



License Review Board Minutes – August 5th, 2020

Chairman Braddy C. Harrison Braddy

Acknowledgement of LRB members:

Vice Chair Rosannette Kirby

LRB member Ormond Ashby

LRB member Alysha Harvey

LB member Valerie Williams (For recording purposes Zoom showing as Brecca Johnson)

Chairman Braddy: Adoption of the agenda – Members please review

Valerie Williams: Motion to adopt the agenda

Rosannette Kirby: 2nd the adoption of the agenda

Chairman Braddy: Agenda adopted

Chairman Braddy: May 21, 2020 minutes – Board members review minutes- Chairman Braddy request to number pages of minutes. CORRECTION on page 8 to the comments of Attorney West should be “Charged Violations” not most important violations.

Chairman Braddy: Any other corrections?

Vice Chair Kirby: No other corrections

Ormond Ashby: No other corrections

Valerie Williams: No other corrections

Alysha Harvey: No other corrections

Valerie Williams: Motion to adopt the agenda with corrections

Vice Chair Kirby: 2nd the motion of the adoption of the agenda

Chairman Braddy: All in favor say I

All LRB members stated I

Chairman Braddy: Approval of the minutes for May 21, 2020 meeting Accepted

Chairman Braddy: Move to hearing: LRB 2020-00010 Location Woods Motel 7828 Main Street, Jonesboro, GA – Legal name of entity is (I will spell) Sai

Attorney James Sullivan interjects: Woods Motel

Chairman Braddy: SAI SANDYA LLC

Attorney Green: We have preliminary motion of continuous to put before the Board from Attorney Sullivan.

Chairman Braddy: Attorney Sullivan would you like to respond?

Attorney Sullivan: On behalf of respondent The Woods Motel DBA name. In this pandemic, in this crisis it is difficult to perform ordinary daily tasks and it further complicates matters. For whatever reason the County's exhibits when presented were incomplete. 4-5 exhibits incomplete as oversights and confusion about other exhibits. Ken Green and I have worked in good faith to get the exhibits to everyone-9 witnesses on the County witness list, lots of documentary exhibits, there is no way I can prepare in 3-4 business days. I filed a motion, spoke with Ken Green CCPD Attorney who has no opposition- I am asking the Board to extend the hearing for 30 days to give me time to prepare and work with Attorney Green and Major Daniel and my client to come to a resolution without a hearing. For these reasons I ask for a continuance to be granted.

Chairman Braddy: Counsel please respond.

Attorney Green: No objection to the request in all fairness

Chairman Braddy: I received several motions from you and I understand these motions – there's a motion to dismiss the case against the respondent.

Motion to resolve case and motion of continuous. Are you going to withdraw these motions to dismiss? As well as motion for litigation to resolve without hearing if granted.

Attorney Sullivan: Chairman Braddy I do not want to dismiss motions, just asking to be continued with hearing and to clarify -3 motions have been filed.

1. Motion to Continue
2. Asking Board to order parties to get together for resolution which is in progress with Attorney Green and Major Daniel.
3. Motion for continuous for 30 days

We had an hour long and they shared their concerns. I am working with Woods Motel to put together a response to satisfy the County. So for purposes of that motion, I will withdraw because we're in that process and the motion to discuss was done in abundance of caution in case of having a hearing. I didn't really have evidence against my client. Having said that I will withdraw those 2 motions.

Motion of continuous for 30 days, Motion for meeting settlement and motion to dismiss with prejudice and ask for a 30 day continuance.

Attorney Green: No objection to a 30 day continuance.

Chairman Braddy: Records show Counsel has withdrawn – Motion to dismiss and Motion for mediation to resolve case without hearing. Counsel we typically ask for Stipulation of Agreement after or prior to judgement for issue of ruling accordingly. I am sure it's a process you and Counsel can go through for Stipulation of Agreement in the future.

Attorney Sullivan: I understand resulting in agreement, we go through the Chain of Command.

Chairman Braddy- Brief recess to go speak with the LRB members (5 minutes or less). Board members, please turn your cameras off and make sure you are muted.

Chairman Braddy: Meeting back to Order. After deliberation, we grant Motion for Continuous and reset the hearing for Sept 17, 2020 at 11am which is beyond 30 days. The BOC is available for LRB and no additional continuous will be granted.

Chairman Braddy: Call to the next case- LRB2020-0009 Family Dollar Store of GA LLC located at 6463 Hwy 42, Rex, GA

Counsel for County Attorney Afejuku: – Representing the County

Counsel for Family Dollar Stores of GA LLC Attorney Samantha Mullis

County Attorney Afejuku: The Attorney for Family Dollar has a preliminary motion

Attorney Mullis: This morning we received 2 proposed consent agreements from the County and would like to request a continuous for both Family Dollar cases. We have started to engage in negotiations and I would like to request continuous for both Family Dollar cases.

Chairman Braddy: We have to hear both cases. We will proceed with first case. You engaged with the County on Stipulated agreement?

Attorney Afejuku: No, we sent orders but their rejecting both.

Attorney Mullis: To answer your question Chairman Braddy, the consent agreement was sent for both this morning. I spoke with Attorney Afejuku and Attorney John McNeal this morning to engage in negotiations to reach a consent agreement. Our initial proposal sent was rejected by the Board. We would like to continue with negotiations.

Chairman Braddy: To what Board? The LRB?

Attorney Mullis: It was my understanding to the County, modified agreement rejected but I would like to continue.

Attorney Afejuku: We did engage in conversation but don't anticipate an agreement. Everything else she said is truthful.

Valerie Williams: When were negotiations sent to Family Dollar to the County for a proposed consent agreement?

Attorney Mullis: I requested a week ago and received this morning at 9am. I did not send a proposed agreement.

Valerie Williams: When was a proposed agreement sent?

Attorney Mullis: I did not send one directly (Proposed Consent Agreement) because we cannot send one directly since you are represented by Counsel. I had requested one to start negotiations.

Valerie Williams: I am asking what date was one sent?

Attorney Mullis: I did not send one. I requested one. Once received I immediately called to engage in settlement negotiations. They prepared a 2nd one and sent that one this morning.

Valerie Williams: This morning at 9am?

Attorney Afejuku: They are not entitled to the agreement. It is complimentary or can be discussed. She did not request.

Valerie Williams: I need clarification on this. When was the information requested?

Attorney Afejuku: There is no date. She asked for evidence on Wednesday but not consent order.

Chairman Braddy: LRB Counsel has shared the respondent is not entitled to a consent order

Valerie Williams: Ok

Attorney Afejuku: Truth is we may enter into negotiations but may never agree and may have to go to hearing.

Chairman Braddy: County, so are you objecting to Counsel of Family Dollar?

Attorney Afejuku: Correct, we are objecting to a continuance.

Chairman Braddy: How much time are you asking for a continuance?

Attorney Mullis: 30 days so we can engage in settlement negotiations.

Chairman Braddy: Where is the motion for Continuance?

Attorney Mullis: I have not filed a motion.

Chairman Braddy: We are here and you have not filed a motion for continuance?

Attorney Mullis: I am making one orally before the Board because we received the proposed consent agreement this morning. I did request a stipulated agreement on July 31, 2020.

Chairman Braddy: You are not entitled to a Stipulated Agreement.

Attorney Mullis: I understand I am not entitled and I have not made that accusation however it is something the code offers in lieu of a hearing.

Chairman Braddy: The code stated that prior to the LRB hearing the Board can adopt a stipulated agreement but it doesn't mean the LRB will agree.

Attorney Mullis: I understand the Board can make that agreement since we received a proposed agreement

Chairman Braddy: Is the agreement Alive?

Attorney Mullis: I believe it is fluid since we have started discussions based on receiving it, so yes while no one has agreed on the proposed agreement, it started discussion to reach a mutual understanding to reach a stipulated agreement

Chairman Braddy: What I'm hearing County, you have withdrawn your proposed consent orders.

Attorney Afejuku: Correct, What the County is desiring is we go forth with the hearing and we give recommendations to the Board and the Board makes the decision on what the findings would be.

Attorney John McNeal (County Co-Counsel): We sent an order this morning to Miss Mullis who stated she passed this on to client is now saying she doesn't have the authority to accept it but the reason we don't think its fruitful to continue is because in our consent order we are asking for suspension of business license in which they stated that is not acceptable. The County our client, has stated it will not be acceptable unless there is a suspension of business license. Therefore, we reached negotiations in pass, a rock in a hard place. From our standpoint, future negotiations because there is one key item we cannot agree upon. I just wanted to clarify that. Could we enter negotiations today? Yes, if they want to take the suspension today we offered, yes if they are willing to do that. However, they have indicated or either don't want to or don't have the ability to do that, so I don't see reason to continue negotiations.

Chairman Braddy: I'm going to request, we have heard the request. I do not see a need for an executive session if it is ok. I am asking Board for a motion to deny a continuance.

Alysha Harvey: Motion to deny continuance

Valerie Williams: 2nd the motion

Chairman Braddy: all in favor

LRB members: All said I

Chairman Braddy: Unanimous – We move forward with this hearing

Attorney Afejuku – County calls Darius Clowers to the stand. Swearing of Officer

Darius Clowers: name Darius Clowers/Position –Clayton County Code Enforcement/

Attorney Afejuku: Have you had any interaction with Family Dollar 6463 Hwy 42?

Darius Clowers: Responding to complaints from citizens.

Attorney Afejuku: Please explain your general interaction/complaints with this location.

Darius Clowers: Complaints are mostly trash and rubbish, overflowing trash in parking lot, garbage from garbage can

Attorney Afejuku: Did you have an occasion to write a citation on May 1, 2020

Darius Clowers: Yes. I did

Attorney Afejuku: Do you recall what it was for?

Darius Clowers: It was for trash and rubbish.

Attorney Afejuku: May I approach?

Chairman Braddy: Yes.

Attorney Afejuku: I have handed you Exhibit A. They are pictures. What do you see in the picture?

Darius Clowers: Overflowing trash in the trash area. Trash on the side and trash in the parking lot.

Attorney Afejuku: Did you take those pictures?

Darius Clowers: Yes. I did

Attorney Afejuku: Why is this an issue? Why is overflowing trash an issue?

Darius Clowers: Because trash attracts rodents and it doesn't look good overall for the business and the County.

Attorney Afejuku: When you saw the pictures, what did you do?

I immediately took photos first and spoke the manager and advised them they were in violation of County's trash law and they would be cited for the County's trash law.

Attorney Afejuku: You wrote a citation?

Darius Clowers: Yes, I wrote the citation.

Attorney Afejuku: Chairman Braddy may I approach?

Chairman Braddy: Yes

Attorney Afejuku: Let me backup so they can hear me. Can you tell me what that is?

Darius Clowers: That is a citation.

Attorney Afejuku: Do you know what happened as a result of that citation?

Darius Clowers: We had a code board hearing which they were fined. I am not sure of the exact amount.

Attorney Afejuku: They were convicted of the violation?

Darius Clowers: Yes

Attorney Afejuku: I would like to enter this into evidence as Exhibit A.

Chairman Braddy: Ok, Yes.

Chairman Braddy: Do you have copies?

Attorney Mullis: Yes I have copies and I have no objections.

Attorney Afejuku: Did you have occasion to visit this same site on?

Attorney Mullis: I object to this disposition. I do not think Mr. Clowers can authenticate that document.

Chairman Braddy: I'm sorry

Attorney Mullis: As for Exhibit A, I have no objection to the first 3-4 pages. These photos were taken by Mr. Clowers, he testified to that, so he obviously has knowledge of that. The second one is page 5 of the title conduct hearing, it is the disposition of the conduct board. Mr. Clowers did not draft it and I'm not sure if he testified to have seen it. He testified that they came before the Code Enforcement board but not sure he can authenticate the document. I have no objections to the citations.

Chairman Braddy: Are you disputing to the \$500 fine?

Attorney Mullis: No I am disputing that Mr. Clowers did not authenticate this document. He did not draft, he did not prepare it and I don't believe he testified that he saw it.

Chairman Braddy: County?

Attorney Afejuku: The County would say it's a self-authenticating document and it's from the County and she was actually present when the fine and conviction were imposed.

Chairman Braddy: Counsel, Is that true?

Attorney Mullis: While I am present I cannot authenticate the document and I can't give testimony so that's not for me but yes I was present and Whether I object to it coming in later, during this hearing is a different matter due to a proper witness. I am just saying Mr. Clowers is not the proper witness for that document.

Chairman Braddy: So the document, the disposition, the recommendation is \$500 fine with no further violations for 12 months. Are you disputing that this recommendation was made at the hearing on June 9th, 2020?

Attorney Mullis: No, I am not disputing that. I am disputing that this has been offered as a joint exhibit by the County and this section of the exhibit is not something Mr. Clowers can testify to or authenticate whether or what is in the document is testified to later or authenticated in a different way.

Chairman Braddy: Are you disputing this information?

Attorney Mullis: At this time no.

Chairman Braddy: I'm going to deny your objection. Counsel continue.

Attorney Afejuku: Did you have the occasion to visit this location on July 24th 2020 and what occurred on that date? May I approach? Exhibit B. Will you describe what you see in the pictures?

Darius Clowers: Overflowing trash in the garbage cans, trash in the parking lot.

Attorney Afejuku: Again, why is this an issue?

Darius Clowers: Again, it violates County code for trash and rubbish.

Attorney Afejuku: And did you take the pictures?

Darius Clowers: Yes I did.

Attorney Afejuku: Are those a true and accurate representation of the pictures you took?

Darius Clowers: Yes, I did.

Attorney Afejuku: Did you talk to anyone on this date about what you saw?

Darius Clowers: Yes, I went inside and spoke with management and I issued a citation.

Attorney Afejuku: Okay, is this a true and accurate representation of the citation you issued?

Darius Clowers: Yes it is.

Attorney Afejuku: And what is the citation for to be clear?

Darius Clowers: County trash and rubbish citation.

Attorney Afejuku: Do you know what happened as a result of that citation?

Darius Clowers: Fines as a result of Code Board violations.

Attorney Afejuku: Have you had any more interactions with this location of Family Dollar?

Darius Clowers: No.

Attorney Afejuku: May I approach?

Chairman Braddy: Yes.

Attorney Afejuku: This is marked as Exhibit B.

Chairman Braddy: Counsel, are you okay with or do you have any objections to this exhibit?

Attorney Mullis: Yes, just the same objection to the same conduct sheet as I don't believe it has been properly authenticated as we discussed with the prior exhibit.

Chairman Braddy: Motion denied. Objection denied.

Attorney Afejuku: I have no further questions.

Chairman Braddy: Counsel.

Attorney Mullis: Hi Mr. Clowers.

Darius Clowers: Hi. How are you?

Attorney Mullis: I am doing okay, how are you? Thank you for being here today. When you spoke with the Family Dollar manager and how long did that conversation last?

Darius Clowers: Generally, 5-10 minutes.

Attorney Mullis: What did you talk about?

Darius Clowers: I informed them of the violations and how to go reading the citation and how the Code Board handles.

Attorney Mullis: Does the manager offer any explanation of the trash at all or is it kind of Thank you for the citation?

Darius Clowers: They say that residents in the area put the trash in the trash can and parking lot.

Attorney Mullis: Do you have any way to confirm that, whether residents are dumping of the parking lot?

Darius Clowers: No ma'am.

Attorney Mullis: Do you know Family Dollars trash procedures?

Darius Clowers: No.

Attorney Mullis: Do you know whether the trash in the parking lot is Family Dollars or the residents?

