

Spencer Collier

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF ALABAMA
3 SOUTHERN DIVISION
4
5 CASE NUMBER: 2:15-cv-02193-LSC
6 GREATER BIRMINGHAM
7 MINISTRIES, et al.,
8 Plaintiffs,
9 vs.
10 STATE OF ALABAMA, et al.,
11 Defendants
12
13 STIPULATION
14 IT IS STIPULATED AND AGREED by and
15 between the parties through their respective
16 counsel, that the videotaped deposition of
17 Spencer Collier may be taken before Angela
18 Smith McCalliard, CCR, at the offices of
19 Southern Poverty Law Center, at 400
20 Washington Avenue, Montgomery, Alabama 36104,
21 on the 29th day of November, 2016.
22
23 DEPOSITION OF SPENCER COLLIER

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875-375-0440

Spencer Collier

1 IT IS FURTHER STIPULATED AND AGREED
2 that the signature to and the reading of the
3 Deposition by the witness is waived, the
4 Deposition to have the same force and effect
5 as if full compliance had been had with all
6 laws and rules of Court relating to the
7 taking of depositions.
8 IT IS FURTHER STIPULATED AND AGREED
9 that it shall not be necessary for any
10 objections to be made by counsel to any
11 questions except as to form or leading
12 questions, and that counsel for the parties
13 may make objections and assign grounds at the
14 time of the trial, or at the time said
15 Deposition is offered in evidence, or prior
16 thereto.
17 IT IS FURTHER STIPULATED AND AGREED
18 that the notice of filing of the Deposition
19 by the Commissioner is waived.
20
21 * * * * *
22
23
24

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1	IN THE UNITED STATES DISTRICT COURT	
2	FOR THE NORTHERN DISTRICT OF ALABAMA	
3	SOUTHERN DIVISION	
4	CASE NUMBER: 2:21-cv-02131-LSC	
5	GREATER BIRMINGHAM	
6	MINISTRIES, et al.,	
7	Plaintiffs,	
8	vs.	
9	STATE OF ALABAMA, et al.,	
10	Defendants.	
11	BEFORE-	
12	Angela Smith McCalliard,	
13	Commissioner.	
14	APPEARANCES:	
15	ROBERT D. FRANK, ESQUIRE, of	
16	DOVINGTON & BURLING, One Front Street, San	
17	Francisco, California 94111, appearing on	
18	behalf of the Plaintiffs.	
19	MALLORY LEB, ESQUIRE, of DOVINGTON	
20	& BURLING, One Front Street, San Francisco,	
21	California 94111, appearing on behalf of the	
22	Plaintiffs.	
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1	APPEARANCES (continued):	
2	ELIZABETH REESE, ESQUIRE, of SAACE	
3	LEGAL DEFENSE FUND, 40 Rector Street, 5th	
4	Floor, New York, New York 10006, appearing	
5	by telephone, on behalf of the Plaintiffs.	
6	NATASHA REELE, ESQUIRE, of HILARY	
7	LEGAL DEFENSE FUND, 40 Rector Street, 5th	
8	Floor, New York, New York 10006, appearing	
9	by telephone, on behalf of the Plaintiffs.	
10	JAMES M. DAVIS, ESQUIRE, of OFFICE	
11	OF THE ATTORNEY GENERAL, 501 Washington	
12	Avenue, Montgomery, Alabama 36106, appearing	
13	on behalf of the Defendants, with the	
14	exception of the Governor.	
15	KIRSTY E. FAIRBANKS HENRICK,	
16	ESQUIRE, of OFFICE OF THE ATTORNEY GENERAL,	
17	501 Washington Avenue, Montgomery, Alabama	
18	36106, appearing on behalf of the Defendants,	
19	with the exception of the Governor.	
20	KENNETH J. MENDLSON, ESQUIRE, of	
21	JEMISON & MENDLSON, 1872 Platt Place,	
22	Montgomery, Alabama 36117, appearing on	
23	behalf of the Deponent.	
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Spencer Collier		8
1	*****	
2	I, Angela Smith McCalliard, OCR, a	
3	Court Reporter of Pike Road, Alabama, acting	
4	as Commissioner, certify that on this date,	
5	as provided by the Federal Rules of Civil	
6	Procedure and the foregoing stipulation of	
7	Counsel, there came before me at the offices	
8	of Southern Poverty Law Center, 400	
9	Washington Avenue, Montgomery, Alabama 36104,	
10	beginning at 9:19 a.m., Spencer Collier,	
11	witness in the above cause, for oral	
12	examination, whereupon the following	
13	proceedings were had:	
14	VIDEOGRAPHER: This begins disk	
15	one in the deposition of Spencer Collier, in	
16	the matter of Greater Birmingham Ministries,	
17	et al., versus State of Alabama, et al.; Case	
18	Number 2:21-cv-02131-LSC, in the United	
19	States District Court for the Northern	
20	District of Alabama, Southern Division.	
21	We're on Record at 9:19, 19th	
22	day of November, 2018. This deposition is	
23	taking place in Montgomery, Alabama. My name	
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Spencer Collier

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1 is John Badgley, representing Freedom Court
 2 Reporting.
 3 Would counsel identify yourself
 4 and state whom you represent.
 5 MR. FRAM: Sure. Robert Fram,
 6 Covington and Burling, representing the
 7 Plaintiffs.
 8 MR. LEE: Wallace Lee,
 9 Covington and Burling, also representing the
 10 Plaintiffs.
 11 COURT REPORTER: Will those in
 12 the pews identify yourselves?
 13 MR. REEDS: Elizabeth Reeds,
 14 NACF Legal Defense Fund, also representing
 15 the Plaintiffs.
 16 MR. MENDELSON: Barry
 17 Mendelson, I represent Spencer Collier.
 18 MR. MESSICK: Micky Messick, I
 19 represent the Defendants, with the exception
 20 of the Governor.
 21 MR. DAVIS: Jim Davis, Attorney
 22 General's office, I represent the same
 23 clients as Mr. Messick.

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RT-07b0440

Spencer Collier

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1 MR. NEIMAN: My name is John
 2 Neiman, I'm with the law firm of Maynard
 3 Cooper in Birmingham, and I represent the
 4 Governor in his official capacity.
 5 VIDEOGRAPHER: Will the court
 6 reporter please swear in the witness?
 7 SPENCER COLLIER,
 8 being first duly sworn, was examined and
 9 testified as follows:
 10 COURT REPORTER: Oual
 11 stipulations?
 12 MR. FRAM: Yes, please.
 13 MR. NEIMAN: Yes.
 14 MR. DAVIS: Yes.
 15 [Collier Exhibits 1 and 2
 16 were marked for
 17 identification.]
 18 MR. FRAM: Why don't we mark as
 19 our first exhibit, if we could, please, just
 20 the Notice of Deposition in this case. And
 21 while we're at it, just to move things
 22 forward, we could also mark as the second
 23 exhibit, I guess it's Collier 3, the

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Spencer Collier

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1 subpoena.
 2 EXAMINATION
 3 BY MR. FRAM:
 4 Q. Mr. Collier, I'll just state on
 5 the Record what I just told you before. My
 6 name is Robert Fram, and I represent the
 7 plaintiffs in this case.
 8 Have you seen the Notice of
 9 Deposition that we've marked as Exhibit 1?
 10 A. I have, yes, sir.
 11 Q. And have you seen the subpoena,
 12 Exhibit 2?
 13 A. I have, yes, sir.
 14 Q. Do you understand you're here
 15 to testify in response to this subpoena, sir?
 16 A. Yes, sir.
 17 Q. Thank you. And you understand
 18 you're under oath here?
 19 A. I do.
 20 Q. And even though we're in a
 21 relatively informal setting, you understand
 22 this is testimony as if taken in a court of
 23 law?

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Spencer Collier

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1 A. I do.
 2 Q. Have you been deposed before?
 3 A. Sure. Yes, sir.
 4 Q. I can go through some of the
 5 basics a little more quickly, then. But I do
 6 want to make sure to refresh you on some of
 7 the ways about depositions.
 8 A. Okay.
 9 Q. I'm going to do my best to make
 10 -- try to let you complete your answer before
 11 starting my next question, and I'd appreciate
 12 it if you'd let me ask my full question
 13 before giving an answer, that way the court
 14 reporter, who is taking everything down, has
 15 a good Record. Okay?
 16 Is there any reason you can't
 17 testify today, medications or anything else?
 18 A. Oh, no, sir. No, sir.
 19 Q. If at any time you need to take
 20 a break, just say so. We make accommodations
 21 so you can confer with your counsel about it.
 22 A. Thank you.
 23 Q. Did you do anything to prepare

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Spencer Collier 13

1 for your testimony today?

2 A. No, sir. Not really, other

3 than review the subpoena I was served at a

4 previous address, and I've had conversations

5 with my attorney about date and time.

6 Q. I don't want to ask you about

7 the conversation with your attorney. But I do

8 want to ask, did you look at any documents?

9 A. No, sir.

10 Well, let me correct that. I

11 was twice served, and maybe it was because it

12 was multiple plaintiffs. I did go back to

13 check, it was to make sure it was the same

14 subpoena.

15 Q. Okay. Do you have any

16 documents in your possession that relate to

17 the job that you did when you were secretary

18 of ALBA?

19 A. Yes, sir. I do.

20 Q. And can you describe to me, by

21 category, the kinds of documents you have in

22 your possession?

23 A. I have nothing pertaining to

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1 this. I still have some work product

2 pertaining to some criminal investigations; a

3 personnel lawsuit and arrest we had of a

4 state trooper, and I have some privileged

5 grand jury information that I've been

6 instructed to turn over to my attorney.

7 To the best of my recollection,

8 as far as my previous -- my previous role as

9 secretary, that's all I recall having. Not

10 to be lengthy, but I was never given the

11 opportunity to clean my office out.

12 Q. Okay. Do you have a personal

13 email account?

14 A. I do, yes, sir.

15 Q. Do you know if any of those

16 emails have anything to do with the work you

17 were doing at ALBA say in 2014 and 2015?

18 A. No, sir. 2015 were opened

19 after I left ALBA.

20 Q. Okay. Do you have any emails

21 on your -- Do you have a laptop computer?

22 A. I do, yes, sir.

23 Q. Do you have any emails on your

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Spencer Collier 15

1 laptop computer that concern your work at

2 ALBA in 2014 and 2015?

3 A. To the best of my recollection,

4 no, sir.

5 Q. Do you have any electronic

6 documents on that laptop that relate to your

7 work at ALBA in 2014 and 2015, other than the

8 documents you referred to just now in your

9 testimony?

10 A. I've got documents between my

11 attorney and I pertaining to another issue,

12 but nothing pertaining to this issue.

13 Q. Okay. Why don't we back up a

14 little bit, if I could ask you about your

15 personal background and put that on the

16 record.

17 A. Sure.

18 Q. Could you please describe your

19 education for us?

20 A. Yeah. I'm a graduate of Troy

21 University with a degree in criminal justice

22 and degree in political science. I'm a

23 graduate of Southwest Alabama Police Academy,

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1 acquiring Alabama POST minimum standards,

2 I'm also a graduate of the Alabama Criminal

3 Justice Training Center, again with receiving

4 my POST standards. And I am a graduate of

5 the U.S. Naval Postgraduate School, Center

6 for Homeland Defense and Security, Executive

7 Leaders Program, graduated in 20 -- I think

8 2012 from there. And that's it.

9 Q. When did you start your

10 employment with ALBA?

11 Let me back up, ALBA or its

12 predecessor agencies?

13 A. I was appointed director -- and

14 it's a predecessor agency, director of the

15 Alabama Department of Homeland Security. I

16 resigned from the legislature on January 18,

17 2011; and immediately assumed my role as the

18 Director of Homeland Security, so same date.

19 MR. WENDELSON: I said I

20 wasn't going to say anything, but I just want

21 to make sure it's clear, he also was a former

22 state trooper.

23 MR. FRAG: Thank you.

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Spencer Collins

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1 Q. Let's go back.

2 A. Okay.

3 Q. Let's go back to your original

4 -- your first service as a state trooper.

5 When did that start?

6 A. This may be outside of the

7 purview of the question. I was in law

8 enforcement before a trooper as well. I

9 started my law enforcement career with the

10 city of Prichard. I was a Prichard Police

11 officer. Prior to that I was a school

12 teacher. I joined the Prichard Police

13 Department in 1995, left in 1996, and I was

14 hired by the Department of Public Safety and

15 spent almost eleven years as a trooper.

16 Q. Why don't we put some dates

17 around that.

18 A. Okay.

19 Q. During what years were you a

20 school teacher?

21 A. During '94, 1995.

22 Q. How long were you a teacher?

23 A. Less than a year.

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1 Q. One year, okay.

2 A. Yes.

3 Q. Then you said you went to work

4 for Prichard?

5 A. Yes. I joined the Prichard

6 Police Department and was there less than a

7 year. So I was there in '95 and '96 and I

8 joined the Department of Public Safety in

9 1996.

10 Q. And you were there eleven

11 years?

12 A. Almost eleven. I left at the

13 end of 2004. Then I spent, I guess, almost

14 five years with the law firm of Cunningham,

15 Bounds, Crowder, Brown, and Breedlove in

16 Mobile, Alabama, and I worked as a staff

17 investigator.

18 Q. Okay. So that gets us to about

19 2011?

20 A. Yes, sir. That gets us to --

21 Well, end of 2010, beginning of 2011, yes,

22 sir.

23 Q. What did you do starting in

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1 2011?

2 A. I was appointed by Governor

3 Robert Bentley as the director of the Alabama

4 Department of Public Safety.

5 Q. And how long did you hold that

6 position, please?

7 A. Approximately four years.

8 Q. So that gets us to roughly

9 2015; is that right?

10 A. Actually, to 2016. When ALBA

11 -- Again, this may be not what you're asking.

12 When ALBA was created, it abolished the

13 Department of Homeland Security, but it

14 created the office of secretary, and took the

15 Homeland Security duties and put them in the

16 office of secretary.

17 Q. So I served as secretary for

18 eighteen months and was -- had -- I remained

19 the Homeland Security advisor for Alabama,

20 and then I was given eighteen months to

21 assemble and converge those ten agencies into

22 one, into ALBA.

23 Q. I understand.

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1 A. And that became fully effective

2 on 1 January, 2015, by statute.

3 Q. By the way, I've been throwing

4 the phrase ALBA around in this deposition.

5 Why don't we -- Tell me, what does ALBA stand

6 for, please?

7 A. The Alabama Law Enforcement

8 Agency.

9 Q. Thank you. And what were the

10 agencies? You may have said it, I apologize

11 to be repetitive here. What were all the

12 agencies that were combined into ALBA?

13 A. I'll try to remember them all,

14 and if not, maybe I can get some help.

15 Alabama Department of Public

16 Safety was the largest, Alabama Department of

17 Homeland Security, the Alabama -- well, the

18 Alcohol Beverage Control Board of Alabama,

19 the enforcement division, along with their

20 narcotics division, so we took all of their

21 arresting officers. Sounds small, but that

22 was about a hundred and fifty investigators.

23 The Alabama Criminal Justice

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1 information center, both their data and --
 2 their data center and their investigators;
 3 Department of Agriculture investigators, just
 4 their enforcement; Department of Revenue's
 5 uniformed enforcement; Department of public
 6 -- the Public Service Commission's uniformed
 7 enforcement division; the Alabama Fusion
 8 Center.

9 And I don't know how many that
 10 is, but it was -- Oh, and the Alabama Marine
 11 Police came out of the Department of
 12 Conservation and into ALBA. So pretty much
 13 any agency that had public safety as its
 14 primary mission was absorbed into ALBA.

15 Q. Now, part of the revenue for
 16 one of those agencies, I'm not asking which
 17 one, came from fees charged with driver's
 18 licenses. Is that right?

19 A. True, yes.

20 Q. Which -- Which agency?

21 A. Well, initially the Department
 22 of Public Safety was funded partially by
 23 driver's licenses. In the legislation to

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1 create ALBA, there's catch-all language that
 2 says any funds that were used to operate any
 3 of the previous agencies shall be
 4 transferred, along with the responsibilities.
 5 So also ALBA was not -- used driver's license
 6 money to operate.

7 Q. Now, at some point, you become
 8 aware of the fact that the fees charged for
 9 driver's licenses are not fully covering the
 10 cost of the licenses?

11 A. Yes, sir.

12 Q. Do you recall about when that
 13 came to your attention?

14 A. I can't give you a date. It
 15 was actually during the transition process,
 16 so it's going to be somewhere in 2014, prior
 17 to 2015.

18 Q. In 20 --

19 A. If you want me to continue. We
 20 -- We had many things to cover in the
 21 consolidation. But one of the things we
 22 discovered is that not only were we not
 23 funding driver's license with the fee, and

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1 the statute said that we could charge up to
 2 the cost and one cent, that we were not only
 3 charging that, that we were having to pull
 4 money from operations. So that meant the
 5 highway patrol and the Bureau of

6 investigation to run driver's license; we
 7 learned that during the transition process.

8 Q. So sometime in 2014?

9 A. Yes, sir. Yes, sir.

10 Q. And around that time, the fees
 11 were around twenty-three fifty, or something
 12 like that?

13 A. They were twenty-three fifty,
 14 exactly.

15 Q. Right. And that didn't cover
 16 the whole cost?

17 A. It did not, no, sir.

18 (Collier Exhibit 9 was
 19 marked for
 20 identification.)

21 Q. Why don't we mark number 4
 22 please -- We're going to mark it as number 9.

23 A. Sure.

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1 Q. It's a document -- I'll
 2 describe it a little bit. It's got Bates
 3 numbers, BBS 00025530. The document, as
 4 produced, goes on to B0025542. I'm only
 5 going to ask you questions about the first --
 6 this is -- I'm giving it to you as produced
 7 to be.

8 A. Sure.

9 Q. There is some various documents
 10 included here. I don't represent that
 11 they're the same document. So I'm going to
 12 ask you questions about some of the
 13 individual documents in this collection.

14 A. Yes.

15 Q. So please -- When you have a
 16 chance to take a look at it, and tell me when
 17 you've had a moment to review it.

18 COURT REPORTER: DO you want me
 19 to mark it?

20 MR. FRAM: Yes.

21 So there's no confusion on the
 22 record, this one is marked as Exhibit 4.

23 Q. And the first set of questions

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1 I want to ask you about, actually it starts
2 on the second page of this, DEP 000259a1
3 through 17. And it's a letter dated December
4 14, 2014, from Colonel John E. Richardson to
5 Christine Harden. Colonel John Richardson of
6 the Alabama Department of Public Safety, to
7 Christine Harden as Deputy Chief Examiner, at
8 the Department of Examiners of Public
9 Accounts.

10 A. I have the same document.

11 Q. Have you seen this letter
12 before?

13 A. I have, yes, sir.

14 Q. In December 2014, did Colonel
15 Richardson report to you?

16 A. Yes, sir, he did. I mentioned
17 that 24th day, that was the statutory
18 operation of ALSA. We actually, per the
19 Governor's edict, for lack of a better term,
20 began operating as an agency October 1, 2014.
21 So the statutory dates at 1 January, that
22 gave us three months to begin operations, to
23 see where we were, what adjustments we needed

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1 to -- that needed to be made, and we did that
2 under the Governor's direction.

3 I don't know if he did an
4 executive order for that, but I do know he
5 gave clear direction. So Colonel Richardson
6 answered to me -- I'm giving you the long
7 answer. On this date, he did answer to me.

8 Q. Okay. Thank you.

9 Do you recall if you saw this
10 letter in draft before it was sent to Ms.

11 Harden?

12 A. I believe I did, yes, sir.

13 Q. And it was sent, to your best
14 recollection, on or about December 14, 2014?

15 A. Yes, sir. That -- That's what
16 it's dated, and I have no reason to disagree.

17 Q. And Colonel Richardson did this
18 pursuing his ordinary public duties in the
19 Alabama Department of Public Safety?

20 A. Yes, sir. As part of the
21 consolidation, we were -- ALSA is one agency
22 as an umbrella agency, but it was made up as
23 two sub-agencies, the Department of Public

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1 Safety and the State Bureau of Investigation.
2 Colonel Richardson ran the day-to-day
3 operations of the Department of Public
4 Safety, which at this time still had Driver's
5 license within its purview.

6 Q. Why was this letter sent,
7 please?

8 A. Again, as we discovered -- We
9 had a transition team. Basically, we took
10 senior level executives that were bright,
11 progressive, out-of-the-box thinkers from
12 each of the major eight agencies being
13 consolidated, and we formed a transition
14 team. We met multiple times a week very
15 similar to a room like this, discovering --
16 trying to look at problems we were going to
17 deal with, and one of them was driver's
18 license. So I tell you that long story to
19 tell you that we knew within the transition
20 time that we were losing money on driver's
21 license. So I was aware of this before the
22 December 18th date.

23 In fact, it was -- The study

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1 group, as I recall, that was put together to
2 work on this, was my number two at the
3 agency, my chief administrator, was John
4 Thomas Jenkins, of course he overhauled the work
5 group, Kevin Wright with the Department of
6 Public Safety, Captain Deena Pregno with the
7 Department of Public Safety, and Colonel John
8 Richardson.

9 Q. Okay. And why was the letter
10 sent to the Department of Examiners of Public
11 Accounts on or around December 14, 2014?

12 A. Well, we were going to take
13 what we thought was the bold step of raising
14 revenue without going through the
15 legislature. We felt that we had -- I say
16 we, I was advised by my attorney, we were
17 advised by the Governor's attorneys, that we
18 had the authority to raise this revenue
19 without going through the legislature.

20 However, as I recall, the
21 legislation said the cost of production plus
22 one cent, or something to that effect. So we
23 wanted someone other than us to develop this

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1 cost of production. So we put together what
2 we thought the cost of production was and
3 sent it to the Examiners of Public Accounts.
4 First we asked, and I think that's in this,
5 Are we within the purview of the statute?
6 And either in this one or in a later one, we
7 actually sent them the breakdown of what the
8 actual cost was, and they concurred in our
9 assessment of what the cost of production
10 was.

11 And I'm reading as you are, I
12 don't know if it's in this memo or not -- No,
13 sir. I think this memo just deals with do we
14 have the authority to recoup the costs, and
15 it cites 12-6-6, including -- and I got it
16 wrong, it says cost of issuance -- cost and
17 issuance of a DL, plus ten cents.

18 Q. Okay.

19 A. And I'm wrong. We did -- We
20 did include an attachment of what those costs
21 were. So this request was sent over to --
22 And we particularly need the Examiners of
23 Public Accounts, as opposed to the Attorney

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Spencer Collier

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1 General or opposed to a private auditor,
2 because that -- Examiners of Public Accounts,
3 is a -- is a legislatively, statutorily
4 created body that is basically the auditors
5 for the legislature, for lack of a better
6 word.

7 So since we were going to do
8 this without -- without appropriating
9 legislation, we wanted their auditors to look
10 at it and see if we were within our -- within
11 our statutory authority.

12 Q. Understood.

13 A. Okay.

14 Q. You mentioned an attachment.
15 There's a reference to an attachment A on the
16 second page of the letter, top paragraph, do
17 you see that?

18 A. Yes, sir.

19 Q. And then if you turn over to
20 the next page, DEF 00015513, and it goes on
21 to 35, is that the attachment?

22 A. It is, yes, sir.

23 Q. Do you recall?

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Spencer Collier

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1 A. It is, yes, sir.

2 Q. Is that the attachment that
3 sets out the cost ALGA was seeking to recoup
4 through the driver's license increase?

5 A. Production -- I think the word
6 is production. I'm not splitting words with
7 you. I'm just trying -- cost and issuance,
8 yes, sir.

9 We believe this is what the
10 cost and issuance was at that point. And we
11 were charging twenty-three fifty, as you
12 mentioned earlier, and according to our
13 calculation, every time we issued a driver's
14 license we lost nineteen dollars and
15 twenty-four cents.

16 Q. Okay.

17 A. And I agree with you. It's the
18 attachment that you just pointed out.

19 Q. Thank you. Next in this same
20 package of documents that were produced
21 together, I just want to draw your attention
22 separately, to a letter -- a document, the
23 Bates number is DEF 00015513 through 14, it's

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Spencer Collier

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1 a letter dated December 17, 2019, from Ronald
2 L. Jones, Chief Examiner, back to Colonel
3 Richardson. Ronald L. Jones on the
4 letterhead of the Examiners of Public
5 Accounts, do you see that letter?

6 A. I do, yes, sir.

7 Q. Have you seen this document
8 before?

9 A. I have, yes, sir.

10 Q. Do you recall receiving it on
11 or about December 17, 2019?

12 A. Yes, sir.

13 Q. At the response came back
14 pretty quick?

15 A. It did, yes, sir.

16 Q. Do you recall, were there any
17 conversations back and forth with the
18 Examiners of Public Accounts?

19 A. Yes, sir. I'm aware of
20 conversations between my executive counsel,
21 Jason Swann, and -- I don't know if it was
22 with Chief Jones. I actually think it was
23 with -- you mentioned her name earlier.

Frederick Court Reporting, Inc.

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Spencer Collier

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1 Christine Hardin, I believe there were some
2 initial conversations.
3 To the best of my knowledge,
4 the conversations were, are you willing to
5 look at this and give us an opinion? And it
6 was reported back to me by my executive
7 counsel is -- was yes, they are willing to
8 look and give us something.
9 Q. Okay. Now, do you see -- if
10 you look at the first page of the letter,
11 okay? Where they respond to your first
12 question about statutory authority, do you
13 see that?
14 A. Yes, sir.
15 Q. Is it your recollection that,
16 in fact, they said that you did have the
17 statutory authority to raise the driver's
18 licenses?
19 A. Yes, sir, that is correct.
20 Q. And they cited a code section,
21 32-6-6 of the Code of Alabama, 1975, do you
22 see that?
23 A. I do, yes, sir.

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Spencer Collier

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1 Q. Is it your recollection that is
2 the statutory authority you were operating
3 under?
4 A. That we were attempting to
5 operate under, and then after receiving this
6 letter, we moved forward.
7 Q. Okay. You said you moved
8 forward, so you did raise the driver's
9 licenses?
10 A. Yeah.
11 Q. Was that around February of
12 2015?
13 A. I don't know the exact date,
14 but that sounds pretty accurate.
15 Q. Okay.
16 A. And it may be in this document
17 if you want me to check.
18 Q. I can look. Hold on.
19 A. Yes. We had -- Yes. It's
20 0225542, and we give a beginning date of 9
21 February 2015.
22 Q. Okay.
23 A. It's probably neither here nor

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875-JTB-0460

Spencer Collier

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1 there, but this is a -- and obviously, it was
2 turned over in discovery, but this is what
3 we'd call the white paper that was produced
4 within our office and given to me. Because
5 there's things on here that are not answered.
6 Q. Which page are you looking at
7 now?
8 A. I'm at -- I'm on -- and I'll
9 skip the intro, 25542. And this would be --
10 It may have been what was given out.
11 Obviously, you guys got it in discovery, but
12 this is what we would call a white paper
13 within our agency or within state government,
14 that's the common term, I believe, a white
15 paper.
16 Q. Okay.
17 A. I simply say that, because it's
18 got questions in it. It doesn't state things
19 or facts. For example if you look towards
20 the bottom, historical background, I see
21 increased amount, there's notes like I'm
22 trying to locate this information.
23 Q. Is it your recollection that

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Spencer Collier

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1 this last document that ends in numbers 542,
2 it was produced after the correspondence in
3 December 2014, is that right?
4 A. I am unsure.
5 Q. It does refer to February --
6 like you say, it refers to events that took
7 place thereafter, such as February 3. Do you
8 see that?
9 A. I do, yes, sir.
10 Q. Do you recall -- Do you have
11 any recollections as to approximately when
12 this white paper was produced?
13 A. It would -- I'm taking a guess.
14 To the best of my recollection, probably in
15 the January time frame.
16 Q. Do you recall who worked on
17 this white paper?
18 A. Yes. J.T. Jenkins, again, he
19 was my chief administrator and number two at
20 the agency, Kevin Wright, who I believe at
21 this point was a captain, and then Major
22 Deane Fyegon, and Colonel John Richardson,
23 and I believe Lieutenant Colonel Tim Hullen

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Spencer Collier 37

1 at this time.

