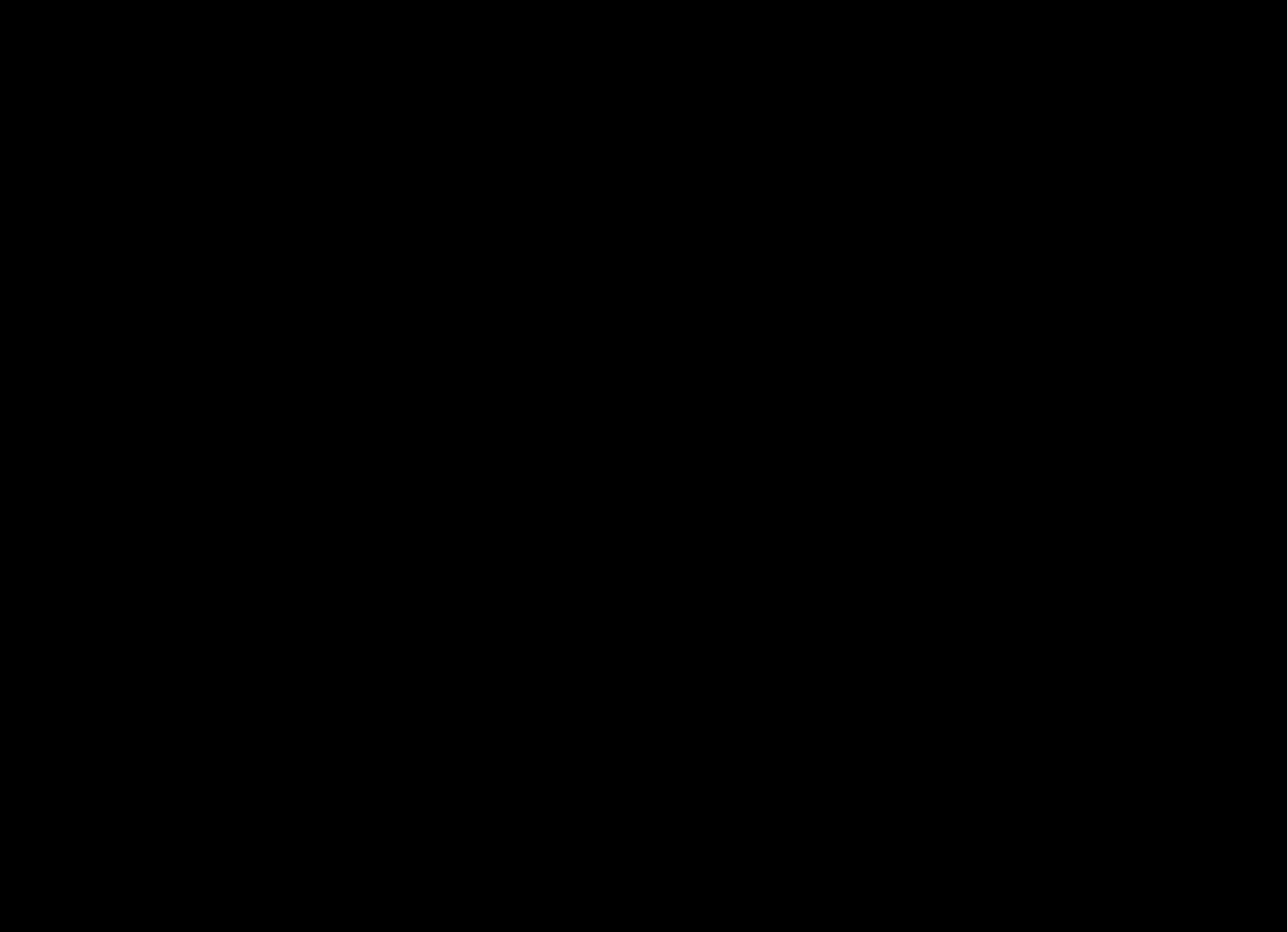


Stacey Godfrey Evans

Attachments

cc: Client
Jonathan D. Grunberg, Esq. (jgrunberg@wglawfirm.com)

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From: Curry, Maya
Sent: Wednesday, May 4, 2022 10:29 AM
To: Taylor, Connie <Connie.Taylor@cobbcounty.org>
Subject: passport fee split

Good Morning,

Total passport revenue for the Month of April 2022 is \$33,409.29. Would you like to go forward with the 50% split on expedited services or the \$20/\$15 regular fee split and \$30/\$29.70 expedited fee split (*previous administration split*)?