Darius Clowers: If it is around the trash can or on the property of Family Dollar, it's Family Dollars.

Attorney Mullis: But you don't know who put that there?

Darius Clowers: No.

Attorney Mullis: So you are saying that you don't know whether it's their trash or that It's their responsibility to clean it up regardless.

Darius Clowers: Yes it's their responsibility.

Attorney Mullis: Okay, But you don't know whose trash it is?

Attorney Afejuku Objection. Asked and Answered.

Chairman Braddy: Sustained.

Attorney Mullis: How are your interactions with the Family Dollar manager?

Darius Clowers: As far as?

Attorney Mullis: Are they pleasant?

Darius Clowers: Yes.

Attorney Mullis: Do you see the Family Dollar manager today?

Darius Clowers: Yes

Attorney Mullis: Is this the manager you interact with?

Darius Clowers: Yes

Attorney Mullis: Okay. Has she been rude to you?

Darius Clowers: No.

Attorney Mullis: No further questions.

Chairman Braddy: Okay Counsel.

Attorney Afejuku: No further questions. Calling Mr. Moore. Will you raise your right hand? Do you solemnly swear and affirm to tell the truth?

Broderick Moore: I do.

Attorney Afejuku: Will you state your name for the record?

Broderick Moore: Officer Broderick Moore.

Attorney Afejuku: Where are you employed?

Broderick Moore: Clayton County Community Development as a Commercial Code Enforcement Officer.

Attorney Afejuku: How long have you been employed there?

Broderick Moore: A little over 11 months

Attorney Afejuku: Have you had any interaction with the Family Dollar store at 6463 Hwy 42?

Broderick Moore: Yes

Attorney Afejuku: What is your general interaction?

Broderick Moore: Responding to complaints regarding trash and rubbish.

Attorney Afejuku: Can you estimate how many times you have responded to this complaint?

Broderick Moore: Roughly, atleast twice, I believe.

Attorney Afejuku: Do you remember paying a visit on May 11, 2020?

Broderick Moore: Yes

Attorney Afejuku: What was that for on that day?

Broderick Moore: Responding to complaints of trash and rubbish.

Attorney Afejuku: May I approach?

Chairman Braddy: Yes.

Attorney Afejuku: In terms regarding those pictures, who took those pictures?

Broderick Moore: I took those pictures.

Attorney Afejuku: What is in the pictures?

Broderick Moore: The dumpster outside of the corral trash outside of it and coming out of the top of it overflowing.

Attorney Afejuku: Why is that an issue?

Broderick Moore: One because it is an eye sore and attracts rodents and wild animals to this location. We have people shopping in that area and we don't want them attacked.

Attorney Afejuku: On that day, did you speak with somebody?

Broderick Moore: I did speak with the manager, after I took the pictures and let them know they were in violation of the trash and rubbish ordinance. I spoke with the manager and let them know they would be cited.

Attorney Afejuku: So on that day what happened? In terms of after you talking with the manager, did you do anything?

Broderick Moore: After I gave her the citation, she signed it, I gave her a copy and I basically left.

Attorney Afejuku: So you did issue a citation?

Broderick Moore: Yes.

Attorney Afejuku: Are you aware of what happened as a result of that citation?

Broderick Moore: They did go before the Code Board. I believe they were fined.

Attorney Afejuku: Have you had interaction after that time?

Broderick Moore: Yes.

Attorney Afejuku: What happened?

Broderick Moore: They were issued the same, a citation for trash and rubbish violation.

Attorney Afejuku: What date did that happen?

Broderick Moore: July 31st.

Attorney Afejuku: So after they were issued your citation...

Attorney Mullis: Objection. I object to this because it does not appear this was included in the exhibits before the Boards mandatory meeting but presented to you today. This is a first that we've learned of this evidence.

Attorney Afejuku: I am not presenting a conviction or an exhibit, I am just asking of they have had any issues before this time and his direct knowledge of them having an issue at this time.

Attorney Mullis: Its evidence of subsequent bad acts by my client and this is prejudice in their ruling on their license and for their license.

Chairman Braddy: I am going to overrule because you will have the opportunity to cross examine.

Attorney Afejuku: Just to continue, you have been there and have cited them for the same issues?

Broderick Moore: Yes

Attorney Afejuku: I am giving the board what has been marked as exhibit B.

Chairman Braddy: Counsel do you have any objections?

Attorney Mullis: It's the same objection of conduct of forum, I do not believe Officer Moore is the person to authenticate that document.

Chairman Braddy: Overrule.

Attorney Afejuku: No further questions.

Chairman Braddy: Counsel

Attorney Mullis: Officer Moore, how are you?

Broderick Moore: I'm doing okay. How are you?

Attorney Mullis: You testified you have been to this Family Dollar atleast twice?

Broderick Moore: It's been twice a month.

Attorney Mullis: You are now saying twice a month?

BRODERICK MOORE: I have been there atleast twice a month?

Attorney Mullis: Ok, previously you said you have been there twice in your 11 months.

Broderick Moore: Atleast twice a month.

Attorney Mullis: Within your 11 months, have you seen the property incompliance?

Broderick Moore: Maybe once or twice.

Attorney Mullis: How often do you go out there?

Broderick Moore: It is actually in my area I patrol, so I go by there often.

Attorney Mullis: What area do you patrol?

Broderick Moore: The Rex, Ellenwood and Stockbridge, Morrow areas.

Attorney Mullis: How often do you patrol this area?

Broderick Moore: Maybe twice weekly because we get other calls and I may not be able to go by.

Attorney Mullis: For the citation issued, officer statement, you stated you were on patrol when you came across this.

Broderick Moore: Yes

Attorney Mullis: Earlier you testified that a citizen called in. Is that not the case this time?

Broderick Moore: I can't remember at this time but if I wrote I was on patrol then I was on patrol.

Attorney Mullis: Ok. Have you ever heard of anyone being attacked by wild animals?

Broderick Moore: Not at any of the Family Dollars I know of.

Attorney Mullis: When you go in to speak with the manager is it Miss Henderson who is hear today?

Broderick Moore: Yes ma'am. Most of the time it's her.

Attorney Mullis: Ok, how are your interactions with the Family Dollar employees?

Broderick Moore: It's respectful, nice and no one is rude or anything like that.

Attorney Mullis: Did they ever provide you with a justification of the trash?

Broderick Moore: They say it's the neighborhood people that are dumping the trash.

Attorney Mullis: Do you believe there is a dumping problem?

Broderick Moore: Yes

Attorney Mullis: Would you say this contributes to the property being out of compliance?

Broderick Moore: Probably

Attorney Mullis: Do you know Family Dollars trash procedures? Do you know the steps Family Dollar takes to try and get the property in compliance?

Broderick Moore: No

Attorney Mullis: Do you know if the trash belongs to Family Dollar or dumpers?

Broderick Moore: I can't say whether a bag of trash belongs to Family Dollar or a resident.

Attorney Mullis: No further questions.

Attorney Afejuku: The County has no further questions.

Chairman Braddy: Counsel for Family Dollar supply your next witness.

Attorney Mullis: Store manager for Family Dollar Tracy Henderson:.

Attorney Afejuku: Just for the records, before we start the County wasn't provided a list so after the fact please provide the information.

Attorney Mullis: You definitely have a current list of citations.

Chairman Braddy: Did Counsel provide you a list of witnesses for today?

Attorney Afejuku: No

Attorney Mullis: No, as a defendant I am under no obligation to provide those.

Chairman Braddy: Well in the notes here you were to provide atleast 7 days prior to the hearing. Did you receive that?

Attorney Mullis: I apologize I did receive that.

Chairman Braddy: Does the County have any objection relevant to this issue?

Attorney Afejuku: No

Attorney Mullis: Swears manager of Family Dollar in (Tracy Henderson:). Do you swear to tell the truth and the whole truth?

Tracy Henderson: Yes

Attorney Mullis: Can you please state your name for the record.

Tracy Henderson: Tracy Henderson:

Attorney Mullis: Please spell your last name for me?

Tracy Henderson: Henderson

Attorney Mullis: Where are you the store manager at?

Tracie Henderson: 6462 Hwy 42

Attorney Mullis: How long have you been a manager?

Tracy Henderson: 10 years

Attorney Mullis: How long have you been at this store?

Tracy Henderson: 2 years

Attorney Mullis: In your time at Family Dollar what type of training are you provided for trash procedures?

Tracy Henderson: Really basic, to keep the grounds are clean and make sure no rubbish is in view. Really haven't had to deal with trash.

Attorney Mullis: What other Family Dollar stores have you worked at?

Tracy Henderson: I have worked at Family Dollars in Rockdale County.

Attorney Mullis: Were the other locations in Rockdale County?

Tracy Henderson: Yes

Attorney Mullis: What type of trash bags does Family Dollar have?

Tracy Henderson: We have clear plastic bags.

Attorney Mullis: What type of trash does Family Dollar normally throw away?

Tracy Henderson: We have plastic and cardboards we send to be recycled but the majority of the time we throw away plastic.

Attorney Mullis: Would that be from merchandise being wrapped like from stocking?

Tracy Henderson: Yes.

Attorney Mullis: Are there any other types of trash you guys would throw out?

Tracy Henderson: Damaged items, that's about it.

Attorney Mullis: Does Family Dollar furniture?

Tracy Henderson: No

Attorney Mullis: Do you sell appliances?

Tracy Henderson: No we don't.

Attorney Mullis: Do you sell open food products?

Tracy Henderson: No we don't.

Attorney Mullis: Or half eaten food products?

Tracy Henderson: No we don't.

Attorney Mullis: Do you sell used diapers?

Tracy Henderson: No. We don't.

Attorney Mullis: Can you tell me about your experience with keeping this property in compliance?

Tracy Henderson: It has been a challenge keeping the property clean. I have never had to deal with an issue like we have at this store right now. I have never had to go outside and pick up soiled diapers, garbage like food containers, a toilet, and tires. I have never had to deal with this type of issue.

Attorney Mullis: Are you personally having to clean up the garbage?

Tracy Henderson: Yes. We are personally having to clean up the garbage.

Attorney Mullis: Who is we?

Tracy Henderson: Me and my employees.

Attorney Mullis: How many employees do you have at this store?

Tracy Henderson: Nine

Attorney Mullis: Do they all work at the same time?

Tracy Henderson: No. We all work on different shifts.

Attorney Mullis: Do all 9 employees help pick up the trash?

Tracy Henderson: Yes.

Attorney Mullis: How often would you say you are picking up the trash?

Tracy Henderson: Every day.

Attorney Mullis: How long would you say you spend cleaning?

Tracy Henderson: We have to go out in sessions. Maybe an hour and a half throughout the entire day. We got for about 30 minutes at a time.

Attorney Mullis: Do you know where the garbage rubbish is coming from?

Tracy Henderson: They are not coming out of my store so it's obviously coming from residents nearby.

ATTORNEY MULLIS: What color garbage bags are you seeing?

Tracy Henderson: Black trash bags.

Attorney Mullis: Would you consider those as household trash bags?

Tracy Henderson: Yes

Attorney Mullis: What do you do when you receive a citation?

Tracy Henderson: I first notify my DM and then we go clean up the mess.

Attorney Mullis: What do you do if you cannot cleanup the entire mess?

Tracy Henderson: We clean up what we can? And pick up the grounds. We designate somebody to go out and pick up the entire grounds.

Attorney Mullis: Have you ever witnessed anyone, not Family Dollar employees, dumping on the grounds?

Tracy Henderson: Yes

Attorney Mullis: How often would you say that happens?

Tracy Henderson: Every day.

Attorney Mullis: What do you do when you see that happening?

Tracy Henderson: We let them know they are not allowed to use our trash.

Attorney Mullis: Have you had personal conversations with some of these individuals?

Tracy Henderson: Yes.

Attorney Mullis: Were you able to get their names or their ID's or their license plates?

Tracy Henderson: No

Attorney Mullis: What happens when you have those conversations with those individuals?

Tracy Henderson: They get rude with us. They get hostile and we just try to back off.

Attorney Mullis: Do you know the Counties your 9 employees live?

Tracy Henderson: Clayton County.

Attorney Mullis: How long have those employees been working with you?

Tracy Henderson: My assistant, I have known for 2 ½ years. My cashiers, the same.

Attorney Mullis: Have you had employees leave due to having to deal with the trash?

Tracy Henderson: Yes.

Attorney Mullis: Did you expect to have to do this with your job?

Tracy Henderson: No.

ATTORNEY MULLIS: Did your other employees expect to have to do this with their job?

Tracy Henderson: No.

ATTORNEY MULLIS: You said you'd let your DM know when you get a citation? How have those interactions been with Code Officers?

Tracy Henderson: They come in and state what their there for and issue us the citation and we sign for it.

Attorney Mullis: Have you had circumstances where the property has been in compliance?

Tracy Henderson: Yes.

Attorney Mullis: And then what happens after that?

Tracy Henderson: Someone comes and dumps trash on the property?

Attorney Mullis: DO you have experiences when that happens overnight when you close?

Tracy Henderson: Yes

Attorney Mullis: How often would you say that happens?

Tracy Henderson: Every night.

Attorney Mullis: Have you had to take photos of the store being in compliance?

Tracy Henderson: Yes

Attorney Mullis: Or photos of trash on the store?

Tracy Henderson: Yes

Attorney Afejuku: I am generally objecting because I didn't get it or have not received it but she did just show it to me now.

Attorney Mullis: I have some photographs now I would like to show and present to you.

Attorney Afejuku: Counsel has an objection because we didn't receive this and are just receiving right now. Nor do we have a copy?

Chairman Braddy: Do you have copies for Counsel as well?

Attorney Mullis: I have one copy to share.

Chairman Braddy: You have one copy for yourself?

Attorney Mullis: I have one copy to enter into evidence.

Chairman Braddy: So you only have one copy?

Attorney Mullis: Yes one copy to enter into evidence and be shared.

Chairman Braddy: Counsel has decided she would like to have a copy.

Attorney Mullis: For your deliberation, you absolutely can have that copy.

Chairman Braddy: However, for the record we need something for the record.

Chairman Braddy: So Counsel, you are objecting?

Attorney Afejuku: Yes we are objecting to admitting that into evidence because we did not receive.

Attorney Mullis: But I did just show it to you.

Attorney Afejuku: You did just show it but we did not receive this before today.

Chairman Braddy: So you do not have a copy for Counsel?

Attorney Mullis: No I do not have a copy for Counsel but I'd be happy to get one made or get from my cell phone or store manager.

Chairman Braddy: The County does not have a copy of what you are submitting into evidence. That's not appropriate. How is that procedural?

Attorney Mullis: What's procedural Mr. Chairman Braddy is that I showed it to her before I admitted into evidence which she had the chance to object which she did.

Chairman Braddy: Do you have a copy of all of the Counsels exhibits?

Attorney Mullis: I do.

Chairman Braddy: Okay and so why would you expect something different? Or I don't understand.

Attorney Mullis: Because I don't have the burden of proof Mr. Chairman Braddy. We're the defendant.

Chairman Braddy: You're right. The County does have the burden of proof.

Attorney Afejuku: She does have the burden of notice and providing me notice of evidence which I do not have. I didn't have any notice that she was going to produce any evidence today.

Attorney Mullis: This is a quasi-criminal proceeding.

Chairman Braddy: No this is a quasi-judicial proceeding which is civil. However, we do have the force of the law to many any issue compliant for it to be business compliant. So what is quasi-judicial, semi judicial has to do with anything relevant to proceedings?