2 Q. Do you recall if they sent this

3 white paper to you?

4 A. Yes.

5 Q. And would you have reviewed it?

6 A. Yes, sir.

7 Q. Do you have any reason to think

8 this isn't a true and authentic copy of that

9 white paper?

10 A. No, sir, I don't.

11 In fact, just the opposite, I

12 believe it is -- it is the white paper that I

13 was presented because -- You know, I just

14 simply point that out again, it may be

15 neither here nor there, but the questions

16 that are in it are questions that are

17 identified that I'm sure the work group

18 thought that I would come back and want

19 answers to.

20 (Collier Exhibit 8 was

21 marked for

22 identification.)

23 Q. We're up to number 4. I'd like

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Spencer Collier 38

1 to mark as Exhibit 4 -- jumping ahead a

2 little here -- a letter from later in 2015.

3 But it discusses the same subject we're on

4 now. It's an email -- Well, let me back up.

5 The Bates numbers are OSV 20181 through 84.

6 And the first page is an email

7 dated September 23, 2015, from Susanna Willis

8 to Rosa Dannels, with a cc to Jennifer

9 Ardia. It's the top email, there are other

10 emails -- there's another email in the

11 string. But the document I want to ask you

12 most about is a letter that starts on the

13 second page of the document, ends in Bates

14 numbers 187. It's dated September 23, 2015.

15 And then I want to ask you about documents

16 that may be attachments to that letter. So

17 we'll have that marked next. Exhibit 4.

18 So starting with that letter,

19 is that -- Well, it's hard to make out.

20 Looks like there was a signature, it's kind

21 of smudged.

22 A. Yeah.

23 Q. Is this a letter you signed on

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Spencer Collier 39

1 on about September 23, 2015?

2 A. Looking at the -- what I can

3 see of the signature, I am familiar with the

4 letter. That is not my signature. That is

5 the signature of my chief administrator, who

6 had signatory authority for me as secretary.

7 Q. Okay. And who was that person?

8 A. John Thomas Jenkins.

9 Q. He designed it pursuant to his

10 public duties?

11 A. Yes, sir. And I just -- what I

12 can see, I recognize that being his

13 signature.

14 Q. And did you -- Did you review

15 this document before it was sent?

16 A. I did, yes, sir.

17 Q. Okay.

18 A. And it could have been --

19 Again, I'm -- I'm saying, I'm telling you

20 something you're not asking. It could have

21 been just a situation where I was out of the

22 office that day. I'm familiar with the

23 document and recognize it.

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Spencer Collier 40

1 Q. Oh-huh.

2 A. It's just not my signature.

3 Q. I understand. Do you recall

4 who wrote this letter, the original draft?

5 A. I don't, but probably John

6 Thomas Jenkins.

7 Q. And then you reviewed the

8 draft?

9 A. Yes, sir.

10 Q. And you approved it?

11 A. Yes, sir.

12 Q. And just going through some of

13 the basics about the -- There's an attempt to

14 recapture some of the costs. I'd refer to it

15 as recoupment, was that a phrase you used?

16 A. It is. It is. That's the word

17 I used in trying to explain it to the

18 legislature.

19 Q. So in going through this

20 recoupment plan or action, by September 23,

21 2015, you've taken -- Do you see there's a

22 description of the costs in the second

23 paragraph, the cost to issue and produce a

Frederick Court Reporting, Inc. 875-JTB-0440

Spencer Collier 41

1 license, do you see that?

2 A. I do, yes, sir.

3 Q. And it says in 2014 it was

4 nineteen dollars and twenty-four cents, do

5 you see that?

6 A. I do, yes, sir.

7 Q. And you add to that what's

8 called an earmark fee of twenty-three fifty,

9 do you see that?

10 A. I do, yes, sir.

11 Q. And so the total actual cost

12 was forty-two seventy-four, is that correct?

13 A. Correct, yes, sir.

14 Q. And was it your intention that

15 if the driver's license fees were increased,

16 that ALMA would be able to properly staff its

17 offices?

18 A. If -- in addition to being

19 properly funded by the legislature, it was

20 our feeling that if we were basically, what

21 we call, level funded, as if we received the

22 same money or something close to what we

23 received the previous year, in addition to

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Spencer Collier 42

1 the driver's license fee increase, we felt we

2 could maintain driver's license operations in

3 the existing locations.

4 Q. So do you recall what the

5 previous year funding had been?

6 A. It's actually in this letter,

7 I know it was a reduction of eleven million

8 dollars. It was a reduction of exactly the

9 amount of the driver's license fee increase.

10 Q. Was it previously about

11 fifty-five million in the general fund?

12 A. Yes, sir.

13 Q. And it was reduced to about

14 forty-four million?

15 A. Yes, sir.

16 Q. Is that right?

17 A. That sounds correct.

18 Q. And the driver's license

19 increase would have increased -- would have

20 brought in eleven million, is that right?

21 A. Yes, sir. It was the exact

22 amount.

23 Q. And so you increase the

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Spencer Collier 43

1 driver's -- If I understand what happened,

2 you increase the driver's license, brought in

3 eleven more million, but the general fund

4 portion of your budget was reduced by that

5 same eleven million, is that right?

6 A. That is exactly what happened.

7 Q. Down to forty-four million.

8 Okay.

9 Now, before we get to that --

10 By the way, did you ever use the phrase

11 zeroing out to describe what the legislature

12 did to your driver's license increase?

13 A. Yes, sir.

14 Q. That's a phrase, if I use it,

15 we will understand each other?

16 A. I will understand it, yes, sir.

17 Q. Now, do you recall in 2015

18 there were several sessions of the

19 legislature, do you recall?

20 A. Yes, sir, I do.

21 Q. There was a regular session and

22 there were two special sessions, do you

23 recall that?

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Spencer Collier 44

1 A. I do, yes, sir.

2 Q. And I'm not going to pin you

3 down to exact dates this minute, we may get

4 more precise later. But roughly the regular

5 session was in effect in the spring, do you

6 recall that?

7 A. Yes, sir.

8 Q. Roughly starting in March and

9 ending around the first week of June, do you

10 recall that?

11 A. Yes, sir, I agree with that.

12 Q. And the first special was --

13 started in July and ended in early August?

14 A. I agree. I agree. That is

15 right.

16 Q. The second special took place

17 in September, do you recall that?

18 A. That's correct.

19 Q. Let's just talk about that

20 first regular session, if we could, please.

21 A. Okay.

22 Q. On that -- At that regular

23 session, do you recall there was an attempt

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Spencer Collar

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1 is actually repeal the fee increase?
 2 A. Yes, sir. There was
 3 legislation introduced in the Senate by
 4 Senator Bill Holtzclaw to repeal the
 5 legislation by the exact amount, plus any
 6 that had been recouped, so it would have been
 7 the eleven million anticipated, plus I think
 8 at that point we had absorbed a couple -- we
 9 had already brought in a couple hundred
 10 thousand, plus that had to be refunded or the
 11 citizen had to be given a credit. That
 12 legislation passed the Senate unanimously,
 13 and would have effectively stopped operations
 14 for ALTA, and particularly the Department of
 15 Public Safety.

16 Q. But that did not pass the
 17 House, did it?

18 A. It did not. It did make it to
 19 the House -- it made it to the House
 20 committee, which is contrary to what we
 21 thought it was after an extensive lobbying
 22 committee by myself and senior staff. I
 23 testified in committee, we won in committee

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Spencer Collar

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1 of a ten-to-one vote, not to remove -- not to
 2 not only remove the driver's license fee, but
 3 to take my authority away to -- to alter it
 4 if necessary.

5 Q. So you were able to defend the
 6 driver's license fee increase in the regular
 7 session, if I understand you correctly. But
 8 at the same time, in that regular session,
 9 was there a proposal to cut your general
 10 funding budget by the amount of the fee
 11 increase?

12 A. Yes, sir.

13 Q. If you look at it again,
 14 looking at our exhibit 4, which is your
 15 letter September 23, 2015, do you see that?
 16 In that last paragraph of the letter,
 17 paragraph starts, quote, at the beginning of
 18 the regular session of the legislature?

19 A. Yes, sir. I see it.

20 Q. Do you see that?

21 A. Yes, sir.

22 Q. And it says, quote, it was
 23 evident the consensus of both bodies was to

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Spencer Collar

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1 reduce the general fund allocation to ALTA by
 2 the same amount of revenue generated from the
 3 cost adjustment of the driver license
 4 issuance without consideration to the effect
 5 it would have on ALTA's ability to provide
 6 services to the citizens. Unquote.

7 Do you see that?

8 A. Yes, sir. I do.

9 Q. Was that a accurate statement,
 10 that you wrote that?

11 A. Yes, sir. I believe that to be
 12 accurate.

13 Q. But, now, no budget passed the
 14 regular session?

15 A. No, sir.

16 Q. As it goes on, the letter says
 17 you were in a holding pattern at that point.

18 A. We were. And if you look at
 19 this date, on September 23, '15, you talk
 20 about a holding pattern, we run a fiscal
 21 year, like most government entities, I
 22 October to 30 September, and we were seven
 23 days away from the end of the fiscal year. I

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Spencer Collar

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1 had almost fourteen hundred employees, and so
 2 idea where we were going to be budget-wise.
 3 We felt at a minimum we were going to be
 4 eleven million less.

5 Q. Is that fiscal year October 1
 6 to October 1?

7 A. Well, we were operating on --
 8 We were operating in fiscal year 2015, at
 9 this point I can we were preparing for fiscal
 10 year 2016, which would -- fiscal year 2016,
 11 would have began 1 October 2015 -- I mean 1
 12 October 2015, excuse me.

13 Q. Right. So your year runs
 14 October 1 through September 30?

15 A. That is correct. So if you
 16 look at the calendar date, we are exactly
 17 seven days away from beginning a new fiscal
 18 year with one of the largest state agencies
 19 with no idea what our budget was going to be.

20 Q. By September, though, you had
 21 had the second session. So in the second
 22 session of the -- special session, it did
 23 pass the budget by that day?

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Spencer Collier 49

1 A. I don't recall if both bodies
2 passed a budget or not. If you say it did,
3 I --
4 Q. You had a budget before
5 September 30th rolled around, you finally did
6 have a budget, is that right?
7 A. I thought it passed in the
8 third special, but I'm -- it -- I have no
9 reason to disprove it if you say it.
10 Q. We'll go back and see. That's
11 all right.
12 A. All right.
13 (Collier Exhibit 5 was
14 marked for
15 identification.)
16 Q. Why don't we take a look at --
17 Why don't we mark as Exhibit 5, document
18 pages labeled CBF 20037011 through 15. And
19 the top document is a email -- top page,
20 email from Jon Archer to Spencer Collier,
21 dated April 11, 2015.
22 A. I agree, yes, sir.
23 Q. And the subject is negative

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Spencer Collier 50

1 effects of Clouse, C-I-O-D-A-6, budget. Do
2 you see that?
3 A. I do, yes, sir.
4 Q. Do you recall receiving this
5 email on or about April 11, 2015?
6 A. If it's okay, before referring
7 to the email, can I look at what the --
8 Q. Of course.
9 A. Okay. So that's 00027014 is
10 what the attachment was.
11 Q. And it may go over also to 15.
12 A. I agree. Is it okay if I look
13 at that?
14 Q. Please do so.
15 A. (Witness complies.)
16 I agree it's accurate and I've
17 seen it.
18 Q. And I'm sorry, you may have
19 said before, but can you remind us, who is
20 Jon Archer?
21 A. Jon Archer was a captain with
22 ALBA and really worked in administration.
23 His title was law enforcement special

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Spencer Collier 51

1 response coordinator. He worked in
2 everything from IT to accounting, extremely
3 bright individual, ranked a captain, worked
4 on administrative issues, legislative issues.
5 Q. Okay.
6 A. Just unusual issues and that's
7 why his title was special response unit.
8 Q. Okay. If we could look at the
9 second two pages -- second and third page of
10 the documents, the ending Bates number is 014
11 and 015. And it's -- it has a date of April
12 11, 2015, do you see is that?
13 A. I do, yes, sir.
14 Q. Who prepared this document?
15 A. I am not sure. It would be
16 purely an assumption on my part. But it
17 would be John Thomas Jenkins and then
18 everyone mentioned in the -- in the email.
19 Q. Okay. Now, it has your name on
20 the -- along with governor at the top of the
21 document, do you see that?
22 A. I do, yes, sir.
23 Q. Did you approve this document?

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Spencer Collier 52

1 A. I did, yes, sir.
2 Q. Do you recall approving it
3 roughly in April of 2015?
4 A. Yes, sir. And, again, this --
5 This would be what we consider a white paper
6 that we used -- This one was particularly
7 used to distribute to legislators, what the
8 -- what the effects would be.
9 Q. Do you have any reason to think
10 this isn't a true and authentic copy --
11 A. No, sir.
12 Q. -- of the document?
13 A. I apologize for interrupting.
14 But, yes, sir.
15 Q. And there's a reference to
16 Representative Steve Clouse, I hope I'm not
17 mispronouncing his name.
18 A. You have it right.
19 Q. Steve Clouse as a proposed
20 budget, do you see that?
21 A. I do.
22 Q. Do you recall what the -- I'm
23 going to call it the Clouse budget was?

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Spencer Collin

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1 A. It was the budget that
 2 originated out of the House, he was chairman
 3 of House Ways and Means, General Fund House
 4 Ways and Means. So we attach the chairman's
 5 name to the budget.
 6 Q. Okay.
 7 A. So that's the budget we're
 8 referring to.
 9 Q. Did it propose a cut in ALSA's
 10 funding?
 11 A. It does.
 12 Q. Okay. And in response to that,
 13 I see you stated -- do you see there are a
 14 number of points on the first page of the
 15 document?
 16 A. Yes, sir, I do.
 17 Q. Do you see the third point
 18 talks about closures of driver's license
 19 offices throughout the state. Do you see
 20 that?
 21 A. I do, yes, sir.
 22 Q. Okay. And thirty-three offices
 23 are identified, is that correct?

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Spencer Collin

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1 A. That's correct.
 2 Q. Who came up with this list of
 3 these offices, do you recall?
 4 A. I do, yes, sir. It would have
 5 been the working group on this the same
 6 names I mentioned. The working group would
 7 have been overseen by John Thomas Jenkins
 8 that included Captain Kevin Wright, Major
 9 Deana Fregno, Jim Archer, Colonel Richardson,
 10 and Lieutenant Colonel Pullen.
 11 Q. And did you approve --
 12 A. And I may have mentioned Jim or
 13 not, Jim Archer.
 14 Q. Okay. And did you approve that
 15 list of offices?
 16 A. I approved the document to be
 17 disseminated, with the hope that particularly
 18 legislators would recognize these particular
 19 areas, and that a closure of thirty-three
 20 offices would be detrimental to Alabama. And
 21 just recognize that budget was not just bad
 22 for Public Safety, it was bad for their
 23 constituents.

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Spencer Collin

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1 Q. You say disseminated, was this
 2 -- was this document, in fact, distributed to
 3 the legislature?
 4 A. It is my understanding, yes, it
 5 was used as the white paper to go to not only
 6 the governor's office to inform the
 7 governor's office, which it would have been
 8 approved there before we sent it to the
 9 legislature, and then to the legislature as
 10 well.
 11 Q. In your recollection is that
 12 you, in roughly April 2015, you informed the
 13 legislature of the potential closing of these
 14 thirty-three offices if they stuck with the
 15 budget cut?
 16 A. Yes, sir.
 17 Q. And you told the legislature
 18 the specific locations of the offices, is
 19 that right?
 20 A. That is correct.
 21 Q. Did you consider any
 22 alternative measures, other than closing
 23 offices, as a way of responding to the

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Spencer Collin

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1 proposed budget cuts?
 2 A. Yes, sir. And as you can see,
 3 we have a list of possible negative effects,
 4 and I think we termed it top seven negative
 5 effects. The first one, and what we would
 6 have considered the worst, would be a thirty
 7 percent cut in troopers, which would have
 8 been ninety-nine troopers. Alabama is
 9 already woefully, woefully understaffed in
 10 the highway patrol. At this point we were
 11 operating with approximately four hundred
 12 troopers, so if you layoff a hundred of
 13 those, a recent study said Alabama should
 14 have eleven hundred troopers.
 15 Q. Do you recall who -- Did any
 16 particular person or group suggest closing of
 17 some of the offices as one of the seven
 18 items?
 19 A. Yes, sir. I tasked John Thomas
 20 Jenkins and Kevin Wright with coming up with
 21 the mechanism to be used in determining which
 22 offices, that if we closed, which ones we
 23 would close and why. They were also tasked

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Spencer Collins

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1 with coordinating with the attorney general's
2 office to make sure that we were within the
3 confines of everyone's constitutional rights.

4 Q. Do you recall if the idea of
5 using office closures as a cost-saving
6 measure originated with your office, the
7 governor's office, or someone else?

8 A. It originated with someone
9 else.

10 Q. Who was that person, please?

11 A. Rebekah Mason.

12 Q. Explain to me if you could,
13 please, Rebekah Mason's role in proposing the
14 idea of office closures?

15 A. This year, in preparing for --
16 Again, we operate in one fiscal year and we
17 prepare almost a year out for the next fiscal
18 year. This one was really unusual.

19 I've done five general funds as
20 an agency head and had spent eight years as a
21 legislator, so I know the budgetary process,
22 and I'd gone through five as an agency head.
23 Normally, we would be contacted

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Spencer Collins

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1 by the Department of Finance, they would say
2 Here's going to be your proposed budget. If
3 we're in a special or we've already had a
4 proposed cut, they would say you're going to
5 be out this amount, tell us what your
6 recommendations are.

7 As we prepared for this fiscal
8 year, that same thing happened. We were
9 summoned -- We were given notice by Bill
10 Newton, the director of Finance. So myself,
11 along with my top accountants and my CFO, my
12 CFO was Robert Barliff, along with John
13 Thomas Jenkins, met with Mr. Newton. And he
14 kind of, for lack of a better word, gave us
15 the dire news and said, okay, this is where
16 you're going to be, looks like no matter what
17 happens, they're going to punish you for the
18 driver's license increase, and you need to
19 prepare to be eleven million short.

20 Normally, that's where the
21 process -- at least in my experience, that's
22 where the process -- that's the way it
23 operated in the executive branch, working for

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Spencer Collins

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1 the governor. This year was different
2 because I was told by Mr. Newton afterwards,
3 now you need to go see the PR people. We've
4 never done that before. Ever.

5 Normally, we would go back to
6 our office, sit down, roll up our sleeves,
7 and say, Where are we? What can we do? And
8 then come back with that proposal that would
9 generally go to the governor's office.

10 Just the opposite. This time
11 we were told to go see the PR people, so we
12 did.

13 We met with Mr. Newton, I can't
14 give you the exact date, but what would be
15 normal for that time frame, you know, January
16 or so, to prepare for the next fiscal year.
17 And within a few days of meeting with Mr.
18 Newton, we were told to meet with Rebekah
19 Mason and Jennifer Ardis, Jennifer Ardis
20 being the director of the governor's --
21 director of governor's press office. I don't
22 know Ms. Mason's title, I wouldn't tell you
23 so we did that and sat down

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Spencer Collins

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1 with her and Ms. Ardis, and, again, making
2 preparations for this dire budget cut.

3 Q. And what do you recall was said
4 at that meeting?

5 A. It's -- Ms. Mason and Ms. Ardis
6 were pretty upset with some legislators, and
7 said we needed to do something to get the
8 attention of certain legislators. And we
9 discussed everything from laying troopers
10 off, and if that doesn't get the attention of
11 legislators, nothing will. We discussed
12 closing trooper posts, and that's mentioned
13 is here, but that just punishes the trooper
14 for the most part. The public has little
15 interaction with the trooper post, generally
16 where the trooper comes to do its paperwork
17 or where he meets with his supervisor. And
18 then we discussed closing driver's license
19 offices. And Ms. Mason said, well, if we
20 want to get legislators' attention, we'll
21 begin to close driver's license offices.

22 That discussion had happened
23 before, but that has always been referred to

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Spencer Collier 81

1 as kind of a nuclear option. So we were
 2 tasked with going back and coming up with a
 3 plan. I gave John Thomas Jenkins and Kevin
 4 Wright the job of coming up with a plan to
 5 figure out if we were going to close driver's
 6 license offices, which one, and to develop an
 7 objective protocol. And we did that.

8 Q. Do you recall if Ms. Mason had
 9 any role in selecting offices for potential
 10 closures?

11 A. In that meeting, she
 12 recommended we need to get the attention of
 13 legislators that were not supporting the
 14 governor's budget and tax increases. We just
 15 knew you cannot operate that way, you cannot
 16 do that. I didn't -- I didn't give her a
 17 lot, I didn't tell her, no, we can't. But we
 18 walked out, I looked at my chief
 19 administrator, I looked at my executive
 20 counsel, and I said go find a neutral and
 21 arbitrary method to come up with driver's
 22 license closures. So that was predominantly
 23 tasked with Kevin and J.T.

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Spencer Collier 82

1 Q. And do you recall Ms. Mason
 2 subsequently having anything to say about the
 3 closures?

4 A. Yes.

5 Q. What do you recall, please?

6 A. After we put this proposal
 7 together, and -- I do want to point out, we
 8 felt the proposal was completely neutral. We
 9 just identified a number. If you had less
 10 than five thousand transactions, we were
 11 going to close your office. It's my
 12 understanding we also met with the attorney
 13 general's office to make sure that was within
 14 constitutional confines. So that's how we
 15 came up with it, I want to point that out.

16 So in the final meeting, we
 17 present our budget to the governor, and Ms.
 18 Mason was in there. It was presented. Mr.
 19 Newton brought up opposition, I mentioned a
 20 little opposition, and Ms. Mason mentioned to
 21 the governor that we had a closure in -- I
 22 don't remember the county, but it was Senator
 23 Dial's district that we just couldn't

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Spencer Collier 83

1 survive. So the governor said open it up in
 2 Senator Dial's district. And then the
 3 governor said, y'all have worked hard enough
 4 on this, I'm satisfied with it. Mr. Byrne
 5 was in the meeting, the governor's executive
 6 counsel, said they were satisfied with it.
 7 So we moved forward. We did make a change
 8 for Senator Dial's district.

9 I will say in doing that, it
 10 also give us a contiguous -- every county had
 11 at least a contiguous office. So you may not
 12 have had an office open in your county, but
 13 you had a contiguous county. But I will tell
 14 you that the only -- the only driver's
 15 license office that didn't match our data or
 16 our criteria of five thousand transactions or
 17 less was an office in Senator Dial's
 18 district. And it's -- I think it may be even
 19 noted in one of these.

20 Q. We may get to it.

21 A. Okay.

22 Q. I may have that for you.

23 A. It's going to be in the west

Frederick Court Reporting, Inc. 875-JTB0440

Spencer Collier 84

1 and northwest Alabama area.

2 Q. You sure it was two thousand
 3 transactions -- or five thousand transactions
 4 or was it two thousand was your cutoff? We
 5 can check on that. I just don't want to --
 6 It's been awhile and I don't want to --

7 A. Whatever the number was, it was
 8 developed, and we just said we're going to
 9 operate its cutoff there, and if you don't do
 10 more than that, then we're going to close it.

11 Q. Okay. Do you recall, did you
 12 receive anything in writing from the
 13 governor's office about the proposed
 14 closures?

15 A. To the best of my recollection,
 16 no.

17 Q. Do you recall anything in
 18 writing from Ms. Mason about the proposed
 19 closures?

20 A. No.

21 Q. Okay. I should ask this
 22 question, which is: You did communicate the
 23 potential closure of thirty-three offices to

Frederick Court Reporting, Inc. 875-JTB0440

Spencer Collins 85

1 the legislature?

2 A. We did, yes, sir.

3 Q. I take it that did not change

4 the legislatures' point of view, did it?

5 A. It did not.

6 B. They passed the budget out

7 anyway?

8 A. That's correct.

9 Q. With full knowledge of the

10 specific locations you were proposing to

11 close, is that right?

12 A. That is -- That is correct.

13 Q. Okay.

14 A. Again, I may be adding

15 something I shouldn't. We met continuously

16 with both budget chairmen trying to make them

17 understand. And their argument was always,

18 you just passed a driver's license fee, you

19 can absorb -- you can absorb this cut. If

20 you operated last year this way, you can

21 absorb this cut. And we just felt it was --

22 It was just going to be detrimental to

23 operations. That's both House and Senate

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Spencer Collins 86

1 Chairman.

2 Q. In any of those conversations

3 with the budget chair, did you discuss any of

4 the particular parts of the state that would

5 be affected by the proposed closures?

6 A. Yes. We met -- I don't know

7 about the chairman. We met with some of the

8 legislators that had those particular

9 counties, and many helped us try to avoid

10 this.

11 I met with the -- I know it's

12 unusual, sort of a republican administration,

13 but I went and personally met with the black

14 Caucus, they were a tremendous help. They

15 were also tremendously in the minority.

16 We tried -- We tried to

17 identify legislators that would support us

18 and we just didn't have enough. And the

19 leadership didn't support us. I've served in

20 the legislature, generally if the leadership

21 is not in favor of something, it takes -- if

22 you're not in the minority -- It takes a lot

23 of strength for a member serving in the

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Spencer Collins 87

1 majority to go against the leadership.

2 Q. Do you recall anything that

3 members of the black Caucus said about

4 potential closures?

5 A. That it would be harmful and

6 they would do anything they could to help. I

7 say I met with the black Caucus, I met with

8 the entire Caucus. I met with the Democratic

9 Caucus, representative minority leader Craig

10 Ford set that up, so it was the entire

11 democratic Caucus, I correct that. But, yes,

12 both, members of the black Caucus and the

13 entire democratic Caucus, mentioned to us it

14 was just unacceptable.

15 Q. Were their views known to the

16 chair of the budget committee?

17 A. I can't speak for them.

18 Q. Did that come up in any

19 conversation you had with the chairs of the

20 budget committee, was there any discussion of

21 the views of any member of the black Caucus

22 or the Caucus as a whole?

23 A. But as I recall, I do recall

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Spencer Collins 88

1 hearing the discussion on the floor of the

2 legislature. Most executive officers had the

3 ability to turn on the legislature and hear

4 what they're debating, and I do remember

5 members of the black Caucus bringing it up on

6 the floor.

7 Q. Do you recall anything said in

8 response to their concerns by any of the

9 leadership?

10 A. I don't recall. It was nothing

11 noteworthy. It was probably about the same

12 response the leadership gave us, which was

13 not very receptive.

14 [Collins Exhibit 4 was

15 marked for

16 identification.]

17 Q. Why don't we mark as Exhibit 4

18 Document -- it does not have Bates numbers on

19 it. It's entitled State Aircraft Usage By

20 Governor Robert Bentley, First Lady Dianne

21 Bentley, and governor's staff, second

22 quarter, 2018.

23 I just want to draw your

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Spencer Collar

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1 attention -- Take a look at the whole
 2 document. I'm only going to ask you about
 3 one entry in this -- in this Aircraft Damage
 4 log.
 5 A. Okay.
 6 Q. Down at the bottom of the
 7 second page there's an entry for May 4, do
 8 you see that?
 9 A. I do, yes, sir.
 10 Q. This will be May 4, 2016.
 11 A. Yes.
 12 Q. Do you see there's a reference
 13 to a -- it says destination, Dothan?
 14 A. Dothan, yes, sir.
 15 Q. Dothan. Do you see that?
 16 A. Yes, sir.
 17 Q. It says the purpose, quote, was
 18 meeting with state troopers and press
 19 conference on proposed law enforcement bills.
 20 Do you see that?
 21 A. I do, yes, sir.
 22 Q. Did you attend a meeting in
 23 Dothan on or around May 4, 2016?

