

Audio Recording_Challenge_090221

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SUMMARY KEYWORDS

ward, riggins, challenge, electors, place, stated, superintendent, lease, inaudible, affidavit, hearing, city attorney, living, june, speak, residency, pearson, disqualified, candidate, resided

SPEAKERS

S. Diane White, Trudy Smith, Michael Williams, Tony Scott, Kimberly James, Deonetra Riggins

- S** S. Diane White 00:01
Okay, today is Thursday September 2 2021. I am S. Diane White, the election superintendent for the city of Forest Park, and we are here for hearing a challenge hearing and I'm calling the meeting to order at to two o'clock pm. We have a we have two letters of challenge one from Miss Kimberly James and one from Miss Trudy Smith. Both are challenging Miss Deontra--is that pronounce that right? Hold on one second. Let me get you a microphone.Can you pronounce your name for me please?
- D** Deonetra Riggins 00:57
Deonetra Riggins.
- S** S. Diane White 00:58
Okay. They have accused-- challenged you for the candidate of position for the City Council, Ward One, City of Forest Park, due to your residency. That's, they're stating that you are not living at the address that you listed on your qualifying papers, which is 604 Ward Place. Now, according to s to Georgia code 21 2, 21-2-229, challenge of applicant for registration of other electors notice and hearing right of appeal, "Any elector or county or municipal may challenge the qualifications of any person applying to register to vote"-- That's not the section I want--"B. Upon a challenge being filed with the board of registrars, the registrar shall set a hearing of such challenge. Date-- day, notice of date, time and

place of the hearing shall be served upon the person whose qualifications are being challenged, along with a copy of such challenge and upon the elector making the challenge. The person being challenged shall receive at least three days' notice"--and I did that--"The burden shall be on the elector making the challenge to prove the person being challenged is not qualified to remain on the list of electors. So that means I will listen to Miss James first and then Miss Smith on their challenge against you. And then you will have a chance to speak.

D Deonetra Riggins 02:43
Okay.

S S. Diane White 02:46
Go ahead, Councilman James.

K Kimberly James 02:47
Okay.

S S. Diane White 02:50
Testing. I think I've turned it off for this one. [inaudible] Okay.

K Kimberly James 03:04
Okay. So first of all, let me just say, Good evening to everyone. I'm gonna read the actual letter that I put in as my challenge letter that went to our superintendent, challenge of residency for qualifying candidate. It says, "Greetings. I would like to officially challenge the residency of candidate Miss Riggins. I believe that every opportunity should be given to qualified residents to have the opportunity to serve in the role of city council. However, the address 604 Ward Place has not been occupied for quite some time. I have attached a picture of the current condition of the home. And it has been that way for several months. I have also spoken with the next door neighbor, Mr. Jackson, who's actually present here today at 616, I'm sorry, six-one-six Ward Place, which which have been resided there for four years. He recalls a Mr. Scott who used to live there. And over several years, there has been people to come and go. The last family that was there had a little girl that started a fire, according to Mr. Jackson. For this reason, I would like to have the city clerk to look, to to look into this matter further for possible disqualification and not allow Miss Riggins to be on the ballot." Since, since the time of me submitting my

challenge, I have obtained information about 604 Ward Place by research and Open Records Request. The fire that damaged the house. occurred on June 1 2021. The house is owned by Pearson Properties Residential, David Pearson. And it has been, it has, and it had, and it, it was rented at the time by Tony Scott. At the time of the incident, Pearson Properties Residential advised that they will board the house themselves. The Red Cross was notified that eight occupants needed assistance. The house located at 604 Ward Place is still boarded up, and no one has been living there, according to the information obtained. The electric box has been removed, the gas is shut off, the city posted unsafe and unhealthy placards on the front of the main structure. I spoke with Sue Kiel who stated that the house is condemned and by the way, Sue Kiel is the representative of Pearson Property Residential, David Pearson. In speaking with Sue Kiel, she notified me that the house was condemned and that all lease agreements have been terminated. So on October, I'm sorry, on August the 18th, Miss Riggins stated that her notice, in her notice of candidacy and affidavit, that her residency is 604 Ward Place and her post office is the same. For this reason, I ask, Madame Superintendent, that she be disqualified from being on the ballot to run for Ward One City Council. That's all I have.

S S. Diane White 06:38
Okay. Miss Smith, would you like to add to that?

T Trudy Smith 06:46
Everything that Kimberly said is also what I contend. And I also, the common rule of law is false in one thing, false in everything. So the affidavit is given under oath. And if the address is incorrect, that would be false in one thing. That would make everything false, and I ask that she be disqualified as well. Thank you.

D Deonetra Riggins 07:21
You're welcome. Okay, Miss Riggins, I did send you a certified letter to the address, and it was returned to me on yesterday. So it is your chance to offer evidence that you are living at 604 and that you did not falsify your affidavit.

D Deonetra Riggins 07:42
No, ma'am, I did not falsify my affidavit. My address was 604 Ward Place. We got burned out and got displaced. And I'm currently still in Ward One around at 656 Currie Drive.

