

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DIVISION OF MISSISSIPPI  
ABERDEEN DIVISION**

**LESLIE SMITH**

**PLAINTIFF**

**VS.**

**CAUSE NO. 1:15CV147-NBB-DAS**

**COLUMBUS MUNICIPAL SCHOOL DISTRICT, AND  
PHILIP HICKMAN, Individually and as Superintendent  
of Columbus Municipal School District**

**DEFENDANT**

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**AFFIDAVIT OF DR. PHILIP HICKMAN**

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STATE OF MISSISSIPPI

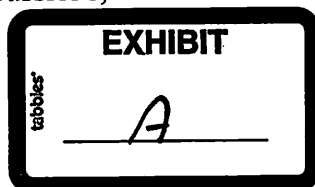
COUNTY OF LOWNDES

Personally appeared before me, the undersigned, the within named Philip Hickman, who, being by me first duly sworn on oath, deposed and stated as follows:

1. My name is Dr. Philip Hickman and I am presently, and was at all times relevant to this matter, Superintendent of the Columbus Municipal School District. I started in that position in August at the beginning of the 2014-15 school year. All the information contained in this affidavit is based on personal knowledge and is true and correct.

2. The Columbus Municipal School District School Board considered and initially supported my recommendation to hire Plaintiff at our regularly scheduled Board meeting on Tuesday, August 11, 2014. After the vote to approve, some Board members learned that Plaintiff was my wife's uncle and related to me and voiced concerns with the recommendation to hire. The local newspaper made an issue of that fact as well. Given the backlash, I talked with Plaintiff about my concerns with bringing the school district under these circumstances. Those discussions started immediately after the board meeting.

3. As part of those discussions, I sent Plaintiff a local newspaper article wherein the



matter was discussed. (August 12 Commercial Dispatch article on board action attached as Ex. 1 to aff.). That newspaper article link was sent to Plaintiff on August 12, 2014. He told me that he had already seen the article and was aware of the local concerns. After further communication, Plaintiff agreed to decline the position. I made David Dunn, our school board attorney, aware of my discussions with Plaintiff and the board attorney suggested that Plaintiff provide something in writing declining employment with the school district.

4. I requested Plaintiff to provide me something in writing. I expected that he would email or fax me the letter. He indicated that he did not have convenient access to email attachments or to a fax machine. I was scheduled to be in Kansas City for a class reunion over the weekend and Plaintiff suggested meeting me there to provide a letter declining interest in taking the job. Plaintiff was apparently coming to Kansas City that weekend as well to visit with his sister (my mother-in-law), Radifah Zalzala, and other family. Plaintiff planned to meet me at the home of his sister. We were not able to meet in person, but through phone calls and text messages I understood that Plaintiff would leave a written letter at the house and I could pick it up when I came back there. (Group of text messages between Dr. Hickman and Plaintiff attached as Ex. 2).

5. In the evening hours of Saturday, August 16, 2014, Ms. Zalzala provided me an envelope containing a letter dated August 15, 2014, signed by Plaintiff declining employment with the school district. (Letter declining position attached as Ex. 3). When I returned to Columbus, I provided the letter to the school board counsel and the board. The local newspaper wrote another article about the matter on Monday, August 18. (August 18 Commercial Dispatch regarding Plaintiff declining the position attached as Ex. 4). To the best of my knowledge, the school board took no further formal action on the matter.

6. On Sunday, August 17, 2014, Plaintiff sent me an email that was somewhat confusing. First, he said that, although we were unable to meet, he would get me the letter requested. (August 17 email attached as Ex. 5). The only letter we ever discussed was a letter declining the position. After the above initial paragraph, Plaintiff said he would not make a decision on the alleged offer of employment until he received official notification that he had actually been hired for the position. I attempted on several occasions to contact Plaintiff after seeing the email, but Plaintiff never answered or returned any of my calls. Plaintiff never came to Columbus to begin in the position and he was well aware that the job was not available to him.

7. The position approved for Plaintiff by the Board was Director of Schools. He was required to obtain Mississippi certification to work in the job. This position required that he execute an employment contract. Plaintiff was never presented and never executed a written employment contract. He was never employed by the Columbus Municipal School District.

FURTHER AFFIANT SAITH NOT.

  
\_\_\_\_\_  
DR. PHILIP HICKMAN

SWORN TO AND SUBSCRIBED BEFORE ME on this the 1 day of August, 2016.



  
\_\_\_\_\_  
NOTARY PUBLIC

# School board bewildered by supe's relation to new hire

August 12, 2014 11:14:30 AM

Sarah Fowler - sfowler@cdispatch.com

A new hire within the Columbus Municipal School District left some school board members in the dark and wondering why they were unaware that the hire is related to the newly appointed superintendent.