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Spencer Collar

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1 A. I was at that meeting.
 2 Q. Do you recall who else from
 3 ALBA was there?
 4 A. Yes, sir. Actually, I can't
 5 name them all. It was all of the Dothan
 6 post. For the most part, those troopers that
 7 were not out working. The governor wanted to
 8 address the troopers and the FBI agents in
 9 the area. Remember, we were one agency. So
 10 the entire Dothan post, so probably eleven or
 11 twelve troopers out of eleven or twelve
 12 counties that was there. But I know my
 13 entire leadership team was there as well,
 14 myself, my chief of staff, my chief
 15 administrator, J.T. Jenkins, Colonel
 16 Richardson, lieutenant colonel, the highway
 17 patrol major, all the leadership staff was
 18 present.
 19 Q. Do you see under where it says
 20 passengers, I assume that's passengers on the
 21 plane, there's individuals listed, Governor
 22 Robert Bentley, Aide-de-camp Jake Jacobs,
 23 executive protection officer, communications

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Spencer Collar

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1 Director -- Wait a second. Jake Jacobs was
 2 executive --
 3 A. He was Aide-de-camp.
 4 Q. Aide-de-camp, okay. So there
 5 was no executive protection officer, I guess,
 6 correct?
 7 A. We normally don't have
 8 executive protection officer.
 9 Q. Okay. Communications Director
 10 Jennifer Ardis, Digital Media Coordinator
 11 Daniel Sparkman, Legislative Director Ross
 12 Gunnells, and Senior Political Advisor
 13 Rebekah Mason. Do you see that?
 14 A. I do, yes, sir.
 15 Q. Do you recall those individuals
 16 being at the meeting?
 17 A. I do.
 18 Q. What do you recall was said at
 19 the meeting?
 20 A. Are you talking about the
 21 meeting with the troopers?
 22 Q. Well, let's break it apart.
 23 How many different meetings were there that

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875-375-0440

Spencer Collar

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1 day in Dothan?
 2 A. There was a meeting with the
 3 troopers. I met first with the troopers
 4 prior to the governor's arrival. Of course
 5 you want your agency to look good and be
 6 prepared. And most importantly, I wanted
 7 them to remember the things that were
 8 important, we're a paramilitary agency, and
 9 wanted them to understand when the governor
 10 walked in, they were to come to full
 11 attention. Those basic things. That
 12 meeting.
 13 Then the governor arrived and
 14 had a meeting with the troopers, just to
 15 offer support and told them that he supported
 16 them and was trying, but needed their help as
 17 well in getting the message out. So actually
 18 that was two meetings. And then third was a
 19 press conference to the local media about the
 20 ride -- the budget ride.
 21 Q. Let's take them all. What do
 22 you recall was discussed about the ride
 23 and the start at your first meeting?

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875-375-0440

Spencer Collier

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1 Potential closures at this point.

2 A. I don't recall potential
3 closures or about the driver's license
4 office. At this point it was still on the
5 table about potential closures of trooper
6 posts, and Dothan was one of the ones that
7 was identified.

8 Q. Okay.

9 A. So I can't say that was the
10 purpose of the meeting, but I think Dothan
11 was strategically selected -- I don't think,
12 I know Dothan was strategically selected.
13 Within Dothan's trooper post, you had both
14 the driver's license office and the highway
15 patrol office, and the SBI office, so you had
16 the entire ALFA operation. I think they've
17 since moved SRI, but at that point you had
18 the entire ALFA operation in one office. So
19 it was strategically selected to get the
20 attention of that area, and it was also
21 selected because it was in Jeremy Clouse's
22 district.

23 So the first meeting. I

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Spencer Collier

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1 instructed the troopers and the SBI agents
2 and the civilian staff that they were open to
3 ask the governor questions as long as they
4 did it respectfully, they were to stand and
5 ask questions -- stand, he identified, and
6 they could ask questions as long as it was
7 done civilly and respectfully, and reminded
8 them that we were a paramilitary
9 organization.

10 Q. Do you recall any questions
11 that were asked -- Were any questions asked?

12 A. Not of me, no. And I don't
13 know if the trooper colonel had asked them
14 before I came in, but not of me. But
15 surprisingly, yes, they asked the governor a
16 few questions.

17 Q. What questions do you recall?

18 A. I don't remember the specifics.
19 It was all budgetary-type things. And they
20 were well-educated. I remember them asking
21 questions about, you know, have we looked at
22 reducing earmarks. You know, for a trooper
23 working the road, who spends no exhibitant

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Spencer Collier

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1 amount of his time working wrecks and dealing
2 with -- assisting law enforcement, you know,
3 all of them generally get their forty hours
4 in in the first couple days. For them to be
5 that caught up on things, I was very
6 impressed with the questions they asked.

7 Q. Do you recall anything the
8 governor said?

9 A. It was just more of a rah-rah
10 session, for lack of a better description.
11 Hey, I support you. Need you to stand with
12 me at this conference, make sure the
13 community understands. We had other law
14 enforcement executives show up as well to
15 support us. I think members from the
16 sheriff's office and Dothan PD showed up to
17 support us as well, and just stood with the
18 governor at that press conference.

19 Q. Do you recall any side
20 conversations you had with either the
21 governor or members of his staff at that time
22 of the meeting?

23 A. Yeah. I briefed the governor

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Spencer Collier

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1 before he got in with the troopers just to
2 tell him, you know, to stop at the door,
3 normal protocol, that they would stand, just
4 basic nomenclature-type things. I did tell
5 the governor, Governor, I've given them free
6 permission to speak. He, in the past, had
7 given me that authority, but I wanted him to
8 know before he walked in, in case he wanted
9 me to change that. So I told him, I've given
10 them free permission to speak, they will be
11 respectful, they will stand and ask questions
12 if they have any. And he said there was no
13 problem.

14 Q. There was a press conference
15 following the meeting?

16 A. Yes, sir.

17 (Collier Exhibit 7 was
18 marked for
19 identification.)

20 Q. Why don't we have marked next
21 as 7. Exhibit 7 is a document that does not
22 have Bates number. It seems to have the
23 letter of W&B on it. The date on the bottom

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Spencer Collier 77

1 is here it was printed, November 21, 2019, I
2 do not represent it was the date of the
3 document.
4 Take a look at this please.
5 sir, appears to be a news report of the
6 Dothan press conference.
7 A. Witness complies. Okay.
8 Q. Does this refresh your
9 recollection some of the points that were
10 made by the governor at the press conference?
11 A. Yes, sir.
12 Q. If I draw your attention down
13 towards the middle, you see it says quote,
14 ALBA will be forced to shut down thirty-three
15 of seventy-eight stand-alone state driver's
16 license offices, quote, unquote. Do you see
17 that?
18 A. I don't, but I --
19 Q. If you go on down -- take your
20 time.
21 A. Okay.
22 Q. It's a whole series of points,
23 bullet points.

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Spencer Collier 78

1 A. Right.
2 Q. It says: The cuts to ALBA
3 would include, colon, do you see that, and
4 there's a list?
5 A. Okay.
6 Q. Then if you go down -- it would
7 be the fifth one down. Says, quote, ALBA
8 will be forced to shut down thirty-three of
9 seventy-eight stand-alone state driver
10 license offices, quote, unquote. Do you see
11 that?
12 A. I do, yes, sir.
13 Q. Does that help refresh your
14 recollection?
15 A. It does, yes, sir.
16 Q. That, in fact, the potential
17 closure of thirty-three driver's license
18 offices was discussed by the governor at the
19 press conference at the Dothan press
20 conference?
21 A. Yes, sir.
22 (Collier Exhibit 8 was
23 marked for

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Spencer Collier 79

1 Identification.
2 Q. Okay. I want to have marked
3 neat, please, as Exhibit 8, document bearing
4 Bates number DUF 0004417, and then there's
5 an attachment that does not have page
6 numbers. Apparently this was produced in
7 native format, so it didn't have Bates
8 numbers but it's something entitled ALBA fax
9 sheet. It says driver's license operations
10 at the front page. I ask you to please take
11 a look -- And there's no date on the ALBA fax
12 sheet. So I'd like to ask to you please look
13 at the document.
14 A. Yes, sir. I recognize it.
15 Q. Do you recall approximately
16 when this document was produced?
17 A. If you look at the top, it says
18 Transition Team findings. To the best of my
19 recollection, this was probably a transitional
20 team document that was produced, so it would
21 have been any time in that eighteen-month
22 period from the passage of the legislation to
23 the statutory stand-up of ALBA.

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Spencer Collier 80

1 Q. Can we narrow that down?
2 That's a pretty broad time period.
3 A. Yeah, it is. I'm not trying to
4 be elusive, I just don't recall. Again, it's
5 an internal -- Well, you guys will determine
6 that. It was a -- it's listed as a fax
7 sheet, but it would be a white paper for me,
8 which is generally what my staff provided me
9 with to deal with -- to deal with issues.
10 Q. Turn to the second page of the
11 fax sheet, second paragraph, it contemplates
12 an August 1 suspension of operations of
13 thirty-three offices. Do you see that?
14 A. I do.
15 Q. Does that help you to target
16 like around when were you contemplating --
17 A. Well, it would have been --
18 Q. -- your August 1 closure?
19 A. I apologize for interrupting
20 you. That August 1 would have been in 2015,
21 so this would have been developed before
22 that.
23 Q. Okay.

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Spencer Collins 81

1 A. Probably in the 2014 time
2 frame, latest 2014 time frame.
3 Q. So by 2014, you were already
4 contemplating August 1 closure?
5 A. Again, it's -- I don't know if
6 it's in the time frame of us operating, or
7 prior, or if it's just a transition team
8 document. I just don't know the date. And
9 if you can help me find the date on it.
10 Q. I looked -- I was trying to
11 find it myself. I was hoping --
12 A. I just don't. It's just a work
13 product that was produced to me. And I'm not
14 trying to be elusive with you, I just don't
15 recall the date.
16 We knew pretty early on that
17 driver's license was woefully underfunded,
18 and we were pulling from operations every
19 year. So what that meant was I was having to
20 take troopers off the road to keep
21 operations -- driver's license operations,
22 not myself, but the previous personnel. So I
23 don't know if that helps you with the date.

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Spencer Collins 82

1 If you look on page three,
2 there's dates cited about study time, and it
3 says thirty-three affected offices of
4 approximately -- I'm sorry, I'm on page three
5 at number eight.
6 Q. Oh-huh.
7 A. It says thirty-three affected
8 offices, approximately thirty-seven
9 transactions were conducted in '14. So that
10 helps datewise, so probably the end of '14 or
11 beginning of '15.
12 Q. Let me ask you about that. It
13 says thirty-seven thousand transactions were
14 conducted in 2014, that would be at the
15 thirty-three offices contemplated for
16 closure, is that right?
17 A. Yes. Just to make sure we're
18 on the same page, you're looking at number
19 eight, correct?
20 Q. Correct. Number eight on page
21 three?
22 A. Yes, sir.
23 MS. FRAM: I think we're almost

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Spencer Collins 83

1 time to change a tape, so I'm going to let
2 you do that. And we've been going a little
3 while, if people wanted to take a little
4 break while we change --
5 A. I do want to -- I asked him,
6 but I do want to point out. The same time we
7 did office closures, we began online driver's
8 license operations. That had never been done
9 in this state. In fact, when I became
10 secretary, I was told it could never be done.
11 And within a three-month time frame of
12 beginning to look at it, we end of 2014,
13 beginning of 2015, we began online
14 operations. I know that didn't resolve every
15 issue.
16 Q. Was online -- I'm sorry. Go
17 ahead.
18 A. We felt it at least mitigated
19 some of the damage.
20 Q. Online could be done for
21 renewal, is that right?
22 A. That's correct.
23 Q. But if you're a first-time

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Spencer Collins 84

1 license applicant, you have to go in person?
2 A. Or suspension.
3 Q. Or suspension, you had to go in
4 person?
5 A. That is correct.
6 Q. And for those folks that were
7 trying to set it up so that the outer radius
8 of travel would be fifty miles, is that
9 right?
10 A. That was the goal.
11 Q. That was the goal?
12 A. Yes.
13 Q. Fifty miles as the crow flies
14 or on Google maps actual driving?
15 A. I don't recall what standard we
16 used.
17 Q. So if you were a first-time
18 applicant, or suspension, you'd still -- your
19 closest would be within fifty miles, is that
20 right?
21 A. Again, it was the goal. I
22 don't know if we met that in every situation,
23 but we attempted to.

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Spencer Collier 85

1 Q. Okay. All right.

2 MR. FRAM: Why don't we change

3 that tape now.

4 VIDEOGRAPHER: This ends disk

5 one. Going off the Record at 10:37.

6 (Recess taken.)

7 VIDEOGRAPHER: Going back on

8 the Record at 10:45.

9 Q. In the beginning I asked you

10 about meetings you had to prepare -- anything

11 you had done to prepare for this. I take it

12 you met with your counsel. Have you talked

13 to anybody else, other than your counsel, in

14 preparation for this deposition?

15 A. No, sir.

16 Q. So we were talking about events

17 that were taking place in the spring and

18 early summer 2015 during the regular session

19 of the legislature. I think, as we said, the

20 regular session did not pass a budget.

21 Do you recall when the governor

22 called the special session in the summer?

23 A. Yes.

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Spencer Collier 86

1 Q. Do you recall whether that

2 started in July or not?

3 A. It was my understanding it was

4 either June or July.

5 Q. Okay. And went until early

6 August, do you recall that?

7 A. Yes.

8 Q. They didn't pass a budget

9 either, did they?

10 A. It's my -- And you mentioned

11 that earlier. It's my recollection, and if

12 someone knows different, that, no, we didn't

13 pass a budget -- I say, we, the legislature

14 didn't pass a budget until second special.

15 But, again, I'm not a hundred percent sure.

16 Q. Okay. But not at the first

17 session?

18 A. Correct.

19 Q. Okay. You mentioned during the

20 regular session, you said the Black Caucus

21 had been helpful in -- on the issue of the

22 ALEX budget, do you recall that?

23 A. I do recall it, yes, sir.

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Spencer Collier 87

1 Q. Any particular members of the

2 Black Caucus you recall?

3 A. Yes, I do. And I know her

4 well, and my mind is slipping me. The

5 representative out of Macon County. Her

6 husband was sheriff. Her daughter was in the

7 movie -- I'll think of it in a moment. She

8 represented Macon County on 85. Her husband

9 was sheriff. She was very supportive.

10 I'll know her if we said her

11 name.

12 MR. WITNESS: Warren, is that

13 it?

14 THE WITNESS: Warren, yes.

15 Yeah.

16 A. Representative Debbie Warren.

17 Representative Debbie Warren.

18 THE WITNESS: John, I served

19 with her and you remembered her.

20 Q. Anybody else?

21 A. Yes. Representative Craig Ford

22 was supportive. Representative Sandy

23 Singleton -- Senator Bobby Singleton was

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Spencer Collier 88

1 supportive; Representative A.J. McCarroll from

2 the Black Belt community was supportive. He's

3 a law enforcement officer. Representative

4 Chris England who is a prosecutor in

5 Tuscaloosa area was very supportive.

6 Q. Thank you.

7 A. And Representative Mary Moore.

8 we mentioned -- we talked earlier about the

9 bill dying in committee, she was the

10 strongest proponent for ALEX on the

11 committee. And I don't know how the vote

12 would have come out, but she did a really

13 good job and probably flipped some votes.

14 (Collier Exhibit 7 was

15 marked for

16 identification.)

17 Q. Okay. Why don't we have marked

18 next is number Exhibit 8, is that correct?

19 Exhibit 8, document Bates number DEF 0035133

20 through 83. And the first page of it is an

21 email dated August 19, 2015. Subject is WOOD

22 response, and it is from Anne Morris to

23 Spencer Collier, John Jenkins, Kevin Wright

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Spencer Collier 89

1 and John Ham. Do you see that?

2 A. Yeah. John Ham's name hasn't

3 been mentioned, he was our legislative

4 affairs director.

5 Q. And I'm sorry, Anna Morris --

6 A. She was over public relations,

7 PR, public information.

8 Q. And she reported to you?

9 A. She reported to the Chief of

10 Staff, to Hal Taylor.

11 Q. And he reported to you?

12 A. He reported to me.

13 Q. Do you see this is supposed to

14 be -- WMOG, is that a television station?

15 A. It is. It's the CBS affiliate

16 in Mobile.

17 Q. Mobile. Do you recall any

18 reason to respond to them around August --

19 A. Yes.

20 Q. -- 2013?

21 A. Yes. Representative Wilcox,

22 who represents the southern part of Mobile

23 County, and had the Mobile Driver's License

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Spencer Collier 90

1 in her district, was upset at them --

2 regarding the operations at the Mobile

3 office, which was traditionally one of our

4 busiest offices, and was just upset and

5 wanted to complain. She had a couple of

6 ideas, wanted to combine with the revenue

7 commissioner, those type things.

8 So generally when a legislator

9 complains, someone was assigned to deal with

10 them. That would have -- That would not have

11 been Anna, that probably would have been John

12 Ham and then Anna -- Representative Wilcox

13 obviously went to WMOG, who came to us, and

14 this was preparing our response.

15 Q. Do you recall -- Were you in

16 touch with Peter Albrecht at KBO or somebody

17 else?

18 A. I don't recall who. I know

19 most of them. I was the PO down there for

20 five years. I don't know if it was Peter, or

21 who it was, to be honest with you.

22 Q. Okay. So the document that's

23 attached to the email here, starts with Bates

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Spencer Collier 91

1 numbers 160 and goes to 163, is it your

2 recollection, in fact, this was attached to

3 the email? That was the draft response?

4 A. Yes.

5 Q. Okay.

6 A. And it helps for my memory.

7 Part of her complaint was dealing with -- not

8 just operations, but length and -- length of

9 time to be serviced in the Mobile Office, and

10 at times, only having a limited number of

11 examiners present. And she just didn't

12 understand the budgeting and wanted to know

13 why we were so short on examiners.

14 And, again, I'm speaking -- I'm

15 summarizing a complaint from Representative

16 Margie Wilcox.

17 Q. Now, this was a draft response

18 that's attached, is that right?

19 A. It is.

20 Q. At some point, was it finalized

21 and then sent out to WMOG?

22 A. I don't recall seeing it, but

23 I'm sure it was. We were pretty timely in

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Spencer Collier 92

1 responding to the media. But, again, with an

2 issue like this, we would vet through the

3 governor's office before we responded to the

4 media. So our media office at ALBA would

5 generally get the question on the inquiry,

6 try to put together the answer, and it looks

7 like that's what this is. Vet that through

8 Jennifer Ardis or someone in the governor's

9 press office who would give us a green light

10 to respond to the media.

11 The only exception to that is

12 if I received or was directly confronted by

13 the media, I, of course, as a cabinet member,

14 have the authority to respond.

15 I think we're pointing out, and

16 again I'm talking, I think we're pointing out

17 that she's complaining but she voted to cut

18 our budget by twenty-two percent.

19 Q. At the time of that vote, I

20 think you've already testified, but I want to

21 make sure I got it right, that legislators

22 had already been informed of the potential

23 office closures?

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Spencer Collier

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1 A. Yes. Now, it's worth pointing
2 out that that's not one of the offices that
3 was going to be closed. Mobile, again, as I
4 said, is probably one of the two or three
5 largest offices. I personally worked in that
6 office. I can tell you how busy it is.

7 She was just unhappy with the
8 operation. But, again, we point out that she
9 voted -- in one of the specials, she voted to
10 cut us by twenty-two percent.

11 Q. If I got the math right, eleven
12 million is about twenty-two percent of the
13 fifty-five million general fund, is that
14 correct?

15 A. Yeah. And I don't think it's a
16 coincidence those numbers match up.

17 Q. And when you say they match,
18 they match the amount of revenue you would
19 receive from the driver's license fee
20 increase?

21 A. That's correct. Again, I'm
22 editorializing, but I was a legislator, and
23 it was pretty clear that we were being

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Spencer Collier

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1 punished for raising the driver's license fee
2 without going through the legislature, which
3 would have never passed.

4 (Collier Exhibit 10 was
5 marked for
6 identification.)

7 Q. Why don't we have marked here
8 as Exhibit 10. It's a document that starts
9 with an email dated August 20, 2015, and it
10 has a second email, August 31, 2015, on the
11 second page. Dates numbers are GOV 14504,
12 for the first email, the second one is GOV
13 14505, and then there's an attachment, GOV
14 14506.

15 A. I recognize all of them.

16 Q. Okay. Let me ask you to start
17 with the top one.

18 A. Okay.

19 Q. I apologize for mispronouncing
20 the gentleman's name, Jon Barginier?

21 A. Pretty close. Jon Barginier.

22 Q. Who is he?

23 A. He's the deputy chief of staff

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Spencer Collier

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1 to the governor.

2 Q. And he held that position
3 around August 20, 2015?

4 A. I think so, yes. Well, I'm
5 getting this email from him, so, yes, I would
6 say so.

7 Q. You recall getting this email
8 from him around August 20, 2015?

9 A. I don't necessarily recall
10 that. But by looking at it, it looks
11 familiar.

12 Q. Any reason to doubt this is a
13 true and authentic copy of an email you
14 received --

15 A. No.

16 Q. -- August 20, 2015?

17 A. No, sir, no reason.

18 Q. Now, you see there's a request
19 in this email, do you see that?

20 A. I do.

21 Q. And it says: To put together a
22 list of driver's license offices and transfer
23 post closures, paren. based on budget cuts,

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Spencer Collier

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1 close paren, by legislative district. Did you
2 see that?

3 A. I do.

4 Q. Did you receive that request
5 from the governor's office in August 2015?

6 A. Yes, sir.

7 Q. And do you know why that was
8 sent -- that request was sent to you?

9 A. I mean, I can only base it on
10 why he says. He says: We're currently
11 putting together a list of possible facility
12 closures by legislative district. Obviously,
13 it would be a lobbying tool.

14 Q. Okay. And if you see the
15 second page of this document -- of this
16 exhibit, is that August 21, 2015, email -- I
17 take it back. I'm sorry. There's two
18 emails.

19 There's an August 20, same day
20 email, from William Filmore, back to Jon
21 Barginier. Do you see that?

22 A. I do, yes.

23 Q. Okay. And then there's a

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1 response from Jon Barganier without citing.
 2 some -- a packet -- attachments with packets,
 3 but that's -- there's no context to that
 4 email, do you see that?
 5 A. Yes, I do. I see an email
 6 where we answered -- it appears William --
 7 William Filmore worked in my office as an
 8 administrative assistant. It appears that
 9 William just put together -- took our
 10 existing legislative package and emailed it,
 11 and that looks like that's what the
 12 attachment is. But I don't see a response
 13 from Jon.
 14 Q. Uh-huh. If you look at GOV
 15 16308, 07, and 11, do you see those pages?
 16 A. I do, yes, sir.
 17 Q. And do you see that's a table
 18 that lists some office -- it's entitled
 19 driver license office closure, do you see
 20 that?
 21 A. Yes.
 22 Q. And do you see that it has the
 23 center of the representative listed in the

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Spencer Collier

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1 third from the right and then all the way to
 2 the right column?
 3 A. Yes, sir.
 4 Q. Do you see that?
 5 A. I do, yes, sir.
 6 Q. So is this your response to Jon
 7 Barganier's request for closures broken down
 8 by legislators -- by legislative district?
 9 A. I'm comfortable in saying it's
 10 the response of my office. I'm not sure I'm
 11 the one that put this together, but it's the
 12 response from my office.
 13 Q. Now, I notice that this was
 14 sent the same day, on August 20.
 15 A. Witness node head in the
 16 affirmative.
 17 Q. So I take it you'd already --
 18 as I right in understanding that your office
 19 had put together this list before the request
 20 from Jon Barganier?
 21 A. Well, if you see -- Yes. The
 22 answer is yes.
 23 But, also, I'd like to add, we

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Spencer Collier

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1 were trying to do this in phases, and you'll
 2 see on the sheet it's a zero, which means
 3 it's not -- it's not on the list, phase one,
 4 all the way to phase two to a phase three.
 5 That was just time increments of when we
 6 anticipated closing them. So, yes, we -- we
 7 had -- we prepared this in the spreadsheet.
 8 Q. Let's talk about those three
 9 pages.
 10 A. Yeah.
 11 Q. Looking at page GOV 16306
 12 through 07, do you see that? Do you see the
 13 description of the three phases there?
 14 A. I do, yes, sir.
 15 Q. And it's in the first page that
 16 the -- there was a proposal that will take
 17 effect October 1, 2019, first phase to close
 18 thirty-three field offices. Do you see that?
 19 A. I do, yes, sir.
 20 Q. That says quote, these offices
 21 serve mostly rural populations, operate
 22 part-time, and spread limited staff very
 23 thin, quote, unquote. Do you see that?

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Spencer Collier

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1 A. I do, yes, sir.
 2 Q. And then there was a further
 3 phase two on the next page, GOV 16307
 4 A. I see that, yes, sir.
 5 Q. And that would have resulted in
 6 a closure of all but twelve ALES driver's
 7 license district offices. Do you see that?
 8 A. There were competing budgets.
 9 There was one with a twenty-two percent cut,
 10 and there was one with a forty-seven percent
 11 cut. So obviously phase two and three would
 12 have reflected anything above that.
 13 Twenty-two, up to the forty-seven percent
 14 cut.
 15 Q. I understand. So for the
 16 twenty-two percent cut, which I think we said
 17 was eleven million --
 18 A. That's correct.
 19 Q. -- the thought would be to
 20 respond with what was called phase one
 21 closures here, is that right?
 22 A. That is correct, yes, sir.
 23 Q. Okay.

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1 A. I didn't mean to interrupt you.
 2 But phase two, you know, we're operating in
 3 the unknown, we don't know if generally it's
 4 going to land somewhere in the middle, so
 5 there's phase two. And phase three would be,
 6 I mean, absolute worst possibility, which
 7 would be that forty-seven percent out.
 8 Q. So then in reading that table,
 9 or GOV 16508 through 08, where it's got that
 10 column for phases, the third column from the
 11 left, do you see that?
 12 A. Are you -- You're on 08, sir?
 13 Q. 08 and 09.
 14 A. Okay. I do, yes, sir.
 15 Q. Third column from the left it
 16 says phase?
 17 A. That's correct, yes, sir.
 18 Q. So every time I see a one,
 19 those are phase one closures, is that right?
 20 A. That is a correct.
 21 Q. And those would be the
 22 thirty-three offline closures contemplated in
 23 response to a twenty-two percent, or eleven

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Spencer Collins

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1 million dollar, general fund reduction, is
 2 that right?
 3 A. That is correct.
 4 Q. Okay.
 5 A. There is -- And my lawyer can
 6 tell me to shut up if I need to. But there's a
 7 an email in here with an error that I want to
 8 point out.
 9 Q. Which document?
 10 A. If you'll go back to Exhibit 3.
 11 Q. Sure.
 12 A. 00033159.
 13 Q. I got it.
 14 A. It says at the bottom: By the
 15 way, just had a conversation with Senator
 16 Pittman, he's willing to help us however he
 17 can. We'll fill you in on the details.
 18 Senator Pittman was never of any assistance.
 19 Q. What do you recall, if
 20 anything, about any communications with
 21 Senator Pittman?
 22 A. I recall that our legislative
 23 staff worked -- and worked being, for lack of

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1 a better word, lobbied Senator Pittman as a
 2 Budgets Chairman, along with Senator Clouse
 3 as a budget chairman, very hard. And never
 4 saw any indications -- I just wanted to point
 5 that out, maybe that was her take-away. I
 6 served with Senator Pittman, and in my
 7 conversations with him, he made it pretty
 8 abundantly clear that he couldn't do anything
 9 better than what the budget was.
 10 Q. Okay.
 11 A. I just wanted to point that
 12 out. It's in the record, and that just --
 13 that help never materialized.
 14 Q. Okay. Do you recall what
 15 district Senator Pittman represented?
 16 A. He represented, I think,
 17 central and south Baldwin County. I don't
 18 recall the district. It's going to be
 19 twenty-two, I believe. I believe twenty-two.
 20 Q. Okay.
 21 A. Thirty-two, I'm sorry,
 22 thirty-two.
 23 Q. And just so while we're on an

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1 inaccuracy. Is there anything inaccurate you
 2 can see about that table on 16508 through 08?
 3 A. I mean, not that I recognize.
 4 Redistricting occurred after I left the
 5 legislature, so some of these district
 6 numbers may be different. But I don't see
 7 why -- there's nothing that would lead me to
 8 believe that it's inaccurate.
 9 Q. Okay.
 10 A. I just say -- For instance, I
 11 just got the district number wrong, that's a
 12 result of redistricting that occurred --
 13 Q. Okay.
 14 A. -- After I left the
 15 legislature.
 16 Q. But your understanding is this
 17 was meant to be accurate at the time?
 18 A. Yes, yes.
 19 Q. Okay. Now, is this three-page
 20 plan communicated to the legislature?
 21 A. Yes, sir.
 22 Q. Do you recall around when it
 23 was? In the summer?