Attorney Mullis: As the defendant, I do not have the burden of proof.

Chairman Braddy: I understand that. I just stated that. The County has the burden of proof.

Attorney Mullis: I understand Mr. Chairman Braddy. I've apologized for not providing the County notice. These are photos that were taken recently within the past week and wouldn't have made the 7 day deadline. I presented them to Counsel. They are simply photos. They are not written documents to analyze. Miss Henderson can testify to her experiences if you chose not to admit that.

Chairman Braddy: I am going to deny the objection. I am going to exclude however I thought maybe there was additional copies before the witness could even authenticate whether it was submitted. But I going to exclude the evidence for being admissible so that the LRB would not include.

Attorney Mullis: So you are excluding the photos?

Chairman Braddy: I am excluding so that it is not admissible at this point.

Attorney Afejuku: Okay

Attorney Mullis: So Miss Henderson back to where we were. So earlier before you had testified to your experience with cleaning up the trash and getting the property in compliance.

Tracy Henderson: Correct.

Attorney Mullis: You said that there were times where the property had to be in compliance.

Tracy Henderson: yes.

Attorney Mullis: So generally how long after the property is in compliance, it is back out of compliance?

Tracy Henderson: A few hours later.

Attorney Mullis: Is this becoming a daily problem?

Tracy Henderson: It is.

Attorney Mullis: What else are you and your employees doing to keep the property in compliance?

Tracy Henderson: All we can really do throughout the day on the A.M and P.M. shift try to keep up the grounds so that we can stay in compliance.

Attorney Mullis: Is the store in compliance now?

Tracy Henderson: Yes.

Attorney Mullis: As of today?

Tracy Henderson: Yes.

Attorney Mullis: No further questions.

Attorney Afejuku: Miss, Can you repeat your last name?

Tracy Henderson: Henderson

Attorney Afejuku: Miss Henderson, this store 6463 is in Clayton County, correct?

Tracy Henderson: Yes.

Attorney Afejuku: Okay I wanted to clarify.

Chairman Braddy: I'm sorry. Due to the discrepancies I was having with the respondents Counsel, I kind of got lost. Did you swear this witness in?

Attorney Mullis: Yes

Attorney Afejuku: This store is in Clayton County?

Tracy Henderson: Yes

Attorney Afejuku: And you testified that you have cleaned up trash before and after?

Tracy Henderson: Correct

Attorney Afejuku: Do you have locks on the trash receptacles?

Tracy Henderson: Yes

Attorney Afejuku: Then how would people be able to get to that area?

Tracy Henderson: They throw the bags over the gates.

Attorney Afejuku: Okay. Do you have cameras?

Tracy Henderson: No.

Attorney Afejuku: Have you requested cameras at the corporate office?

Tracy Henderson: I can't on my level but my district manager has.

Attorney Afejuku: Other than confronting people about the trash, is there anything else that you know of that the store is doing to stop this issue?

Tracy Henderson: We go out and clean it up.

Attorney Afejuku: Have you reported anybody to the police?

Tracy Henderson: Yes I have.

Attorney Afejuku: Do you have a copy of the police report today?

Tracy Henderson: No the officer would not take an actual report because he said I had to have actual footage of the person taking trash from their vehicle and placing it on our grounds.

Attorney Afejuku: But you haven't given any recording of anyone actually doing that?

Tracy Henderson: No I haven't.

Attorney Afejuku: How often does the trash service come?

Tracy Henderson: They actually come once a week but we have to submit tickets for extra pickups.

Attorney Afejuku: Have there been times they've come more than twice a week?

Tracy Henderson: Yes

Attorney Afejuku: Has there been a time they have come every day?

Tracy Henderson: No

Attorney Afejuku: But from your testimony that is what's required for the cleanup of trash?

Tracy Henderson: I wouldn't say because a lot of the trash is on the ground. That is where the trash is laying. They are not actually putting the trash in the dumpster or inside of the enclosure. The trash is on the ground. The sanitation won't pick it up.

Attorney Afejuku: Have you had anyone assigned to the trash bin like a security guard or something to that nature?

Tracy Henderson: No

Attorney Afejuku: No further questions.

Chairman Braddy: Any further questions Counsel?

Attorney Mullis: No Thank you Miss Henderson. I would like to call District Manager Chris Adamson. Raise your right hand please. Do you swear to tell the truth, the whole truth?

Chris Adamson: Yes.

Attorney Mullis: Would you please state your whole name for the record?

CA: Christina Adamson. I am the District Manager for the store.

Attorney Mullis: Can you spell your last name please?

CA: Adamson

Attorney Mullis: Thank you. How long have you been employed with Family Dollar?

CA: Going on 6 years.

Attorney Mullis: How long have you been assigned to this district?

CA: A year ago.

Attorney Mullis: When did you take over the district that includes this store here?

CA: I believe it was July 2019

Attorney Mullis: What other districts have you worked in?

CA: This is the only district I have worked in.

Attorney Mullis: I thought you said you were just assigned to this district just a year ago?

CHRISTINA ADAMSON: I was assigned as a district manager but previously worked as a store manager.

Attorney Mullis: How long did you work as a store manager?

CHRISTINA ADAMSON: 5 years

Attorney Mullis: Okay and where did you work as a store manager?

CHRISTINA ADAMSON: Store 9135 on Jonesboro Rd in Henry County.

Attorney Mullis: Is that Henry County or Clayton County?

CHRISTINA ADAMSON: Both in Henry County

Attorney Mullis: Ok now I understand. What kind of training do you receive from Family Dollar regarding trash pickup and work orders?

CHRISTINA ADAMSON: As a store manager, you enter the work orders through a kiosk portal that goes to management and they would get approved or not extra trash pickup, public dumping.

Attorney Mullis: Do you ever take it upon yourself to remove the trash?

CHRISTINA ADAMSON: Yes

Attorney Mullis: What does that entail of you picking up trash?

CHRISTINA ADAMSON: Shoveling trash into trucks and moving garbage to the landfill. It could be a day project.

Attorney Mullis: How long does it take for you to do this?

Christina Adamson: Normally 9am to about 5pm.

Attorney Mullis: How many times have you done?

Christina Adamson: I honestly think 20-25 times

Attorney Mullis: And in what timeframe? Was that in 2020 or your full year there?

Christina Adamson: Within my year.

Attorney Mullis: Within a year, you personally made a trip to the dumps?

Christina Adamson: Yes.

Attorney Mullis: How many work orders was this?

Christina Adamson: Within a year, I'm guessing about 75 work orders.

Attorney Afejuku: Is she guessing at this point or is she speculating?

Christina Adamson: I have personally entered work orders.

Attorney Mullis: She can testify to what she has knowledge of. Its an estimate but the question is not what she is speculating but to what he has knowledge of.

Attorney Afejuku: But she did say I'm guessing.

Attorney Mullis: But she can estimate based on her personal knowledge.

Chairman Braddy. We need to know what type of work orders? I can overrule the objection pof the County.

Attorney Mullis: Mr. Chairman I do not have copies of the work orders but Miss Adamson can testify. I have copies on my phone and Miss Adamson has copies on her IPAD. You don't need.

Chairman Braddy: The work orders

Attorney Mullis: Miss Adamson has copies of the work orders, screen shots of the work order she has put in. She can testify as admissible evidence of her knowledge. We don't have to submit the actual orders into evidence. Based upon your earlier ruling, I don't think we would have admitted them.

Attorney Afejuku: My objection is based upon speculation because she characterized it as "I'm guessing".

Chairman Braddy: Sustained.

Attorney Mullis: Without guessing can you let us know how many times you have placed work orders?

Christina Adamson: Between 50-75 times.

Attorney Mullis: And that is within your tenure for that one year?

Christina Adamson: Yes

Attorney Mullis: How often did you place these work orders?

Christina Adamson: They were daily. Just recently on Friday, there were 2-3 work orders and 3 days prior to that there were work orders.

Attorney Mullis: Have you personally picked up the trash?

Christina Adamson: Yes

Attorney Mullis: How do you do that?

Christina Adamson: Every time there is a pickup, that's my team and I am not successful without them so I get dirty with them.

Attorney Mullis: Did you expect to be picking up trash?

Christina Adamson: No. Not at all.

Attorney Mullis: Did you expect to be cleaning up trash the way you described?

Christina Adamson: No. Not at all. Just daily debris. I never expected it to be as described.

Attorney Mullis: Have you lost employees due to this issue?

Christina Adamson: Yes

Attorney Mullis: I may have already asked this but how often have you picked up the trash?

Christina Adamson: Multiple times

Attorney Mullis: Does Family Dollar sell furniture, mattresses, appliances, dirty diapers, half eaten food containers or fast food?

Christina Adamson: No.

Attorney Mullis: What have you done to try to stop the dumping?

Christina Adamson: We have tried to get license plates. Of course for security purposes we don't approach the dumpers for safety and personal reasons. Unfortunately we are on a budget and cannot hire someone to keep their eyes on it for 15 hours. A lot of the dumping occurs overnight.

Attorney Mullis: Have you called Code Enforcement to let them know there are dumpers?

Christina Adamson: The stores have called. I don't know how many times.

Attorney Mullis: Is that something you have instructed your stores to do?

Christina Adamson: Yes

Attorney Mullis: Do you know what happens when Code Enforcement comes out?

Christina Adamson: They come out and analyze the situation. We have been cited before by calling them out but they do come out to analyze the public dumping. I am not always onsite on these occasions.

Attorney Mullis: What has been your interaction with Code Enforcement?

Christina Adamson: It has been good. I do not have any problems with them. We work pretty good together.

Attorney Mullis: When did you start calling Code Enforcement, taking those steps to identify the dumpers?

Christina Adamson: Within the year that I took over this district probably 15 times.

Attorney Mullis: I meant when did that procedure start?

Christina Adamson: Oh, Right around April.

Attorney Mullis: Have you seen a decrease in citations?

Christina Adamson: I just recently seen an increase in citations during the COVID period.

Attorney Mullis: Do you think calling Code Enforcement when you identify license plates helps?

Christina Adamson: I would like to think that it helps when we find mail that they are pursuing that person but I have not seen a decrease in dumping.

Attorney Mullis: I have no further questions.

Counsel: Any questions?

Attorney Afejuku: The store that were speaking of is in Clayton County, correct?

Christina Adamson: Correct

Attorney Afejuku: You testified that the trash at this location is pretty terrible.

Christina Adamson: Yes

Attorney Afejuku: You have had to get shovels and trucks and go to the dump, correct?

Christina Afejuku: Correct?

Attorney Afejuku: Have you provided any cameras to this location?

Christina Adamson: I have worked closely with corporate to get cameras.

Attorney Afejuku: But over the 11 months there were no cameras for that location?

Christina Adamson: Yes

Attorney Afejuku: Have you called the police regarding the dumping? Not code enforcement? The police.

Christina Adamson: No.

Attorney Afejuku: So you've never called the police about the mail that you have found? Or the pill bottles or anything like that?

Christina Adamson: No

Attorney Afejuku: Have you had a dedicated person or security guard to view the trash?

Christina Adamson: No

Attorney Afejuku: But you have spent money in other areas where that could have been possible?

Christina Adamson: That is something that the Corporation itself would handle. I cannot make that decision.

Attorney Afejuku: So aside from additional personnel inside the store, there have been no effort to clean the trash outside the store?

Christina Adamson: We have work orders that we put in asking for help with the public dumping and the garbage cans but as far as having a paid person no.

Attorney Afejuku: It sounds like a daily trash issue. Have you had a work order asking for trash to be picked up every day?

Christina Afejuku: So when we put the work order in, we have to go in and put the work order in everyday and specify.

Attorney Afejuku: Have you asked for special daily pickup for that location?

Christina Adamson: Yes.

Attorney Afejuku: Has the corporation picked up daily for that location?

Christina Adamson: I don't think they have but they have picked up 2 times in a week.

Attorney Afejuku: Have you sought to meet with CCPD concerning this issue?

Christina Adamson: No

Attorney Afejuku: How many times have you as the manager been cited?

Christina Adamson: Multiple times

Attorney Afejuku: Have you made corporate aware of these issues?

Christina Adamson: If I had to guess 25 times.

Attorney Afejuku: But yet they have not installed any cameras?

Christina Adamson: Nothing but extra pickups.

Attorney Afejuku: Ok no further questions.

Chairman: Counsel I just want to caution you on avoiding any repetitive questions.

Attorney Mullis: Okay. Miss Henderson are you aware of Corporates policy on analyzing the process of installing cameras?

Miss Henderson: No

Attorney Mullis: What services does Family Dollar provide to the community?

Miss Henderson: Day to day we offer items and goods at a low price.

Attorney Mullis: How busy is store 6364? Do citizens of Clayton County frequent this store?

Christina Adamson: Yes, absolutely.

Attorney Mullis: Do you believe goods are being provided to the citizens of Clayton County?

Christina Adamson: Yes

Attorney Mullis: No further questions.

Chairman Braddy: Counsel.

Valerie Williams: Mr. Chair I have a question for the witness.

Chairman Braddy: We have another witness. If no more redirect questions, we have another witness. Board member Williams we are making sure. Is the County resting so that the LRB will be able to ask their questions.

Attorney Afejuku: Yes, Chairman. We are resting.

Chairman: Yes, Thank you. We have questions for the current witness. Miss Williams.

Valerie Williams: My question to you is how long have you been manager of this store?

Christina Williams: I have been District Manager of this location for 1 year.

Valerie Williams: And in that year you said you have picked up trash several times at that location.

Valerie Williams: As a general manager, for the trash bins what type of methods have you used to secure the trash bin so that no one else can use it? Is there a lock on the cover of the trash bin? From what I am seeing on these pictures there is a covering.

Christina Williams: People are throwing things over it. She has locks on the doors.

Valerie Williams: As the district manager, have you not thought about getting something to enclose the entire area?

Christina Adamson: To get something to cover the top so no one can throw something over it, again that is something corporate would have to agree on and approve. They would need to send out a contractor.

Valerie Williams: In the 25-55 times you spoke with Corporate, has that conversation never come up?

Christina Adamson: It's all by entering work order numbers we're not actually on the phone talking. It's

Valerie Williams: In the 25-55 times you've entered work orders, has anything been asked to secure the entire perimeter of the dumpster?

Christina Adamson: No

Valerie Williams: This is my last question. What is the timeframe between entering the work order and trash pickup?

Christina Adamson: It is more like 24 hours. When we put our work orders in, the date is 24 hours.

Valerie Williams: How often is that done successfully?

Christina Adamson: Successfully? It probably gets done every 2 weeks.

Valerie Williams: So what I am hearing you say is, If you put in a work order this week, if you put in a work order today, they pick up the trash by tomorrow?

Christina Adamson: Within 2 days.

Valerie Williams: So that is not 24 hours.

Christina Adamson: 24-48 hours

Valerie Williams: How often per week are work orders put in and trash is picked up per week? How often is that done? How many times per week is that done?

Christina Adamson: The store managers as they see trash put in work orders. In a 7 day period, 3 days of the 7 there are work orders or they will contact me and I will put in the work orders.

Valerie Williams: Okay. Do you have any documentation that these work orders have been put in daily?

Christina Adamson: Yes, I do have documentation on my IPAD.

Valerie Williams. Ok, Thank you.

Chairman Braddy: Are there any other questions from the LRB?

Alysha Harvey: Yes I have one.

Chairman Braddy: Alright Miss Harvey.