On Superintendent Philip Hickman's recommendation, the board unanimously voted Monday to hire Leslie Smith as the district's director of schools, a position new to CMSD. Smith, a Chicago-based educator, will earn \$70,000 a year, according to the agenda given to board members.

Smith is the uncle of Hickman's wife, something three school board members were unaware of when they voted to hire him.

During the meeting, board member Glenn Lautzenhiser asked Hickman about the position's responsibilities and Smith's professional background. Hickman explained that a director of schools would work with the district's nine principals.

The board voted 4-0 to hire Smith, as well as approving 26 other positions. Board member Jason Spears was absent from the meeting.

On Monday afternoon, Hickman confirmed to The Dispatch that Smith was his wife's uncle. After the board adjourned, The Dispatch asked board members Angela Verdell, Greg Lewis, Currie Fisher, Spears and Lautzenhiser if they were aware of Smith and Hickman's relationship.

Verdell was the only one aware of the family connection.

Fisher said that if she had been aware of the relationship "it would have caused me to hesitate." When asked if knowledge of the relationship would have changed his vote, Lautzenhiser said he would have first sought legal counsel from board attorney David Dunn. Lewis agreed, saying he would have to "look into it." Spears also said he was not aware of any relationship between Smith and Hickman.

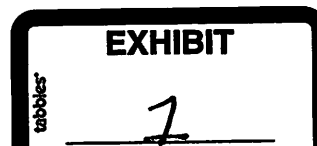
However, Verdell said she and Dunn were both aware of the situation.

Verdell said she learned of the situation "a few hours" before the board meeting and did not see a problem with the hire.

"I knew that Mr. Dunn was working with Dr. Hickman on the personnel agenda and so any legal issues would be handled by Mr. Dunn," Verdell, the board president, said. "I do know what the state law says about that.

"There are only four things that preclude hiring: spouse, child, and anybody that is blood-related to somebody in the district. The state makes provisions for that."

After the meeting, Hickman explained that he did not tell the entire board about he and Smith's relationship because he views it as a personnel issue.



"I don't really discuss personnel issues," he said, citing possible legal repercussions.

Dunn told The Dispatch that in his opinion, the board had done nothing illegal in hiring Smith.

When asked if he thought it was appropriate to hire a family member, Hickman said, "I knew him before I knew her and what I'm all about is having someone that's competent that really can make a change for our kids."

Hickman declined to provide The Dispatch with a copy of Smith's resume, again citing personnel issues.

Late last week, Hickman's wife, Adilah Zalzal, was also listed on the consent agenda to be potentially hired as the district's special education coordinator. Her salary was listed as \$42,000, according to the consent agenda.

However, Zalzal's name was removed from the list of possible hires prior to Monday night's meeting. After an executive session, Dunn said because she is Hickman's wife, the board would need to appoint a temporary personnel director who could recommend Zalzal for hire.

The board voted to appoint Deputy Superintendent Craig Shannon as the personnel director.

The recommendation regarding Zalzal's potential hire is expected to be made at the next board meeting on Sept. 8.

*Sarah Fowler covered crime, education and community related events for The Dispatch.*



Messages (5)

Leslie

Details

Dec 18, 2013, 2:24 PM

What was that job title you said i could do in Houston

SSO... School Support Officer.. The pay would be \$124,000

Thank you

Other districts in Texas call it Area Superintendent . Because they are so large the are in place to help handle the needs of a school like a Superintendent would. But in our district because we are decentralized you guide and support the principals as oppose to tell them what to do

Thank you

Jul 13, 2014, 1:24 PM

Call me when u can Uncle

Jul 24, 2014, 11:09 AM

Give me a call

Jul 28, 2014, 6:22 AM



Text Message

EXHIBIT

2

Send

000016

< Messages (5)

Leslie

Details

Jul 28, 2014, 6:22 AM

Let me know

Jul 28, 2014, 9:51 PM

I thought you were going to call me on Sunday?

[Lrev621@gmail.com](mailto:Lrev621@gmail.com)

Jul 29, 2014, 5:12 AM

Don't forget to apply for your certification, it's simple. Also do u want to also supervise departments, meaning the person over homeless and ELL, the person over Federal Programs. They are good people who run their programs well but they report to someone which would be u if u are ok with that

Jul 30, 2014, 10:58 AM

Dr. Certification process is in motion. Rockford verification is a five day turn around process. Need test scores from 20 years ago, that will be a task.