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Spencer Collie

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1 A. It was at least through the
2 special sessions. I don't know if this much
3 detail was given during the regular session.
4 You would probably need to get that from John
5 Hams, our legislative affairs director. But
6 I know at least through the two specials we
7 gave them this much detail. This is pretty
8 detailed, and it was put together as a
9 package and presented to every legislator.

10 Q. Okay.

11 A. It's also worth pointing out,
12 on this package, if you'll read, it says
13 legislative -- Alabama Legislative proposed
14 budget relief closure of highway patrol posts
15 and offices. This was vetted through the
16 governor's office. I was adamantly
17 opposed to putting the information about the
18 posts in. That had no -- I don't want to say
19 no. It had minimal effect on the public.
20 That would only affect troopers. And that
21 decision -- My decision was overridden by the
22 governor's PR office. I don't know who, so
23 the information was kept in here.

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RT-0750440

Spencer Collie

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1 Q. Just to understand what you're
2 saying here, you're saying that the proposed
3 thirty-three offices, you're saying you --
4 A. No, sir. I apologize. The
5 highway patrol posts. That's generally --
6 There were some areas where we were combining
7 driver's license and highway patrol, but
8 there's some areas that's a standalone
9 highway patrol post. It serves no purpose to
10 close that. You've got a light bill, but to
11 the public, you know, we say -- we say get
12 one walk-in a day or every other day. That
13 was punitive towards the trooper is how I
14 viewed it, because that's where they went to
15 do their work every day, and it's where their
16 supervisors worked, it's where their daily
17 work was checked. It gave them an area of
18 rest. I just felt it was -- it was extremely
19 detrimental to morale within our own
20 department. Troopers were smart enough to
21 know that punishes us and no one else. So I
22 asked that that not be added in there, but I
23 was overridden.

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Spencer Collie

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1 Q. Okay. Is there anything else
2 you -- that was communicated to the
3 legislature that you didn't think should have
4 been?

5 A. Not that I'm -- Not that I'm
6 aware of. I mean, I --

7 Q. Anything you ever wanted to
8 tell the legislators that the governor's
9 office vetted?

10 A. I can't think of anything
11 specific. It was a session where we were
12 required to communicate through the
13 legislative affairs office to communicate
14 with legislators, which had not been the --
15 the custom, the standard custom. As cabinet
16 members we were pretty much given free reign
17 if you needed to talk to a legislator.

18 This session we were asked to
19 either work through Rebekah Mason and
20 Jennifer Ardis or the legislative office,
21 which I felt, as a cabinet member, tied my
22 hands so I just -- I just had my legislative
23 office coordinate with the governor's

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Spencer Collie

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1 legislative office.

2 Q. When you say this session, do
3 you mean all three of the sessions in 2017?

4 A. Yeah. To the best of my
5 recollection. There was an email that was
6 sent out that said communication will be
7 coordinated through the governor's
8 legislative office. Again, in my previous
9 five sessions, if I needed to go talk to a
10 legislator, I just did. I'm a former
11 legislator, so I had floor privileges, I
12 could walk on the floor and walk up to the
13 speaker. I had the authority to go on the
14 senate floor and talk to a senator.

15 So it just really handcuffed --
16 I mean handcuffed my ability to lobby for my
17 agency.

18 Q. Did you ever ask anybody why
19 this unusual procedure was being adopted this
20 year --

21 A. No.

22 Q. -- that year?

23 A. No. But I instructed my staff

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Spencer Collar

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1 that we would adhere to it.
 2 Q. And no one ever told you why
 3 they were imposing special controls?
 4 A. No. I think in the email --
 5 and, again, I don't know, that's something
 6 you may have in the disclosure, I don't know.
 7 Again, I think it was to have a coordinated
 8 message. I'd just never seen it -- I'd just
 9 never seen it before. Especially as -- We
 10 had five or six cabinet members that were
 11 former legislators, so the ability to walk on
 12 the floor is -- I mean, that's -- that is an
 13 extremely positive lobbying tool. The
 14 governor can only have two staff members, I
 15 believe, on the house floor and one on the
 16 senate floor. But as a former legislator, I
 17 could walk on as a former legislator and walk
 18 right up to the speaker and say I need to
 19 speak to you.

20 By taking that ability away
 21 from myself, Neal Morrison at Senior Services
 22 was a former legislator, Mac Gipson at the
 23 ABC Spauld, Greg Canfield at Commerce was a

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Spencer Collar

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1 former legislator. I just felt it handcuffed
 2 us, and I didn't understand why at a time
 3 when the budgets were as bad as they were,
 4 you would have thought just the opposite,
 5 let's take the handcuffs off.

6 The guys that served, that
 7 understand the legislative process, know
 8 which members to deal with, and let's utilize
 9 their experience, but we did just the
 10 opposite.

11 Q. Okay.

12 A. So just in comparison, you back
 13 up a session or two sessions in a row, there
 14 were -- there were some really extreme gun
 15 bills introduced, basically your right to --
 16 and some of them passed, right to walk in
 17 public buildings armed, don't need a permit
 18 permit to carry a weapon in your car, when
 19 those bills were introduced I was contacted
 20 by the governor's office and said we need
 21 you to go work the floor. So when those were
 22 introduced, they would take legislators with
 23 an area of expertise. I served on public

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1 safety, I served on judiciary in the
 2 legislature, so I was dispatched to go lobby
 3 the floor. It would make perfect sense. I
 4 testified in committee against those bills.
 5 That made perfect sense. This session, it
 6 was just the opposite. We were not allowed to
 7 do that.

8 Q. And specifically not allowed on
 9 budget issues or any issues?

10 A. All issues were to be
 11 coordinated through the -- either through
 12 Rebekah or the legislative affairs office.

13 Q. And did you have any direct
 14 contact with Ms. Mason about coordination?
 15 Was that done by Ms. Morris or --

16 A. It -- It would have been
 17 communicated to Rosa Gannelli or -- I can't
 18 think of the other young man in legislative
 19 office. At one point it was Blaine Gulliber,
 20 who also was a former legislator, and would
 21 have communicated that way.

22 Other than the -- the budget
 23 meeting that I mentioned earlier, about how

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Spencer Collar

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1 are we going to respond, what are we going to
 2 do to this budget increase, I've never had a
 3 conversation with Ms. Mason about budgets.

4 Q. Okay. Are the people in your
 5 office -- You just identified the people in
 6 your office. If there were communications,
 7 they were the ones who had it?

8 A. Those in my office would have
 9 been John Hamm, who was the legislative
 10 affairs director, periodically, William
 11 Filmore assisted him, periodically, Jay
 12 Howell, who was a part-time employee for us,
 13 assisted. If it was a busy day, Anna Morris
 14 would go over, if necessary, John Thomas
 15 Jenkins or Hal Taylor would go over. And
 16 then if -- Outside of this session, if it was
 17 something really big, I would get a call and
 18 go over. And then generally, any time I
 19 went, the DSS colonel went with me. He was
 20 very effective at lobbying the legislature.

21 Q. Did any of your staff ever
 22 report to you any of the conversations they
 23 had with Ms. Mason?

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Spencer Collier

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1 A. Oh, so. But I want to be
2 clear, I'd given instructions to all of my
3 staff to adhere to the memo. That may not
4 have meant directly contact or communicate
5 with Mr. Mason, but it meant either her or
6 Ross or Wesley Helton, or someone in the
7 legislative office or Blaine if he -- I don't
8 know if Blaine -- I think Blaine had left or
9 was in the process of leaving, someone in the
10 legislative office. The governor has a
11 legislative office on the second floor of the
12 legislature, so generally there was someone
13 there to confer with.

14 Q. I'm sorry you may have said it
15 before, what is Blaine's last name?

16 A. I'm sorry. I'm speaking fast.
17 Haliburton. S-A-I-L-I-N-E. I think I got that
18 right. And he was a legislative affairs
19 director for several years and a former
20 legislator.

21 Q. I'd like to discuss the second
22 special session. Do you recall, it took
23 place in September 2015, is that right?

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Spencer Collier

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1 A. That's correct.

2 Q. And that session did pass the
3 budget, is that right?

4 A. It did.

5 Q. Okay. And that would go into
6 effect on October 1, 2015, is that right?

7 A. That's correct. So we were
8 down to less than four weeks.

9 Q. Yeah.

10 A. I think it's worth pointing
11 out, unlike in some states and unlike in
12 congress, Alabama cannot operate on the CR.
13 And I don't mean to speak as an attorney, but
14 there's nothing in the constitution and
15 statute that says we can -- we can operate on
16 a continuing budget resolution. End of the
17 fiscal year, you have to have a balanced
18 budget.

19 (Collier Exhibit 11 was
20 marked for
21 identification.)

22 Q. I'm going to have marked next
23 as Exhibit 11, it's an email exchange between

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Spencer Collier

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1 Spencer Collier and Peter Albrecht of MRCQ.
2 It's dated October 8, 2015, and responds on
3 October 9, 2015, Kate's number 889 80077908
4 through 910.

5 A. I recognize it.

6 Q. Is this an email that you sent
7 on October 8, 2015, an email you sent to
8 Peter Albrecht, on or about that date?

9 A. Yes. Looks like a very long
10 one from my iPhone, yes.

11 Q. Do you recall getting his
12 response on October 9?

13 A. I do, yes. I see that.

14 Q. I notice you sent this around
15 8:10 at night, do you see that?

16 A. Yes. I want to make sure Kerry
17 gets that, too. John I'd like you to know
18 that as well.

19 I do, yes.

20 Q. I'd like you to please take a
21 look at it. Is there anything about this
22 that strikes you as inaccurate?

23 A. No. It's accurate. I know

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Spencer Collier

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1 Peter well. He's worked in the media, and he
2 was the public information officer for the
3 county commission in a while -- for a while
4 in Mobile County, which is the area I
5 represented in the legislature. So I know
6 him well. Nothing unusual for me to email
7 with him that late at night.

8 Q. And you see the discussion in
9 your email, on the second page of the

10 document here, last three digits are 869,
11 where you discuss four paragraphs down, you
12 see the description of the extent of
13 communications you had with the legislature?
14 Do you see that? Thirty one-one-one meetings,
15 do you see that?

16 A. Yes.

17 Q. Is that accurate, in your
18 recollection?

19 A. Yes. I need to be clear.
20 That's not thirty-one meetings that I had,
21 that's thirty-one meetings that my staff had.

22 Q. Understood. I think it says
23 thirty meetings.

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1 A. Okay. I think my point, we
2 were trying to show we work very hard to
3 lobby the legislature how bad this budget
4 was.
5 Q. Okay. And you say at the
6 bottom of that paragraph, quote: We even
7 told them which locations we would not staff
8 based on their proposed cuts, quote, unquote.
9 Do you see that?
10 A. I do, yes, sir.
11 Q. Is that an accurate statement?
12 A. Yes, sir.
13 Do you see the one final
14 comparison at the bottom of that page, 99? I
15 just think that's worth pointing out.
16 Comparatively, in 2008 DPS was funded at
17 eighty-seven million, that's just one agency.
18 DPS was funded at eighty-seven million
19 dollars. So if you look at this budget of
20 roughly forty million, that's 20% plus nine
21 other agencies, in a -- in a, you know, six-
22 or seven-year difference.

23 Q. Now you see in his response,

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1 Mr. Albrecht's response email, in this first
2 sentence, it says, quote: I fully agreed it's
3 ridiculous for the legislature to cut funding
4 And then say, quote, by the way, don't cut
5 any services, unquote. Do you see that?
6 A. I do.
7 Q. Do you know what he's referring
8 to there?
9 A. Yes. The -- You know, this is
10 dated October 9, so we're into the next
11 fiscal year. So we're operating by this
12 budget, so we've closed certain driver's
13 license offices, thirty-three, and
14 legislators were irate and were going to the
15 media, and the media was doing stories. So
16 we were trying to point out that we said this
17 was going to happen, and it happened. Now,
18 again, I know Peter, he and I are friends. I
19 don't know if he would have been that -- you
20 know, he's a member of the media, so I don't
21 know if he would have been giving his opinion
22 in just a cabinet member. We're personal
23 friends, so he took the -- I only say that --

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1 You know, he's a member of the media, and
2 probably wouldn't publicly share his opinion.
3 like that.
4 (Collier Exhibit 12 was
5 marked for
6 identification.)
7 Q. Okay. Why don't we have marked
8 next as Exhibit 12, no Bates numbers, it's a
9 document entitled HB-1 by Representative
10 Clouse. There's a date stamp on it,
11 September 16, 2015. It says received by the
12 governor's office on that date. It's a thick
13 document, I'm not going to ask you to read
14 the whole thing.
15 A. Thank you.
16 Q. I am going to draw your
17 attention to particular pages.
18 In particular, I'd like to draw
19 your attention to page fifty-five, item
20 number seventy-six, which is the law
21 enforcement agency budget information.
22 A. Page fifty-five, line
23 seventy-six.

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1 Q. It's item seventy-six, yeah.
2 Maybe it's like that. It's seventy-six, Law
3 Enforcement Agency. And that goes on for a
4 couple more pages, page fifty-six and
5 fifty-seven.
6 A. Yes, sir.
7 Q. I'd ask you to please take a
8 look at that.
9 A. I see it, yes, sir.
10 Q. Have you seen this before?
11 A. I have.
12 Q. What is this, as far as you
13 understand?
14 A. HB-1 is the general fund budget
15 for fiscal year 2016 for ALGA, or the Alabama
16 Law Enforcement Agency.
17 Q. So this is the budget that
18 would have gone into effect effective October
19 1, 2015, is that right?
20 A. That is correct, yes, sir.
21 Q. Okay. And this is -- Was this
22 the budget that was passed then in the second
23 special session of the legislature in 2015?

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Spencer Collier

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1 A. Yes, sir.

2 Q. And this is the -- If I look at

3 page fifty-six, I see the general fund

4 allocation is forty-four million, six hundred

5 forty nine hundred -- forty-four million, six

6 hundred forty thousand, nine hundred

7 thirty-seven dollars. do you see that?

8 A. I do, yes, sir.

9 Q. And that represents an eleven

10 million dollar reduction from your prior

11 year, is that right?

12 A. That is correct. Well, again,

13 I'll point out, while also absorbing nine

14 other agencies.

15 Q. All right. And then I want to

16 draw your attention to some language here.

17 On page fifty-seven, quote: It is further

18 the intention of the legislature that all

19 driver license offices and trooper posts in

20 operation at the beginning of fiscal year

21 2015, remain in operation during fiscal year

22 2016, and that any reductions in force

23 implemented by the agency during fiscal year

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1 This focus on areas of operation not directly

2 impacting services provided to customers.

3 These quote.

4 Do you see that?

5 A. I'm aware of that, yes, sir.

6 Q. Do you recall seeing that

7 language?

8 A. Yes.

9 Q. Okay.

10 A. Yes. That's what we refer to

11 as intent language.

12 Q. Do you recall having any

13 reaction to that language when you read it?

14 A. Yes, I do.

15 Q. What was your reaction, please?

16 A. I think it's cowardly. You

17 have been -- We have lobbied them through

18 basically nine months. told them what the

19 budget reaction would be, and then they --

20 when I served, we didn't put intent language

21 in the budget. It just was not allowed. So

22 then they come and put intent language that

23 says we're going to cut you by twenty-two

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1 percent, of eleven million dollars, but, oh,

2 by the way it's our intent you can't -- you

3 can't cut anything. I just thought it was

4 cowardly. We've never viewed intent language

5 as enforceable. And Misty and -- They may

6 disagree with me.

7 But we sought legal advice from

8 the governor's legal office and from my

9 executive counsel and my legal office.

10 Again, my experience as a legislator, intent

11 language is not enforceable. So we ignored

12 it and moved forward. We felt we had

13 well-educated them, and that they give us the

14 budget that they chose to give us, knowing

15 what the cuts would be, and then took the

16 cowardly way out by putting intent language

17 in, that way when the constituent calls, they

18 can say, Well, we stuck it in the Budget they

19 can't close your office.

20 And I say that from experience.

21 Multiple constituents called our office and

22 often said, legislators said you are not

23 allowed to do this. And that's exactly -- It

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1 my opinion, that's exactly why the intent

2 language was added.

3 (Collier Exhibit 13 was

4 marked for

5 identification.)

6 Q. I'm going to mark next as

7 Exhibit 13 a document with Bates number BHF

8 0034426. And it's an email from Jennifer

9 Ardis to Spencer Collier, with a copy to

10 Governor Robert Bentley, Seth Hammett -- And

11 Seth Hammett. Okay. That's the top email.

12 Underneath that there's an

13 email from Spencer Collier to Jennifer Ardis,

14 with a copy to Governor Bentley and Seth

15 Hammett. Do you see that?

16 A. I do.

17 Q. Have you seen this document

18 before?

19 A. I wrote it.

20 Q. And you did so on or about

21 September 22, 2015?

22 A. Yes.

23 Q. See this following the passage

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1 of the budget by the second special session
2 of the legislature?

3 A. I don't recall if it was after
4 the passage. But it was pretty clear if it
5 had not passed that we were going to be at
6 that forty-four million number. So we were
7 preparing.

8 But I don't know if it had
9 passed at this point or it was on the verge
10 of passing, but it was obvious that our
11 lobbying efforts were ineffective.

12 Q. And you indicate there that
13 you're awaiting direction from the governor.
14 do you see that?

15 A. Yes.

16 Q. And that would be the direction
17 as to announcing closures, is that right?

18 A. Yes. Well, announcing closures
19 and what the response will be. But, also, if
20 you look it up, discussions with the finance
21 director, that's Mr. Newton, we talked about
22 the intent language. We -- We actually did
23 the closures on September 30th, the budget.

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1 didn't go into effect until October 1st,
2 because legislators were threatening to sue.
3 So by doing it on September 30th, the
4 budgeted was not in effect yet. If that makes
5 sense.

6 Q. I understand you. Do I
7 understand you correctly to say that if the
8 closures were made effective September 30th,
9 they would not be subject to the law that was
10 passed, that being House Bill 3?

11 A. With that intent language,
12 that's correct.

13 Q. So the intent language would
14 not be in effect and, therefore, even if the
15 intent language was enforceable, which you
16 believe it was not --

17 A. In my opinion it was not.

18 Q. It was not -- It would not be
19 effective on September 30?

20 A. Right. That was the
21 recommendation of the finance director and
22 made perfect sense, and we adhered to it.

23 Q. Okay.

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1 A. And then I -- then I said, you
2 know, we're -- Basically, we're prepared and
3 we're awaiting direction. And that was
4 direction regarding announcement of closures
5 and how we would mitigate that.

6 Q. Okay. You just want to go back
7 to, I think we're about at the right time
8 from now. I think it was Exhibit A, that
9 September 31, 2015, letter. Do you have that
10 exhibit?

11 A. Okay.

12 Q. I asked you about the letter
13 before, but now I want to just ask you about
14 some of the attachments to that letter, or
15 appear to be attachments, and then ask you a
16 question.

17 Looking at BOV 2018), was that,
18 in fact, attached to that letter?

19 A. Yes. Yes. It's my
20 understanding this was -- this was attached
21 to the letter to -- to Ross -- or the email
22 to Ross Gonnella.

23 Q. Was anything inaccurate that

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1 you see about that page?

2 A. No.

3 Q. Now I was going to ask you
4 about the table that appears on BOV 20184,
5 do you see that?

6 A. Yes.

7 Q. Okay. I think you mentioned
8 before that there was one county that
9 couldn't be closed before, one office?

10 A. Randolph County.

11 Q. Do you see that little circle
12 around Randolph?

13 A. Yes.

14 Q. And keep once a month, do you
15 see that?

16 A. Yes.

17 Q. Is that the one that the
18 governor suggested needed to stay open?

19 A. Yes.

20 Q. Okay. And so this was the --
21 these are the list of offices slated to be
22 closed as of September 30, 2015, is that
23 right?

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Spencer Collier 129

1 A. That is correct. Yes, sir.
 2 Q. Okay. I'd like to have marked
 3 that --
 4 MR. FRAM: What are we up to?
 5 COURT REPORTER: 14.
 6 MR. FRAM: What?
 7 COURT REPORTER: 14.
 8 (Collier Exhibit 14 was
 9 marked for
 10 identification.)
 11 Q. -- 14. This is a document that
 12 does not have Bates numbers on it. It's
 13 dated September 30, 2013. It's titled News
 14 release, it's on the letterhead of Alabama
 15 Law Enforcement Agency, and the title is ALEA
 16 Reallocates Personnel to District Driver
 17 License Office. It's a two-page document
 18 press release with a table attached. Please
 19 take a look at this.
 20 A. (Witness complies.) Okay.
 21 Q. The first question is whether
 22 you have seen this before?
 23 A. Yes.

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Spencer Collier 130

1 Q. Did you approve the content of
 2 this news release before it issued?
 3 A. I did.
 4 Q. I notice here there's a
 5 discussion, it says there are thirty-one
 6 offices that would be closed. Do you see
 7 that?
 8 A. I do.
 9 Q. Before there was some
 10 discussion of thirty-three?
 11 A. I recall.
 12 Q. And we discussed how Randolph
 13 came off the list.
 14 A. Correct.
 15 Q. Did another one come off the
 16 list?
 17 A. I can't reconcile that. I
 18 don't -- I don't understand which one came
 19 off. And it very well could be a typo on the
 20 press release's part. I am familiar with the
 21 Randolph County, particularly the Wedowee
 22 office, I'm not familiar with any more. So I
 23 don't -- I don't understand the discrepancy.

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Spencer Collier 131

1 but there is a one number discrepancy.
 2 Again, that would totally be a typo on our
 3 part of ALEA.
 4 Q. If you look at the table that
 5 is attached -- the third page of the
 6 document, do you see that?
 7 A. I do, yes, sir.
 8 Q. Was this attached to the news
 9 release?
 10 A. Yes, sir.
 11 Q. Okay. Is this an accurate
 12 statement of the offices that will no longer
 13 -- satellite locations no longer in service
 14 as of September 30?
 15 A. Yes, sir.
 16 Q. Okay. Do you recall any
 17 discussion of drafts in this special news
 18 release issue?
 19 A. No, sir. I don't recall any
 20 discussions of drafts. That normally would
 21 have been handled by our public relations
 22 office, and I probably would only see a final
 23 draft, and then I would make any edits that I.

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1 felt were necessary. But, you know, I
 2 generally didn't see multiple drafts. I saw,
 3 like, final.
 4 Q. Okay. Do you recall any
 5 language in here that you particularly wanted
 6 to make sure was included?
 7 A. Yes. I wanted to -- And it was
 8 -- it was added. I don't recall if it's
 9 something I edited or told them before time,
 10 but I -- I wanted it to be clear to the
 11 public how hard we had tried.
 12 And it's in the -- It's on the
 13 final -- It's the final paragraph on page
 14 one. And it says, Secretary Collier,
 15 referring to me, continued throughout the
 16 2013 legislative sessions -- sessions,
 17 multiple. We communicated our concerns to
 18 the legislature, the news media, and the
 19 public by addressing the ongoing shortage of
 20 Driver's License Division personnel, credit
 21 by past budgets, and our ability to meet the
 22 needs of the citizens. Should the cuts be
 23 imposed, additionally we took proactive

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1 approach to solve a decade-old funding issue
2 within driver's license operations by
3 increasing the cost of the driver's license
4 to recoup a portion of the cost it takes to
5 actually produce the license.

6 Then the legislature reduced
7 ALBA's general fund appropriation by the
8 projected recoupment revenue, thereby
9 negating the steps -- the proactive steps
10 taken by the agency.

11 I can stop there. That was the
12 gist of it. I wanted the public to
13 understand we tried to be proactive, identify
14 a problem, tried to create a solution that
15 was brought forward. And even though the
16 solution was kept in place, our budget was
17 reduced, so it was a net gain of zero, and
18 then actually a twenty-two percent cut if you
19 look at prior year budgets.

20 Q. So do I understand you
21 correctly, if the eleven million dollars in
22 license fee increases was implemented and
23 there was not a corresponding eleven million

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Spencer Collier

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1 dollar reduction to your general fund budget,
2 that you would have been able to keep the
3 thirty-one offices open?

4 A. Not only could we keep the
5 thirty-one offices open, we felt we could --
6 we could increase the number of troopers in
7 the highway patrol.

8 Q. Okay.

9 A. My commitment to the
10 legislature was any revenue increased above
11 that necessary to run driver's license
12 operations would go strictly to hiring
13 troopers.

14 Q. At the very least, you would
15 have kept -- been able to keep those
16 thirty-one offices open?

17 A. Yes.

18 Q. And you had communicated that
19 to the legislature in all three of the
20 sessions in 2015?

21 A. Myself, predominantly my
22 legislative staff, and then additionally to
23 the media; we had multiple reports with the

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1 media, including myself directly.

2 Q. Now, you said you were trying
3 very hard, I think you said. Why?

4 A. I personally felt driver's
5 license was antiquated in Alabama. I was
6 aware when I became secretary -- I learned
7 after becoming secretary that we were
8 noncompliant with motor/boater by twelve or
9 fifteen years, I don't recall the number. It
10 had just been totally ignored by prior
11 directors. And I'm not here to knock them, I
12 don't know the reason, they may have had a
13 very good reason.

14 I had personally worked in a
15 driver's license office, not in the division,
16 I was an administrator, but my office was in
17 driver's license. I saw it operate, I felt
18 we could be more effective. We weren't
19 utilizing it to its capabilities,
20 particularly -- and I remember telling my
21 senior staff if Tennessee can do driver's
22 license online, then we can do it.

23 That particular driver's

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1 license major argued with me, and I asked for
2 and got his retirement paperwork. And the
3 next major, within three months, we were
4 doing it.

5 We also were doing smart phone
6 -- You could utilize your phones for online
7 scheduling, we had never had scheduling
8 before. You just showed up, and you could
9 have been there to get a driver's license,
10 and I could have been there for a suspension,
11 that's -- in your situation, that's a much
12 quicker process than if I'm there for a
13 suspension. We never triaged, so these were
14 all things we -- I was trying to improve. I
15 wanted to go to triaging, I wanted to go to
16 online scheduling, that way you weren't just
17 showing up, wasting your time for four or
18 five hours, I wanted to go to at least online
19 renewals, and then eventually also give
20 probate judges more authority, which we did
21 that also, more authority in doing renewals
22 and doing REAL ID requirements.