Alysha Harvey: Within your work orders what suggestions or requests have you all made to prevent the pile up of trash or to identify who is dumping the trash?

Christina Adamson: So to identify we ask our team members to get license plates numbers but maintaining the distance themselves to be safe. Some of these people dumping are being very irate and angry because we are asking them or telling them not to dump on our property. We also go in and try to find pieces of mail with the persons information on it.

Alysha Harvey: So that's done during business hours. What about after hours?

Christina Adamson: There is nobody on the premises after hours.

Alysha Harvey: Okay. That's all of my questions.

Valerie Williams: Mr. Chair, I have one more question for the witness, I am sorry. As a business owner, do you not think that Family Dollar should be a better neighbor or a good neighbor in ensuring that this trash is not out and maintaining this trash problem?

Christina Adamson: I think that as a company as a team as a district we do the best that we can keep up with the dumping. As far as being a better neighbor, we have an issue with public dumping and doing our best to be good neighbor by keeping it clean but the problem is out control.

Valerie Williams: And as a good neighbor, do you not think it is prudent install cameras and to do things that will deter, as you say it is, "outside dumping"?

Christina Adamson: Security cameras? Yes. I think that would help.

Valerie Williams: Okay. Thank you.

Rosannette Kirby: Hi this is member Rosannette Kirby. I definitely would like to piggy back off of Miss Williams because this is an ongoing problem. With all this that has happened and all that we've heard today have you come with some protocols in the future of addressing these problems like Miss Williams said installing cameras or getting a day to day pickup. If you claim people are doing it, there are locks are these dumpsters and are covered and that way you can take pictures and call the police, call Clayton County and tell them this was not done by your company. Are we setting in place protocols to make certain this does not happen nor take place in the future? In your head, what are some of the things you can do in the future?

Christina Adamson: I absolutely are taking these thoughts in my head like Miss Williams said to yes enclose the top of the dumpster. Everything we said is in my head to speak with corporate on. Some of these issues, if we would totally enclose the top of the dumpster we think that would resolve the issue but we have the public dumping outside of the dumpsters. We have tires, we have bumpers, car parts, outside of the dumpsters. The cameras would be beneficial when the store is not open.

Ormond Ashby: Board member Ormond Ashby

Chairman Braddy: Mr. Ashby

Ormond Ashby: I have a question, you mentioned you have information from pill bottles, have you had any feedback from the Police department? Have there been any convictions on this matter?

Christina Adamson: I have not been informed on any follow-up.

Ormond Ashby: So the police department haven't given you any follow-up towards their findings?

Christina Adamson: No sir.

Chairman Braddy: I think we have heard from all of our LRB. I have a question, two questions regarding is there signage that say No Dumping?

Christina Adamson: No.

Chairman Braddy: There are no signs that say No Dumping. I want to see exhibit A page 2. Right there. It was stated that there were black bags, I see white bags. I'm looking at boxes. What I am hearing is this is not Family Dollar and this is all public community dumping in this community.

Christina Adamson: With the pictures you are looking at, Family Dollar is only authorized to use clear trash bags and that is for loss prevention. This is for integrity to ensure we don't have issues with our team members.

Chairman Braddy: I see clear bags but I don't see clear bags in the trash can. I see clear bags around the trash bin.

Christina Adamson: I don't see clear bags. I see boxes maybe from UPS.

Chairman Braddy: So you are saying these are UPS boxes?

Christina Adamson: No No No I am saying this could be one of our boxes.

Chairman Braddy: So UPS doesn't deliver you boxes.

Christina Adamson: If we get anything from UPS..

Chairman Braddy: Does UPS deliver to Family Dollar?

Christina Adamson: Yes

Chairman Braddy: But if they deliver anything, it would be small boxes

Christina Adamson: Yes. The bottom pictures are our boxes.

Chairman Braddy: I appreciate your honesty. So some of these are your boxes?

Christina Adamson: Yes I will agree on that.

Chairman Braddy: Alright. There is no signage, no enclosure which I heard there were enclosures. So relevant to this exhibit, where are the enclosures?

Christina Adamson: There to the right.

Chairman Braddy: Stay right there. Look at the last picture to the right. Do you see that dumpster? Is there any closure right there?

Christina Adamson: No the dumpster is not in the enclosure but today..

Chairman Braddy: So this dumpster is now enclosed? But it wasn't enclosed 60 days ago? Is that what you are saying?

Christina Adamson: The day of this pic was 05.15 and it was not enclosed.

Attorney Mullis: Mr. Chairman I was going to ask if the witness could step down and maybe point so maybe you can see. I just to make sure that you are getting everything accurately.

Chairman Braddy: You can step down but this is the store manager, right?

Attorney Mullis: Yes

Chairman Braddy: And the store manager is typically there right not the district manager or general manager. So can you explain to me what you see? What I am trying to get is clarity on this last picture to the right.

Tracy Henderson: The dumpster is sitting outside of the enclosure.

Chairman Braddy: It's outside of the enclosure?

Tracy Henderson: It's outside of the enclosure.

Chairman Braddy: So is it outside of the enclosure today?

Tracy Henderson: No Sir.

Chairman Braddy: When was it enclosed?

Tracy Henderson: Friday

Chairman Braddy: So it was enclosed Friday?

Chairman: Why?

Tracy Henderson: Because we got all of the inside of the enclosure cleaned.

Chairman Braddy: Why was it enclosed Friday? So your saying the enclosure was always there?

Tracy Henderson: Yes.

Chairman Braddy: But the dumpster was outside of the enclosure?

Tracy Henderson: The dumpster, Yes.

Chairman Braddy: Because there was trash in the enclosure? Extra trash? And you needed the dumpster to be on the outside to collect more trash? Explain to me, help me.

Tracy Henderson: When the sanitation came and emptied the can..

Chairman Braddy: Did you tell them to put the dumpster on the outside the enclosure?

Tracy Henderson: No sir.

Chairman Braddy: Who told them?

Tracy Henderson: No one did.

Chairman Braddy: So they just pull it and left it open? So Waste Mgmt just pulled it and left it outside of the closure?

Tracy Henderson: Yes sir.

Chairman Braddy: And when did that happen?

Tracy Henderson: When did they put the dumpster outside the closure?

Chairman Braddy: Yes.

Tracy Henderson: It was a while ago. I really don't know when it was.

Chairman Braddy: When you say a while ago, give me a guesstimate?

Tracy Henderson: Maybe 3 months ago.

Chairman Braddy: 3 Months ago. So did you call Waste Management and tell to place the enclosure back inside the dumpster?

Tracy Henderson: No sir.

Chairman Braddy: No sir. I'm sorry. Why?

Tracy Henderson: Because there was some trash inside the enclosure that still needed to be cleaned.

Chairman Braddy: So who cleaned it? If your district manager stated you guys come together and clean. Who cleaned it out?

Tracy Henderson: We did.

Chairman Braddy: So did you then call Waste Mgmt and tell them to put back into the enclosure?

Tracy Henderson: I figured when they came back they would put it back into the enclosure.

Chairman Braddy: But that was 3 months ago and that didn't happen.

Tracy Henderson: I didn't tell them to put it back now, they just did it on their own.

Chairman Braddy: So you didn't tell them to do it now, so you just, the compliance relevant to Waste Mgmt really it doesn't matter at this point.

Tracy Henderson: I'm sorry.

Chairman Braddy: I'm asking you. You said you didn't ask them to do it now.

Tracy Henderson: No I didn't tell them to put the can back inside the enclosure but they did it on their own.

Chairman Braddy: Why? Why didn't you tell them?

Tracy Henderson: I didn't know we needed to have the can inside of the enclosure. I didn't know that was going to be an issue.

Chairman Braddy: What is the purpose of the enclosure?

Tracy Henderson: The trash can is for the enclosure.

Chairman Braddy: So if its on the outside and not the inside, what the purpose of the enclosure?

Tracy Henderson: The purpose of the enclosure isn't being served if the can is on the outside.

Chairman Braddy: Right, Right. It's not being served which is why you are seeing trash in the enclosure and Family Dollar trash with what you say is Community trash, a possibility of both the clear bags and the Family Dollar bags outside of the enclosure. The thought of calling Waste Mgmt and say put the trash dumpster back into the enclosure.

Tracy Henderson: It's not going to keep them for throwing trash on the ground though.

Chairman Braddy: So you might as well just keep it out, right?

Attorney Mullis: Mr. Braddy you are arguing with the witness.

Chairman Braddy: I'm not arguing, I'm asking the questions.

Attorney Mullis: Okay.

Chairman Braddy: But you understand what your witness is saying. You want to talk to your witness because we need clarity. We don't argue with witnesses, we make decisions and we make decisions based on the gravity of the evidence. That's all and so before we make a decision we want to make sure that we're clear on all aspects. This affects our community and we want to make sure that the service that Family Dollar is providing for Clayton County is not a service that Family Dollar would think would be is a great service. We want to make sure that it's a service that is paid for and it's not a dis-service. Now I am speaking to Counsel on that.

Attorney Mullis: I understand you. Do you have a question for me?

Chairman Braddy: No I am speaking to you and giving you a comment because you were alluding that I was arguing with the client and I'm not at all.

Attorney Mullis: It was based upon on your elevated voice and your tone and these argumentative claims.

Chairman: No, No, No I am not argumentative at all so that you under, maybe its because the mic is too loud but that's probably the only reason.

Attorney Mullis: She is here on her compacity as a store level employee and trying to answer your questions as best as she can.

Chairman: It's a mis-characterization. I'm in the mic right now. I don't think that the witness would see me as going back and forth with her arguing. I'm trying to get a clear understanding of these exhibits

Attorney Mullis: And their here to help you. Im just making sure.

Valerie Williams: I am sorry to interrupt. Are you all still talking?

Chairman Braddy: No we're not still talking.

Valerie Williams: I just wanted to ask a question to the manager?

Chairman Braddy: Yes.

Valerie Williams: Madam Manager – I have 2 questions. Thank you for being here. How many trash cans does Family Dollar have at the store?

Tracy Henderson: One.

Valerie Williams: What is the volume of trash that Family Dollar have on a weekly basis on a daily basis?

Tracy Henderson: I would say 8-10 bags a week.

Valerie Williams: 8-10 bags a week? 8-10 clear plastic bags a week? So what I am hearing you say is you just dump 10 bags in this one dumpster?

Tracy Henderson: It may vary depending on how big the truck may be.

Valerie Williams: So you put no boxes in the trash can?

Tracy Henderson: No ma'am. We recycle the boxes.

Valerie Williams: So what I'm seeing is part of this trash is boxes. Your General manager is from Family Dollar.

Tracy Henderson: Yes ma'am. Some of those boxes were ours.

Valerie Williams: So you didn't recycle those?

Tracy Henderson: No ma'am those weren't.

Valerie Williams: So is it fair to say, the practice to recycle does not happen all of the time?

Tracy Henderson: On previous occasions, no ma'am.

Valerie Williams: So it is more than just the 10 plastic bags a week going in this trash bin or around the trash bin in the enclosure. Is that not correct?

Tracy Henderson: Are you asking if it is from us, Family Dollar?

Valerie Williams: Yes

Tracy Henderson: Yes ma'am.

Valerie Williams: How often does your trash men in a week?

Tracy Henderson: Once a week unless we put in a ticket.

Valerie Williams: How often have you had to put in tickets for Family Dollars trash?

Tracy Henderson: We haven't had to put in a extra ticket to pick up our trash. We don't need extra pickups for our trash.

Valerie Williams: But from what we're seeing is the employees of Family Dollar have not always been in compliance with your recycle procedure because we do see Family Dollar trash in these trash bins. Is that not correct?

Tracy Henderson: Correct.

Valerie Williams: Ok, Thank you.

Chairman Braddy: Thank you Board Member Williams and Thank you Miss Henderson. Again for the record, my comments with Miss Henderson is not to argue. I don't argue. I deliberate with our LRB. However, as a citizen of the County, I need clarity and don't think that I am speaking loud and arguing, it's just passion. No further questions? Is the County ready to rest?

Attorney Afejuku: Yes. We had 2 witnesses come forth to testify they have seen significant amounts of trash and as far as the ordinance related to this whole hearing, the ordinance requires that not only you pick up trash but abandon items on your property so there was extensive testimony related to trash and that it wasn't theirs and that it was Family Dollars and that it wasn't but if it is on their property and if it is abandoned property and if it trash, they are required to pick it up. There was testimony today about the extensive nature of Family Dollar trying to pick it up but not about them going above and beyond by providing any cameras and if they called the police there were no police reports. There were no meetings relating to the police or nothing in terms of no tag numbers taken to secure prosecution of this or going further of picking up the trash or making telephone calls. So it's the County position that they are required to do this. It is their property and cleaning and picking up the trash in terms of making the quality safe for Clayton County residents. We had testimony today that on April 24th of 2020, May 1st of 2020 and May 11th of 2020, there were citations issued and that for all of those citations, there have been convictions. There have been 3 convictions 3 prior times they have been cited related to that so the County requesting that they be fined and found guilty.

Chairman Braddy: Counsel

Attorney Mullis: Thank you Mr. Chairman and the Board for today. So just to start off, we have not given contention that the trash is not ours at all. That has never been our contention and we understand some of the trash on the property is Family Dollar trash. So I don't want that to be the position of the Board. We attempted to resolve ourselves of the trash being Family Dollars. However, there are improvements that have been made and procedures that are still changing and those are flexible and change as we move forward. There are procedures in place with putting in the work orders. And per her testimony today on those procedures state there are additional work orders entered, roll off the dumpsters, cleaning out that enclosure that contain both dumping and Family Dollar trash to get the dumpster back into the enclosure and have the property look nice. You've heard that the property is currently in compliance and that our employees are working anywhere between 30 minutes to an hour and a half a day trying to keep the property clean. Keeping the property clean is a daily battle. So yes they have been cited, there are improvements being made and Family Dollar is showing up to the Code Enforcement Board hearings and are engaging with Clayton County on, we're attempting to engage with Clayton County to become better Community Partners and we want to be better Community Partners. This store which is before you is a busy store. Per the testimony it generates a lot of customers. It's busy, we're in the middle of a pandemic which is why we have to see you guys virtually and Family Dollar is fortunate enough to stay open during this time to provide services and good at low cost to the citizens of Clayton County. The citizens take advantage of what we have to offer because they shop there. And so, the license review boards decision isn't going just against a Corporation. The testimony regarding citizens who shop there, the business they have there and the services they provide, you've also heard testimony which also stated they employ citizens of Clayton County and that while suspending a business license may affect the corporation, it will also affect your citizens and will put them out of a job for however long this license review board decides. I would like for that to be on your mind also during deliberation. The store manager here that has answered your questions or atleast tried to the best of her ability, she would be put out of a job.

Attorney Afejuku: Objection. We haven't gotten into any recommendations. So her talking about people being put out of a job or any suspension, that wasn't addressed.

Chairman Braddy: Overrule. Continue.

Attorney Mullis: Thank you Mr. Chairman. So there is more than just a corporation, Its more than just a sign, its more than just a building. Family Dollar is a part of Clayton County and their willing to work to become better Community Partners. When we attempted to engage in the Stipulation agreements earlier before the hearing and they have made improvements. I know we were here before for different stores, this is the first time this store has been before you. License Review Board also take that into account and the improvements that have been made at this store. We pray that we have a good working relationship with your law enforcement officers and code enforcement officers and that should be taken into consideration. And I get phone calls from them regarding citations and when things are about to cited, to help keep us in compliance and that is appreciated to keep the stores and be better business partners. Thank you.