Jul 30, 2014, 12:31 PM



Text Message

Send

000017

< Messages (5)

Leslie

Details

Jul 30, 2014, 12:31 PM

In a meeting

Hey what program are they using for student management. Do you have a curriculum or book being used.

Student management? Behavior?

I got it

Aug 2, 2014, 5:58 PM

U still coming?

Lol principals can legally paddle kids in Mississippi. It's on the enrollment form. OMG. But I have a choice not to allow it

Waiting for certification information

Ok

Aug 5, 2014, 9:19 AM

Give me a call when u can

Soon as this meeting end



Text Message

Send

000018



< Messages (5)

Leslie

Details

Aug 5, 2014, 9:19 AM

Give me a call when u can

Soon as this meeting end

Ok

Thanks

Fill out application on my web site ASAP. I just need to know u coming so I can put u on Monday board meeting to hire u pending state certification. Then u can still start when u able to come

If not mistaken, i did the application already. Will check soon as i can

Ok if u did then all is well. Do are u definitely coming?

Dr. Smith. Are you still coming for sure? Are u certain, before I put u on the board agenda to hire.

Really

Aug 5, 2014, 11:51 AM



Text Message

Send

000019

< Messages (5)

Leslie

Details

Aug 5, 2014, 11:51 AM

Can u please respond

Is it possible to get job title, description, and duties: so i can prepare and be ready for the new boss.

Nope

You are Director of Schools. Stop with the anxiety

The one on line is fake. Once u get here we can discuss it

In a meeting, call you right back.

Have u applied. That is the requirement

Where do i go for that?

U said u did. Online on our website

I need u to do it today

I know u old folks are uneasy about this question but I need ur address, date of birth, social security number



Text Message

Send

000020

< Messages (5)

Leslie

Details

Aug 11, 2014, 6:22 PM

In a board meeting voting for u to hire

Aug 12, 2014, 9:43 AM

(1/2) Saw my name in the board report. Thank you very much for even considering me. I believe i have everything in. Last piece came yesterday. The lady in state

(2/2) ed dept had me confused but i now await an answer from them. Thanks again

Aug 12, 2014, 1:25 PM

<http://www.cdispatch.com/news/article.asp?aid=35473>

Yes sir. I already read the entire article. 😊

Lol

Aug 13, 2014, 8:34 PM

(1/2) Hey Dr. I couldn't get a ticket at a rate I wanted to pay. I got caught trying to get some things done here. I will however be in K C this weekend,



Text Message

Send

000023



< Messages (5)

Leslie

Details

Aug 13, 2014, 8:34 PM

(1/2) Hey Dr. I couldn't get a ticket at a rate I wanted to pay. I got caught trying to get some things done here. I will however be in K C this weekend, we.

(2/2) should talk then if you can work me in.

Ok

Aug 15, 2014, 7:47 PM

Are u able to write the letter?

Aug 16, 2014, 1:33 PM

I'm in Kansas City where are you still at the festival

Aug 16, 2014, 2:36 PM

No not at festival. Moving around city. What time does your activities start tonight?

7:00pm

Aug 16, 2014, 3:47 PM

Where and what time do u want to



Text Message

Send

000024



< Messages (5)

Leslie

Details

Aug 16, 2014, 3:47 PM

Where and what time do u want to meet

Aug 16, 2014, 5:08 PM

Since I can't teach you can you please leave the signed letter with Mom-Zalzala

I just need it to say, I Leslie Smith decline the position of Director of Schools. Thank Columbus Municipal School District for the wonderful opportunity. ...

Aug 16, 2014, 7:02 PM

I didn't know what time it was. The dinner starts 7:30. How long will y'all be there

Til the fridge gets fixed, i don't know.

Ok

Aug 16, 2014, 10:43 PM

Are y'all still there

Aug 19, 2014, 7:18 AM



Text Message

Send

000025

< Messages (5)

Leslie

Details

please leave the signed letter with Mom-Zalzala

I just need it to say, I Leslie Smith decline the position of Director of Schools. Thank Columbus Municipal School District for the wonderful opportunity. ...

Aug 16, 2014, 7:02 PM

I didn't know what time it was. The dinner starts 7:30. How long will y'all be there

Til the fridge gets fixed, i don't know.

Ok

Aug 16, 2014, 10:43 PM

Are y'all still there

Aug 19, 2014, 7:18 AM

Your causing more harm than good by ignoring. Your niece said she can't read ur scriptures anymore and wish u stop sending them and your sister said that's why she will never be a Christian because of Christians like u.