23 Currently, only ALBA could do

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1 Driver's license if it was a -- it was -- The
 2 REAL ID act, we in Alabama called ours -- it
 3 was a different name than REAL ID, but we
 4 were one of the first states that was REAL ID
 5 compliant. It was said that only our offices
 6 could do that.

7 No one could ever give me a
 8 reason of why -- the legislation didn't call
 9 for that, so we were moving to give probate
 10 judges that authority, trying to take some of
 11 the foot traffic away from driver's license
 12 offices. If you haven't seen it, I recommend
 13 you go spend a Monday in Jefferson County,
 14 and it's -- it's not pleasant.

15 I say that in a critical way,
 16 but also saying that I had a responsibility
 17 of trying to fix that, and I was trying very
 18 hard to fix that. It was one of the top
 19 issues, as far as I was concerned, of trying
 20 to fix and trying to modernize.

21 Q. Let me ask you a question.
 22 Were you trying particularly hard to come up
 23 with a solution to keep those thirty-one

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1 Driver's license offices open?

2 A. It was a -- I'll be candid, I
 3 never thought that budget would pass. Of
 4 course, we had to prepare for the worse, and
 5 then we wound up doing it. I spent eight
 6 years doing that -- doing that. I've been an
 7 appropriator, some of these guys have been
 8 around it a long time. Usually at that ninth
 9 hour, a budget is passed and everyone is at
 10 least somewhat satisfied. This was really
 11 one of the first times I'd seen that that
 12 didn't happen. I had told my staff, let's be
 13 prepared, let's put the information out
 14 there, let's be ready, but I believe at the
 15 last moment we'll get the minority party
 16 leadership, the majority party leadership,
 17 and the legislative leaders, the way it used
 18 to work, sit in a room, be adults, and work
 19 out the changes.

20 That didn't happen. And I was
 21 -- I'll be candid, I was a little caught off
 22 guard, I thought it was. But we were
 23 prepared and did what we said we were going

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1 to do

2 I want to add, the closures of
 3 the offices themselves, I don't -- I have to
 4 look at the list, but very few, if any,
 5 stand-alone offices were closed. It was all
 6 offices within probate courts or within
 7 driver's license -- I mean within revenue
 8 commissioner, some counties have revenue
 9 commissioner, some have probate. Still
 10 probably not acceptable, but we tried not to
 11 do those stand-alone offices where only we
 12 could offer those certain services I
 13 mentioned, REAL ID, a suspension, those
 14 things.

15 The actual closure of the
 16 offices didn't save a lot of money, the
 17 actual shutting them down. What we were
 18 struggling with was a hundred and four
 19 vacancies in the Driver's License Division.
 20 So every day we would have to start, and my
 21 driver's license commander, let's say in
 22 Montgomery, if Rockford was scheduled to be
 23 open that day, and if you look, Rockford

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1 probably did a thousand transactions that
 2 year, if -- if that examiner called in sick,
 3 I had to pull an examiner -- not me, but the
 4 local driver's license supervisor from
 5 Montgomery, to Rockford, so that handicapped
 6 operations in Montgomery, one of our better
 7 locations.

8 There was a lot of pushback
 9 from legislators about, well, you only saved
 10 two hundred thousand dollars. What they
 11 wouldn't see or what they refused to see is
 12 that we were missing seventy-four -- excuse
 13 me, a hundred and four examiners, I believe,
 14 is what we were missing. It was an
 15 incredible number.

16 You asked me earlier, if you
 17 got that driver's license increase and had
 18 something close to a level budgeting, would
 19 it have given us the ability to hire
 20 examiners. I don't think we hired an
 21 examiner at DPS during Governor Bentley's
 22 first term, until I took over at ALSA. You
 23 just can't operate that way.

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1 Q. My understanding is that while
2 some of these offices maybe were co-located
3 at a county office --

4 A. That's a better word.

5 Q. -- that once you no longer an
6 AUSA staffing, there were certain services
7 that those county offices could not provide,
8 namely first issuance or dealing with
9 suspensions, is that right?

10 A. Or REAL ID issuances.

11 Q. Or REAL ID.

12 A. I think that's changed. I
13 think we were able to change that. But at
14 that point, REAL ID issuance.

15 Q. So my question is: Was it
16 important to you to try to keep those
17 thirty-one offices open?

18 A. It was, yes.

19 Q. Why was -- Just focusing on
20 that particular part of the whole picture,
21 why was that important to you?

22 A. It provided additional services
23 to the public that were -- you know, that

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1 were deemed -- I don't know if critical is
2 the right word, but definitely beneficial.

3 You know, if you live in a rural area, I've
4 lived and represented a rural area. I get it.

5 So I don't know if I'd use the
6 word critical, but it definitely was
7 beneficial.

8 You know, if you're asking me
9 if it's something that I wanted to do, well,
10 no. I really thought we would pass a
11 legitimate budget.

12 Q. Right.

13 A. And, I mean, the worst
14 happened.

15 Q. You mentioned in a rural area
16 it could have a particular impact. I don't
17 want to put words in your mouth, but is that
18 what you think?

19 A. Yeah. I -- Yes, sir, I agree.

20 Q. And why is that?

21 A. It's further -- It's further to
22 drive. As I said, you know, we at least were
23 contiguous, where every other county had an

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1 office, and we tried to be within that fifty
2 miles. And I don't want to pin myself down,
3 which there may be areas we didn't do that.
4 But still that's fifty miles, fifty miles on
5 certain people is difficult. Fifty miles on
6 my wife or I may not be difficult, but on
7 certain business it could and would be
8 difficult.

9 The other thing is, I believed
10 firmly in updating and doing as much as we
11 could online, but I had broadband concerns.
12 I worked on the public safety broadband, it's
13 called FirstNet, I worked on it -- we, like
14 most rural states, have some broadband
15 issues. You can have all the IT services in
16 the world, and if you don't have the band
17 width to access it, it doesn't do you any
18 good.

19 Q. Let me ask a couple of
20 questions. It might be difficult for some
21 people rather than others.

22 A. Yeah.

23 Q. I take it, if you don't own a

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1 car, fifty miles is farther than if you do
2 own a car?

3 A. Sure. Sure. I don't disagree
4 with that at all. If you're looking for me
5 to disagree, I don't.

6 Q. No. I'm just asking is that
7 what you had in mind when you were saying for
8 some people it's harder than others, I was
9 just trying to understand your thinking a
10 little bit on that.

11 A. I understood the thinking the
12 entire time. I understood the criticism.
13 Now, we tried to respond to it and tried to
14 soften it. And the governor often came back
15 and made some openings.

16 Again, I go back to it was
17 hypocritical for the legislature to go
18 through three sessions and then as a result
19 this happens, and then their first thing to
20 do is point at the intent language, and
21 second thing is point at us, when they didn't
22 meet their fiduciary obligation.

23 Q. You said you understood the

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1 criticized me, just so I understand, what do you
2 mean by that?

3 A. Oh, we were heavily criticized.
4 Legislators criticized us, legislators that
5 voted for a twenty-two percent cut publicly
6 criticized us.

7 Q. Okay.

8 A. And ironically, a lot of the
9 offices that got closed, because we used a
10 matrix, I refused to use anything else. I
11 think there was -- that may be the intent of
12 others, but we refused, we had coordinated
13 with the attorney general's office, felt good
14 that we had a matrix that applied to
15 everyone, but I would prefer not to close
16 any.

17 Q. You mentioned before there
18 might be broadband concerns.

19 A. Yes. Not maybe. Alabama has
20 substantial broadband problems.

21 Q. Are there people in rural areas
22 who don't have good Internet access?

23 A. Yes. Just like we have

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1 troopers in rural areas that we can't
2 communicate with them on the radio, or their
3 mobile data terminal doesn't work because we
4 have broadband issues.

5 Q. So the -- Using the matrix
6 approach you've got, offices with lower
7 numbers of transactions would be subject to
8 -- were on the closure list, do I understand
9 correctly?

10 A. Yes.

11 Q. And they often were in rural
12 areas, is that right?

13 A. Yes.

14 Q. That's where you had lower
15 transactions?

16 A. Yes.

17 Q. And those same areas, people --
18 there were some broadband issues, is that
19 right?

20 A. That's correct.

21 Q. Okay.

22 A. And I only mention that, I was
23 dual-headed, I was responsible for Alabama's

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1 broadband issues from a public safety
2 standpoint. So weekly, just like I got
3 driver's license complaints, I got complaints
4 from sheriffs that said, we don't have the
5 tower strength or the bandwidth to
6 communicate online with you guys. We can't
7 -- We can't call NCIC, or I would get -- I've
8 gotten multiple emails of radio transactions
9 of deputies in trouble and can't communicate
10 because we have bandwidth issues in Alabama.

11 Q. I think you said you
12 represented a rural county?

13 A. I did.

14 Q. In your experience, is -- are
15 there -- I think you said before, are there
16 people in rural counties who don't own cars,
17 is that right?

18 A. Yes.

19 Q. And is that something you've
20 run into more -- is it very rare or is it
21 something you run into? How would you --
22 just given your experience?

23 A. I've lived in Montgomery for

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Spencer Collie

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1 the last three years. I can tell you my
2 experience as a legislator. I represented
3 one of the most socially conservative
4 districts, but one of the poorest
5 socioeconomic districts, the poorest majority
6 white district in the state. And we had --
7 We had areas, Alabama part, we had areas with
8 elderly that didn't have vehicles. So I
9 would -- I would agree, yeah, that's --

10 Q. What about in the Black Belt?

11 A. Yes.

12 Q. You also see it in the areas --
13 significant incidence of a lack of vehicle
14 ownership --

15 A. Yes.

16 Q. -- in the Black Belt?

17 MR. FRANK: I apologize, Madam
18 Court Reporter, the answer, I believe, was
19 yes to the complete question while some of
20 the question came out after the answer. Do
21 you have that?

22 THE WITNESS: I apologize.

23 MR. FRANK: I'm just as had.

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Spencer Collier

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1 (Requested portion of the
2 Record was read by the
3 Reporter.)
4 Q. Is that all right?
5 A. Yes.
6 Q. I just want to make sure we're
7 not contorting our Record.
8 A. I'll even add further. In the
9 massive tornado damages of 2011, we had to
10 assign troopers to areas like Choctaw County,
11 that were not overly -- it was not broadcast
12 as much in the media or as much attention,
13 but we had areas that were devastated in some
14 of those rural counties. And without
15 physically sending troopers in, there was no
16 ingress or egress. We had to physically go
17 in and cut trees down to open roads. And if
18 it wouldn't have been for that, I mean, we
19 would have -- eventually it would have -- you
20 know, we would have gotten to them or someone
21 would have gotten to them. But there was
22 just an inability to communicate. When you
23 have that many long-trail tornadoes, it was

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1 an inability to communicate, and that's a
2 prime example of both a broadband and a
3 communication problem. But we went in with
4 chain saws and opened roads.
5 Q. Okay. I'm looking where we
6 are. I'm just trying to keep our lunch break
7 in mind and do it in an orderly way. We'll
8 do one more exhibit and we'll take our lunch
9 break.
10 A. Sure.
11 Q. I hope it's arrived.
12 MR. FRAM: Ma'am, what are we
13 up to?
14 COURT REPORTER: Is
15 Collier Exhibit 15 was
16 marked for
17 identification?
18 Q. It's a Document Bates number
19 GOV 14442, some emails. Looks like the first
20 in time was September 10, 2011 at 9:24 in the
21 morning, and that's from Jennifer Ardis to
22 Spencer Collier, Anna Morris -- let's see,
23 Hunter Guy, looks like Collier Craft?

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1 A. Yes.
2 Q. Greg Laine, Frank Barnett, and
3 Jie Byard.
4 A. Yes.
5 Q. And copying Jon Baryantier. And
6 then there's a response from Anna Morris at
7 9:44 in the morning. And then a final
8 response from Jennifer Ardis at what looks
9 like 1:31 in the afternoon. Can you see
10 that?
11 A. I do, yes, sir.
12 Q. And these are -- Do you
13 understand these to be referring to the --
14 these emails are referring to the process of
15 issuing that press release we marked as
16 Exhibit 14, dated September 10?
17 A. No. I think the governor would
18 up doing a consolidated press release.
19 Because it not only affected ALCA, even
20 though ALCA probably was the most affected,
21 it also affected Department of Conservation
22 and a few of the operations within ADHCA. So
23 I think the go-ahead that we were waiting on

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1 was a consolidated press release, which may
2 have -- it probably was done in addition to
3 individual agency press releases.
4 Q. So Exhibit 14 is a press
5 release both from the governor and yourself.
6 Do you see that?
7 A. No. It is a press release -- I
8 mean, the governor's name is on the top of my
9 stationary, but this is an ALCA press
10 release. Especially -- And what gives that
11 away is the contact is Steve Carrati. He's a
12 public information officer at ALCA. Again,
13 this would have been fed through the
14 governor's office.
15 What I think -- And, again, I'm
16 giving you my opinion. What I think this
17 refers to, because it cc's Jie Byard, Hunter
18 Guy -- Hunter Guy is the conservation
19 commissioner. Jie Byard is the Director of
20 ADHCA. They also had some negative issues
21 and some closures. I think the governor was
22 going to do a consolidated press release as
23 well.

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1 Q. You see there's a reference,
2 starting with the Jennifer Ardis email --
3 A. I do, yes.
4 Q. -- at 8:28 in the morning --
5 A. Yes.
6 Q. -- of September 10th, where she
7 says: Please hold releasing your press
8 release. Do you understand that's referring
9 to the ALBA budget cuts --
10 A. Yes.
11 Q. -- press release?
12 A. Yes.
13 Q. And do you understand that to
14 have been what we saw here as Exhibit 14?
15 A. Yes, sir. I think that's
16 exactly it.
17 Q. Okay. So she asks you to hold
18 off on that, pending a meeting she was going
19 to have with the governor at ten in the
20 morning; do you see that?
21 A. I do see that.
22 Q. And then Anna Morris says:
23 We'll hold off. Do you see that? She says

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1 that at 8:44 in the morning, is that right?
2 A. I do, yes.
3 Q. And then there was some update
4 that was sent by 1:51 in the afternoon; do
5 you see that?
6 A. I do.
7 Q. Do you recall the governor's
8 office changing your press release in any
9 way?
10 A. I don't. I'm saying I don't
11 recall, I'm not saying that he didn't. I
12 don't recall.
13 Q. That's all right. Just trying
14 to understand. Okay.
15 A. I'm a little confused, so I
16 want to clarify. What we're talking on, I
17 think, is the governor to approve his
18 release, and then they were going to give us
19 the authority to do the individual agency
20 releases.
21 Q. Right.
22 MS. FRANK: Okay. Why don't we
23 take that lunch break. Is an hour okay for

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1 (folks)
2 MS. DAVIS: That works.
3 VIDEOGRAPHER: This ends Risk
4 two. Going off the Record at 12:05.
5 (Recess taken.)
6 VIDEOGRAPHER: This begins Risk
7 three. Going back on the Record at 1:05.
8 Q. Good afternoon again. Before
9 the lunch break we were talking a little bit
10 about that announcement around September 10,
11 2018, of the closures. Following that
12 announcement, do you recall there was a fair
13 amount of publicity about the closures?
14 A. Fair would be an
15 understatement.
16 Q. There was a lot of publicity?
17 A. Yes, sir.
18 Q. And I take it you remember some
19 of that?
20 A. I do. A lot of it was aimed at
21 me.
22 (Collier Exhibits 16 and
23 17 were marked for

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1 (identification.)
2 Q. I'd like to mark a couple of
3 documents that relate to that. So for
4 Exhibit 16, why don't we make it document DEF
5 D0034756 through 58, it's some emails dated
6 September 10, 2018. The first one is from
7 Spencer Collier to John Archibald at AL.com.
8 And then a responsive email later that same
9 day at 6:40 in the evening from John
10 Archibald back to Spencer Collier. So we'll
11 call that 16.
12 And then Exhibit 17 seems to be
13 some of the same emails, but there's an
14 additional one included, this is Bates number
15 DEF D0034786 through 87. And it has that
16 same 6:41 Collier to Archibald email, but it
17 has an additional email, this one at 6:03
18 p.m. from Archibald to Collier.
19 Why don't we start with Exhibit
20 16 first?
21 A. Okay. Yes, sir.
22 Q. I'll actually ask you about
23 both of them.

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1 A. Okay.

2 Q. Do these appear to be true and

3 correct copies of emails --

4 A. They are. And I actually

5 recall them.

6 Q. And that they were sent on

7 September 30, 2015?

8 A. Yes.

9 Q. Okay. Thank you.

10 Let me ask you then about some

11 of the content on 16, if I can.

12 A. You're on 16?

13 Q. Yes.

14 A. Okay.

15 Q. Let's start with your email of

16 5:51 p.m. on September 30th. So this email

17 was sent. I take it, after the announcement

18 took place, is that right?

19 A. Yes. And as I recall, it was

20 in response to an article that John Archibald

21 wrote. I wouldn't normally respond, but John

22 and I are -- I consider him a friend and

23 generally respect his writing.

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1 Q. I want to draw your attention

2 to the second paragraph of your email, the

3 one that begins, quote, if you'll do your

4 research, do you see that?

5 A. I do, yes, sir.

6 Q. It states there that -- you

7 stated there, this email, quote, I have

8 always stated it to the legislature that the

9 area in most need would be the exact areas

10 most adversely affected by the legislature's

11 failure to fix the GF, quote, unquote. Do

12 you see that?

13 A. I do, yes, sir.

14 Q. I take it by the GF, you're

15 referring to general fund?

16 A. That's correct.

17 Q. By the failure to fix the GF,

18 were you referring to the eleven million

19 dollar cut?

20 A. Well, both that, but even with

21 the eleven million dollar cut, public safety

22 in Alabama at the state level was not

23 properly compensated or appropriated. Just,

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Spencer Collie

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1 if you go back as I mentioned earlier, in '08

2 it was ninety-three million dollars, and it's

3 forty-four. But, yes, I'm talking about the

4 forty-four, but in general as a whole, we

5 don't fund public safety properly.

6 Q. Okay. And, in fact, on the

7 next page -- let's see here. You refer to

8 how the legislature just reduced -- paragraph

9 one, two, three down, just reduced your

10 funding in the general fund by the amount of

11 a driver's license fee increase. Do you see

12 that?

13 A. You're three down?

14 Q. Yes. Paragraph begins, why

15 aren't you blaming the real culprit. See

16 that paragraph?

17 A. Yes.

18 Q. You see that?

19 A. I do, yes, sir.

20 Q. So as part of the legislative

21 action you were pointing to was the fact that

22 they -- there was a net gain of zero in your

23 budget because they reduced your general fund

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Spencer Collie

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1 appropriation by the exact amount of the

2 license fee increase?

3 A. That's correct.

4 Q. Now, you say you told the

5 legislature the areas with most need would be

6 the exact areas most adversely affected?

7 A. Yes.

8 Q. You see that?

9 A. Yes.

10 Q. One of the things you're

11 referring to there was the closure of the

12 thirty-one offices; is that right?

13 A. That's correct.

14 Q. You talk about the areas most

15 in need in your email?

16 A. I do, yes, sir.

17 Q. One of the areas you're

18 referring to there, was that the Black Belt?

19 A. Probably the biggest area.

20 Q. And then turning to DEF

21 00034757, that's the second page of the

22 document.

23 A. Okay.

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1 Q. On down to paragraph, one two,
 2 three -- the fourth down --
 3 A. Yes.
 4 Q. -- which starts with the
 5 sentence: This is a failure of leaders to
 6 lead. Do you see that paragraph?
 7 A. Yes. Yes.
 8 Q. Okay. Do you see where you say
 9 there, quote, the Black Belt is part of
 10 Alabama. Until legislators recognize that
 11 and make budgetary decisions based on the
 12 good of the state as one entity, then we will
 13 continue to have these problems, unquote.
 14 Do you see that?
 15 A. I do, yes.
 16 Q. And was the decision to cut
 17 ALBA's budget resulting in the closure of the
 18 thirty-one offices an example of the
 19 legislature failing to make a budgetary
 20 decision recognizing the Black Belt was part
 21 of Alabama?
 22 A. Are you asking for my opinion?
 23 Q. I'm asking what you meant when

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Spencer Collier

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1 you wrote it?
 2 A. I meant exactly that. And I
 3 say in the email that we -- it's the area we
 4 serve, the largest -- you didn't mention, but
 5 we worked every homicide in that area, we
 6 assisted local police departments; we worked
 7 very hard, and it's the area that needed the
 8 most help, and it's the area that was being
 9 hurt the worst. And, yes, driver's license
 10 is part of that, but just part of it.
 11 Q. Sure. But this was -- This was
 12 an example --
 13 A. Yes.
 14 Q. -- I take it, of the
 15 legislature failing to recognize that the
 16 Black Belt is part of Alabama; is that right?
 17 A. That is correct. That's my
 18 opinion, yes, sir.
 19 Q. And that's what you expressed
 20 to Mr. Archibald in your email on September
 21 30, 2015, correct?
 22 A. Right. But, again, I point
 23 out, I don't think either John or myself

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1 would say these things publicly. We're
 2 friends, he wrote an article I disagreed
 3 with, and I wanted him to hear both sides. I
 4 don't think he ever shared anything. It's
 5 how I felt then, it's how I feel now.
 6 Collier Exhibit 18 was
 7 marked for
 8 identification.
 9 Q. Thank you. I'm going to mark
 10 next as Exhibit 18 the email dated October 7,
 11 2015 -- Actually it's an exchange of emails,
 12 they're all on October 7, 2015, the Bates
 13 number range is DEF 00027886 through 91.
 14 A. I'm sorry, 88 through --
 15 Q. Let me say it again slow. DEF
 16 00027886 through 91.
 17 A. All right.
 18 Q. And this one is Exhibit 18.
 19 There's another email related to publicity
 20 following the announcements, do you recall?
 21 A. Yes.
 22 Q. Do you recall having an email
 23 exchange with Mary Bell of the Decatur Daily?

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Spencer Collier

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1 A. Yes.
 2 Q. Is it your understanding these
 3 are true and authentic copies of the --
 4 A. Yes.
 5 Q. -- email exchange?
 6 A. Yes, sir.
 7 Q. And you recall receiving this
 8 -- having this email exchange with her around
 9 that time?
 10 A. Yes, sir.
 11 Q. She writes in her email of
 12 October 7, 2015, at 11:27 in the morning, to
 13 you and Anna Morris. Do you see that as DEF
 14 00027890, do you see that?
 15 A. I do, yes, sir.
 16 Q. And she asks the following
 17 question, she says: Quote, our concerns that
 18 the closures will disproportionately impact
 19 those in high poverty, high minority areas
 20 unwarranted, quote, unquote. Do you see
 21 that?
 22 A. I do, yes.
 23 Q. Did you respond to her on that

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1 point?

2 A. I'm not sure if I responded to

3 her or had Anna Morris respond to her. To be

4 candid, I did not have the relationship with

5 Mary Bell that I had with John Archibald. So

6 if I responded -- I guess I did; it's in the

7 emails. But I probably was not as candid

8 with her as I was with Archibald.

9 Q. Okay. I'm not going to ask you

10 to speculate or say something you didn't say.

11 I just wanted to --

12 A. As you can tell that I'm

13 reading the emails, I'm frustrated that

14 they're not asking the question -- you know,

15 it's getting aimed at me, why they're not

16 asking these legislators, did you vote for a

17 twenty-two percent cut. I just think some

18 members of the media, including a good friend

19 of mine, didn't do their due diligence.

20 Q. And the frustration was based

21 -- Well, let me ask you: Was your

22 frustration based on the fact that the

23 legislature took their action with their eyes

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Spencer Collier

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1 wide open as to the consequences of the

2 budget cut?

3 A. I think they knew what -- I

4 think some knew what would happen. I think

5 some expected, like I mentioned earlier,

6 there will be a fix at the end and that

7 didn't happen. You know, you can only poke

8 the finger in the dam so many times. But

9 then I think when it really happened, they

10 hit the panic button. They obviously didn't

11 pay attention to the information we were

12 giving them.

13 I'm not going to beat around

14 the bush, they just failed to properly fund

15 state services.

16 Q. You say some people understood,

17 I take it the sponsors of the bills

18 understood?

19 A. Yes. Yes, they did.

20 Q. And the committee leadership,

21 did they understand it?

22 A. I -- If they didn't, they

23 shouldn't be committee leaders. I felt that

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Spencer Collier

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1 they did. I felt the members of the Budget

2 committee -- and the legislature, you work

3 the chairman, you work the budget committee

4 members, we had done that thoroughly. We

5 explained what the ramifications would be,

6 and we had worked the leadership thoroughly

7 and explained what the ramifications would

8 be. We had confirmation -- We had agreements

9 from the House leadership that was not

10 followed through on, and we -- and Senate

11 leadership remained neutral, for lack of a

12 better word, wouldn't give us an answer.

13 So I may have oversteered, but

14 we -- I keep -- we educated everyone we could

15 educate.

16 (Collier Exhibit 19 was

17 marked for

18 identification.)

19 Q. Let me mark next as Exhibit 19.

20 This is a whole package of emails, but they

21 seem to -- their content repeats. They seem

22 to be dated -- a whole bunch appear to be

23 dated October -- There's a whole bunch of

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1 emails that seem to be dated September 30,

2 2018, at least, and then there are some

3 additional emails October 1, 2018. And the

4 Bates numbers are DCF 00054477, going all the

5 way up to DCF 00054729.

6 Let me just start with the

7 September 30 email package here. Do you

8 recognize these emails?

9 A. I do, yes, sir.

10 Q. Are these emails, in fact, you

11 sent on September 30, 2018?

12 A. Well, I think -- Yes. It was

13 an email exchange between myself and John

14 Ham.

15 Q. That's the top of it. But then

16 it includes these other emails down to

17 various senators and representatives; do you

18 see that?

19 A. Yes.

20 Q. Did you send emails to those

21 various senators and representatives on

22 September 30?

23 A. I didn't personally. I had

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Spencer Collier

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1 John put together a package and 00 one
 2 blanket response to all legislatures.
 3 Q. If you look at page DEF
 4 0004499, okay? You see there's a blue ink
 5 signature above your name?
 6 A. Yes.
 7 Q. Is that your signature?
 8 A. That is my signature.
 9 Q. You see under the other emails
 10 at the end, the other version, same email,
 11 what you see is a jpg image, do you see that?
 12 If you look at each one at the very end.
 13 A. Yes. I see like on 61 there's
 14 like -- looks like there was maybe a jpg
 15 placed in there.
 16 Q. Uh-huh.
 17 A. Yes.
 18 Q. Those were, I take it, jpgs of
 19 your signature?
 20 A. It was, yes, sir.
 21 Q. So your signature was put
 22 underneath each of these emails, is that
 23 right?