Chairman Braddy: For the sake of time, the next case but for this case, what is the County recommendation?

Attorney Afejuku: For this case?

Chairman Braddy: Yes.

Attorney Afejuku: We are recommending that there be a suspension for a period of 6 months. That within that time they have video surveillance cameras with store capability installed and operational within 14 days of today. That they repair and implement a plan from the site within 7 calendar days. That they pay any and all outstanding fees owed to Clayton County and that they attend and report their progress to the Board at a status hearing in 90 days of this date.

Chairman Braddy: Do you have that in writing?

Attorney Afejuku: Yes Sir.

Chairman Braddy: Have you shown this?

Attorney Afejuku: Yes sir. It was what we included in the proposed consent order. The only difference is it that is what was proposed in the consent order and it was that it would for a period of 6 months instead of 90 days but it was the proposed consent order.

Attorney West: But the Board members would have seen this?

Attorney Afejuku: No. They wouldn't have. It's a recommendation.

Attorney West: Do you have something in writing in terms of a recommendation to the Board?

Attorney Afejuku: I can write 6 months on this one.

Attorney West: Okay.

Chairman: Okay for the second case.

Attorney Mullis: I was just going to say Mr. Chairman and board members, I'm not sure if the authority of this Board extends beyond the suspension of the license and imposing a fine of One Thousand dollars.

Chairman Braddy: The authority of the Board extends to not just suspend the license but to revoke the license.

Attorney Mullis: I understand that to suspend the license or revoke the license you can impose a fine of up to a Thousand dollars of the code section that we're here for today but it doesn't extend beyond to requiring the cameras, the implementation, the plan, those are..

Chairman Braddy: The authority of the Board.

Attorney Mullis: Those are things we talked about for a Stipulated Agreement to come to a mutual resolution.

Chairman Braddy: Section 2-90.6 A5 gives the authority of this Board to issue order of having the full force of the law to demand whatsoever are necessary to bring a violation into compliance and so if the Code Enforcement Board has fined the Family Dollar stores, their out of compliance so that is the purpose of the quasi-judicial Board.

Attorney Mullis: I hear you Mr. Chairman but I would encourage you to take into consideration this not only affects the Corporation but the citizens of Clayton County.

Chairman Braddy: So all of the employees are citizens of Clayton County.

Attorney Mullis: All of Miss Henderson's 9 employees are citizens of Clayton County. I don't believe Miss Henderson is a citizen of Clayton County.

Chairman Braddy: And how many stores do you all have in Clayton County?

Christina Adamson: I myself have 4 just in my district.

Chairman Braddy: So there are more than 5-6 or 7 stores in Clayton County.

Attorney Mullis: Sure but the employees don't switch stores.

Christina Adamson: Especially now. We're not allowed to borrow associates.

Attorney Mullis: Simply shutting down those stores would let those employees go for any amount of days or months.

Chairman Braddy: Alright, Thank you. As far as the next case. Counsel, how long would you need for this next case?

Attorney Afejuku: Chairman it probably will take the same amount of time. It almost mirrors the other case. Its just a different store. So if this one has taken 2 hours or more, so will this one.

Chairman Braddy: Okay.

Attorney Mullis: I did want to make the Board aware that the second store, I mentioned earlier when I mentioned earlier when I was making my motion to continue that I had a second motion to continue for specifically store 5960 I did not receive notice of this until yesterday at about 2pm. So I do not have any evidence to bring before the Board today.

Chairman Braddy: So, the County did not serve?

Attorney Mullis: If they did, I'm not saying they didn't.

Chairman Braddy: Counsel, was the store served?

Attorney Afejuku: Yes, we posted on July 24th as far as the hearing and Miss Johnson can state that it was also sent by mail to the registered agent and the actual business location.

Chairman Braddy: But did they post it on the actual business location, building?

Attorney Afejuku: Yes on July 24th.

Chairman Braddy: Counsel.

Attorney Mullis: My response I am not doubting that you've mailed things and I am not doubting that you posted things. I was not notified of this hearing for this store until yesterday. I received...

Chairman Braddy: Not from the County but from your client?

Attorney Mullis: Well both. With the other store we had the hearing on today I received a notice from Chris with the printout.

Chairman Braddy: Did you all receive notice?

Christina Adamson: So Tracy, I don't recall the day. You all can look it up, she told me as soon as she noticed it on the door. As I informed Samantha...

Chairman Braddy: For 596 so you...

Christina Adamson: No. I have no notice. I am not aware of it at all.

Chairman Braddy: So this is one of your stores?

Christina Adamson: Yes.

Chairman Braddy: Okay.

Attorney Mullis: And with the registered agent, I did receive paperwork from our registered agent for this store.

Chairman Braddy: For?

Attorney Mullis: Not for this store. I received it from the other store which is the hearing today which is why I didn't make this type of motion for continuance. The registered agent got the paper work for 6463 paperwork which got forwarded to me yesterday at 2pm when Counsel evidence which is appreciated was the first notice I had that I personally had and that my Corporate office had.

Attorney Afejuku: While we do have a picture, we also have the person that posted it. If you would like to inquire with her.

Attorney Mullis: I am not doubting that the County attempted to serve us or they didn't, I'm just letting you know where we stand.

Chairman Braddy: So, I want to make sure that notice, proper notice was given. Okay?

Attorney Mullis: Okay.

Chairman Braddy: And that's where I'm going, that proper notice was given. So are you saying, that your client did not receive notice of this hearing on or around the 24th. Was it not sent to the registered agent via certified mail or USPS or and/or was it not posted on the building the location of 5960 Hwy 42, Rex, GA?

Attorney Mullis: I'm saying that standing before you Mr. Chairman, I don't have any information that it was and my district manager also does not have any information that it was posted. She was notified that it was posted on the door either.

Chairman Braddy: Who is the store manager?

Attorney Mullis: Her name is Deloris Hill?

Chairman Braddy: Did you bring her?

Attorney Mullis: No because I did not receive notice until yesterday and she couldn't be here.

Chairman Braddy: You didn't receive notice but did your client receive notice?

Attorney Mullis: My understanding is no Mr. Chairman that they didn't because had they, I would have made every effort. I have Miss Henderson and I would have had Miss Hill here. This isn't something that I take lightly to bring before you.

Chairman Braddy: Do you have like an affidavit from the manager saying that she never received it. You know, anything?

Attorney West: Do you have an affidavit from the store manager stating she never received it?

Attorney Mullis: No I don't have it for you. Like I said I just realized that this hearing was on as early as 2pm yesterday less than 24 hours ago.

Chairman Braddy: Because your client didn't contact you?

Attorney Mullis: No I knew about the hearing of 6463 store but I was not aware and Miss Adamson the District Manager was not aware of the 5960 hearing until I received the evidence from the County.

Chairman Braddy: Yeah, I don't understand Counsel. I sent the notices out. I sent notices out via the clerk for notices to be delivered and that's what I expect the County to do. So I'm trying to figure out. Why didn't the County...

Attorney Afejuku: In terms of the County, we have someone here particularly for this purpose. Miss Holloway posted on July 24th on the store. She has a picture on her phone.

Chairman Braddy: Did you take a picture of it?

Attorney Afejuku: In terms of the mail,

Chairman Braddy: Counsel. Miss Holloway can you approach the stand? Is this Miss Holloway? Okay. County I want you to establish that you properly served the respondent.

Attorney Afejuku: Correct. Do you solemnly swear to tell the truth?

Natasha Holloway: I do.

Attorney Afejuku: Can you state your name for the record?

Natasha Holloway: Natasha Holloway

Attorney Afejuku: And where are you employed?

Natasha Holloway: Community Development as a Code Enforcement Officer.

Attorney Afejuku: How long have you been employed with Community Development?

Natasha Holloway: About 11 months.

Attorney Afejuku: You said your title was?

Natasha Holloway: Commercial Code Enforcement Officer

Attorney Afejuku: You've been hearing us talking about serving 5960 Hwy 42, Rex, GA Family Dollar Store

Natasha Holloway: Correct

Attorney Afejuku: About the notice regarding this hearing today. Did you provide notice?

Natasha Holloway: I did.

Attorney Afejuku: In what format?

Natasha Holloway: In the form of a letter that I posted on the door.

Attorney Afejuku: And what date was that?

Natasha Holloway: July 24th, 2020

Attorney Afejuku: Do you have anything to show to prove that today?

Natasha Holloway: I have a picture that I took of the posting that day.

Attorney Afejuku: You have it now?

Natasha Holloway: On my phone.

Attorney Afejuku: Approach.

Chairman Braddy: Share with the opposing Counsel.

Attorney West: Do you have any objections?

Attorney Mullis: The only objection is while the letter says the address it doesn't identify where it was taped.

Chairman Braddy: Both are on Hwy 42. Does the store manager know where 5960 is located?

Attorney Mullis: Miss Henderson?

Chairman Braddy: Miss Henderson.

Attorney Mullis: She is not the store manager for 5960 store.

Chairman Braddy: So the district manager doesn't know if that's the exact store?

Attorney Mullis: Based upon the photo.

Christina Adamson: I do not know if that is the exact store.

Attorney Afejuku: I can inquire of her about pictures.

Chairman Braddy: Ok, proceed.

Attorney Afejuku: (Natasha Holloway) Were you the one to take that picture that we've been passing around?

Natasha Holloway: Yes.

Attorney Afejuku: Where were you when you took the picture?

Natasha Holloway: I was at 5960 Hwy 42 is it? I'm not exactly sure of the exact address but I was at 5960 because I put it in my GPS location.

Attorney Afejuku: Why did you take a picture of that?

Natasha Holloway: Because I was told to post this on the door of that particular door for that specific address and that's what I did.

Attorney Afejuku: Was that picture taken for evidence purposes?

Natasha Holloway: It was at that particular address and that is where I posted it at because that is what the paper said so I went to that location.

Chairman Braddy: Counsel can I see it?

Attorney Afejuku: Sure.

Chairman Braddy: I have a question. Do all of the Family Dollar stores have temporary hours?

Christina Adamson: Yes. They just changed yesterday.

Chairman Braddy: They just changed yesterday?

Christina Adamson: Yes. They just changed yesterday for 4 of my stores.

Chairman Braddy: All 4 of your stores have temporary hours?

Christina Adamson: All 4 have temporary hours for COVID.

Chairman Braddy: All 4 have temporary hours for COVID?

Christina Adamson: No. I'm sorry all of the stores had temporary hours due to COVID.

Attorney Mullis: And just recently 4 of her stores went back to regular hours.

Chairman Braddy: Ok, let me ask Counsel can you share?

Attorney West: Can you ask her if she recognizes these pictures?

Attorney Mullis to Christina Adamson: Do you recognize this store? Based upon these pictures. Are there any identifying factors?

Christina Adamson: I really can't. The pictures of the door.

Attorney West: There are other pictures of the surrounding area.

Attorney Mullis: You don't recognize any of these pictures at all?

Christina Adamson: No.

Chairman Braddy: Let me ask one question. On this, this is a Family Dollar store? We agree to that?

Christina Adamson: Yes.

Chairman Braddy: On this note it says 5960 Hwy 42, Rex GA 30273 and it's posted on this Family Dollar store.

Attorney Mullis: Yes, I can agree it says the notice says that.

Chairman Braddy: Not only is this a notice for the hearing, but it also has the location.

Attorney Mullis: For the hearing?

Chairman Braddy: No, it has the location for the store.

Attorney Mullis: Yes, the notice has a location for the store the hearing is about.

Chairman Braddy: And its highlighted.

Attorney Mullis: Yes in that photo. It's highlighted.

Chairman Braddy: Right. Its highlighted so what would be the argument that Family Dollar Stores of GA, LLC wasn't properly notified and/or served via the code section.

Attorney Mullis: Mr. Chairman I think that while the notice does have the address there are no identifying factors in that notice of where the notice was taped at the correct address.

Chairman Braddy: At the correct Family Dollar you mean?

Attorney Mullis: Yes, yes at the correct Family Dollar. I think that is the argument there.

Chairman Braddy: So you don't represent all Family Dollars?

Attorney Mullis: I do, I do represent both Family Dollar locations.

Chairman Braddy: Does this particular Family Dollar call you or reach out to you?

Attorney Mullis: No and that's why I telling you. I did not receive notice of this hearing until yesterday at 2pm when Counsel kindly sent us the evidence to be presented at the hearing. I would point out that

the 6463 store that we had our hearing on, I received a copy of a process server from our registered agent from Corporate that says that the Family Dollar at 6364 store was served.

Attorney Afejuku: Just in response to that we have somebody else to testify that they did send by mail. No, we don't have the process server or anything but the code requires that there sent first class mail of the notice of the hearing and we have somebody here to testify that they did that. We're just saying that not only was it sent by first class mail, it was also posted on the store and we provided notice.

Attorney Mullis: But I don't have any of those documents. I don't have the certificate of the process server like I do for the other store. I don't have the original notice like I have for the other store.

Chairman Braddy: Are you able to contact the store manager?

Attorney Mullis: My district manager has been trying while we've been here. I've not been able to get in contact with her. But this was also my notice to Corporate about the hearing was also their first notice.

Chairman Braddy: I'm saying, I understand your explaining to me Counsel. It's just that your explaining something that is internal that's relevant to procedures with Family Dollar corporate which is how we communicate with you. I'm just trying to establish well I want the County to establish that they are actually abiding by Code and that they served proper notice.

Attorney Mullis: And to that end Mr. Chairman, I don't have any documents to show that they did.

Attorney West: Let me ask you this real quick, this is the Counsel for the Board, if the hearing is continued and the store manager for that location testifies, is she prepared to testify under oath that she never received the notice? Because that is what we would need at the next hearing.

Attorney Mullis: I don't know because I haven't been able to talk to her.

Attorney West: So you haven't talked to her at all? So you don't know whether she received the notice?

Attorney Mullis: No, I haven't been able to speak with her but I do know my district manager has not and did not and she is here to testify.

Attorney West: Did your district manager speak with the store manager?

Attorney Mullis: She has not been able to because I was her first notice of the store. She was not aware.

Chairman Braddy: So your district manager is the district manager for both stores?

Attorney Mullis: Yes sir.

Chairman Braddy: Your telling me the district manager can't see this door and state this is not one of her doors? She has 4 stores, 4 sets of doors and your saying that the district manager, Can we get the district manager? Are you finished? Do you have any questions for the witness?

Attorney Mullis: What is your name?

Natasha Holloway: Natasha Holloway.

Attorney Mullis: Nice to meet you Miss Holloway. I believe you said you posted this notice about 3:10pm on July 24th.

Natasha Holloway: I am not exactly of the time but that is possible.

Attorney Mullis: Do you know if the store when Family Dollar was open that day?

Natasha Holloway: I don't when they were open.

Attorney Mullis: Were they open when you posted the notice?

Natasha Holloway: Yes they were open.

Attorney Mullis: They were open. Do you know if any of the employees saw the notice?

Natasha Holloway: That I'm not sure.

Attorney Mullis: Did you speak with any of the employees?

Natasha Holloway: I did not.

Attorney Mullis: Do you know the employees removed the notice or if anyone removed the notice?

Natasha Holloway: I don't know that either.

Attorney Mullis: Okay, no further questions.

Chairman Braddy: Alright, Thank you.

Natasha Holloway: Sure.

Chairman Braddy: I would like to bring the district manager up. I just want to ask a question. Do you swear or affirm to tell the truth?

Christina Adamson: I do.

