



25 Q So, Mr. Anderson, was this is a meeting that

21

1 was specifically to discuss the NYU fellow job
2 description? Or was this some other kind of meeting
3 and it came up in that meeting?

4 A It was a meeting to discuss whether or not
5 we were going to proceed.

6 Q Did that meeting either take place on the
7 30th or before January 30th?

8 A Around then or before.

9 Q And how --

10 A Either that day or a day or two before.

11 Q So what prompted you to know you had a
12 meeting?

13 A I was asked to attend a meeting.



14 Q But did you receive like a scheduled invite?

15 Or did you get a memo? How did you -- How did you

16 receive information to attend the meeting related to

17 this?

18 A I'm not sure. My -- It would have been

19 fairly commonplace for Mr. Daniel to either ask me to

20 come to his office, which was three doors down from

21 mine, or him to come to mine.

22 And my recollection is that he and I went

23 downstairs for a meeting on the second floor, which --

24 in the executive suite of the office.

25 Q And who else attended this meeting besides

22

1 you and Mr. Daniel?

2 A Cynthia Hudson, who was the chief deputy.

3 Q And --



4 MS. MOORE: And, Graven, if I could, you
5 know, in particular because this is a FOIA matter,
6 so we're talking about documents that were
7 generated.

8 And Cynthia Hudson, being the chief deputy,
9 I'm not sure that this is relevant to documents.

10 And I'm -- I have reservations about whether this
11 might be material that would get into executive
12 deliberations of the office.

13 And I wasn't present at this meeting, so I'm
14 saying that just as a caution.

15 BY MR. CRAIG:

16 Q Understood.

17 When you all had this meeting was it -- were
18 there any documents reviewed? How did you all -- I
19 assume at some point there was a three person meeting,
20 and at some point Mr. Daniel said, "I think we're good
21 to go with this program"? Is that a fair assessment?

22 A Let me first say that I believe Mr.
23 O'Holleran may have been present. He was the chief of
24 staff at the time. But I'm not certain of that.



12 Q And so basically the net result of that
13 meeting on either January 30, or just before that, was
14 that, I assume Mr. Daniel said that, "I think we're
15 good to go."

16 He basically gave you his assurance you guys
17 were good to go to move forward with the NYU fellow
18 program?

19 A I think it was Ms. Hudson who gave that
20 direction after that meeting.

21 Q So is Ms. Hudson up the ladder from Mr.
22 Daniel?

23 A Correct.



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13 meeting on either January 30, or just before that, was
14 that, I assume Mr. Daniel said that, "I think we're
15 good to go."

16 He basically gave you his assurance you guys
17 were good to go to move forward with the NYU fellow
18 program?

19 A I think it was Ms. Hudson who gave that
20 direction after that meeting.

21 Q So is Ms. Hudson up the ladder from Mr.
22 Daniel?

23 A Correct.

24 Q Prior to that had you provided any
25 documentation or communication with Ms. Hudson about

24

1 the NYU fellow program?

2 A I believe I provided a memorandum to Mr.
3 Daniel that would have gone on to Ms. Hudson.

4 Q And what memorandum is that?

5 A I believe we put together what we called a
6 Gold Decision Memorandum.



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25 documentation or communication with Ms. Hudson about

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1 the NYU fellow program?

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3 Daniel that would have gone on to Ms. Hudson.

4 Q And what memorandum is that?

5 A I believe we put together what we called a
6 Gold Decision Memorandum.

7 Q Do you know when you created -- when or
8 about the time period you created the Gold Decision
9 Memorandum?

10 A Late December, early January.

11 Q And this Gold Decision Memorandum was
12 related to the NYU fellow program; correct?

13 A Correct.



9 Memorandum?

10 A Late December, early January.

11 Q And this Gold Decision Memorandum was

12 related to the NYU fellow program; correct?

13 A Correct.

14 Q Was that memo -- Do you know if that memo

15 was present and distributed to Mr. Daniel, Ms. Hudson

16 and Mr. O'Holleran?