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1 A. Yes. In fact, the first is
 2 actually an electronic signature, and then
 3 each after that is a jpg.
 4 Q. Did these emails go to every
 5 member of the state legislature?
 6 A. The best of my understanding,
 7 it went to all hundred and forty members,
 8 yes, sir.
 9 Q. And I take it, do you have any
 10 reason to doubt these are true and correct
 11 copies of those emails?
 12 A. No, sir.
 13 Q. Now, in each of those emails,
 14 then, I'll just pick an example. Take a look
 15 at the first -- pick the first one, DEF
 16 0004499.
 17 A. Okay. Yes, sir.
 18 Q. It's the third page -- third
 19 page of the exhibit. Do you see that?
 20 A. I do, yes, sir.
 21 Q. You say: Quote, in each of the
 22 three legislative sessions this year, I have
 23 presented to you the black picture of our

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Spencer Collier

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1 operations, especially driver's license.
 2 Do you see that quote?
 3 A. I do, yes, sir.
 4 Q. And was that an accurate
 5 statement?
 6 A. Yes.
 7 Q. Why did you send these emails?
 8 A. We were receiving considerable
 9 criticism from legislators and revenue
 10 commissioners and license commissioners -- I
 11 mentioned earlier, some counties have license
 12 commissioners, some have revenue, some have
 13 probate judges.
 14 As they were complaining to
 15 their legislator, their legislator was saying
 16 you need to call the secretary's office.
 17 In full disclosure, we give
 18 very little time to the probate judges to get
 19 this together: maybe a week. I told you
 20 earlier, I thought the budgets would be
 21 fixed. But legislature was blaming us, was
 22 blaming ALMA, and saying, well, they just did
 23 a driver's license fee increase, they

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1 shouldn't -- we're opposed to it, we're
 2 trying to stop them, we're going to introduce
 3 new legislation, there is intent language in
 4 the budget, every excuse you can think of.
 5 I received a lot of
 6 communication from probate judges, license
 7 commissioners, and revenue commissioners
 8 about cuts, a lot of county commissioners
 9 about the cuts. So as opposed to trying to
 10 answer each county, each probate judge or
 11 revenue commissioner, or license
 12 commissioner's legislator, I just sent out
 13 one blanket email to both the House and the
 14 Senate, clearly spelling out that we both
 15 educated them and gave them an opportunity
 16 for input or feedback. And told them I look
 17 forward to trying to fix the problem.
 18 Q. Turning in the October 1 emails
 19 between yourself and John Mann, just start
 20 with yours at 1:45 p.m.; that's DEF 0004497,
 21 do you see that?
 22 A. I do, yes.
 23 Q. You say: Quote, give me a

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Spencer Collier

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1 heads up if you decide to abandon ship.
 2 quite, urgent. Do you see that?
 3 A. I do, yes.
 4 Q. Do you know what you were
 5 referring to when you said that?
 6 A. Yes. I had just hired John
 7 that very year of that session, from the
 8 County Commission Association. And I didn't
 9 expect to keep him after -- after the -- he
 10 took it personal. None of it is a laughing
 11 matter. He works hard, he took it personal
 12 as a personal defeat that we lost that
 13 funding.
 14 Q. I see.
 15 A. So I was just trying to cut up
 16 with him a little bit. You can see a lot of
 17 it is in jest. And I told him we'd live to
 18 fight another day, and if he intended to
 19 leave, give me some heads up. I think he
 20 said something, if you're going to fire me,
 21 let me know.
 22 Q. Right.
 23 A. He was summarizing, he was

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1 telling me he was sorry that we didn't win. I
 2 was telling him, hey, it's not -- it's beyond
 3 your control.
 4 (Collier Exhibit 20 was
 5 marked for
 6 identification.)
 7 Q. I have marked as Number 20,
 8 Exhibit 20 --
 9 A. Yes, sir, I see it.
 10 Q. Okay. These are some emails,
 11 and I'll give you Bates numbers, DEF 00004138
 12 through 49. It's an email exchange, starts
 13 out with an email -- Well, we have it on --
 14 an October 1, 2015, email to Senator Busman
 15 from you, and it appears to be -- I take it
 16 the email -- this is one example of the
 17 emails we were just referring to, is that
 18 right? Or not?
 19 A. Yes, sir. If you -- It looks
 20 like, for lack of a better description, the
 21 generic one sample email we sent out to the
 22 legislature.
 23 Q. This is the one that was just

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1 customized -- not customized, but just put
 2 his address on it?
 3 A. Right. And what I generally
 4 tell John is, you know, fill in personal
 5 information and send.
 6 Q. Okay. And then --
 7 A. I guess the others probably --
 8 Q. I take it -- I take it -- Well,
 9 for all these emails, do you understand these
 10 are true and correct copies of the emails you
 11 send, not including, obviously, the redaction
 12 for delivery privilege, obviously it was not
 13 is the original?
 14 A. I'm a little confused.
 15 Q. Okay. Go ahead. What's
 16 confusing about it?
 17 A. Who has referred?
 18 Q. This was produced -- It says
 19 DEF, that usually means Secretary of State or
 20 secretary of ALBA?
 21 MS. MERRICK: This is a
 22 document we produced.
 23 Q. ALBA produced. And is

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Spencer Collier

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1 producing it, they reviewed these documents
 2 for privileges.
 3 A. Okay.
 4 Q. Probably still discussing them.
 5 But for today's purposes they -- the purpose
 6 with the redactions. So I'm not suggesting
 7 you redacted them at all --
 8 A. That's all I wanted to clear
 9 up.
 10 Q. So I'm saying with the
 11 exception of the redactions, do you have any
 12 reason to doubt these are true and correct
 13 copies of the email exchange you had with --
 14 you and -- Let me back up a minute.
 15 Any reason to doubt that these
 16 are true and correct copies of the email
 17 exchange between yourself and Senator
 18 Busman, and also Senator Busman and Mr.
 19 Ham?
 20 A. I can't -- I can't speak to the
 21 communication between John Ham and Senator
 22 Busman. Senator Busman and I had a very
 23 long telephone call

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Spencer Collie

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1 Q. Okay. Why don't we take it one
2 at a time.
3 A. Okay.
4 Q. Do you have any reason to doubt
5 that the October 1, 2018, email from yourself
6 to Senator Busman is anything other than a
7 true and correct copy of that email?
8 A. No. No, sir.
9 Again, we're talking about, for
10 lack of a better word, it's just basically a
11 generic explanation email to all legislators.
12 Q. Okay.
13 A. I have no reason to believe
14 that's not correct.
15 Q. Okay. Now, there's an email
16 that on -- from Senator Busman back to John
17 Hane on October 1, 2018, at 2:55 p.m., Bates
18 number DEF 0014117. Do you see that?
19 A. I do, yes, sir.
20 Q. Okay. Do you have any reason
21 to doubt the authenticity of that email?
22 A. No, sir.
23 Q. There are further emails in the

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1 writing that occurs later on October 1,
2 which you're copied on, DEF 0014115 through
3 16. Again with the exception of the
4 redactions, any reason to doubt that these
5 are true and correct copies of the emails
6 sent on that date?
7 A. No, sir.
8 Q. I wanted to just ask you a
9 question about Senator Busman's email to
10 John Hane on October 1, 2:55 p.m.
11 He asked -- You see that --
12 Well, he poses a question as to how the
13 closures relate to eleven million. Do you
14 see that?
15 A. I do, yes.
16 Q. I take it what he's saying is
17 the closures were -- result in very small
18 savings, so how can that be caused by -- how
19 could that be due to the eleven million
20 shortfall. Is that how you understood his
21 question?
22 A. Well, yes. I took it as, hey
23 -- I think he took issue with a generic email

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1 response, first of all. So maybe I should
2 have done a better job of calling all hundred
3 and forty of them. I think that is what he
4 is trying to say is how you make up eleven
5 million with that.
6 Q. Did you have an answer to that?
7 A. I did. We spoke by phone.
8 That was not something I -- I don't know what
9 the email say, but that was not a position I
10 wanted to put an employee of mine in,
11 speaking to a sitting state senator, so I
12 called Senator Busman by phone, and we had a
13 discussion.
14 Q. What do you recall about that
15 conversation?
16 A. I basically regurgitated what's
17 in -- in the -- in the email, is that we told
18 them on multiple times what the ramifications
19 would be. He could not understand -- He is a
20 new senator -- He was a new senator at that
21 point, he's a very bright man. I believe
22 he's a doctor. He just says, okay, that
23 saves two hundred thousand. I was trying to

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1 make him understand, it's a staffing problem.
2 it's not an office problem. So the two
3 hundred thousand means just because we're not
4 paying the light bill at thirty-one
5 co-located offices, the bigger solution is,
6 we've got to get enough examiners to fill
7 those offices.
8 I tried to make him understand
9 that. He didn't understand it. He looked at
10 the budget as a big picture, and he mentions
11 that, it's -- point five percent is a drop in
12 the bucket. He told me the governor is
13 asking for this much, I told him that I was
14 served in on ALTA. I would be happy to meet
15 with him. We agreed to meet. He called his
16 own budget meetings to deal with this, but we
17 were forbidden from going by the governor.
18 Q. Do you know why?
19 A. I don't. I just said yes, sir.
20 Q. I take it it was your position
21 that the eleven million dollar cut in the
22 general fund caused you to close those
23 thirty-one offices, even though the

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1 thirty-one office closures does not take care
2 of the entire eleven million, is that right?

3 A. Right. I think it goes back to
4 what I said earlier, we have to review this
5 state as a whole, not just your district, my
6 district, as a whole.

7 Q. So I viewed the eleven million
8 dollar shortfall in driver's license as a
9 fix that we made, that we could now start
10 hiring examiners to fill these holes. And
11 I'm not asking my local driver's license
12 examiner every day to make a decision of
13 which officers is going to fill. We're going
14 to try and at least get 50 -- we were less
15 than fifty percent manpower, at least try and
16 get seventy-five percent or so manpower. So
17 we had taken the exceptional position to fix
18 that. I felt the legislature was punitive
19 and punished us for that, and reined us out,
20 so we were back at ground zero.

21 Q. So I made a decision -- And
22 he's correct, it did not save eleven million
23 dollars, but I could no longer every day make

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1 the decision of which office we're going to
2 fill. We were X -- You know, we were so many
3 examiners short.

4 Q. Without the eleven million, you
5 couldn't keep the thirty-one offices open;
6 correct?

7 A. Correct.

8 Q. Even if closing the offices
9 didn't save you thirty-one -- didn't save you
10 eleven million?

11 A. Correct. That's probably a
12 much shorter answer than what I gave.

13 (Collier Exhibit 31 was
14 marked for
15 identification.)

16 Q. All right. Exhibit 31 more
17 emails. This is Bates numbered DEF 00019311
18 through 31. And it's some emails between
19 yourself and Kevin Wright.

20 A. Yes.

21 Q. And also yourself and Anna
22 Morris.

23 A. Yes.

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1 Q. Let me ask you questions. Do
2 you have any reason to doubt these are true
3 and correct copies of emails that you sent or
4 received on or about October --

5 A. No.

6 Q. -- 5, 2015?

7 A. No.

8 Q. Let's start with the email at
9 3:04 p.m., from Anna Morris, from -- it's --
10 Well, am I right, this was a draft press
11 release, is that right?

12 A. Yes. It does look that way,
13 yes, sir.

14 Q. Do you recall receiving this on
15 or about October 5, 2015?

16 A. Yes, sir.

17 Q. And do you see there are some
18 quotes in there from you?

19 A. I do.

20 Q. Are those accurate -- Let me
21 back up. Did you approve those quotes?

22 A. Yes, sir.

23 Q. Looking at the -- On page DEF

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1 00019312, third full paragraph down, where it
2 says, quote, Secretary Collier continued. Do
3 you see that?

4 A. Yes, I do.

5 Q. Do you see, quote -- it says
6 quote, ALEA resolved this issue earlier in
7 the year by reamping the actual cost of DL
8 production, quote, unquote. Do you see that?

9 A. Yes, I do.

10 Q. The issue that's being referred
11 to, does that include the closure of the
12 thirty-one offices, is that the issue?

13 A. I think the issue was an
14 overall fix of the Driver's License Division,
15 not necessarily just the thirty-one, but an
16 overall fix of driver's license, which in one
17 of the emails I think I call it a burden on
18 an anchor or something. It was an effort to
19 fix driver's license as a whole, but part of
20 that would have been keeping those thirty-one
21 co-located offices open.

22 Q. Okay. So by virtue of the
23 driver's license being increased, ALEA would

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1 have solved the thirty-one office closure,
2 among other things?
3 A. Yes, Yes.
4 I need to be clear, in
5 conjunction with at least being level funded.
6 Q. Right.
7 A. Yes.
8 Q. Right. Because then it goes on
9 to say: Quote, however, the legislature
10 qualified that solution by reducing ALBA's
11 general fund appropriation by the exact
12 amount that would have been generated by the
13 recoupment, quote, unquote. Do you see that?
14 A. Yes, sir.
15 Q. So I take it ALBA's resolution
16 was to have the driver's license fee
17 increased, but not have that nullified by an
18 equivalent reduction in the general fund
19 budget?
20 A. Right. Which is a common
21 strategy. It's common. Any new revenue,
22 you're deducted that much. I just thought we
23 had assurances that would not happen. But it

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1 did, it still happened.
2 So when I'm referring to the
3 solution, I'm saying driver's license as a
4 whole for the first time would be fully
5 funded, referring -- that we would no longer
6 take money from operations. But that would
7 include keeping those thirty-one co-located
8 offices open, and not only open, I mean, you
9 know, better staffing them. If you'll see, I
10 also say in here that we're a hundred and
11 three or hundred and four examiners short.
12 We averaged, I think, less than one examiner
13 per office we had open at that point.
14 Q. You go on to say in the email:
15 Quote, I want to be clear, I understand the
16 concern of many in the Black Belt area as it
17 relates to access to the fundamental right to
18 vote, quote, unquote. What did -- What did
19 you mean by that?
20 A. I understood -- I understand
21 their concern, their right to vote.
22 Q. You talk about access to the
23 right to vote. What were you referring to

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1 there?
2 A. There was a lot of negative
3 information saying the -- and there were --
4 there were legislators saying it wasn't --
5 there was -- nationally, I should say,
6 national figures, were saying this was an
7 overt and purposeful attempt to deny the
8 right to vote to individuals.
9 So I wanted to be clear, I
10 understand that, but that was not my --
11 necessarily my responsibility as the ALBA
12 director. I was -- I'm more concerned about
13 getting driver's license open, doing
14 examinations. But I also wanted to be clear
15 I recognize that concern.
16 Q. Okay.
17 A. I believe that obligation fell
18 to the Secretary of State. But in full
19 clarity, I wanted to be sure that, you know,
20 I made it clear that we recognize that
21 concern.
22 Q. Okay. You go on, the next
23 sentence you say: Quote, throughout the

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1 regular session of the legislature, both
2 special sessions, myself and ALBA's
3 governmental affairs team articulated to the
4 media and legislature that the proposed, and
5 now realized, dramatic slashing of funding
6 for state law enforcement would adversely
7 affect the regions of the state that rely on
8 ALBA's assistance the most, quote, unquote.
9 Do you see that?
10 A. I do, yes.
11 Q. And by that, were you talking
12 about the Black Belt?
13 A. Both the Black Belt and the
14 rural parts of Alabama. Keep in mind, it's
15 twofold, it's not just driver's license. In
16 fact, driver's license, probably less so. In
17 the rural parts of Alabama, we are law
18 enforcement -- or ALBA was. You know, you
19 have counties with -- for example, Macon
20 County, I think, probably has five deputies.
21 So, you know, we have to supplement that. We
22 work all the major crimes in these areas,
23 both rural and the Black Belt and lot of the

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Spencer Collin

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1 minority-populated areas. So -- So not only
2 was it a driver's license issue, it was, but
3 we were also going to hurt the areas that we
4 assisted the most. We -- We didn't respond
5 to calls for help in Madison County unless
6 they were in pursuit or something. We
7 responded twice a week to Madison, Bullock,
8 Lowndes, Choctaw, those counties, to assist
9 working homicides, special events. I mean,
10 we were their law enforcement.

11 And I don't take anything away
12 from their sheriffs. They had good sheriffs
13 that were trying; just didn't have the
14 funding, just didn't have the
15 infrastructure, so they depended on us.

16 When this happened, I felt
17 that, I mean, some of the areas that we
18 partnered the most with, we were receiving
19 criticism for that area not being served. And
20 I wanted to be clear that I told you this was
21 going to happen.

22 Q. I understand it wasn't limited
23 to driver's license, but the driver's license

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Spencer Collin

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1 office closures was one way in which the
2 Black Belt was adversely affected by the
3 budget decisions of the legislature, is that
4 right?

5 A. Yes. From ALBA's budget, yes.
6 (Collin Exhibit 22 was
7 marked for
8 identification.)

9 Q. Yes. Let's mark as Exhibit 22
10 some emails with Bates numbers DEF 00014618
11 through 31.

12 A. Yes, sir.

13 Q. These are emails dated on
14 October 5, 2013. First question, have you
15 seen these before?

16 A. Well, I can't speak to the top
17 one, it looks like it's been redacted.

18 Q. Pitting aside the redacted one,
19 have you seen the others?

20 A. Yes. It's emails from me. I
21 guess that's the only emails not redacted,
22 are the ones from me, not from the current
23 ALBA employees.

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Spencer Collin

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1 Q. Right.

2 A. Yes, that's an email from me.

3 Q. Do you have any reason to doubt
4 these are true and correct copies of
5 emails --

6 A. No.

7 Q. -- you sent or received on or
8 about October 4, 2013?

9 A. No, sir.

10 Q. I'd like to draw your attention
11 to the email from Anna Morris at 4:37 p.m.,
12 it starts at the bottom of the first page of
13 the exhibit. Do you see that?

14 A. I do, yes.

15 Q. Does this appear to be a vision
16 of the press release we just previously
17 looked at in the October 5, 2013, email,
18 which we've marked as Exhibit 21?

19 A. It does, yes, sir.

20 Q. There are a couple things that
21 appear to have been added or changed.
22 There's a sentence that -- Let's see. At the
23 top of the second page of the exhibit, top

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1 paragraph. I think it says -- let's see
2 Most of the closed offices are close to
3 registrar's offices, do you see that?

4 A. You're at the top of the second
5 page?

6 Q. Let's see here. Yeah, it says:
7 Quote, unquote, most of these offices are
8 within close proximity to the satellite
9 locations ALBA is no longer servicing. Do
10 you see that?

11 A. I do.

12 Q. Do you remember a conversation
13 about adding that point?

14 A. No.

15 Q. The language we were just
16 reading before --

17 A. I mean, I agree it's added, I
18 just --

19 Q. You just don't remember why?

20 A. No.

21 Q. Okay. Going down to the quote
22 from you down at the bottom of the page DEF
23 00014618, and continues to the top of page --

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Spencer Collier

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1 I'm sorry. THE QUIDER, continuing to the
2 top of 10. Do you see that?
3 A. I do, yes.
4 Q. That quote does not appear to
5 have changed, is that right?
6 A. Does not?
7 Q. Does not look changed. In
8 other words, it appears in both versions.
9 You can take a look yourself, if you want.
10 A. I believe you.
11 Q. And so that was -- You approved
12 that quote both times?
13 A. Yes. Now, are you referring to
14 the quote regarding Congresswoman Sewell?
15 Q. No. I'm trying to look
16 forward. I want -- Let's see. I was not
17 trying to --
18 A. You're talking about the quote
19 about wanting to add the Black Belt numbers?
20 Q. I'll tell you -- Let me be more
21 precise for the Record.
22 A. Okay.
23 Q. Thank you for -- I don't want

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Spencer Collier

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1 to pick and choose from the quote, I'll just
2 leave the quote as a whole, where it says:
3 Secretary Collier continued, do you see that
4 paragraph?
5 A. I do, yes.
6 Q. And then the whole paragraph
7 going all the way to the end where it says
8 media relations, not rhetoric?
9 A. Yes.
10 Q. That whole paragraph, that
11 didn't change?
12 A. Okay. No. We were talking
13 about the same paragraph. No, sir.
14 Q. Do you know if this press
15 release ever actually issued?
16 A. I don't know. I can only
17 assume so. There's -- It looks like there's
18 a Twitter account from Fox 9 in Birmingham.
19 But I'm not sure. I can't be positive.
20 Q. Okay.
21 A. It looks like it. I mean,
22 Vince Hodges responded.
23 Q. Oh-huh.

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Spencer Collier

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1 A. So it looks like we sent it.
2 But, again, I'm not sure.
3 Q. Now, you wrote on October 5,
4 the first page of the Exhibit 22, on October
5 6 at 5:08 you said: With possible -- quote,
6 sequela, with possible litigation. I don't
7 want to release something that could be
8 harmful. Do you see that?
9 A. I do see that, yes.
10 Q. What litigation were you
11 referring to or what possible litigation?
12 A. There were already national
13 groups talking about litigation. In fact, I
14 think at that point Congresswoman Sewell had
15 already asked for the Department of Justice
16 -- or maybe the Department of -- the justice
17 unit within the Department of Transportation
18 to investigate. So at that point I wanted
19 the lawyers to clear it, so maybe that's the
20 redacted information.
21 Q. I take it this did get cleared?
22 A. I don't know. I can speculate.
23 I see that Vince --

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Spencer Collier

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1 Q. I don't want you to speculate.
2 A. I'm not sure. I'm not sure.
3 Q. Okay. Now, after all this
4 publicity on the plan, I take it at some
5 point the closures plan was revised, is that
6 right?
7 A. It was, correct.
8 Q. And that took place in
9 October -- in the same month, is October
10 2019, isn't that right?
11 A. Yes, sir. To the best of my
12 recollection.
13 Q. And the new schedule went into
14 effect -- I think it was effective November
15 1, 2019, is that right?
16 A. That is correct.
17 Q. And under that -- under that,
18 the bulk of the thirty-one offices would be
19 open one day a month, is that right?
20 A. That is correct. Those -- I
21 want to be clear, that plan was not a plan --
22 we developed it, but I was instructed by the
23 governor to open the office -- open an office

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Spencer Collin

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1 one day a month. And he basically said I
 2 don't care how you do it, just make it
 3 happen.
 4 Q. Do you recall anything about
 5 communications with the governor's office
 6 about the revision to the plan?
 7 A. I was opposed to it. I thought
 8 that, you know, you can't -- you can't bluff
 9 and then -- and then fold. It was a real
 10 problem, we needed a solution. It may be a
 11 temporary fix with a permanent solution, but
 12 that was just a temporary fix, and we still
 13 didn't have a permanent solution. I don't
 14 think they still have a permanent solution.
 15 Q. Where did the money come from?
 16 A. I think we didn't purchase --
 17 I'll have to go back and check my notes, but to
 18 the best of my recollection, we cancelled a
 19 patrol car purchase -- not a, a fleet of
 20 patrol cars. So we have trooper cars with
 21 three hundred and fifty thousand miles on
 22 them, so we cancelled purchases on patrol
 23 cars.

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875-375-0440

Spencer Collin

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1 Q. I understand.
 2 A. That's tough. That's tough to
 3 tell a trooper driving a car with three
 4 hundred fifty thousand miles, we can't put
 5 you in a new car.
 6 Q. Right. Did you tell the
 7 governor that?
 8 A. I don't know if I expressed
 9 that directly. My biggest concern through
 10 the entire thing, and I did express this,
 11 was, if we don't get an overall solution,
 12 driver's license is bad, and we're obviously
 13 dealing with national media and dealing with
 14 constituents. But it's going to be twice as
 15 bad when we're at ten percent of the manpower
 16 we should have in the Highway patrol. I
 17 tried to continuously articulate that.
 18 (Collin Exhibit 21 was
 19 marked for
 20 identification.)
 21 Q. I'm going to mark next exhibit
 22 23. Document Bates numbered DEF 00025544
 23 through 44.

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875-375-0440

Spencer Collin

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1 A. Can I back up a second?
 2 Q. Sure.
 3 (Off-the-record discussion
 4 was held.)
 5 Q. We're on 23. Take a look at
 6 this, this is a table, part-time satellite
 7 locations on the first page and then second
 8 under Alabama Law Enforcement Agency, office
 9 schedules for reopening driver's license
 10 offices. Do you see that?
 11 A. I do, yes, sir.
 12 Q. Okay. And just taking that
 13 second page and that's, by the way for the
 14 record, DEF 00025544. See where that says,
 15 this is the new schedule as of November 1,
 16 2016. Do you see that?
 17 A. I do, yes, sir.
 18 Q. Is it your understanding this
 19 is an accurate statement of the schedule for
 20 the satellite offices effective November 1,
 21 2016?
 22 A. Yes.
 23 Q. As you said before, I think,

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Spencer Collin

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1 with one or two exceptions, it's all under a
 2 month, is that right?
 3 A. Yes, correct.
 4 Q. Okay.
 5 A. And I know there were at least
 6 now, you say two exceptions, and I'm trying
 7 to find the second one.
 8 Q. It says Escambia --
 9 A. Tallapoosa.
 10 Q. There may be only one. Hold
 11 on.
 12 A. No, there's two. There's two.
 13 Tallapoosa --
 14 Q. I'm seeing, Escambia seems to
 15 be Wednesday and the second Tuesday?
 16 A. That's going to be correct. I
 17 knew Tallapoosa was one.
 18 Q. Okay. Yeah.
 19 A. I have no -- I mean, I believe
 20 that's correct.
 21 Q. I take it was this made public
 22 on ALBA's website?
 23 A. Yes.

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1 Q. And it was sent to the press?

2 A. Yes. Yes, sir.

3 Q. And do you know who on -- You

4 said you are told by the governor to make it

5 happen. Do you know who in your office

6 worked on generating this document?

7 A. Yes. John Thomas Jenkins

8 headed the working group. But Kevin Wright,

9 Major Deana Prigun, Jon Archer, James Rigby,

10 and I believe both colonels worked on it, so

11 that would have been both Colonel Richardson

12 and Lieutenant Colonel Fuller.

13 Q. And then you approved it?

14 A. Yes.

15 (Off-the-Record discussion

16 was held.)

17 (Collier Exhibit 24 was

18 marked for

19 identification.)

20 Q. Let's mark as Exhibit 24. It's

21 Bates numbered DEF 00011147 through 30. And

22 it's got a cover email dated December 30,

23 2019 from -- it looks like, from Yvette

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RT-075-0460

Spencer Collier 282

1 Rivers at Department of Transportation, to

2 Jason Hyatt and Spencer Collier, with a cc to

3 Stephanie Jones. Then attached is a letter

4 dated the same date, December 30, 2019, to

5 Spencer Collier from Yvette Rivera.

6 A. I'm familiar.

7 Q. Have you seen these documents

8 before?

9 A. I have, yes, sir.

10 Q. And these are true and correct

11 copies of communications you received from

12 the Department of Transportation on December

13 30, 2019?

14 A. Yes, sir.

15 Q. What's your understanding of

16 what these documents were about?

17 A. It was pretty clear that we're

18 being put on notice. I don't know if it says

19 or implies the reason. At the request of

20 Congresswoman Sewell, but that we were being

21 put on notice of potential investigation.

22 And I said earlier the Justice Department

23 within DOT. But it looks like it's their

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RT-075-0460

Spencer Collier 283

1 Office in Civil Rights. And it cites the 42

2 CFR, which is all the federal code from the

3 DOT standpoint, DOT enforcement that we

4 operated under.

5 And I asked for the following

6 information, at which point I turned over to

7 my executive counsel.

8 Q. Okay. You'll notice -- In

9 fact, this letter December 30, 2019, does

10 request specific information for their

11 investigation, isn't that right?

12 A. It does, yes.

13 Q. I'll draw your attention to the

14 second page of the letter that's Bates number

15 DEF 00011149, point six, where the request

16 was made for, quote, all analyses and

17 documentation the State used to determine

18 and/or assess the demographics of communities

19 impacted by the closures and/or service

20 reductions, including race, color, and

21 national origin. Close quote. Do you see

22 that?

23 A. I do, yes, sir.

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Spencer Collier 284

1 Q. Were any such analyses or

2 documents created?

3 A. Not to the best of my

4 knowledge.

5 (Collier Exhibit 25 was

6 marked for

7 identification.)

8 Q. I'm marking this as Exhibit 25,

9 a document with Bates number DEF 00011044

10 through 70.

11 A. Yes, sir.

12 Q. It's a letter from you to

13 Yvette Rivera, dated January 19, 2019. Do

14 you see that?

15 A. I do, yes, sir.

16 Q. Is that your signature on page

17 three of the letter?

18 A. No, sir. That is the signature

19 of my chief administrator. But he had

20 signature authority on my behalf.

21 Q. Okay. So you approved this

22 letter?

23 A. Yes, sir.

Frederick Court Reporting, Inc.