Chairman Braddy: Can you look at that picture? Just that picture. You are under oath right now. You have 4 stores.

Christina Adamson: I have 15 stores. 4 In Clayton County.

Chairman Braddy: Okay. 4 stores in Clayton County. Is that and I'm looking at the door right now. Are you saying that you don't know if that is one of your 4 stores?

Christina Adamson: No. It could very well be one of my 4 stores.

Chairman Braddy: Your saying that's not 5960 Hwy 42?

Christina Adamson: I'm not saying it is and I'm not saying it's not. I cannot tell from this picture which location this is.

Chairman Braddy: Okay.

Christina Adamson: I have different stores.

Chairman: Right, that's why I'm asking.

Christina Adamson: This double door is different from her double door.

Chairman Braddy: That's why I was asking.

Christina Adamson: Right but I do have 2 other locations with double doors.

Chairman Braddy: Even the inside and how its setup. How often do you visit your stores?

Christina Adamson: I try to visit every week if not, every 2 weeks. You can look at the handwriting on the 50% off sign, this very well could be..

Chairman Braddy: What do you mean by the handwriting?

Christina Adamson: The handwriting on the sign.

Chairman Braddy: Ok.

Christina Adamson: Right.

Chairman Braddy: Who wrote it on the sign?

Christina Adamson: Does that look like my store managers hand writing? It very well possibly could be. He has very similar to hers.

Chairman Braddy: Is that her handwriting or is it not?

Christina Adamson: I'm saying it is possible.

Chairman: How long has the store manager been the manager? Guess for me.

Christina Adamson: I'm going to say since December.

Chairman Braddy: So you've known that person for a while?

Christina Adamson: Right.

Chairman Braddy. Right. Is that the store location? That's all I'm asking because I don't want to waste our colleagues time and I don't want to waste our Board members time and this doesn't present favor in the sight of an outcome if we're just going back and forth back and forth to establish. Our Board members are important. They have work. They have duties, you know, outside of the LRB.

Christina Adamson: So zooming in, I can see the monitor now. I didn't see that then. This does look like the location from the charpet rack on the left side.

Chairman Braddy. Alright, so you are saying that is indeed 5960 Hwy 42 Rex, GA?

Christina Adamson: I will say that is.

Chairman Braddy: Okay. Alright. Thank you. Counsel I would still like the testimony of the male. although the District Manager has established receipt of proper notification.

Attorney Afejuku: Counsel has informed me we need to take a break.

Attorney Mullis: If possible 5 minutes.

Chairman Braddy: So we're going to take a brief break 5 minutes. I apologize it took this long to establish. I know Miss Kirby has something to do. I truly appreciate Miss Kirby and others staying here. Of course, Miss Williams, Miss Harvey and Mr. Ashby.

Rosannette Kirby: Mr. Chairman, Thank you. I already did it while we were on. I was multi-tasking.

Chairman Braddy: Thank you so much. We're on recess for the next 5 minutes.

Chairman Braddy: We're going to call this meeting back to order. We're going to move forward with this hearing. Right after, I want the County to establish a 2nd hearing notice and after we're going to go directly into the hearing of the case and then we'll take a brief recess and the Board will go into deliberation and come back out and we'll issue the rulings on each case. If that's okay with Counsel.

Attorney Afejuku: Do you solemnly swear and affirm to tell the truth?

Brecca Johnson: I do.

Attorney Afejuku: Can you please state your name for the record?

Brecca Johnson: My name is Brecca Johnson. I am Assistant Director with Community Development.

Attorney Afejuku: How long have you been employed with Clayton County?

Brecca Johnson: I've been with the County for 5 years.

Attorney Afejuku: In that same position?

Brecca Johnson: Yes

Attorney Afejuku: We've been talking today about the notice at 5960 Family Dollar. Have you heard that?

Brecca Johnson: Yes

Attorney Afejuku: One of the things we've have stated is that notice is sent by first class mail. Can you elaborate on that?

Brecca Johnson: One of the requirements is that we post at the business location on the door. It also requires that we can send first class to the registered agent which is the state information we get from the secretary of state and we've done both of those things on the same date. So we did post on July 24th, 2020 which is the same day the copy was posted as well.

Attorney Afejuku: Other than your testimony, do you have evidence of that?

Brecca Johnson: Yes I did and I wiped my phone down.

Attorney Afejuku: You are bringing your phone out for what purpose?

Brecca Johnson: It has dates and times right before mailing those documents for the 5960 Hwy 42 property. I can provide that to the board.

Attorney Afejuku: Show it to the Counsel first.

Brecca Johnson: With these 2 pictures, one shows the letter going to 5960 and the other shows it going to the registered agent.

Chairman Braddy: Any objections?

Attorney Mullis: I object on the grounds that these photos are on their phones. I'm not sure how they would be submitted into evidence not being printed off for the record and for purposes of the record but I do not object to what they show

Attorney Afejuku: The County is not trying to submit this information into evidence. We are merely using this as support to her testimony.

Chairman Braddy: I believe it was already established that it was delivered to the address.

Attorney Afejuku: I have no further questions.

Attorney Mullis: Miss Johnson, do you have any confirmation that the entities received that notice at 5960 store that we're here about?

Brecca Johnson: The code requires that we mail it. We have not gotten anything back.

Attorney Mullis: You haven't gotten any return mail is what you are saying? But do you know if it was received?

Brecca Johnson: When you send first class mail, you do not get a receipt back. If its certified you do. We met the requirements of the code.

Chairman Braddy: I am going to ask considering the evidence that has been presented before the LRB, we have a motion to deny the motion for continuance.

Alysha Harvey: I move that we deny the motion for continuance of LRB-2020-00011 for the Family Dollar Store of GA LLC, 5960 Hwy 42, Rex, GA

Ormond Ashby: I'm Ormond Ashby 2nd the motion.

Chairman Braddy: All in favor say I

Rosannette Kirby: I

Chairman Braddy – No opposers so its unanimous.

Valerie Williams: I – Mr. Chairman, do we need to state the location in the motion?

Chairman Braddy: We can. We're actually already in the case but we can for the record. LRB2020-00011 Family Dollar Stores LLC -5960 Hwy 42, Rex, GA.

Alysha Harvey: I just want to double check the number. Is that 3 zeros or 4 zeros?

Chairman Braddy: LRB-2020-00011. 5960 Hwy 42, Rex, GA

Alysha Harvey: I move that we deny the motion for continuance on LRB-2020-00011 for the Family Dollar located at 5960 Hwy 42, Rex, GA

Ormond Ashby: I'm Ormond Ashby and I 2nd that motion.

Chairman Braddy: The motion is 2nd. All in favor say I

All LRB members said I.

Chairman Braddy: No opposers. Motion now stands.

Chairman Braddy: Counsel for the County.

Attorney Afejuku: The County calls investigator Moore. Do you solemnly swear to tell the truth?

Broderick Moore: I do.

Attorney: Can you state your name for the record?

Broderick Moore: Broderick Moore

Attorney Afejuku: Where are you still employed?

Broderick Moore: Clayton County Community Development Commercial Code Enforcement

Attorney Afejuku: How long have you been employed in that capacity?

Broderick Moore: 11 months

Attorney Afejuku: Have you had occasion to visit the Family Dollar store at 5960 Hwy 42, Rex, GA?

Broderick Moore: Yes

Attorney Afejuku: Is that in Clayton County?

Broderick Moore: Yes

Attorney Afejuku: What has been your experience with that store?

Broderick Moore: Every time I have been by it' either on a complaint or just riding driving by on patrol.

Attorney Afejuku: Have there been any other complaints other than trash and rubbish?

Broderick Moore: No

Attorney Afejuku: Did you have occasion to go by the store on January 24, 2020?

Broderick Moore: Yes

Attorney Afejuku: What happened?

Broderick Moore: I saw an excessive amount of trash and rubbish coming out of the dumpsters and piling up aside the dumpsters. That's pretty much it.

Attorney Afejuku: Did you take a picture of that?

Broderick Moore: Yes I did take pictures of that.

Attorney Afejuku: Does that look like the pictures that you took on January 24th?

Broderick Moore: Yes it is.

Attorney Afejuku: Can you describe the pictures?

Broderick Moore: I see the dumpster, I see the trash pile, along the curb behind the dumpster and this is basically trash in the parking lot.

Chairman Braddy: I'm sorry Counsel, do you have any objections to this?

Attorney Afejuku: Did you at the time you took the pictures, what happened after that?

Broderick Moore: After I took the pictures, I proceeded to come inside and talk to the manager to let them know they were in violation of the trash and rubbish ordinance for Clayton County and that I was there to cite the business for the trash and rubbish.

4:02 Attorney Afejuku: You said trash and rubbish but why were you citing them?

Broderick Moore: Like I said before it was against the ordinance. There's were piles as you can see in the pictures, there are piles of trash on the property basically scattered throughout.

Attorney Afejuku: May I approach again?

Chairman Braddy: Yes.

Attorney Afejuku: So you said after you found the trash you wrote a citation.

Broderick Moore: yes ma'am, I did write a citation, gave it to the manager, she signed it and she also stated as well, that they have a issue with the neighborhood, people, citizens dumping their trash as well.

Attorney Afejuku: Does that look like the citation that you wrote out?

Broderick: Yes.

Attorney Afejuku: After the fact, you said you spoke with the manager that day?

Broderick Moore: Yes, she signed the citation.

Attorney Afejuku: Do you know what happened after that in terms of this citation?

Broderick Moore: After she signed the citation, I gave her, her copy. I believe this one here did go before the Code Board and they were fined for this particular one.

Attorney Afejuku: So altogether this would be exhibit A. May I approach you Chairman?

Chairman Braddy: Yes. Counsel, are there any objections?

Attorney Mullis: The same objections we discussed in the prior hearing regarding his testimony of the conviction, the conduct hearing document.

Chairman Braddy: What's conduct hearing?

Attorney Mullis: I believe its page 2. Yes page 2 Exhibit A – Conduct Hearing regarding Code Enforcement

Chairman Braddy: Are you disputing the recommendation?

Attorney Mullis: No I'm disputing he isn't the proper witness to authenticate this document or to testify to the fine amount entered.

Attorney Afejuku: We're just going to renew our response that it is a self-authenticating. We're not asking him to authenticate it.

Attorney Mullis: It's not notarized and not kept in the ordinary Courts of Business.

Attorney Afejuku: The signatures of the Board are on the document of the Code Enforcement Board.

Chairman Braddy: I'm going to Overrule.

Attorney Mullis: There's no code enforcement board here to testify. There's no one here to testify just for the record.

Chairman Braddy: Okay that's fine. Your disputing the authentication and not the recommendation?

Attorney Mullis: But to be admissible it has to be authenticated.

Attorney Tameka West: We're just trying to clarify if your disputing the recommendation.

Attorney Mullis: He hasn't testified to any recommendation.

Attorney West: We know that. Are you disputing that? Were you at this hearing as well?

Attorney Mullis: Yes I was at this hearing.

Attorney West: Yes but your disputing the recommendation.

Chairman Braddy: The recommendation of the \$300 fine.

Attorney Mullis: At this time, I'm not disputing the information on this document. I am disputing it was not properly authenticated and it is not admissible.

Chairman Braddy: Counsel.

Attorney Mullis: She was present there. There was a conviction. It's the same client and it does have the signature where this was addressed.

Attorney Mullis: I'm not the witness. I can't testify to the recommendation.

Chairman Braddy: Okay I'm going to overrule the objection.

Attorney Afejuku: Just to follow up with you, you are aware that there was a code enforcement hearing and what the outcome was?

Broderick Moore: Yes.

Attorney Afejuku: What was the outcome?

Broderick Moore: They were fined. I believe the and I cant say specifically It was a \$500 fine but reduced to \$300 as stated on the document.

Attorney Afejuku: You had another occasion to visit the store on June 3rd 2020. On that date, what were you called out for?

Broderick Moore: Trash and rubbish. Violation of the trash and rubbish ordinance.

Attorney Afejuku: Can you say exactly what the trash and rubbish looked like? Describe it.

Broderick Moore: Not right off the top of my head. I did take pictures while I was there.

Attorney Afejuku: May I approach?

Chairman Braddy: Yes.

Attorney Afejuku: Does this look like the picture you took on that day?

Broderick Moore: Yes.

Attorney Afejuku: Can you describe?

Broderick Moore: There is piles of trash outside of the dumpster, there's clear bags, there's a mattress. The actual coral the dumpster is in, there's plastic outside of the coral.

Attorney Afejuku: Ok, did you talk to the manager that day?

Broderick Moore: Yes ma'am. Again, after taking the pictures I went inside to let the manager know they were in violation of the trash and rubbish ordinance and they would be cited. The citation she signed and I gave her – her copy and I left the store.

Attorney Afejuku: May I approach again?

Chairman Braddy: Yes.

Attorney Afejuku: Thank you Chairman. Does that look like a clear and accurate representation of the citation you testified about?

Broderick Moore: Yes.

Attorney Afejuku: And what happened as a result of that citation?

Broderick Moore: This one I am not exactly sure about. I'm not sure if it went to Code Board as of yet. I just can't say. I'm just not certain.

Attorney Afejuku: In terms of the store, have you visited since that time?

Broderick Moore: Yes. I was just there July 31st and there was trash and rubbish and they were cited again fore trash and rubbish again.

Attorney Mullis: It was before a prior case. This is being prejudicial and not presented as evidence presented to us or to the Board today.

Attorney Afejuku: No I am not presenting it as evidence. I'm presenting as his testimony of his interaction.

Attorney Mullis: His testimony is evidence. Absolutely evidence.

Attorney Afejuku: It's not presented as an Exhibit. However it is presented as testimony of his interaction with the store.

Attorney Mullis: But I am objecting to his testimony and line of questioning as it is highly prejudicial and evidence.

Attorney Afejuku: It's his experience and what he's experienced. We didn't say they were cited yet and didn't try to submit exhibits just his experience at the store. He's allowed to testify of his experience.

Attorney Mullis: He just said that they were cited again.

Attorney Afejuku: We also submitted Exhibit D that there was a force clean on July 30th.

Attorney Mullis: There hasn't been any evidence of a force clean yet.

Attorney Afejuku: Which speaks to whether they have 30 days to bring the property into compliance.

Attorney Mullis: There has been no evidence that Officer Moore spoke to regarding a force clean.

Chairman Braddy: Okay, what I will do here is overrule the objection. You are allowed to show the violence on defense. Counsel.

Attorney Afejuku: So just to renew, have you had any other issues with the store outside of the citations?

Broderick Moore: Yes I have. I had to go outside interactions other than the 2 citations listed today. I have had to go out and cite for trash and rubbish.

Attorney Afejuku: I'm entering this as exhibit C and that was for? You have A and C.

Broderick Moore: Yes

Attorney Afejuku: The person who has B is another person testifying.

Chairman Braddy: Any objections Counsel?

Attorney Mullis: Yes Mr. Chairman the same objection with prior hearing and the prior documents. Page 2 of Exhibit C the conduct of hearing document the same objection. And even further for this one.

Chairman Braddy: What are the objections for the record for this case?

Attorney Mullis: That it's not properly authenticated, Officer Moore is not the correct witness to authenticate these documents, it's not notarized, no testimony that this document was prepared in the normal course of business. Officer Moore even testified that he is not sure of what happened when this came before the Code Enforcement Board and he wasn't present at the July 2020 Code Enforcement Board.

Attorney Afejuku: By her own testimony, being present wouldn't matter anyway but the next person who is testifying, we can withhold that document, the next person testifying was at the Code Enforcement hearing. Just that one page.

