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(Conversation starts at approximately 1:03 and runs to 1:10.)

United Tea Party meeting in Cumming, Georgia on May 4, 2015

1. Sam: There was one lady who filed a suit on her own in Gwinnett County and she asked in the press, why we weren't helping. We actually called her lawyer and said send us your file so that we can review the file and see if we should get involved and we were told by the lawyer he didn't want our assistance, so I have for years now listened to that individual complaining that my office didn't do anything after she hired a lawyer and when she overtly, and when her lawyer overtly, told me that they did not want our participation in that matter.

So if you hire a lawyer and the lawyer tells me to stay out; he's got it; I'm going to stay out of it. That's her lawyer at that point.

2. SS: Sam, I'm that person in Gwinnett who filed that lawsuit. I filed that lawsuit at the urging of Stefan Ritter.

3. Sam: Right.

4. SS: I met with Stefan. He urged me to file the lawsuit and I did. And at the same time that I filed that lawsuit, Georgia Department of Education asked your office for a legal opinion because Georgia Department of Audits had audited Gwinnett County Public Schools and for all of you who are not familiar with what he's talking about, Gwinnett County Public Schools was taking education funds and paying the salaries of chamber executives and they were hiding it in their budget. You don't have to be a CPA to see it. They were calling it banking fees in their budget. No paperwork. When we filed an open records request they said that there was no paperwork whatsoever to support that. That turned out to be false. So Georgia Department of Education asked Georgia Department of Audits to audit and determine if those payments were legal.

The auditor said that it did not appear to be in compliance with Georgia law. We suggest that you ask the Attorney General for a legal opinion and take appropriate action against Gwinnett County school board members. The Department of Education asked Sam Olens for a legal

opinion and instead of issuing a legal opinion, you gave attorney-client privileged advice to Department of Education that is shielded from the public so to this day we don't know if that is legal or not.

5. Sam: Nor only do I think your fact pattern is correct, but separate and apart from that, I do represent Department of Education. So when you say

6. SS: You don't represent Gwinnett County Schools.

7. Sam: True. So when you say I was asked by Department of Education for an opinion by definition what I gave them is protected attorney client privilege. The only way that's changed is when the client agrees for us to provide that information. Short of that, I can't. So that's not my decision.

8. SS: So there's an existing Attorney General opinion that says schools are not allowed to use education funds to pay chamber memberships so it's quite surprising.

9. Sam: It doesn't say chamber memberships. Let's talk in general. In general you're 100% correct, but once again when I give advice to a client I'm not at liberty to publicly disclose that without the client's consent. Same with any other attorney. I mean, that's something that I deal with day in and day out whether I like to or not isn't the issue. I can't unless the client agrees for me to do that. There's a lot of cases where I'd like to.

10. SS: Well, let me ask you then, as a citizen because you and I talked at the Tea Party long before at the Tea Party at Briscoe in Lawrenceville long before I filed the lawsuit. Do you think that it is appropriate? Is it legal in Georgia? Does it violate the educational purposes clause of the state constitution for Gwinnett County Public Schools to be using education funds to pay chamber executive salaries?

11. Sam: It is hard for me to answer your question even though I would like to because your lawyer frankly never agreed to share with me the documentation upon which I could base such an opinion.

12. SS: You did get that information.

13. Sam: Never received it ma'am. Never received it. Overtly requested it. Stefan overtly requested it. We were told to stay out of his business.

14. Hank Sullivan: I think she asked you a question in principle though that you should be able to answer just on principle.

15. Sam: Well, she already is correctly saying that there's an opinion an Attorney General opinion that has that has that issue.

16. SS: I sat in your office many times and I was the one that provided information and

17. Sam: But ma'am in all fairness, when you hire a lawyer, I'm bound to go through your lawyer. You know that's the rules of that. When we call your lawyer.

18. SS: We'll talk offline because there's a lot I'd like to say about this but I don't want to take up this meeting to do it.

19. Sam: Look, when someone hires a lawyer they change the process with how we can deal with them. When that lawyer tells me he doesn't want our help, I have no more ability to be involved in that matter.

20. Hank Sullivan: Well, I haven't hired a lawyer. Would you answer her question as if I posed it to you? I would like to know what the answer is.

21. Sam: I can if you provide me with the documentation to be able to see everything, then I would.

22. Hank Sullivan: It's just a question in principle of the law.

23. Sam: Well as a general statement she's stating something that we've stated before in Attorney General opinions that limits the use of school monies. I'm not disagreeing with her general statement at all but I haven't been given the data ever to be able to answer a specific question there and when I asked for it I was told I wasn't going to receive it.

- 24. Audience:** So we just need to get you the data then.
- 25. Sam:** We're going probably 2 years from back at this point.
- 26. SS:** The Department of Education gave you the data. They're the ones who asked you for an opinion.
- 27. Sam:** Once again ma'am, we've covered that issue. What I tell a client I can't disclose like any other lawyer. It's I know
- 28. SS:** The public cannot know.
- 29. Sam:** Just like happens with any lawyer. My rules of ethics are the same way.
- 30. SS:** What Stefan Ritter told me, what your lawyer Stefan Ritter told me at a meeting with Jennifer Hackemeyer, the lawyer for Georgia Department of Education. Now Jennifer was the one who asked for the opinion and then Jennifer denied that she had done so. She said she didn't do that. But she did. I have it in writing. You have it in writing and she did ask for that opinion. Jennifer told me that you had been that she had been told by you that she had no legal authority to take any action against Gwinnett County Schools.
- 31. Sam:** Now, first of all I didn't talk to Jennifer Hackemeyer.
- 32. SS:** Stefan did, Stefan was in this meeting, too, and Stefan said the Attorney General had no legal authority to take any action against Gwinnett County Schools and neither did DOE. It's not
- 33. Sam:** This is a private litigation matter that really should have been
- 34. SS:** The lawsuit's been dismissed.
- 35. Sam:** But the point of the matter is when you make the allegation my office offered to see all of the documents. We were told no. It's really interesting to criticize my office for not taking action when we weren't given the documents. We asked for the documents.

36. **SS:** Actually there never should have even been a lawsuit, Sam. If the law had been enforced there would have been no reason for an open records lawsuit.

37. **Sam:** Once again I have ethics boundaries.