Thanks,



Maya Y. Curry

Accounting Manager
O: 770-528-1337

Superior Court Clerk's Office
Connie Taylor, Clerk
Cobb Judicial Circuit
70 Haynes St. • Marietta, GA 30090

Maya.Curry@cobbcounty.org
<https://cobbsuperiorcourtclerk.com>

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**EXPEDITED PASSPORT REVENUE
DUE TO THE COUNTY
JANUARY 1, 2021 - SEPTEMBER 30, 2022**

PASSPORT EXPEDITED FEE:	PROCESSING FEE	\$35.00
	EXPEDITED SHIPPING FEE	\$24.70
	TOTAL	\$59.70

MONTH / YR	EXPEDITED COUNT	PAYABLE TO CLERK	SHIPPING FEES DUE TO COUNTY
2021			
Jan-21	35	\$ 1,225.00	\$ 864.50
Feb-21	69	\$ 2,415.00	\$ 1,704.30
Mar-21	184	\$ 6,440.00	\$ 4,544.80
Apr-21	257	\$ 8,995.00	\$ 6,347.90
May-21	291	\$ 10,185.00	\$ 7,187.70
Jun-21	323	\$ 11,305.00	\$ 7,978.10
Jul-21	258	\$ 9,030.00	\$ 6,372.60
Aug-21	162	\$ 5,670.00	\$ 4,001.40
Sep-21	109	\$ 3,815.00	\$ 2,692.30
Oct-21	117	\$ 4,095.00	\$ 2,889.90
Nov-21	74	\$ 2,590.00	\$ 1,827.80
Dec-21	38	\$ 1,330.00	\$ 938.60
	2021 TOTAL	\$ 67,095.00	\$ 47,349.90
2022			
Jan-22	35	\$ 1,225.00	\$ 864.50
Feb-22	136	\$ 4,760.00	\$ 3,359.20
Mar-22	281	\$ 9,835.00	\$ 6,940.70
Apr-22	287	\$ 10,045.00	\$ 7,088.90
May-22	282	\$ 9,870.00	\$ 6,965.40
Jun-22	167	\$ 5,845.00	\$ 4,124.90
Jul-22	115	\$ 4,025.00	\$ 2,840.50
Aug-22	167	\$ 5,845.00	\$ 4,124.90
Sep-22	112	\$ 3,920.00	\$ 2,766.40
	2022 TOTAL	\$ 55,370.00	\$ 39,075.40
EXPEDITED REVENUE GRAND TOTAL		\$ 122,465.00	\$ 86,425.30

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----- Forwarded Message -----

From: Curry, Maya <maya.curry@cobbcounty.org>
To: Taylor, Connie <connie.taylor@cobbcounty.org>
Sent: Wednesday, October 12, 2022 at 02:10:30 PM EDT
Subject: EXPEDITED PASSPORT REVENUE ANALYSIS 2021-2022

Good Afternoon Ms. Connie,

Per your request, please see the attached Expedited Passport Revenue Analysis for expedited fees processed from January 1, 2021 – September 30, 2022.

Thanks,

Maya



Maya Y. Curry

Accounting Manager
O: 770-528-1337

Superior Court Clerk's Office
Connie Taylor, Clerk
Cobb Judicial Circuit
70 Haynes St. • Marietta, GA 30090

Maya.Curry@cobbcounty.org
<https://cobbsuperiorcourtclerk.com>