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Spencer Collier 205

1 Q. Okay. And it was sent to
2 Lyette Rivers on January 19, 2016?
3 A. Yes, sir.
4 Q. Okay. Did you clear this
5 letter with the governor's office before you
6 sent it?
7 A. I can't tell you that I
8 personally did it. It would be my
9 understanding that our legal office, who also
10 actually wrote the letter, shared it with the
11 governor's office and got clearance.
12 Well, let me -- Maybe I need to
13 clarify that. It would be outside our
14 standard of practice to respond to any
15 federal agency without clearing it through
16 the governor's office. So I assume we did
17 the same in this situation.
18 Q. I understand. Do you see at
19 the bottom of the second page of the letter,
20 the very bottom paragraph, it says -- it
21 refers to attachments to the letter, do you
22 see that?
23 It's the second sentence of the

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Spencer Collier 206

1 last paragraph at the bottom of the page.
2 A. Where it says see Attachment B?
3 Q. No. In addition to this
4 letter, there is attachments, do you see
5 that?
6 A. Yes, sir.
7 Q. So there were -- As you say
8 it's attachment B, so there were attachments
9 to the letter?
10 A. Yes, sir. It looks like
11 there's at least two. There's an attachment
12 B, I would assume we -- Yeah.
13 If you go up to the second
14 paragraph, it says see attachment A, and then
15 there is a see attachment B.
16 (Collier Exhibit 26 was
17 marked for
18 identification.)
19 Q. I want to ask you whether or
20 not the following documents, in fact, were
21 some of the attachments to the letter. I'm
22 going to mark this as Exhibit 26 Bates number
23 D05 00031073 through the way out to D05

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Spencer Collier 207

1 00031076. I'll ask whether these are some of
2 the information you gave to the Department of
3 Transportation?
4 A. The first exhibit is from
5 Secretary of State Merrill, so I can't speak
6 to that. Maybe it's something our office
7 turned over.
8 Q. That's what I was asking.
9 A. That's very much possible. I'm
10 not sure though.
11 Q. You're not sure if these were
12 provided --
13 A. If we can't get -- If we sent
14 this from Representative Merrill.
15 Q. Let me ask you a question about
16 only one page of all these things, D05
17 00031076. It's a table under the -- looks
18 like the heading of ALEA, top of the page:
19 Information Bureau.
20 A. Yeah. And just for clarity,
21 the Information Bureau is now or was absorbed
22 by Driver's License Division. So anywhere
23 you see Information Bureau, that contains the

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Spencer Collier 208

1 Driver's License Division.
2 Q. Do you recognize this document?
3 A. Give me the number and word
4 time, I'm at 134.
5 Q. D05 00031076.
6 A. Okay.
7 Q. Do you recognize it?
8 A. Yes.
9 Q. Do you know who created this
10 document?
11 A. Again, by the same working
12 group headed by John Thomas Jenkins, Kevin
13 Wright, Major Deana Ferguson, John Archer,
14 James Rigby, and at times both the colonel
15 and the lieutenant colonel.
16 Q. Okay. Do you see -- I draw
17 your attention to two columns in this -- Let
18 me ask you this question. Is there any
19 reason -- Do you believe -- To your
20 understanding, is the date in this accurate?
21 A. Yes. To the best of my
22 knowledge, yes, sir.
23 Q. Okay. I'll draw your attention

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Spencer Collins

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1 in that table where it says: Closing
 2 offices. Do you see that?
 3 A. I do.
 4 Q. And it says total, and look and
 5 there's a number at the bottom of it, eight
 6 thousand six hundred fifty-four. Do you see
 7 that?
 8 A. I do.
 9 Q. Are those transactions that
 10 would take place in the closing -- in the
 11 offices that were subject to closing during
 12 2014?
 13 A. As I read it, it's
 14 transactions, yes.
 15 Q. And those are the 2014
 16 transactions?
 17 A. Yes.
 18 Q. Okay. And then next to it
 19 there's a column on Black Belt office
 20 percentage, do you see that?
 21 A. I do, yes, sir.
 22 Q. And at the bottom of that
 23 there's a number, one thousand four hundred

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Spencer Collins

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1 and seventy-two, do you see that?
 2 A. I do, yes, sir.
 3 Q. So those would be the
 4 transactions in the Black Belt that were in
 5 the offices that were closed; is that right?
 6 A. Correct, yes, sir.
 7 Q. If I got my arithmetic correct,
 8 roughly seventeen percent of the transactions
 9 of the closed offices were in the Black Belt;
 10 is that right?
 11 A. I don't know why we have listed
 12 it as point -- as one percent. We actually
 13 have it as higher. I don't know if there's
 14 one --
 15 Q. Was that one percent for the
 16 whole statewide transactions?
 17 A. Okay. You're doing -- I see
 18 what you're doing.
 19 Q. I'm saying of the offices that
 20 were closed, seventeen percent of the
 21 transactions were in the Black Belt?
 22 A. Okay. Yes, sir. I agree with
 23 your math. I agree with your math, yes, sir.

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Spencer Collins

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1 Q. All right. I'm going to change
 2 topics with you here.
 3 A. Okay.
 4 Q. At any time --
 5 A. Are we done with these
 6 indicating?
 7 Q. We are. You can put that
 8 aside.
 9 A. At any time when you were
 10 secretary of ALBA, do you recall any efforts
 11 working with the Secretary of State's office
 12 to try to determine what percentage or number
 13 of -- strike that. Bad question.
 14 A. Do you recall any efforts to
 15 determine what number of individuals on the
 16 Secretary of State's voter file did or did
 17 not have an ALBA ID?
 18 A. I want to make sure I
 19 understand the question. So you're asking
 20 under -- in any correspondence or
 21 communication with the Secretary of State,
 22 did we discuss voter ID, outside of an
 23 ALBA-issued voter ID?

Friedman Court Reporting, Inc.

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Spencer Collins

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1 Q. No. Let me try again.
 2 A. Okay.
 3 Q. At any time, do you remember
 4 any attempt to match up the Secretary of
 5 State's voter file with the databases of ALBA
 6 so you could see which of the voters did or
 7 did not have an ALBA ID?
 8 A. No. I don't require -- I mean
 9 I don't remember doing that specifically.
 10 That task, to work with the Secretary of
 11 State was given, again, to John Thomas
 12 Jenkins and Kevin Wright. But I don't
 13 specifically remember that.
 14 Q. You personally were not
 15 involved in that activity?
 16 A. No. No.
 17 MR. FRANK: Okay. I don't have
 18 any more questions for you. Thank you for
 19 your time -- Oh, that's right. I do have one
 20 more question for you. Thank you.
 21 Q. You said before that the Black
 22 Belt had been helpful. In fact, one email of
 23 your emails said they had been incredibly

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Spencer Collins 213

1 helpful at least in working on that license
2 fee rollback?

3 A. Absolutely.

4 Q. How so? How were they helpful,
5 the black Caucus?

6 A. The black Caucus. Well, in
7 committee, remember it passed the Senate,
8 thirty-one to nothing. That's strong.
9 Normally when something rolls out of the
10 senate thirty-one to nothing, you're playing
11 defense and you're behind the fifty yard
12 line.

13 It got out of rules, which
14 means -- Excuse me. It got out of the
15 basket, which means -- in the house, which
16 means it got assigned to a committee. That's
17 another step you're losing progress. And
18 then it got a committee -- got placed on a
19 committee agenda. So you're three-quarters
20 of the way to passing a piece of legislation.

21 At that point we went to -- I
22 reached out to Craig Ford, chairman of the
23 Democratic Caucus, asked for an opportunity

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Spencer Collins 214

1 to speak with the Caucus, with the Democrat
2 Caucus, the full Caucus, including the black
3 Caucus, explained where we were. We had
4 lobbied -- it was in the Public Safety
5 committee, so fortunately we had a few former
6 police officers on the committee that were
7 Republicans so we also lobbied them. But they
8 were incredibly helpful. I mentioned Mary
9 Moore earlier who just was very vocal in
10 committee. I mean, it was a very contentious
11 committee meeting. It is unusual for a
12 cabinet member to show up and speak against a
13 sitting senator. You generally pay. And I
14 paid. It was just a contentious meeting, and
15 very -- with the exception of one Republican
16 very few spoke up.

17 But as I recall, every member
18 of the black Caucus that sat on that
19 committee spoke in favor of us.

20 Q. When they spoke up, do you
21 recall what they said?

22 A. Just very vocal. They were
23 aware of the fee, but we -- we, being the

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Spencer Collins 215

1 legislature, give the executive branch the
2 ability to make these kind of fee increases;
3 that being a separation of powers issue they
4 appropriate; and that we follow the law --
5 that ALBA follow the law, did everything
6 correctly; and that now it was trying to be
7 repealed because a few Republicans got some
8 phone calls.

9 I mentioned Mary Moore -- but I
10 think every -- Chris England was one of them.
11 Every member of the black Caucus spoke up in
12 committee on our behalf. And we won ten to
13 one, that's highly unusual. I think they
14 probably flipped some votes.

15 Q. Did they do so because they
16 knew that without the fee increases they would
17 be facing closures of ALBA offices in the
18 black Belt?

19 A. Again, it was not just about
20 driver's license. They understood they were
21 going to see a reduction of services, in not
22 just the black Belt, but in rural Alabama.
23 yes.

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Spencer Collins 216

1 Q. But part of --

2 A. But driver's license was part
3 of that.

4 Q. Part of the reason they spoke
5 up was they understood that without the fee
6 increase, they would face closures of
7 driver's license offices in the black Belt.
8 Is that right?

9 A. Yes, sir. When I spoke to
10 their Caucus, I shared basically all the
11 lobbying information that you have presented
12 me.

13 MR. FRAM: Now I have no
14 further questions for you, subject to any
15 follow-up I might have when the defendants
16 are through asking their questions.

17 MR. DAVIS: Yeah. Let's take a
18 break first.

19 VIDEOGRAPHER: This ends disk
20 three. Going off the Record at 2:37.

21 (Recess taken.)

22 VIDEOGRAPHER: This begins disk
23 four. Going back on the Record at 2:37.

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Spencer Collier 217

1 EXAMINATION

2 BY MR. DAVIS:

3 Q. Good afternoon, Mr. Collier.

4 A. Hey, Jim. I apologize. I

5 shouldn't call you by your first name.

6 Q. I'm not offended in the least.

7 For the record, I'm Jim Davis.

8 with the Attorney General's office. I

9 represent the Secretary of ALEA in his

10 official capacity, Secretary of State in his

11 official capacity, and the State of Alabama

12 in this case.

13 Mr. Collier, are you a racist?

14 A. No.

15 Q. Are you aware that the

16 Plaintiffs in this case, Greater Birmingham

17 Ministries and the HOACF of Alabama, have

18 filed pleadings in Court saying that you

19 personally are racist?

20 A. Well, none of those three know

21 me. There's not a racist bone in my body.

22 But, to answer your question, no, I was

23 unaware of that.

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Spencer Collier 218

1 Q. Mr. Free, his colleagues also

2 cited in these pleadings, all making

3 allegations that you're a racist. I put in

4 front of you a document; it's marked as

5 Exhibit Number 1 --

6 A. 17.

7 (Collier Exhibit 29 was

8 marked for

9 identification.)

10 Q. I'm sorry. I beg your pardon.

11 Let me correct myself. It's marked as

12 Exhibit 27.

13 It was filed in this case as

14 Document 34. Would you look at page

15 twenty-one, I'm referring to the page numbers

16 down at the bottom.

17 A. Okay. I'm with you, Mr. Davis.

18 Q. Down at the very bottom of that

19 page, on the bottom right, there's a sentence

20 that begins -- I'm going to start with that

21 sentence where it says: Plaintiff also, and

22 I'm going to read over into the next page.

23 A. Jim, I'm not sure I'm with you.

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Spencer Collier 219

1 You're on page twenty-one?

2 Q. Yes. I'm on page twenty-one.

3 A. Start here (indicating)?

4 Q. I'm referring to the very

5 bottom line.

6 A. Okay. Thank you.

7 Q. And I'll read this for the

8 record, it says: Plaintiffs also claim that

9 the secretary himself -- that was you at the

10 time -- that the secretary himself is

11 motivated by a racially discriminatory

12 purpose when he limited the hours and

13 locations of ALEA offices.

14 Did I read that correctly?

15 A. You did, yes.

16 Q. Is that allegation true?

17 A. That is completely false.

18 Q. Why is it false?

19 A. Well, it's just a lie. Number

20 one, they don't -- they don't -- they don't

21 know me. There's not a racist bone in my

22 body. I'm actually offended to be called a

23 racist. There's multiple races married into

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Spencer Collier 220

1 my family. I represented a district that had

2 a high Asian population. There's just not a

3 racist bone in my body, and I think the

4 information you provided show that I fought

5 very hard for the Black Belt. So such an

6 accusation, it offends me, and it's wrong.

7 Q. Would you look at the exhibits

8 in front of you, the ones that have already

9 been marked, Mr. Collier, and look for

10 Exhibit Number 14.

11 A. (Witness complies.) Okay.

12 I've got it.

13 Q. All right. There's an email

14 from you to Mr. Archibald that begins at

15 about the halfway point on the first page.

16 A. Yes.

17 Q. And the first paragraph of that

18 email, it begins: I've always respected you

19 and your writing.

20 And I'm going to skip down to

21 the last sentence of that paragraph, where

22 you said: If for one minute you think race

23 played any factor in my recommendations, then

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Spencer Collins

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1 you have absolutely no idea of who I am and
 2 what I stand for
 3 Q Do I feel a little frustration
 4 in you at that point?
 5 A Yeah. As I mentioned earlier,
 6 I don't know if you're ever friends with a
 7 journalist, but John and I -- I would say,
 8 we're friends, and we respect each other.
 9 And when we don't agree, we're okay to say,
 10 hey, that's BS. And he wrote an article, and
 11 I'm calling BS. And I'm a little offended
 12 that someone that knows me, and John
 13 Archibald knows me, he knows I'll just call
 14 it like it is, if you're insinuating this,
 15 John, then you obviously don't know me. I
 16 thought we knew each other, and you obviously
 17 don't know me.
 18 Q Yeah.
 19 A If you'll see in his response,
 20 he says he's not insinuating that in any way,
 21 shape, or form.
 22 I listen, and, again, I may be
 23 going beyond what you're asking. I fought

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Spencer Collins

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1 hard for the black caucus through this entire
 2 process. I was unaware of that, Jim, and I'm
 3 glad you brought it to my attention.
 4 Q I understand. But, you know, I
 5 get the feeling -- You can correct me if I'm
 6 wrong, but I get the feeling that you're
 7 frustrated more than just John, because there
 8 was talk, right, about these reduction in
 9 hours and what the motivations were?
 10 A Right. The initial start was
 11 Congresswoman Sewell, who I had visited at DC
 12 no less than fifteen times to meet with
 13 members of our congressional delegation, and
 14 she is the only one that has never agreed to
 15 meet with me. So I, A, found that a little
 16 ironic. And then I mention in one of the
 17 emails I've tried to call or tried to call
 18 and email her. Her email wouldn't accept
 19 emails outside of the district.
 20 So I felt either nationally or
 21 even some of the local media, and a lot of
 22 people give John a hard time as being left
 23 learning, and I even kind of protect him and

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Spencer Collins

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1 say, yeah. I'm one of the few that think you
 2 call them like you see them. And I still
 3 feel that way.
 4 But we're injecting race into
 5 this. This is not a race issue, this is a
 6 rural Alabama issue, and this is a government
 7 not being properly funded issue.
 8 From my perspective, in picking
 9 these, whether it was five or two thousand,
 10 again I'm not sure, we picked a matrix, and
 11 we stuck to it.
 12 I mention also in one of the
 13 emails to John. John, if you go back and
 14 look, some of our biggest supporters have
 15 been the black caucus. And if it would be up
 16 to me, I would just close licenses in the
 17 districts of those that haven't helped us.
 18 But that would be just as wrong as being
 19 accused of doing this for race.
 20 Q But it was your goal, wasn't
 21 it, to find a way, when you realized that
 22 there had to be changes and reductions there,
 23 you wanted to find a way to do it that was

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Spencer Collins

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1 fair and neutral?
 2 A Yes.
 3 Q And you did that based on the
 4 number of transactions?
 5 A Yes. Yes.
 6 Q Did you in any way let the --
 7 the fact -- scratch that. I'm going to start
 8 that question over.
 9 When you were deciding which
 10 offices to impact, did the race of the people
 11 living in the area have anything to do with
 12 your decision whatsoever?
 13 A Never.
 14 Q Has your agency, when you were
 15 secretary of ALBA, was it ever a
 16 consideration for you as to how to allocate
 17 the driver's license workers you have
 18 efficiently?
 19 A Jim, I don't know if there was
 20 a way to do it efficiently, when you look at
 21 the -- I know, I don't mean -- The numbers
 22 were so bad. However, I do go back and feel
 23 that by -- by taking advantage of a law the

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Spencer Collier

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1 legislature passed, we had a solution.

2 Q. I understand.

3 A. Short of hiring, I don't think

4 there is an efficient way to do that.

5 Q. And I won't argue with that.

6 Let me ask this. Was it a consideration to

7 take what you had and allocate them in the

8 most efficient way possible?

9 A. We looked at the most neutral

10 and defensible position, and that was, again,

11 if it would have been just left up to Spencer

12 Collier, we would have closed Madison County,

13 and Baldwin County, and Houston County, and

14 probably Shelby County, where we didn't get

15 any votes. But that would be just as wrong

16 as -- If I'm closing Republican votes because

17 Republicans voted against me, that's just as

18 wrong as closing offices based on race.

19 So we just sat down and said

20 we've got to find a matrix, a matrix that we

21 can defend, and that was simply transactions.

22 And we never -- I don't think we ever shifted

23 from it.

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Spencer Collier

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1 Q. Think about the office, say in

2 Lamar County, that's my home county, I grew

3 up in Vernon. And that's --

4 A. That's a big county.

5 Q. Vernon is now about two

6 thousand people or less. I think it's dying

7 quickly. If you staffed an ADA's office there

8 five days a week, would that person be busy

9 all day, every day?

10 A. No.

11 Q. If you were going to keep --

12 Again, assuming you couldn't hire -- you

13 wouldn't be in a position to hire as many

14 driver's license workers as you want to, you

15 had a limited pool.

16 A. Right.

17 Q. If you were to keep all of the

18 offices in the rural areas open all the time,

19 what would that do to your offices in

20 Birmingham and Tuscaloosa and Mobile?

21 A. Well, even doing it part-time,

22 it was effectively doing -- it was

23 effectively hamstringing us at Mobile.

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1 Montgomery, Huntsville, Gadsden, the major

2 offices, because we were having to pull

3 examiners from the major offices. Plus keep

4 in mind something we haven't talked about

5 today, that examiner starts her shift at

6 eight o'clock, so we have to make a decision:

7 okay, you're leaving -- you're leaving

8 Montgomery and going to Rockford, so you're

9 going to drive an hour to Rockford. So she

10 gets to Rockford and she opens at nine,

11 because she took an hour. I can only -- She

12 works eight hours a day. I can't change the

13 state personnel rules, so she opens at nine,

14 she gets an hour for lunch, she closes at

15 twelve, she reopens at one, has to leave in

16 time to get home by eight hours, so she

17 closes at four, plus I have to pay her

18 sixteen dollars for traveling that day. It

19 was just a very inefficient way.

20 But in saying that, I want to

21 be clear, I was looking for a complete big

22 picture fix of the whole situation. I knew

23 as a road trooper, driver's license system

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Spencer Collier

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1 was just archaic. I said if I ever got in a

2 position to do something about it, I would

3 try. And I tried.

4 Q. You did make a lot of

5 technological improvements, didn't you?

6 Because you had the kiosks, right?

7 A. We didn't talk about that. We

8 introduced electronic kiosks at some of our

9 offices, where you walk -- Well, first we

10 begin triaging, that's a huge time saver.

11 Then we began triaging. So if you walk in --

12 So Jim, you walk in and say, I'm here -- In

13 no way would I infer this but I'm here -- I'm

14 suspended, I need to be renewed. Well,

15 you're going to sit a moment. But I'm here.

16 Just to renew, I can -- that examiner can

17 point you to a kiosk, you can walk over there

18 and do everything on the kiosk, or you say

19 are you aware you can go online and renew

20 now. So that was an advantage, the online

21 renewal was an advantage. Online scheduling,

22 believe it or not, that was a time run.

23 Especially in the rural areas, I got more

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Spencer Collier

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1 Thank you about, hey. I didn't have to go
 2 sit for three hours. You said eleven, at
 3 11:16 I was out of there. That was a huge
 4 advantage.
 5 Did we fix it? No. But did we
 6 make improvements? Yes. Was anything based
 7 on race? Just to the contrary. I fought
 8 very hard for the black belt of Alabama.
 9 Q. See if you see Exhibit 11 in
 10 front of you, Mr. Collier, please?
 11 A. (Witness complies.) I think
 12 I've got it, Jim.
 13 Q. Okay. On the second page --
 14 A. Okay.
 15 Q. -- there's a paragraph down
 16 towards the bottom that begins:
 17 Additionally, we currently have a hundred and
 18 four vacancies. Do you see that one?
 19 A. Yes. Yes.
 20 Q. I'm going to skip down to the
 21 sentence that begins -- it's on about the
 22 fifth line, it says: All ALBA District
 23 offices are woefully understaffed. To make

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Spencer Collier

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1 it worse, we've been taking examiners from
 2 the Businet offices to fill the satellite
 3 offices. For example, ALBA was sending a
 4 Montgomery examiner to Rockford, Alabama. In
 5 comparison, Montgomery DL does hundreds of
 6 thousands of transactions a year while
 7 Rockford did a hundred and eighty-three last
 8 year.
 9 In this person that we were
 10 talking about hypothetically, you send
 11 someone to Rockford --
 12 A. Yeah, and I always pick you
 13 Rockford.
 14 Q. Well, it's nearby, right?
 15 A. Right.
 16 Q. If that were the case -- I know
 17 you're not picking on Rockford, you're
 18 talking about any of these offices that do --
 19 A. Well, I actually selected
 20 Rockford for a reason, it's a majority white,
 21 rural area.
 22 Q. I take your point. But to send
 23 someone to staff Rockford fully, you're going

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Spencer Collier

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1 to increase the lines in Montgomery, isn't
 2 you?
 3 A. Correct.
 4 Q. You're going to serve fewer
 5 people in Montgomery, in order to have
 6 somebody sitting idle a lot of the time at
 7 Rockford, wouldn't you?
 8 A. Correct.
 9 Q. And next paragraph continues,
 10 it says: ALBA DL has conducted one point two
 11 million transactions in the past year. Of
 12 the thirty-one satellite offices that we no
 13 longer staff, eight thousand transactions
 14 were conducted last year. Politicians
 15 continuously say run government like a
 16 business, so what business would operate that
 17 way?
 18 I look at that and I'm
 19 thinking -- you tell me if this is wrong. No
 20 matter how many driver's license operators
 21 you have, you want to be good stewards of the
 22 state's resources, don't you?
 23 A. Yes. Absolutely

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1 Q. Try to get ideas where they
 2 serve the most people?
 3 A. Sure. Sure. Sure.
 4 Now in saying that, I also
 5 would like to point out, whether it's weekly,
 6 if you go back to probably, Jim, when you and
 7 I got our driver's license, you recall the
 8 local trooper drove around, probably in Lamar
 9 County he'd meet you at the courthouse at a
 10 certain time. I believe we have an
 11 obligation, whether it's a day a week, or two
 12 days a week, to provide service to those
 13 counties. Again, I go back to what I said
 14 earlier, whether it's the black belt, whether
 15 it's south Mobile County where I'm from or
 16 Lamar county where you're from, we have to
 17 think of Alabama as a whole and not just
 18 pigeon hole Alabama, pick portions of it.
 19 But you cannot compare Rockford to
 20 Montgomery. And if you want to make that
 21 comparison, I'll drive you out to the
 22 Coliseum Boulevard, and then we'll leave
 23 there and drive to Rockford, no comparison,

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1 Q. You want to be efficient, but
2 it was a goal of yours to have services
3 available in every county of the state?

4 A. It was. It was. And I'll add
5 to that, my best friend was the major of
6 driver's license back when I was a road
7 trooper. And I watched him, I mean,

8 literally stress himself to death trying to
9 -- if the probate judge in Fairhope called
10 and said I want an examiner three days a
11 week, we tried to meet that. We tried to be
12 everything to all people, without funding.

13 So my goal was, if we're going
14 to be these things, then we've got to be
15 properly funded.

16 Q. Based on the funding available
17 to ALGA, you had no choice but to make some
18 kind of change, right?

19 A. No. We had to make a change.
20 If you go from '06, to fiscal year 2016,
21 you've got a reduction -- you've got from
22 eighty-three million, you add nine additional
23 agencies, and you're down to forty-four

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1 million.

2 Q. What kind of services, other
3 ALGA services, would you have had to reduce
4 to keep the driver's license offices open the
5 same number of hours?

6 A. Well, we would -- we already
7 don't staff every county twenty-four hours a
8 day.

9 Q. Right.

10 A. We have some counties that
11 don't have a trooper in it. So we would have
12 to further -- we would have had to roll some
13 of that back personnel-wise. You lose
14 ninety-nine troopers, that's twenty-five
15 percent of your road troopers. I already
16 pushed the corporals out in the field to give
17 us an additional forty troopers. But you're
18 talking about less troopers on the highway of
19 a state that's already -- again, I'll use the
20 word, we woefully underfund state government,
21 and as a result we have four hundred troopers
22 and we should have eleven hundred. I gave a
23 long answer, didn't I?

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1 Q. But to keep driver's license
2 offices operating at the same level that they
3 were before, you would have had to take
4 troopers off the street and do things like
5 that?

6 A. We'd have to make those
7 adjustments. And then what we were looking
8 at is not responding to major crimes. And
9 who is going to work the murder in Lowndes
10 County? Let's just be honest, who is going
11 to work the murder in Lowndes County? Big
12 John is one of the best sheriffs in the
13 state, but he doesn't have a single criminal
14 investigator, so we were looking at those
15 things. Do we affect the rural parts by not
16 responding to homicides at two in the
17 morning, or do we close driver's license
18 offices?

19 Q. There were thirty-three offices
20 identified initially?

21 A. Yes.

22 Q. And ultimately thirty-one were
23 affected?

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1 A. Yes.

2 Q. Now, Wedowes was one of those,
3 correct?

4 A. That's correct.

5 Q. That was over thirty-three, but
6 dropped out.

7 A. Yes.

8 Q. I think there was confusion
9 about what the other one. Would it have been
10 the one in Redstone?

11 A. Yes. Yes. That was correct,
12 it would have been Redstone.

13 Q. Is that on the base?

14 A. It's on the base.

15 Q. That probably didn't cost
16 anything to run?

17 A. It doesn't. It was base-funded
18 to have it there, and I think it was also
19 part of some economic development agreements
20 we had made with Redstone for some expansion.

21 Q. With it being self-funded, is
22 that why it got back on the list?

23 A. It was self-operating. It was

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1 behind the base, so it basically served the
2 Redstone population. I know we were one off.
3 Q. Are you aware of a law that
4 requires people to show a photo ID at the
5 polls before voting?
6 A. Yes.
7 Q. Is a driver's license only form
8 of photo ID?
9 A. No. In fact, I think I was in
10 the legislature -- I know I was, maybe when
11 it passed the house. But, no. It gives
12 multiple forms. I think it even goes down to
13 a power bill -- You're talking about the
14 photos?
15 Q. Photo.
16 A. No. No, not just the driver's
17 license. You can get a photo voter ID from
18 the Secretary of State's office. I think you
19 can get them from probate judges as well, and
20 some licenses or revenue commissioners.
21 Q. Look at Exhibit 21.
22 A. (Witness complies) I'm
23 getting these, Jim. Bear with me. Okay.