Chairman Braddy: So I'm going to sustain your objection. Counsel the other witness can testify to authenticate.

Attorney Mullis: Thank you Mr. Chairman.

Chairman Braddy: Alright.

Attorney Afejuku: No further questions.

Chairman Braddy: Okay. Counsel.

Attorney Mullis: Office Moore

Broderick Moore: Hello

Attorney Mullis: fortunately, I don't want to beat a dead horse and ask the same questions that I just asked you for this hearing however some of them will be duplicative.

Attorney West: Can you share what exhibit your referring to?

Attorney Mullis: Exhibit A. Can you tell me what type of trash you seeing in these photos you took?

Broderick Moore: There are black garbage bags, cardboard boxes, looks like food on the ground in front of the dumpster.

Attorney Mullis: Do you know who placed that trash there?

Broderick Moore: No

Attorney Mullis: Do you know if that trash is Family Dollars?

Broderick Moore: No

Attorney Mullis: Do you know how long that trash had been on the ground at the time you received this notification?

Broderick Moore: No.

Attorney: Do you have knowledge of Family Dollars process and procedures regarding trash?

Broderick Moore: No

Attorney Mullis: Do you know how long it took them to get into compliance for this citation?

Broderick Moore: No

Attorney Mullis: How has your interaction been with this store?

Broderick Moore: Everyone is nice and respectful. Managers cordial. There great people. Great attitude.

Attorney Mullis: So no one has gotten rude with you? Or indignant?

Broderick Moore: No

Attorney Mullis: Have you talked to the manager about steps that their taking to correct the trash issue?

Broderick Moore: At the time of this particular picture in January they were in the process I believe of getting cameras put up. They had just started at that particular time.

Attorney Mullis: Okay. Do you believe that public dumping is an issue at the store?

Broderick Moore: Yes

Attorney Mullis: No further questions.

Chairman Braddy: Thank you. Counsel.

Attorney Afejuku: You spoke to them about having cameras? Correct?

Broderick Moore: So at other stores there were issues with dumping. Once this became an issue that was one of things discussed with the District Manager as far as putting cameras up. Like I said I think the process had started in January.

Attorney Afejuku: You witnessed the cameras?

Broderick Moore: Not at this particular time.

Attorney Afejuku: Not at this store?

Broderick Moore: Not at this particular store at this particular time but I believe the process has gotten started.

Attorney Afejuku: But now they have cameras installed?

Broderick Moore: yes but now they do have cameras installed which I was shown when I was there on July 31st.

Attorney Afejuku: Do they capture what happens or whose dumping?

Broderick Moore: Actually from the advantage the manager showed me, the cameras not placed well because there is a way you pull off the dumpster the camera can't really pick you up dumping in. So if you dump something the camera will not be able to pick you up.

Attorney Afejuku: Whether its properties trash or its their responsibility, correct?

Broderick Moore: Yes. It is the responsibility of the property owner or business owner to remove the trash off their property.

Attorney Afejuku: Okay.

Chairman Braddy: Counsel.

Attorney Mullis: No further question.

Chairman Braddy: Okay, County call their next witness.

Attorney Afejuku: I'm calling investigator Green. Do you solemnly swear to tell the truth?

Gerod Green: Yes I do.

Attorney Afejuku: Can you state your name for the record?

Gerod Green: Gerod Green

Attorney Afejuku: And where are you employed?

Gerod Green: Clayton County Community Development

Attorney Afejuku: How long have been so employed?

Gerod Green: 7 years

Attorney Afejuku: Have you had occasion to visit Family Dollar 5960 Hwy 42?

Gerod Green: Yes I have.

Attorney Afejuku: Is that in Clayton County?

Gerod Green: yes it is.

Attorney Afejuku: What has been your general interaction?

Gerod Green: It's been pretty good. Trash and Rubbish violations.

Attorney Afejuku: So, you've had occasion of violations to the store?

Gerod Green: Yes, I have.

Attorney Afejuku: I'm going to bring your attention to the date of May 13th 2020? May I approach?

Chairman Braddy: Yes

Attorney Afejuku: When you visited the store, tell me what happened?

Gerod Green: I was on patrol and my supervisor informed me it was out of compliance per Clayton County code for trash and rubbish violations and I went over there and took pictures.

Attorney Afejuku: Does this look like the citation given?

Gerod Green: Yes it is.

Attorney Afejuku: You said you cited the business. Did you speak with anybody at that time?

Gerod Green: I spoke with the manager and advised her the area needs to be cleaned up asap.

Attorney Afejuku: How did she respond?

Gerod Green: She was nice about it. There wasn't any problem. She said she would have to call the regional office, corporate to get things going.

Attorney Afejuku: You spoke of taking pictures. Do you have the pictures before you?

Gerod Green: Yes I do.

Attorney Afejuku: Are those pictures a true and accurate representation of what you took on that day?

Gerod Green: Yes they are.

Attorney Afejuku: And what do you see in the pictures?

Gerod Green: I see trash overflowing, trash around the dumpster, I see trash outside the dumpster.

Attorney Afejuku: What happened as a result of the citation?

Gerod Green: They came to court.

Attorney Afejuku: Would they have been on July 14th?

Gerod Green: Yes.

Attorney Afejuku: What happened? What happened to the case?

Gerod Green: They were accused and they were fined.

Attorney Afejuku: You were present that day for all the cases related to Community Development?

Gerod Green: Yes I was.

Attorney Afejuku: So we spoke earlier of the prior case, what happened in that case?

Gerod Green: They admitted to the violations and they were fined by the board.

Attorney Afejuku: For all of the violations?

Gerod Green: For all of the violations. Yes, including the citations.

Attorney Afejuku: So you were present for that?

Gerod Green: Yes I was.

Attorney Afejuku: May I approach?

Chairman Braddy: Yes

Attorney Afejuku: I am handing you what has been marked as Exhibit B and I am also handing you apportion of C.

Chairman Braddy: Sure. Counsel do you have any objections?

Attorney Mullis: Yes, Mr. Chairman. The same objections as we've talking about regarding the Conduct of hearing still and even with Officer Green's testimony he is not the proper person to authenticate the conduct hearing document. He did not author the document. It's not notarized. There has been no testimony that it has been kept in the ordinary course of business to the extent Family Dollar admitted the explanation but when asking those questions on cross but just because he was present at the hearing does not mean he is the proper witness to authenticate this document for admissibility purposes for consideration to the Board.

Chairman Braddy: I am going to overrule your objection. Continue.

Attorney Afejuku: Have you had any interaction with that store after that point? After the citation was issued?

Gerod Green: Yes I have.

Attorney Afejuku: What happened?

Gerod Green: I issued another citation.

Attorney Afejuku: No further questions.

Attorney Mullis: The same objection to the testimony and bad acts as its prejudicial against my client for consideration of my client with this board presented in the evidence.

Chairman Braddy: Okay. Overruled again.

Attorney Afejuku: No further questions.

Chairman Braddy: Counsel, respond.

Attorney Mullis: Hi Officer Green.

Gerod Green: Hi how are you?

Attorney Mullis: I'm doing okay. The trash in your photos, Do you know who put The trash there?

Gerod Green: No I have no idea.

Attorney Mullis: Do you know who whose boxes they are?

Gerod Green: No I do not.

Attorney Mullis: Do you know whose trash bags they are?

Gerod Green: No I do not.

Attorney Mullis: When you spoke with the manager what did you talk about?

Gerod Green: I told her that while on patrol I saw that they were in violation of trash and rubbish policy for Clayton County. I told her they need to clean it up and that I would be citing them.

Attorney Mullis: Did the manager speak with you about their trash issues?

Gerod Green: She only said that she would direct it to corporate.

Attorney Mullis: Okay and that was pretty much the intent of your conversation?

Gerod Green: Yes it was.

Attorney Mullis: Do you know anything about Family Dollar's trash policy or waste management policy?

Gerod Green: No I do not.

Attorney Mullis: Have your interactions with this Family Dollar been good and pleasant?

Gerod Green: It has been pleasant.

Attorney Mullis: Would you agree there is a dumping issue at this property?

Gerod Green: Yes, I would.

Attorney Mullis: Do you think this contributes to the compliance issues?

Gerod Green: Yes I do.

Attorney Mullis: You were present for the July 2020 Code Enforcement Board hearing?

Gerod Green: Yes I was.

Attorney Mullis: You said that Family Dollar admitted these citations. Would you say they admitted with explanation?

Gerod Green: Yes she did.

Attorney Mullis: And that each citation came to the Board?

Gerod Green: Yes they did.

Attorney Mullis: No further questions.

Chairman Braddy: Counsel for the County.

Attorney Afejuku: No further questions of this witness.

Attorney Mullis: Mr. Chairman, can I excuse the witness from the prior hearing? She wouldn't have any knowledge of this case.

Chairman Braddy: That's fine but we haven't issued a ruling.

Attorney Mullis: ok, I was just making sure the Board didn't need her.

Chairman Braddy: You are excused.

Attorney Mullis: Thank you for being here.

Attorney Afejuku: No further questions.

Chairman Braddy: Counsel for the respondent.

Attorney Mullis: I will call District Manager Chris Adamson.

Chairman Braddy: Okay.

Attorney Mullis: Do you swear to tell the truth, the whole truth?

Christina Adamson: Yes

Attorney Mullis: Do you need her to state her name again?

Chairman Braddy: Yes

Attorney Mullis: Will you please state your name?

Christina Adamson: Christina Adamson

Attorney Mullis: Can you spell your last name?

Christina Adamson: Adamson

Attorney Mullis: And how are you employed?

Christina Adamson: Family Dollar District Manager

Attorney Mullis: And what do your duties entail as District Manager?

Christina Adamson: Day to Day merchandise retail store. Managing the store.

Attorney Mullis: What area does your district extend?

Christina Adamson: I go from Macon, GA, Griffin and Barnesville. All the way up to Rex, Love Joy, and Morrow

Attorney Mullis: And are you the district manager for the store we're here to talk about today 5960 Hwy 42 Rex, GA?

Christina Adamson: Yes

Attorney Mullis: How long have you been district manager for that store?

Christina Adamson: 1 Year

Attorney Mullis: And for the time you've been district manager, you've been district manager for this store?

Christina Adamson: Correct.

Attorney Mullis: Can you please describe the trash issues at the store?

Christina Adamson: A lot of public dumping. There is a lot of cardboard.

Attorney Mullis: Are you contending that all of this trash is Family Dollars?

Christina Adamson: No

Attorney Mullis: Are you contending all of the trash are the citizens of Clayton County of the dumping trash?

Christina Adamson: Yes/No

Attorney Mullis: So you would say it is a combination?

Christina Adamson: Yes it is a combination.

Attorney Mullis: Okay. What steps are you taking to correct this?

Christina Adamson: We've had to put work orders in, we've had trips to the landfill. We've had to get team members to help us clean up with multiple trips to the landfill as well as trying to work really well with Code Enforcement.

Attorney Mullis: Can you speak to the vantage point of the camera you installed?

Christina Adamson The view of the camera needs to be adjusted in the dumpster area but we are working trying to get the angle so that when someone pulls in we can focus on that person.

Attorney Mullis: How long has that camera been installed?

Christina Adamson: Since Friday.

Attorney Mullis: So it was recently installed.

Christina Mullis: Yes.

Attorney Mullis: Do you think adjusting the Vantage point is something that could happen?

Christina Mullis: Yes absolutely.

Attorney Mullis: When was your last work order placed?

Christina Adamson: For this location I want to say the 30th. I asked for a roll-off dumpster.

Attorney Mullis: You asked for a roll-off dumpster?

Christina Adamson: Yes.

Attorney Mullis: What is the status of that request?

Christina Adamson: It should be at the location right now.

Attorney Mullis: Okay. So the work order has been accepted and confirmed.

Christina Adamson: I have been back and forth with Waste Mgmt and it should be on site today.

Attorney Mullis: So would you agree after this hearing today, the property is now in compliance.

Christina Mullis: At this moment no.

Attorney Mullis: But it is something you are working on?

Christina Adamson: Yes.

Attorney Mullis: Are there any other steps, other than cleaning up the trash, I guess have you cleaned up the trash at this location?

Christina Adamson: Yes.

Attorney Mullis: Have you personally taken things to the dump?

Christina Adamson: Yes.

Attorney Mullis: And you've had team members do that as well?

Christina Adamson: Yes.

Attorney Mullis: Are there any other steps you talked about, you personally picking up the trash, having the team pick up the property, putting in work orders for cameras, any other steps that Family Dollar is taking to help get the property in compliance?

Christina Adamson: The workers, getting team members to clean up, out chasing public dumpers, we try to get their license plates and sending off to code enforcement.

Attorney Mullis: Do you know if code enforcement accepted that mail?

Christina Adamson: I haven't heard anything.

Attorney Mullis: So you don't know the status of the follow-up?

Christina Adamson: No

Attorney Mullis: You don't know what code enforcement did with that mail?

Christina Adamson: No

Attorney Mullis: I don't think I have any more questions.

Chairman Braddy: Ok Counsel, County.

Attorney Afejuku: You testified the trash is pretty horrendous there, correct?

Christina Adamson: Yes.

Attorney Afejuku: But you have not, has there a security person or somebody who is in charge of the trash issue?

Christina Adamson: No, the store employees do it randomly. Of course in the mornings they go out there and look. The store leader goes outside and checks the trash area but having someone to guard that area, No.

Attorney Afejuku: Has there been daily trash pickup implemented?

Christina Adamson: Work orders entered, yes.

Attorney Afejuku: Has it been implemented, daily trash?

Christina Adamson: Not daily but I would say every 2-3 days.

Attorney Afejuku: You testified about the cameras but you can't see the vantage point. Of who is doing the dumping? Have you talked to the police department about the people who are doing the dumping?

Christina Adamson: I personally have not. The store manager has told me but that's hear day.

Attorney Afejuku: When you say you you've talk to someone in Corporate who in particular have you talked to about this issue?

Christina Adamson: I don't know their last name but its Jamala and I think there is a Beverly and a Christina. I do not know their last names.

Attorney Afejuku: What did they do?

Christina Adamson: They work with Corporate Waste Management. I work with them to get the cameras installed and when there is more public dumping. I contacted to ask for roll-off dumpsters.

Attorney Afejuku: The request was made in January and the roll off was provided in July. What happened to them?

Christina Adamson: We fill them up and there is more public dumping. We're only allowed the container for 3 days. They drop it off on a Friday and it's filled by Saturday. The public dumping takes up most of the container.

Attorney Afejuku: So the roll-off wouldn't be enough to cover the trash they have.

Christina Adamson: Because of the Public dumping. The overnight dumping has filled it up

Attorney Afejuku: So what you've done so far hasn't been effective?

Christina Adamson: It'll ended up but it gets right back.

Attorney Afejuku: No further questions.

Chairman Braddy: Counsel are you responding?

Attorney Mullis: Just a few follow-ups. Miss Adamson is a roll-off dumpster permanent?

Christina Adamson: No, it's for 3 days.

Attorney Mullis: And if there comes a time you need another, you have to request another?

Christina Adamson: Which could take another 7 days.

Attorney Mullis: You've requested another roll off dumpster multiple times.

Christina Adamson: Yes

Attorney Mullis: A roll-off has attempted to be filled multiple times.

Christina Adamson: Yes

Attorney Mullis: And you've currently there's one scheduled to be on the way?

Christina Adamson: Yes.