17 A I'm not sure I understand your question.

18 Are you talking about the meeting we had?

19 Q Yes, sir. The meeting --

20 A Or whether or not -- I assume, but do not

21 know, that at the time of the meeting that Ms. Hudson

22 would have received the Gold Decision Memorandum.

23 I do not call us reviewing the contents of

24 that memorandum at the meeting.



12 A Stephen Cobb.
13 Q And who is Mr. Cobb?
14 A Mr. Cobb was -- I'm trying to figure out --
15 At that time he was the Deputy Attorney General to whom
16 I reported.
17 Q So did he take Cynthia Hudson's place?
18 A No.

19 Q Or Mr. Daniel's place?
20 A It's a little complicated. Mr. Daniel left
21 around the end of February or early March of 2018. Mr.
22 Daniel had been the deputy for a division called CET.
23 Mr. Cobb was already the deputy for a
24 division called TREC [ph]. And the office decided to
25 combine those two divisions into one, which became the



19 All right. So let's fast-forward to April
20 2018, Mr. Anderson. It's my understanding you made a
21 telephone call to Mr. Hayes to notify him that the
22 Virginia OAG would not be participating in the NYU
23 fellow program?

24 A I made that call. I'm not certain of the
25 date.

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1 Q Would springtime be accurate in terms of
2 time period?

3 A It would -- If you're talking about
4 springtime running through June, yes.



5 Q Are you the one who decided not to
6 participate in the NYU fellow program?

7 A No.

8 Q Who made that decision?

9 A I don't know. I only know who communicated
10 it to me.

11 Q Okay. And who communicated it to you?

12 A Stephen Cobb.

13 Q And who is Mr. Cobb?

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16 I reported.

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21 around the end of February or early March of 2018. Mr.

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24 division called TREC [ph]. And the office decided to

25 combine those two divisions into one, which became the

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1 Government Operations and Transactions Division.

2 And I think Mr. Cobb took that position

3 sometime in March or April. Again, I don't want to be

4 too confusing.

5 He'd already been a deputy. He just wasn't

6 the deputy over the environmental section and the other

7 sections that had formerly been in CET.



12 Q And did you have any communications, written
13 communication with Mr. Cobb when he became the -- your
14 -- the guy you reported to related to the NYU fellow
15 program?

16 A No.

17 Q Do you have any knowledge as to how he knew
18 about the NYU fellow program to tell you that you guys
19 weren't going to be doing it?

20 A It's my recollection that he and I had one
21 or two conversations about it. And all I can remember

22 about those conversations is that he was not a fan.

23 Q Did you ever receive any memorandums from
24 Mr. Cobb relating to the NYU fellow program?

25 A No.



5 Q Let me go through these questions, and then

6 we'll go through the exhibits. Can you take me through

7 your process, not necessarily in particular to this

8 case, but your normal process when you get a FOIA

9 request?

10 A Well, when I get the request it comes from

11 one of our FOIA people, probably Meaghan O'Brien. And

12 from our FOIA office what I will get is a copy of the

13 request.

25 A So when the request comes for me it will

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1 come through -- from whoever made the request and our

2 FOIA office.

3 The FOIA office will then -- if I get it

4 they will identify me as someone who is either likely

5 to have documents or likely to know who might have

6 documents so that we need to send the request on to

7 others, if in my judgment that's appropriate, given the

8 nature of the request and what I know about what it's

9 looking for.



6 A Ms. Klein's email to me of December 13,
7 2017?

8 Q Correct. Correct.

9 A Okay. I have that in front of me.

10 Q Okay. Did you produce that to Ms. O'Brien
11 in response to the September 27 FOIA request?

12 A I don't think so.

13 Q So related to the September 27 FOIA request,
14 did you produce any documents to Ms. O'Brien?

15 A I don't think so.

16 Q So as we sit here today, if I represent to
17 you that this email and two of the three attachments
18 referenced in that email were produced, you wouldn't
19 know who it was that produced it to Ms. O'Brien.