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1 Q. This press release, it's
2 titled: ALEA Driver's License Personnel
3 Reallocation Does Not Impact Voting in
4 Alabama?
5 A. Yes.
6 Q. You signed on to this, right?
7 A. Yes, I did.
8 Q. Did you think this press
9 release was correct?
10 A. Yes, I do.
11 Q. So tell me how the driver's
12 license personnel reallocation does not
13 impact voting in Alabama?
14 A. Well, we -- Again, I think that
15 responsibility falls to the local voter
16 registrars and to the Secretary of State. We
17 are responsible for issuing driver's licenses.
18 I do think that it affected our ability to
19 issue driver's licenses. But that has -- That
20 was not one of our -- It's not our core
21 mission. Our core mission was to provide a
22 driver's license, to test you to see if
23 you're competent, at a minimum standard, to

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1 drive safely on the roadway.
2 Q. I'm sorry, Mr. Collier, I
3 didn't finish the title. It actually says
4 ALEA Driver License -- Start over: ALEA
5 Driver License Personnel Reallocation Does
6 Not Impact Voting in Alabama. Free Voter ID
7 Available in All Sixty-seven Alabama
8 Counties.
9 A. Correct.
10 Q. So any reallocation of
11 personnel that you had, that did not effect,
12 at all, people's ability to get the free
13 voter ID, did it?
14 A. No. Again, this was about
15 driver's license. It's not about race and
16 it's not about voting.
17 Q. Okay. But if you were,
18 hypothetically, to close every driver's
19 license in the state except to have one open
20 in Birmingham, people could still get their
21 free voter ID in each county, correct?
22 A. Correct.
23 Q. Just at other offices?

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1 A. And that is something that we
2 did verify before we began closures. We did
3 verify that.
4 Q. So when you were in the
5 unfortunate and unpleasant position of having
6 to reallocate resources, you knew at the time
7 that ALEA's decision was not going to affect
8 people's ability to vote, correct?
9 A. Correct.
10 Q. You say in the same email, you
11 remember you talked about this before, you
12 say: I understand the concern of many in the
13 black belt area as it relates to access to
14 the fundamental right to vote.
15 Now, when you said that, did
16 you mean that you understand that the right
17 to vote is important and any concerns about
18 that is serious, that you want to pay close
19 attention to: or were you saying, yeah, we're
20 going to mess up the right to vote by closing
21 these offices?
22 A. I think if you read my next
23 sentence, it says: However, I want to be

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1 thorough in reminding Alabamians in the
2 affected area that their probate judge or
3 license commissioner can still renew their
4 driver's license or provide a duplicate. And
5 I went on to talk about how we resolved the
6 issue.

7 We also, in the press release,
8 provided the information about free voter
9 IDs. And that was after communicating, not
10 by me, by my senior staff, with the Secretary
11 of State.

12 Q. What has happened since the
13 reallocation of personnel? Which,
14 unfortunately, personnel had to be
15 reallocated, is that the way it's stayed
16 since then or has there been --

17 A. Well, I can only speak to my
18 time.

19 Q. And that's what I mean to be
20 asking about.

21 A. And I left in February of last
22 year. Yes, it was -- it was still -- We were
23 reallocated. We did adhere to the governor's

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1 editor of one day a month. It is still a
2 difficult process. That examiner, every
3 morning, has to begin by where are we going
4 to do driver's license today? I mean that
5 driver's license commander, that area.
6 Commander, every day begins their day with
7 that.

8 Q. You said -- I think, Mr.
9 Collier, you said you left ALMA February of
10 last year. It was February of this year?

11 A. February of this year. You're
12 right. I'm sorry.

13 Q. That's okay. Would you look at
14 Exhibit 25, the letter to Tyette Rivera?

15 A. (Witness complies.) I'm
16 getting there.

17 Q. That's okay.

18 A. Okay. I'm with you.

19 Q. On page two of that document,
20 I'm starting from the bottom, the third
21 paragraph from the bottom, the one that
22 begins part-time offices, do you see that?

23 A. I do, yes.

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1 Q. It says: Part-time offices
2 were closed for approximately one month
3 before thirty offices were reopened on a
4 limited basis in November of 2019. Now all
5 but two original ALMA satellite driver
6 license offices are open and available.
7 Every county that originally had an office,
8 again has an office where ALMA driver license
9 services are provided.

10 A. I do see that.

11 Q. Okay. Now, tell me, when you
12 say they were reopened on a limited basis,
13 what does limited basis mean?

14 A. Once a month. At least once a
15 month.

16 Q. Okay. But at least once a
17 month, a person can get a driver's license --

18 A. In one of these thirty-one,
19 yes.

20 Q. In one of these counties?

21 A. At least once a month.

22 Q. That's true in every county in
23 the state?

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1 A. That's correct. And it's also
2 worth pointing out, you've got to remember
3 over time, we've just added days, I mean,
4 back to my days as a road trooper, many of
5 these areas were at once a month, and then
6 it's -- you know, you get a powerful probate
7 judge, you get a powerful senator that says,
8 hey, I want three days a week, we always --
9 we always made it happen without the funding.
10 So it's not just like an arbitrary number
11 that occurred one day a week, or one day a
12 month. There were times that we did it one
13 day a month.

14 Q. And now, of course, if somebody
15 was getting their license renewed, they could
16 do it at the probate judge's office, right?

17 A. Yes. You can get -- And I had
18 forgotten, but I saw on one of the things you
19 pointed out, you can renew at the probate --
20 during my tenure, we went where you could not
21 just renew, but you could renew your REAL ID,
22 which I couldn't remember the name early,
23 it's called STAR ID in Alabama. But it's

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1 REAL ID.
2 Q. So we, as part of those
3 upgrades we made, we gave probate judges the
4 authority to -- authority and equipment, if
5 they wanted it, to issue STAR IDs. Some
6 wanted it and some didn't. Some didn't want
7 any part of it, and some said I'll do every
8 one you can send me.
9 Q. Okay. Now, before November
10 2019, when they were reallocated, those
11 offices weren't all open forty hours a week,
12 right?
13 A. No. Most were open one day a
14 week, some less than that; some would -- I
15 want to be clear, some were two.
16 Q. Sure. It varied?
17 A. It varied; that's correct.
18 Q. But generally they weren't full
19 time?
20 A. I don't think any were full
21 time.
22 Q. When we talk a lot about the
23 budget process, now, I'm betting that you and

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1 other members of the cabinet, and other
2 agency heads might disagree about who got
3 hurt the most, but ALBA wasn't the only
4 agency facing a budget shortfall, was it?
5 A. No. No. No.
6 Q. Pretty much people were feeling
7 the pain throughout state government?
8 A. Yes. But, I mean -- I think
9 you know what I'm going to say. We once
10 again demonstrated that we don't adequately
11 fund public safety in Alabama.
12 I hate that for Gunter Day when
13 it comes to parks, but that wasn't my gig.
14 It was my gig to keep troopers on the road.
15 Q. Understood. When you're
16 talking about your time in the legislature,
17 did you represent 105?
18 A. I did, yeah.
19 Q. That's south Mobile County;
20 correct?
21 A. I had basically I-10, it was
22 Old Pascagoula Road, I-10 south, all the way
23 from the Mississippi line to Mobile Bay.

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1 Q. Is that a predominantly white
2 district?
3 A. It is. But it's about thirty
4 percent Asian. I grew up in an Asian town.
5 I grew up in Bayou La Bata, Alabama.
6 Q. A lot of the folks work in the
7 fishing --
8 A. I grew up in a shrimp
9 family. And Forrest Gump doesn't portray it.
10 It's a -- It's a mix of Asian and white.
11 Q. What's the poverty level in
12 that part of the state?
13 A. As I mentioned, it may have
14 changed since redistricting, it went up
15 further. During my tenure, it was the
16 poorest predominantly white district in the
17 state. I often -- It's neither here nor
18 there, maybe you don't want to hear. I often
19 voted with the Democratic Caucus; I voted to
20 remove sales tax on food, I generally voted
21 Republican -- I was often called the KING,
22 Republican In Name Only.
23 Q. So to be called a racist when

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1 the other side of my party called me liberal.
2 Q. Well, pick your poison.
3 Q. This reminds me of something:
4 I might have misheard you, but I think this
5 morning you had said that you were with the
6 Department of Public Safety before going to
7 ALBA?
8 A. Yeah.
9 Q. Did you mean Homeland Security?
10 A. Yeah. Well, I was a trooper --
11 I was a trooper for almost eleven years, and
12 then got out, went into the private sector
13 briefly, served eight years in the
14 legislature, then went to Homeland Security.
15 Q. But immediately before ALBA was
16 formed and you became secretary of law
17 enforcement, you were head of Homeland
18 Security?
19 A. Right. Right.
20 Q. Well, in your time representing
21 District 105, and just growing up in that
22 part of the state, you knew that -- there are
23 folks below the poverty level in this state

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1 of all races, aren't there?

2 A. Jim, I grew up on a dirt road,

3 in a house trailer. Again, I represented the

4 poorest predominantly, majority were

5 predominantly white district in the state of

6 Alabama, and hence my voting record. I voted

7 for the socioeconomic status of my district.

8 MR. DAVIS: Mr. Collier, thank

9 you. That's all the questions I've got. Mr.

10 Weiman or others may have questions for you.

11 MR. WEIMAN: I have five

12 minutes worth of follow-up questions. If

13 that's all right.

14 EXAMINATION

15 BY MR. WEIMAN:

16 Q. Mr. Collier, as you know, my

17 name is John Weiman. I'm here representing

18 the governor's office. I greatly appreciate

19 your patience today. I'll try not to ask too

20 many questions in you.

21 A. Sure.

22 Q. I really just want to follow up

23 on a few things that you said earlier, and in

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1 particular some of the documents that Mr.

2 Ryan showed you. Just a few questions I'd

3 like to ask you about some of the things that

4 are in those documents.

5 A. Okay.

6 Q. Can we start with Exhibit 18?

7 This is the small exchange between you and

8 Mary Bell of the Decatur Daily.

9 A. Okay. I'm with you, Mr.

10 Weiman.

11 Q. Okay. I am looking at page two

12 of this document, so the Bates number is DEF

13 00027887.

14 A. Okay.

15 Q. And in particular, I'm looking

16 at a response that you sent to Ms. Bell

17 re'ing Anna Morris, in which you said, among

18 other things, that no offices have closed.

19 I was curious what you meant by

20 that, because we've talked about closures

21 today in a way that may not be exactly -- is

22 say not exactly portray what actually

23 happened here.

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1 A. Well, it's actually -- it's --

2 it's just really a different way to word it.

3 Not a single office had the lights out off

4 when someone walked out the door. We

5 reallocated personnel. Now, could you -- Did

6 you have that ability to see that driver's

7 license examiner that day? No. But we

8 didn't close an office. And so it's -- the

9 wording -- Our initial wording was probably

10 poor. A reallocation of personnel is

11 probably a better way to describe it.

12 Q. Does that language, quote, no

13 offices have closed, unquote, reflect the

14 fact that someone can renew their driver's

15 license with a probate judge?

16 A. Yes. Yes.

17 Well, what I'm saying there is,

18 be sure, you know, to point out -- and I

19 pointed out to Mary, and then I re'd Anna,

20 is, you know, not a single office has been

21 shuttered. We hadn't gone and put chains

22 around the door. You know, everyone has

23 access to an office. We just may have -- We

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1 may not be able to staff it at the rate we

2 used to.

3 Q. The satellite offices that

4 experienced a change in service, were these

5 offices owned by the ALBA agency?

6 A. No. In fact, none were owned

7 by ALBA. We were -- We were generally close

8 to rent free or rent free. We were

9 negotiating the areas -- I had negotiated

10 several to quit paying rent in county

11 offices. And, amazingly, there was little

12 resistance from most counties.

13 Q. There has been quite a bit of

14 talk today about district offices --

15 A. Yes.

16 Q. -- For ALBA. Could you explain

17 what a district office is and what services

18 it provides?

19 A. Well, I'm not sure what you

20 mean, Mr. Weiman. District offices, ALBA,

21 for the first time, all division's geographic

22 district match, so driver's license, highway

23 patrol, and FBI all have the same district.

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1 You may have three highway patrol posts and
2 two FBI posts and four -- four DL offices or
3 satellite offices in there, but it is an ALBA
4 district. A lot of these offices are -- and
5 this may be what you're referring to, are
6 co-located by ALBA, so it's -- it's highway
7 patrol, it's FBI, and it's -- it's driver's
8 license. That's predominantly the bigger
9 offices.

10 Q. How many districts are there
11 throughout the state?

12 A. Seven for the -- for the --
13 believe it or not, for the first time in
14 history, we matched all seven offices between
15 all divisions. And that sounds easy, it's
16 never been done.

17 Q. Moving on to a different topic,
18 I just want to make sure I understand the
19 timeline that sort of set the background for
20 the meetings that you discussed between you
21 -- I think a couple of your ALBA officials,
22 and Rebekah Mason and --

23 A. Yes.

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1 Q. -- Jennifer Ardile in the
2 governor's office.

3 A. Yes.

4 Q. Can you recall when in 2019
5 that meeting would have occurred?

6 A. I don't know if it was before
7 the regular or before the special. But we --
8 it was all simultaneous, and it all should be
9 documented. My schedule was -- my schedule
10 has been backed up and adhered, hopefully --
11 at least I did it when I was there, adhered
12 to the -- what's the word I'm looking for,
13 the statute that requires us to -- Anyway,
14 everything was stored, so that should be
15 pretty easy to determine. It was -- it was
16 all within -- within a week. And it was
17 initially with the finance director and then
18 secondarily it was with Rebekah Mason and
19 Jennifer Ardile. I don't remember which
20 session it was before, Jim.

21 Q. As far as I can tell, there was
22 discussion between the governor's office and
23 the various agencies about the impact of

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1 budget cuts even in the regular session?

2 A. Yeah. Yeah.

3 Q. But I take it that you don't
4 recall whether your meeting with the
5 governor's office actually occurred during
6 the regular session?

7 A. I don't -- That particular
8 one -- I want to say it's the regular,
9 because it just struck me as extremely odd.
10 Listen, I'll be candid, Bill didn't like it,
11 Bill said here are your numbers, start
12 working on a plan or get yourself prepared;
13 and, oh, by the way, now, you need to go meet
14 with the PR people.

15 I'm only going by his attitude
16 and his body language, but I can tell you
17 Bill didn't like it, and I'll be candid, I
18 didn't like it either. I was a cabinet
19 member and I was sent to go meet with -- I
20 didn't know what her title was and the
21 governor's PR director to develop a plan.
22 Either I'm the cabinet member or she's the
23 cabinet member.

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1 Q. My bill, I take it you're
2 referring to Bill Newton?

3 A. Yeah. I'm friends with his
4 brother, but I'm a colleague of Bill's.

5 Q. And Bill Newton was the acting
6 finance director at that time?

7 A. That's correct.

8 Q. And you mentioned there was
9 some discussion at that meeting between you
10 and Mason about the possibility of
11 reallocating staff with respect to the
12 satellite offices?

13 A. Yes.

14 Q. Are you suggesting that the
15 first time anyone had discussed the
16 possibility of reallocating staff with ALBA
17 was during that meeting?

18 A. No. No. No. It had been
19 talked about. I mean, for years it had been
20 talked about. But it had been viewed as a
21 nuclear option. I knew as a legislator, it
22 would be very difficult.

23 I'm talking about specifically

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1 as we were preparing for fiscal year 16,
2 whether -- I'm unsure if it was the
3 general -- the regular or one of the
4 specials, specifically that year, it was
5 extremely odd to be sent to meet with, and I
6 took offense to it, to be sent to meet with a
7 policy advisor, I was a cabinet member over a
8 fourteen hundred member agency, and I was
9 sent to meet with a cabinet member and a PR
10 director to come up with a plan to deal with
11 this budget cut.

12 They mentioned closing trooper
13 posts, I explained that was simply punishment
14 of the trooper. And she said the best way,
15 if we wanted to get the attention of
16 legislators, is we need to look at closing
17 driver's license offices. And we were given
18 the task to put together a plan. The only
19 input I give to my staff, is come up with a
20 plan we can defend, it's constitutional, it's
21 legal, and it has a matrix that we can stick
22 by.

23 Q. Let's move on to Exhibit 15, is

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1 you will. This is the email exchanged
2 between you and John Archibald of the
3 Birmingham News or Al.com?

4 A. Is it 16, Mr. Neiman?

5 Q. I think we have two, one is 15
6 and one is 16?

7 A. I think maybe they're the same
8 thing, you think, or close?

9 Q. Well, the part that I care
10 about --

11 A. Is on 16?

12 Q. -- is what you wrote. And I
13 think it's on both 15 and 16.

14 Mr. Messick may be correcting
15 me and telling me that it's 16 and 17. Okay,
16 so it's not 15. Thank you, Mr. Collier.

17 A. That's okay. 17 and 18 you
18 think?

19 Q. Is I think is now the one I'm
20 looking at.

21 A. I'll get it. Please, just bear
22 with me.

23 Q. I can live with it if that's

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1 what you have.

2 A. I'm sure I've got it in here
3 somewhere. I've got it in front of me.

4 Q. I'm in the same spot. Trust
5 me.

6 A. Okay.

7 Q. The part of this email that I
8 wanted to ask you about is a part that Mr.
9 Fran asked you about as well. On the second
10 page, the second -- second page of Exhibit
11 17, Bates number DEF 34787, the paragraph
12 that begins: This is a failure of leaders to
13 lead.

14 A. Yes.

15 Q. Towards the end of that
16 paragraph, the second to last sentence says:
17 The Black Belt is part of Alabama. Until
18 legislators recognize that and make budgetary
19 decisions based on the good of the state as
20 one entity, then we will continue to have
21 these problems.

22 A. Yes.

23 Q. I believe you said to Mr. Fran

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1 when you wrote those words that you meant
2 that the Legislature sometimes acts as if the
3 Black Belt is not part of Alabama, is that a
4 fair way to characterize what you meant?

5 A. That may not be a fair way,
6 legislators, with the exception of a few, and
7 I'm giving an opinion, act as if only their
8 district exists. I get it, they're all up
9 for reelection four years. I was elected
10 three times. I get it.

11 I tried to vote what was best
12 for my district, but you still have to
13 recognize the state as a whole. There are
14 certain things that have to be done. As I
15 mention, I think, in this email, it's only
16 two requirements of the Legislature
17 constitutionally, pass a general fund budget
18 and pass a Education Trust fund budget.

19 When I served, we all knew the
20 adults were eventually going to get in the
21 room and say, Mr. Neiman, you're going to
22 give a little and you're going to give a
23 little but we're going to fix this problem.

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1 we're going to come up with a budget. That's
2 what I'm talking about. This is a failure of
3 leaders to lead. That was not happening.
4 The adults were not getting in the room and
5 saying, okay, guys, let's solve it; you've
6 had a chance for all your rhetoric, you've
7 got on your soap box. Now let's come up with
8 a solution.

9 Q. When you stated, I'm going to
10 paraphrase, that effectively the legislators
11 need to recognize that the Black Belt is part
12 of Alabama, were you intending to make a
13 statement about race with those words?

14 A. No. But I think John had
15 inserted the black belt in his article. So
16 when I mentioned -- You know, the Black Belt
17 refers to the soil of the area, not the race.
18 And I'm assuming everyone in here knows that;
19 it has nothing to do with race. It has to do
20 with fertile, rich soil of that district of
21 the state.

22 John is the one in this article
23 that mentioned the Black Belt. I

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1 past (possibly) had concerns about the black
2 belt because we were responding to a lot of
3 homicides in the Black Belt. Sheriff's
4 Departments were continuously making
5 requests; they were also requesting for
6 Homeland Security funds. I had -- I had a
7 concern about the Black Belt. So my point
8 there was legislators, whether we're funding
9 schools or funding public safety, have to
10 stop worrying about just one particular
11 district and start thinking of the state as a
12 whole.

13 And on every other issue maybe
14 they can -- they can get away with that. But
15 on the budgets, you've got to do what's best
16 for the entire state. And that's all just my
17 opinion, that's maybe worth nothing.

18 Q. All right. One last question
19 for you; it deals with Exhibit 21, which I
20 think is the exchange of emails between --
21 scratch that. It's emails between you and
22 Anna Morris about the proposed press release.

23 A. But it's 21, Mr. Neilan?

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1 Q. I have it as 21.

2 A. Okay. I'm with you.

3 Q. In this proposed press release,
4 there was language that you discussed with
5 Mr. Fram. It is on the second page of this
6 document, which has two Bates numbers 1931
7 and 1932.

8 A. Okay.

9 Q. It is in the last paragraph,
10 full paragraph. In that language you state
11 that: Throughout the regular session of the
12 legislature, and in both special sessions,
13 myself and ALBA's governmental affairs team
14 articulated to the media and legislature that
15 the proposed and now realized dramatic
16 slashing of funding for state law enforcement
17 would adversely affect the regions of the
18 state that rely on ALBA's assistance the
19 most.

20 A. Yes.

21 Q. In what respect do those
22 regions of the state rely on ALBA's
23 assistance the most?

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1 A. Well, in every law enforcement
2 respect. Again, we work all but -- I say we.
3 We used -- When I was there, we worked all
4 the rapes in those counties, we worked all
5 the homicides, most of the robberies. We
6 also provided patrol assistance when they
7 were down on numbers, even if it meant us
8 pulling troopers from other counties. And if
9 you look in one of these emails, we put
10 seventy-five agents in Prichard for three
11 months.

12 So if I'm going to be called a
13 racist, may ought to look at the population
14 of Prichard, it's about ninety-nine percent
15 African-American, but also patrol, criminal
16 investigations, and driver's licenses, all
17 three of those major functions of ALBA. But
18 also smaller things like ACJIC, the ability
19 to Internet -- to communicate with our
20 criminal justice information, access to the
21 Fusion Center or the intelligence operation
22 for criminal intelligence, all of those
23 things.

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1 The three major would be patrol
2 assistance; all major criminal
3 investigations, all, we worked every
4 homicide, we worked every officer-involved
5 shooting, so if a deputy in that area got an
6 officer-involved shooting, we handled that
7 investigation, and then additionally driver's
8 license.

9 Q. Let me ask you about the last
10 of those three.

11 A. Yeah.

12 Q. I can understand how a rural
13 community would rely on ALBA with respect to
14 law enforcement assistance --

15 A. Yes.

16 Q. -- more than, say, Jefferson
17 County, which is where Birmingham is, or
18 Mobile County where Mobile is?

19 A. They even work their own
20 wrecks, Jefferson County works their own
21 accidents.

22 Q. Is it the case that a rural
23 county relies more on ALBA with respect to

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1 driver's license activities than the more
2 populous urban counties?

3 A. Ask me that again, Mr. Nelson.
4 Something didn't make sense.

5 Q. So I'm trying to figure out
6 whether the statement that rural counties
7 rely on ALBA the most --

8 A. Sure.

9 Q. -- applies to driver's license
10 activities, as opposed to the law enforcement
11 activities you mentioned earlier?

12 A. Yes. As a whole and driver's
13 license. We are -- I say we, ALBA, provided
14 all three of those functions there.

15 Q. Obviously, rural counties use
16 ALBA with respect to driver's license
17 functions?

18 A. Yes. Right.

19 Q. Why would they rely on ALBA for
20 driver's license functions more than more
21 populous counties?

22 A. Well, I mean, the same reason.
23 They're sparsely populated, they have a --

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1 such lower economic infrastructure,
2 therefore, they have less money, most of
3 their county commissions are poorly -- poorly
4 funded.

5 Even when we give the authority
6 to some of these probate judges to do STAR
7 IDs and those things, probate judges in some
8 of their areas refuse to do it. And their
9 argument to me, and I get it, I don't have
10 the funding, there's no way I can get that
11 from the county commission. I can't argue
12 that with them.

13 MR. NELSON: Okay. Those are
14 all my questions.

15 MR. FRAM: I have a few
16 follow-up.

17 EXAMINATION CONTINUED

18 BY MR. FRAM:

19 Q. Mr. Collin, as you might have
20 seen, I hope I tried to be efficient here, I
21 spent a fair amount of time with your emails
22 over the last little bit of time.

23 A. You did.

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1 Q. I know you're not a racist,

2 A. Thank you.

3 Q. I want to state that on the
4 record.

5 A. Thank you.

6 Q. I also do not believe we called
7 you one in our pleadings. I believe that was
8 mischaracterized by Mr. Davis. He's an
9 enthusiastic advocate, but I'm unfortunately
10 required to move to strike his statements as
11 mischaracterizing our statements. We can
12 hash out at some point with the Judge,
13 whether Jim has distorted what we have to
14 say.

15 A. Well, if nothing else I thank
16 you.

17 Q. Well, the right thing to do, if
18 for no other reason, we only go through this
19 life once.

20 A. Well, thank you.

21 Q. But I do want to make that
22 clear. I also believe it's the case, from
23 everything I've read and what you said today,

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1 that you did fight very hard for the rural
2 counties and for the African-American
3 majority rural counties. I hope that's your
4 recollection also.

5 A. It is. As I would say, that's
6 accurate.

7 Q. Whether we talk about Black
8 Belt, some people talk about it being soil,
9 some people talk about it being people. I
10 think you'll agree with me, it gets used both
11 different ways.

12 A. I think nationally it does.
13 Fortunately, fourth grade state government
14 makes us understand that it refers to the
15 soil. But I think nationally it does.

16 Q. And race gets discussed in your
17 emails?

18 A. It does. It does.

19 Q. For example, when you're
20 talking to Mr. Archibald in Exhibit 18, you
21 talk about issues like foot wash. Foot wash
22 is a African-American event and you put a
23 hundred troopers in there and it costs you a

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1 hundred thousand dollars to do it.

2 A. Right.

3 Q. So you understand race is not
4 something we can all of a sudden pretend like
5 it doesn't exist in these issues?

6 A. Absolutely not.

7 Q. We're not talking to only about
8 -- it may also be about the soil, but it's
9 not just about the soil.

10 A. Correct.

11 Q. We've got race here also?

12 A. Correct.

13 Q. Now, I know you know that
14 because I've read your emails and I've
15 listened to you.

16 A. You can probably tell I'm
17 frustrated in the emails. John is a friend
18 of mine and I snapped at him.

19 Q. And I totally get it. Believe
20 me, we've all been there.

21 Now, couple of things about
22 driver's licenses and how they affect -- I
23 don't think it's that complicated, we don't

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1 have to split hairs here.

2 When you close thirty-one
3 offices, some driver's license services are
4 affected. New issuances, suspensions, we've
5 gone through that already?

6 A. That's correct.

7 Q. And for a lot of people, the
8 AUSA ID is what they use to vote. Not hiding
9 the ball there, you understand that?

10 A. I do. I do.

11 Q. And the fact that there may be
12 other ways to get an ID, whether it's from
13 the Secretary of State or who knows where
14 else, U.S. passport office, doesn't matter,
15 you've affected people's ability to get an ID
16 they can use to vote, isn't that right?

17 A. I would agree with that.

18 Q. And that -- And to the degree
19 that concerns were raised about the
20 fundamental right to vote, which you said you
21 understood, was about the abridgment of that
22 opportunity, is that right?

23 A. Well, and I didn't mention it

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1 earlier, but particularly given that that
2 particular area, particularly given the
3 state's history, I understand that.

4 Q. Yeah. I understand you do.

5 MR. FRAM: Again, reiterating
6 my notion to strike on my respected
7 adversary's statements that he was
8 mischaracterizing, I have nothing further.

9 MR. DAVIS: No questions, but I
10 would like a clarification. Mr. Fram, are
11 the Plaintiffs going to withdraw the
12 allegation that the secretary was motivated
13 by a racially discriminatory purpose when he
14 limited hours of --

15 MR. FRAM: We are certainly
16 going to review it, Jim, without question.
17 We're certainly going to review it.

18 MR. DAVIS: Very good.
19 Anything else about this can be handled at
20 another time.

21 MR. FRAM: Anything we can take
22 up, to be sure.

23 VIDEOGRAPHER: This concludes

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