Text Message

Send

000026

August 15, 2014

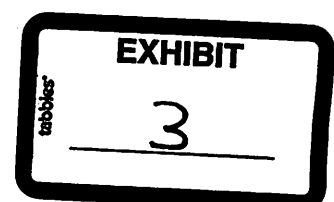
**To Whom It May Concern:**

**At this time, I would like to decline your offer of employment.**

**I appreciate your time and your interest in me.**

**Sincerely,**

**Leslie Smith**

A handwritten signature in cursive script that reads "Leslie Smith".

000014



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## Relative of CMSD's Hickman declines position



Superintendent Philip Hickman

Sarah Fowler  
August 16, 2014 10:38:12 PM

A Chicago-based educator tapped to be director of schools within the Columbus Municipal School District has declined to accept the position, according to a letter the district's superintendent sent The Dispatch late last week.

Ledie Smith was hired in a 4-0 vote by the CMSD board during Monday night's board meeting. The newly created position was to come with a \$70,000 a year salary.

Smith, as director of schools, would work with the district's nine principals, according to Superintendent Philip Hickman.

Now, he won't.

"After consultation with the board of trustees and my desire to remain focused on our common goal of improving the quality of education for children, the position of director of schools will not be filled, as Mr. Smith has declined the offer," Hickman wrote in his letter.

Hickman, tapped to lead the district earlier this summer, recommended that the board hire Smith. Smith is the uncle of Hickman's wife — a fact three school board members were unaware of when they voted to hire Smith on Monday.

After the board voted to approve hiring his family member Monday night, Hickman defended the move.

"What I'm all about is having someone that's competent that really can make a change for our kids," he said, adding that he did not tell the entire school board about his and Smith's relationship because he views it as a personnel issue.

Smith could not be reached for comment Saturday. Neither could Hickman.

Despite Smith declining to accept the position, Hickman, in his letter to The Dispatch, said the hire "would have benefited CMSD by assisting in our efforts to revitalize the district's educational premise.

"However, community support is vital and valued in transforming an educational system," Hickman wrote. "As I've stated since arriving to CMSD, trust and perception by our community is very important to me as we work together to create One Vision, One Team and One Columbus."

It is unclear if the director of schools position will be filled at a later date.

During last Monday's meeting, CMSD board members also appointed a temporary personnel director who will decide whether to recommend hiring Hickman's wife, Adilah Zuluaga, as the district's special education coordinator. The salary for the position was listed at \$42,000, according to the content agenda.

The potential hire is expected to be brought up at the next CMSD board meeting on Sept. 8.

Sarah Fowler covers crime, education and community related events for The Dispatch. Follow her on Twitter @FowlerSarah

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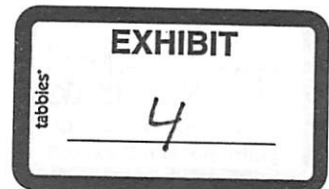
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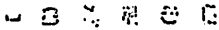


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Letter request(2)

Hickman, Phillip  
To Ma

Aug 17

Dr. Phillip W. V. Hickman  
Superintendent  
Columbus Municipal School District  
[HickmanP@Columbus.k12.ms.us](mailto:HickmanP@Columbus.k12.ms.us)

Sent from my iPhone

Begin forwarded message:

From: Leslie Smith <[les621@gmail.com](mailto:les621@gmail.com)>  
Date: August 17, 2014 at 9:39:12 PM COT  
To: Phillip Hickman <[HickmanP@Columbus.k12.ms.us](mailto:HickmanP@Columbus.k12.ms.us)>, J C E Carlos Smith <[csmith112@aol.com](mailto:csmith112@aol.com)>, LAMARR WILLIAMS <[lwiams03@gmail.com](mailto:lwiams03@gmail.com)>  
Subject: Fwd: Letter request

----- Forwarded message -----  
From: "Leslie Smith" <[les621@gmail.com](mailto:les621@gmail.com)>  
Date: Aug 17, 2014 7:11 AM  
Subject: Letter request  
To: <[olalew@yahoo.com](mailto:olalew@yahoo.com)>  
Cc:

Dr. Hickman, it appears our meeting face to face to discuss what's happening in Columbus will not take place. I have decided to email you the letter requested.

To Dr. Hickman,  
Please note that I have been advised that I can make no decision regarding my recent hiring as Director of Schools before I receive official notification from H R stating I have been hired to the above position. Once I receive this notification a response will be forthcoming.  
Leslie Smith

Reply, Reply All or Forward | More

Me  
To Me

Today at 7:50 PM

Dr. Phillip W. V. Hickman  
Superintendent

Sent from my iPhone

Begin forwarded message:

Show message history

Reply, Reply All or Forward | More