- S S. Diane White 07:58
So when did you actually started living at six--?
- D Deonetra Riggins 08:02
656 Currie Drive?
- S S. Diane White 08:04
Yes.
- D Deonetra Riggins 08:04
it was June the second when we got displaced.
- S S. Diane White 08:06
Okay. But your application, you put on your application 604 Ward Street--
- D Deonetra Riggins 08:11
Because that's where I was getting my mail, so I can still say that is my home. I still have stuff in there, stuff that wasn't damaged, and stuff that's not damaged.
- S S. Diane White 08:28
Mr. Williams, our city attorney, I will defer for you to for advice. At this point.
- M Michael Williams 08:35
Madame Superintendent, there's one thing that I need to correct. You stated that you are reading from the code section regarding the challenge of electors.
- K Kimberly James 08:46
Mike, the mic?
- M Michael Williams 08:52

Sorry. You are reading from the code section regarding challenges to electors that the Supreme Court has, has ruled that, when you're challenging the qualifications of a candidate, the burden is on the candidate to prove that they reside in the district, in the ward or what have you. And so, to that end, if she is stating that she lives somewhere in the district, she's got to provide proof of wherever she lives. And that can be, the statute lays out a number of ways they can do that, whether it's utility bills or or, a copy of the lease agreement, things of that sort. So you may inquire as to if she has evidence to that effect.

K Kimberly James 09:39
Okay, Madame Superintendent, may I?

S S. Diane White 09:41
Yes, go ahead.

K Kimberly James 09:42
Okay, so my comment, Madame Superintendent, is that on August the 18th was the day that the notice of candidacy was placed and on that date is the date that the address was defined as being the place where Miss Riggins resided. So, at this point, in my estimation, regardless of where she lives now, on that date, that information was not correct, based upon the information that I've been provided by the owner of the property, the date of the fire, and really by her own statement today, stating that on June the second is when they moved, when she moved. I do know that, when the fire occurred, according to the-- I do know that when the fire occurred on June the first, that the occupants in the house, it did have her name listed there as a different last name. I believe it's the same person. Evans?

D Deonetra Riggins 11:01
That's my married name.

K Kimberly James 11:02
Yeah. So um, I don't, I don't contest that qualified residents can apply to run, but I do contest that, if the information is not accurate and true at the moment of signing the affidavit, then it should be disqualified and she should be disqualified.

- S** S. Diane White 11:27
Miss Smith, do you have any further information or comments?
- T** Trudy Smith 11:32
I think err, as I said before, false in one thing, false in everything. So the house burned in June. So there was no way she was living there when she filled out her paperwork in August, so that is a falsification of a legal document, which was the affidavit.
- S** S. Diane White 11:59
Okay, thank you. Do you have anything further you want to state, Miss Riggins?
- D** Deonetra Riggins 12:06
No, ma'am. As far as like, I hadn't of lied. Like this what my ID, this what my ID says, 604 Ward Place. I'm a registered, registered voter at 604 Ward Place, like I pay my rent to my brother-in-law at 604 Ward Place, so I haven't lied about anything.
- S** S. Diane White 12:27
Okay, well, I've heard all three sides. Miss, Miss James, Miss Smith, and I've heard your side. I will make a decision by tomorrow, close of business--
- D** Deonetra Riggins 12:37
And I do have my paperwork.
- S** S. Diane White 12:40
What paperwork?
- D** Deonetra Riggins 12:40
Like, my sublease from my brother-in-law. And sublease from where I'm at now.
- S** S. Diane White 12:48
Okay, well, the, the, the question is, 604 Ward Place on the date that you signed the

affidavit.

M

Michael Williams 12:55

And, from my understanding, I didn't know, because I had a sublease with my brother-in-law, which he, he leases--the lease was in his name. From my understanding, she wasn't planning on because, they're um, the lease wasn't supposed to be over till January, but she decided to, "Oh, we're gonna terminate the lease due to the fact that someone was calling from the city, from the seat in front of City Council, harassing her, and it pisses her, and it pissed her off." This, that, that was, that was what was told to me what exactly came out her mouth.

S

S. Diane White 13:33

Yeah, but the house was burned in June. So whether she was going to renew the lease or not, that is irrelevant in this case. The house burned in June and it has a notice on it that says uninhabitable. So I will concur separately with my, our city attorney and consultants and I will make a judgment on this ruling by tomorrow close of business. Does anybody else have anything else?

T

Tony Scott 14:07

Yes ma'am.

S

S. Diane White 14:07

You are?

T

Tony Scott 14:08

Yes ma'am, I'm Tony Scott. I'm her brother-in-law [inaudible].

S

S. Diane White 14:22

You have to come up, you have to come up, sir.

T

Tony Scott 14:24

[inaudible]



Michael Williams 14:37

You have the discretion to hear whatever evidence [inaudible]



S. Diane White 14:43

Okay, I will allow you to speak.



Tony Scott 14:45

My name's Tony Scott, I'm the lease [inaudible] at 604 Ward, permanent resident--



S. Diane White 14:53

Can you take your--



Tony Scott 14:55

My name Tony Scott. I'm Dematriuus' brother in law. And I rent, I rent her a room into my house since 2019. And she's been there ever since. And there's an incident occurred with the fire two months ago. That's the reason why we had to leave the residence. And, and everything she say it's true, but that's not been his location to[inaudible] That's my residence.



S. Diane White 15:27

Okay, thank you.



Kimberly James 15:30

Madame Chair. Just one moment.



S. Diane White 15:32

Yes, Miss James.



Kimberly James 15:33

Okay, I just wanted to say one other thing. I think Mr. Scott may not have been here when I spoke of Miss Sue Kiel who is the, represents the property owners, Pearson Property

Resident is the owner of that property at 604 Ward Place, and she had informed me that the house has been condemned, and that all lease agreements have been terminated. So the owners of the property actually stated that everything is terminated at that address.



S. Diane White 16:10

Okay, as I stated, I will concur with my city attorney. And I will render a decision as of tomorrow before close of business.



D. Deonetra Riggins 16:21

Okay. Still if I get disqualified, 'cause I'm not a quitter, I'm still gonna write in. As a candidate.



S. Diane White 16:32

Yes, ma'am. Okay, this hearing is closed.