20 A I think I produced them to Ms. O'Brien in
21 response to later FOIA requests.



21 Q Do you recall if you searched any of your
22 emails or other documents using the search term "NYU
23 fellow," or anything like that?

24 A My recollection is that at some point in
25 this process I had collected all of the emails I had

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1 relating to NYU fellow onto a folder on my email
2 account; and that I had -- that either in response to
3 the FOIA request or otherwise, I had collected all of
4 those emails at that location; and that either in
5 response to this specific request --

6 And, again, I'm looking at Exhibit C for
7 later requests. I provided those documents to Ms.
8 O'Brien.

9 Q Do you still have that folder, Mr. Anderson?

10 A Yes.



9 Q Do you still have that folder, Mr. Anderson?

10 A Yes.

11 MR. CRAIG: Ms. Moore, can I specifically -
12 - Can I request that you get a copy of that
13 folder, a copy of the emails from that folder?

14 MS. MOORE: I will inquire about it with
15 both IT and our FOIA office. You may have
16 everything out of it that would not be otherwise
17 protected by --

18 MR. CRAIG: Fair enough. I just want you
19 to see it. That's why I'm asking.

20 MS. MOORE: Right. But I will -- I will
21 inquire about what has been done with that.
22 Because I think if you ask the followup, you're
23 going to find that stuff has already come to you.

24 But I will check into it.



20 A Well, I -- There was the email that was
21 forwarded to me, laid out information that was required
22 for an application.

23 I was surprised that there was no formal
24 application. I had anticipated it would be a little
25 more, for lack of a better word, formal than that.

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1 And so what I learned was that an email was
2 enough. But there were things that had to be said in
3 the email. And among them was, "Why should we send an
4 NYU fellow to work on energy and environmental issues
5 to work in your office?"

6 But there was also these questions about
7 whether or not it was authorized in Virginia statutes
8 and whether or not our read of the Virginia ethics code
9 and Virginia Rules of Professional Conduct would allow
10 it.

11 In particular the concern, it seemed to me,
12 as I understood it, was whether or not having somebody
13 present in our office who was being paid by someone
14 else was -- Did that arrangement violate the rules of
15 professional conduct?



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12 as I understood it, was whether or not having somebody
13 present in our office who was being paid by someone
14 else was -- Did that arrangement violate the rules of
15 professional conduct?

16 And my conclusion was it did not.

17 Q Did you ever receive any instructions after
18 January 30, 2018, to reduce the amount of written
19 communication regarding the NYU fellow program?

20 A No.



21 Q And last question. Is there any particular
22 reason you called Mr. Hayes in the spring of 2018,
23 versus email him?

24 A Mr. Cobb came into my office -- And, again,
25 all I know for sure it was -- as far as I knew in early

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1 April we were still going forward with this program.

2 So some time after that Mr. Cobb came into
3 my office and asked, only it wasn't really an ask --
4 His statement to me was, "Have you called the people at
5 the State Impact Center to tell them we are not going
6 forward with this?"

7 And I told him I had not, because I didn't
8 know we were not going forward with it. So he then
9 said, "Well, call them and tell them we're not going
10 forward with it." So I did.

11 Q No explanation as to why?

12 A No explanation as to why.

13 Q I was incorrect. That was my last question.
14 Thank you, sir.

15 A Thank you.



15 But what's the nature of that document with any
16 Attorney General's Office?

17 Is that something that's commonly shared
18 among the staff in the Attorney General's Office?

19 A That's not commonly shared. It's any --
20 Specific to this process, anytime we're going to hire
21 someone, it needs to go through a Gold Decision Memo
22 process.

23 Q If I understood correctly, you --

24 A This --

25 Q You said this went to -- If I understood

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1 correctly, this went to Cynthia Hudson, the chief
2 deputy?

3 A It would have gone more specifically to her.

4 The way it's styled is to her through Mr. Daniel. So