Attorney Mullis: This store is in Clayton County?

Christina Adamson: Yes.

Attorney Mullis: What type of store is this?

Christina Adamson: It's a very busy store. It is probably the busiest out of all the stores in my district of 15 stores.

Attorney Mullis: It is busier than the 6463 store?

Christina Adamson: Yes.

Attorney Mullis: So it provides to the community as well?

Christina Adamson: Absolutely.

Attorney Mullis: How many employees would you say this store employees?

Christina Adamson: 11 employees including the store manager.

Attorney Mullis: Do you know if any of them are residents of Clayton County?

Christina Adamson: They all live within 10 minutes, so yes and they walk to work.

Attorney Mullis: Do you know if customers walk to the store?

Christina Adamson: Oh yes. We also have a bus route.

Attorney Mullis: So you have customers that take public transportation to your store?

Christina Adamson: Correct.

Attorney Mullis: And they do their grocery shopping and get household products from your store?

Christina Adamson: Correct.

Attorney Mullis: And just to confirm, you said the cameras were installed last Friday?

Christina Adamson: Correct.

Attorney Mullis: Is hiring security for dumpsters, you believe is something Corporate would do?

Christina Adamson: I can't answer that question.

Attorney Mullis: Okay. Fair enough. Okay. No further questions.

Chairman Braddy: Thank you. Counsel.

Attorney Afejuku: No further questions.

Chairman Braddy: You may step down.

Valerie Williams: Mr. Chairman, Can the Board ask a question?

Chairman Braddy: Are we done?

Attorney Mullis: Defense has no more witnesses.

Chairman Braddy: No more witnesses, Alright. We're going to go down the list for hopefully some quick questions from the board or statements. We'll start with Miss Williams.

Valerie Williams: You said your employees walk to work. Is that correct?

Christina Adamson: Yes they do.

Valerie Williams: Do you think this is an inhabitable environment where employees have to walk through, walk pass or walk around to get to their place of employment?

Christina Adamson: Do I think it's happy?

Valerie Williams: With these conditions of this store, do you think this is a place in its state where customers should walk through walk pass or walk around to get to buy something?

Christian Adamson: No.

Valerie Williams: For the people that live in the community, do you think this is a place and do you think it is being a good neighbor with the environment in the state it is in or for someone who has to catch public transportation have to walk through, walk pass or walk around to buy anything in the store?

Christian Adamson: No ma'am.

Valerie Williams: Do you think this is a place and an environment in the state that customers should have to walk through, walk pass or walk around to buy anything in the store?

Christian Adamson: No ma'am. I don't.

Chairman Braddy: Mr. Ashby, do you have any questions.

Ormond Ashby: No questions at this time.

Rosannette Kirby: No questions at this time.

Alysha Harvey: No questions at this time.

Chairman Braddy: Oh I didn't ask the witness side. Any more questions?

Attorney Afejuku: No questions

Chairman Braddy: Oh so at this time...Quick question. County Counsel has Exhibit D. Do you wish to have Exhibit D submitted as testimony or withdraw?

Attorney Afejuku: Withdraw.

Chairman Braddy: At this time we're going to go into a very short deliberation. Oh I'm sorry Counsel, it's getting late. Closing.

Attorney Afejuku: I'll keep it brief. The County has provided testimony that there has been unlimited, horrendous, terrible amount of trash on the property. We never reported that Family Dollar put it there just since they are the owners of the property. The code extends that if there is trash on the property they are responsible. While they have put forth evidence that there are cameras, the cameras don't cover who did the dumping. There has been testimony that there are no police reports related particularly to the dumping and/or there's been no meetings with the police department related to this or follow through related to this. They were cited in January, May and June and there were convictions related to that at the code enforcement hearings. Clayton County requests that you find that Family Dollar at 5960 has violated both Codes 1 and 2 of the violations.

Chairman Braddy: Give me one second County.

Attorney Afejuku: It's the same as number 4. I can read it if you want – It reads that the respondent be suspended for a period of 6 months. That the respondent has video camera surveillance with recording and storage capability operational in 14 days of today's hearing. That the respondent prepare and implement an adequate plan for trash overflow and dumping in 7 calendar days of this hearing. That respondent pay any and all outstanding fees owed that have been incurred by these violations and that the respondent attends and report their progress to the board at a status hearing no sooner than 90 days from today's date.

Chairman Braddy: Respondent.

Attorney Mullis: Thank you Chairman. Can I ask one quick question? Counsel, stated that they've proven Family Dollar is guilty of violations 1 and 2? I'm only aware that we're here for only 1 violation. The alleged convictions of 3 or 4 violations?

Attorney Afejuku: 3 or 4 violations of when they failed to respond by failing to maintain the property in compliance to County Code.

Attorney Mullis: From the Notice?

Attorney Afejuku: Yes.

Attorney Mullis: Okay. Got it.

Attorney Afejuku: Section 290.4C2 290.4C7 (2&7)

Attorney Mullis: I understand what the notice says listing the violations as to the citations.

Attorney Afejuku: The letter is on the 2nd page.

Attorney Mullis: Got it. It is. I stand corrected. Briefly in closing as I've said you earlier and to preserve the record per her testimony this is a busy store, busier than the late one we heard that you have Clayton County citizens that rely on this store, they take public transportation to get to the store, to get their groceries and get their household items, they walk to do that. You heard testimony that this store employs 11 employees which is more than the last store employs and we've heard testimony that they also walk to work. Here we have admitted that part of the issue is Family Dollar and part of the issue is the citizens as we did in the last hearing but we've also taken steps, more steps at this location to get the property cleaned up. The cameras, the County has, it seems to have been this way and not operational for months. Cameras were installed recently but that's been a work in progress but we've gotten them and changing the vantage easy and something that can be accomplished relatively easy and they were installed Friday. SO working out the kinks of the surveillance is definitely something manageable. Progress is still being made, per testimony, they are actively trying to clean this store as we speak at this hearing including roll-off dumpsters to get the property back into compliance and they've also taken similar steps with the previous locations and trying to identify the dumpers and providing to the code enforcements officers so that those dumpers can be pursued along with personally cleaning up the trash. So progress is still being made. This is the first time before this License Review Board for this store. It's not like we're coming before you again and again and we intend not to. Meeting with the County is something we are agreeable to – to come to a mutual agreeable plan that benefits us all. The corporation is not local but we're in your community, present and it affects your citizens unto the extent this board is considering suspending or revoking the license for any amount of time. Especially considering the pandemic that we are in right now. So with that I thank you.

Chairman Braddy: We're going to take a short, we will try to be as brief as possible. Board deliberation. We will be back out. We're going to take a deliberation and ask that everyone hang tight. We will be as quick as possible. Be right back.

Chairman Braddy: We're going to call this meeting back to order. In the case of LRB -2020-0009 Clayton County, GA charging party vs. Family Dollar Stored of GA LLC 5960 Hwy 42, Rex, GA 30236. The LRB finds

that there is sufficient evidence of violation of Section 2.90-4C2 the licensee has been found to be convicted of Federal and State or County law Ordinance within 12 months for purpose of this sub section shall include nolo contendere, plead guilty or abiding guilty after trial of the licensee or any employee of the licensee for the violation that occurred on licensee property or in the course of the normal business of the licensee.

LRB further finds sufficient evidence that the respondent is and has violated Section 2-90.4C7. The licensee has failed to maintain the property in compliance with the County Ordinance and after notice of 30 days to bring the property into compliance has failed to do so.

Therefore the Board hears that the Family Dollar Stores of GA LLC 6463 Hwy 42 Rex, GA 30273 license be suspended for a period of 9 months. In addition, the respondents may apply for reinstatement of their license upon completing and showing proof of the charging party of the following: After the 9 months, video camera surveillance with recording to capture feed from dumpster area and storage capability installed and operational within 14 days of August 5th, 2020 hearing which is today and access to the surveillance video shall be available to the Clayton County Police Department upon request and respondent shall prepare and implement an adequate plan to manage trash overflow and dumping the site within 7 days of the August 5th, 2020 hearing which is today including trash pickup 3 times per week and respondent shall pay any and all outstanding fees owed to Clayton County for any and all previous violations of the Clayton County Codes. In addition to all associated clean up fees incurred from the dates August 5th 2020 which is today and February 5th, 2021 and any other prior outstanding fees and the respondent shall attend and report their progress to this Board for status hearing status check hearing to ensure compliance to this order, The status hearing will include property maintenance as well as an update on video camera installation and surveillance as well as the management process with Waste Management relevant to this property. The status hearing shall be every 90 days, so it will be quarterly of this particular meeting.

In addition, there will be a fine imposed today for \$1000.00 for each violation. This is the order of the LRB. For the record, I'm going to issue this ruling by next Monday. The order should be ready and signed and given to the County and respondent by next Monday. I ask for a public vote for the record. All in Favor for the LRB Ruling just for the record. Is there a motion to accept this ruling?

Valerie Williams: I put a motion to accept the ruling for the LRB Board.

Chairman Braddy: There is a motion on the floor to accept this ruling LRB-2020-0009.

Rosannette Kirby: I second the motion.

Chairman: It's been motioned by Board Member Williams and 2nd by Vice Chair Kirby. All in Favor say I.

All said I.

Chairman Braddy: None Opposed. Unanimous. This should be the order of the LRB.

Attorney Mullis: Mr. Chairman I have a couple of questions and 1 request. In regards to the fine amount, you said \$1000.00 per violation that is for the violation of Section 2.90-4C2 and 2.90-4C7.

Chairman Braddy: Correct

Attorney Mullis: Thank you. I understand you intend to issue your ruling on Monday.

Chairman Braddy: No I issued my ruling on today. You'll have an order prepared and signed by Monday.

Attorney Mullis: Since your ruling is today, I just want to bring it to the Board attention that it takes, there's a lot of processes that go into shutting down a store. There are employees that are scheduled to show up to work tomorrow. There are deliveries that are scheduled this week. There are the trash bills/request that are pending. So I would request that the store stop operating within 10 days from today. So that the wont be in jeopardy of being cited and so that the store can be shutdown properly and not be in jeopardy of being cited for operating without a business license. Is really my issue?

Chairman Braddy: Is there a response from the County?

Attorney Afejuku: No objections.

Chairman Braddy: No objections.

Attorney Mullis: Or even 9 days which would be next Friday to have this store completely shut down. August 14th is 9 days from today.

Chairman Braddy: I'm going to ask the Board since the County doesn't have any objections. The ruling is issued today. I'm going to ask that I get a motion for the order to be effective Friday August 14th 2020/

Valerie Williams: By changing the order to the Aug 14th, are they stipulating they will be closed on that day.

Attorney West: Yes, the effective date will be August 15th.

Chairman Braddy: The order will expire 9 months out from August 14th. Can I get your motion Miss Williams?

Valerie Williams: I put a motion on the floor for the order LRB-2020-0009 to be effective Aug 14th2020.

Alysha Harvey: I second.

Chairman Braddy. All in favor say I

All members said I

Chairman Braddy: The order is effective August 14th and shut down. We will being looking for a status and the status hearing. Anything else Counsel?

Attorney Afejuku: Also please state no violations. The County is requesting that you add No violations to the order.

Chairman Braddy: I would like to amend the order that the respondent has no County violations within the 9 months of its suspension. May I have a motion to amend that order?

Valerie Williams: I put a motion to amend LRB-2020-0009 on the floor that have no violations within the 9mths.

Alysha Harvey: I second that.

Chairman Braddy: All in favor say I.

All members said I.

Chairman Braddy: Next case LRB2020-00011 Family Dollars Stores of GA LLC located at 5960 Hwy 42 Rex, GA.

The LRB finds that there is sufficient evidence of violation of Section 2.90-4C2 the licensee has been found to be convicted of Federal and State or County law Ordinance within 12 months for purpose of this sub section shall include nolo contendere, plead guilty or abiding guilty after trial of the licensee or any employee of the licensee for the violation that occurred on licensee property or in the course of the normal business of the licensee.

LRB further finds sufficient evidence that the respondent is and has violated Section 2-90.4C7. The licensee has failed to maintain the property in compliance with the County Ordinance and after notice of 30 days to bring the property into compliance has failed to do so.

Therefore the Board hears that the Family Dollar Stores of GA LLC 5960 Hwy 42 Rex, GA 30273 license be suspended for a period of 9 months. In addition, the respondents may apply for reinstatement of their license upon completing and showing proof of the charging party of the following: After the 9 months, video camera surveillance with recording to capture feed from dumpster area and storage capability installed and operational within 14 days of August 5th, 2020 hearing which is today and access to the surveillance video shall be available to the Clayton County Police Department upon request and respondent shall prepare and implement an adequate plan to manage trash overflow and dumping the site within 7 days of the August 5th, 2020 hearing which is today including trash pickup 3 times per week and respondent shall pay any and all outstanding fees owed to Clayton County for any and all previous violations of the Clayton County Codes. In addition to all associated clean up fees incurred from the dates August 5th 2020 which is today and February 5th, 2021 and any other prior outstanding fees and the respondent shall attend and report their progress to this Board for status hearing status check hearing to ensure compliance to this order, The status hearing will include property maintenance as well as an update on video camera installation and surveillance as well as the management process with Waste Management relevant to this property. The status hearing shall be every 90 days, so it will be quarterly of this particular meeting.

In addition, there will be a fine imposed today for \$1000.00 for each violation. LRB further requires that the respondent not violation any County violations within the next 9 months. This is the ruling of the LRB. For the record I ask that I get a public motion for this final ruling.

Valerie Williams: I make a motion to accept the finding of order LRB2020-00011

Alysha Harvey: 2nd the motion

Chairman Braddy: All in favor say I

All members said I

Chairman Braddy: No opposed. It's unanimous. This shall be the ruling.

Attorney Mullis: I like to make the same request that this order doesn't go into effect until August 14th as with the other as with your prior ruling to allow time for the store to shut down properly as discussed previously.

Also I just wanted to confirm the ruling for the 5960 store, you said all fees from today thru Nov 5th.

He did that for the other store but not the 5960 store.

Chairman Braddy: Aug 5th thru Feb 5th 2020 – This period covers the 9 months and any other fees incurred. I'm putting a motion on the floor for the order to be effective Aug 14th, 2020.

Valerie Williams: Motion to have effective date of this order effective Aug 14th.

Alysha Harvey: 2nd the motion.

Chairman Braddy: All in favor say I.

All LRB members said I.

Chairman Braddy: It's unanimous. Let me just say to Family Dollar. This is the 4th and the first time it was clear. Listen, get it together. We are not the code enforcement board. We need Family Dollar and every Corporation whether small or big to respect our County and we stated we shut you down. I want to be very candid to Family Dollar that we are a County that is on the move and we don't need handouts. I understand that you are providing a service but we pay for that service and we expect Family Dollar to treat our County and beautify your space of business just like I would beautify my space of business. Okay.

Attorney Mullis: Okay.

Chairman Braddy: I am going to ask for the Standing Order of business. Which means we stand under our current pandemic protocol until further notice.

Rosannette Kirby: I make a motion to continue with our Standing Order of Business.

Valerie Williams: I second.

Chairman Braddy: All in favor say I.

All LRB Members said I.

Chairman Braddy: That being said I appreciate the Board and the County all witnesses and staff and clerk and respondents Counsel. Motion to adjourn this meeting.

Alysha Harvey: I put in a motion to adjourn this meeting.

Valerie Williams: I second.

Chairman Braddy: Meeting Adjourned.

ATTORNEY AFEJUKU:

