

1 IN THE WEST VIRGINIA LEGISLATURE
HOUSE OF REPRESENTATIVES
2 JUDICIARY COMMITTEE
3 * * * * *
4 In Re:
5 House Judiciary Committee
6 Proceeding Regarding the
7 Impeachment of West Virginia
8 Supreme Court Justices Pursuant
9 to House Resolution 201 Passed
10 During the Second Extended Session
11 of 2018.
12 * * * * *
13 VOLUME I
14 Hearing held on July 12, 2018, before the House
15 Judiciary Committee of the West Virginia Legislature.
16 - - -
17
18 Transcribed By:
19 REALTIME REPORTERS, LLC
TERI NOCE-REEDY, RPR
20 713 Lee Street
Charleston, WV 25301
21 (304) 344-8463
realtimereporters.net
22
23
24

Page 2
1 APPEARANCES:
2 APPEARING FOR THE HOUSE JUDICIARY COMMITTEE:
3 Marsha Kauffman, Esquire
4 John Hardison, Esquire
5 Brian Casto, Esquire
6 Robert F. Akers, Esquire
7 Charles Roskovenski, Esquire
8
9 HOUSE JUDICIARY COMMITTEE MEMBERS:
10 John Shott, Chair
11 Roger Hanshaw, Vice Chair
12 Barbara Evans Fleischauer, Minority Chair
13 Shawn Fluharty, Minority Vice Chair
14 Mark White, Clerk
15 Andrew Byrd
16 Joe Canestraro
17 Moore Capito
18 Frank Deem
19 Tom Fast
20 Geoff Foster
21 Jason Harshbarger
22 Ray Hollen
23 Phil Isner
24 Kayla Kessinger
Charlotte Lane
Chad Lovejoy
Rodney Miller
Riley Moore
John Overington
Mike Pushkin
Ben Queen
Andrew Robinson
Kelli Sobonya
Amy Summers
Mark Zatezalo
ALSO APPEARING:
John A. Carr, Esquire
(Counsel for Justice Loughry)
Robert Allen, Esquire
(Counsel for Justice Davis)

Page 3
1 EXAMINATION INDEX
2
3 JUSTIN ROBINSON
4 BY MS. KAUFFMAN 32
BY DELEGATE FAST 69
5 BY DELEGATE FOSTER 85
BY DELEGATE SOBONYA 86
6 BY DELEGATE SUMMERS 90
BY DELEGATE HARSHBARGER 92
7 BY DELEGATE HARSHBARGER 95
BY DELEGATE HOLLEN 97
8 BY DELEGATE ZATEZALO 101
BY DELEGATE PUSHKIN 103
9 BY DELEGATE LANE 108
BY DELEGATE OVERINGTON 112
10 BY DELEGATE LOVEJOY 116
BY DELEGATE FLUHARTY 118
11 BY DELEGATE BYRD 124
BY DELEGATE MILLER 141
12 BY DELEGATE CANESTRARO 152
BY DELEGATE ROBINSON 156
13 BY VICE-CHAIR HANSHAW 165
BY MINORITY CHAIR FLEISCHAUER 167
14 BY CHAIRMAN SHOTT 170
BY MS. KAUFFMAN 185
15 BY DELEGATE FAST 190
BY DELEGATE LANE 203
16 BY DELEGATE OVERINGTON 207
BY DELEGATE MILLER 210
17 BY CHAIRMAN SHOTT 216
BY MINORITY CHAIR FLEISCHAUER 223
18 BY CHAIRMAN SHOTT 228
AARON ALLRED
19 BY MR. CASTO 230
BY DELEGATE ZATEZALO 246
20 BY DELEGATE PUSHKIN 246
BY DELEGATE LANE 251
21 BY DELEGATE OVERINGTON 253
BY DELEGATE BYRD 255
22 BY DELEGATE MILLER 257
BY DELEGATE ROBINSON 260
23 BY DELEGATE FAST 264
BY DELEGATE FLUHARTY 274
24 BY DELEGATE SOBONYA 276
BY DELEGATE CAPITO 283

Page 4
1 AARON ALLRED (continued)
2 BY CHAIRMAN SHOTT 288
3 BY MR. CASTO 290
4 BY DELEGATE LANE 291
BY DELEGATE PUSHKIN 292
5 BY DELEGATE ZATEZALO 296
BY DELEGATE HOLLEN 296
6 BY DELEGATE OVERINGTON 299
BY DELEGATE BYRD 302
7 BY DELEGATE ROBINSON 303
BY DELEGATE FAST 305
8 BY DELEGATE SOBONYA 310
BY MINORITY CHAIR FLEISCHAUER 311
9 BY CHAIRMAN SHOTT 313
BY MR. CASTO 315
JUSTIN ROBINSON
10 BY MR. CASTO 316
BY DELEGATE ROBINSON 321
11 BY DELEGATE FOSTER 323
BY DELEGATE SOBONYA 325
12 BY DELEGATE PUSHKIN 327
BY DELEGATE LANE 328
13 BY DELEGATE BYRD 330
BY DELEGATE ROBINSON 331
14 BY VICE-CHAIR HANSHAW 333
BY MINORITY CHAIR FLEISCHAUER 334
15 BY CHAIRMAN SHOTT 335
BY MR. CASTO 338
16 BY DELEGATE FOSTER 341
BY DELEGATE PUSHKIN 343
17 BY CHAIRMAN SHOTT 344
BY MS. KAUFFMAN 347
18 BY DELEGATE LANE 359
BY DELEGATE BYRD 361
19 BY DELEGATE MILLER 362
BY DELEGATE ROBINSON 368
20 BY DELEGATE FAST 370
BY DELEGATE FOSTER 374
21 BY DELEGATE SOBONYA 377
BY DELEGATE HARSHBARGER 378
22 BY VICE-CHAIR HANSHAW 379
BY MINORITY CHAIR FLEISCHAUER 381
23 BY CHAIRMAN SHOTT 385
24

Page 5

1 CHAIRMAN SHOTT: Good morning. We'll
2 call this meeting of the judiciary committee to order.
3 I'll ask the clerk to take a roll to ascertain the
4 presence of a quorum.
5 (The roll was taken.)
6 CHAIRMAN SHOTT: A quorum is present.
7 This meeting is being conducted pursuant to the
8 authorization of resol -- House Resolution 201 which
9 passed on June 26, 2018. I'm sure the first question on
10 everybody's mind is what will -- what is the effect on
11 our proceeding of the retirement of Justice Ketchum.
12 I'll be addressing that when I talk about the rules in a
13 few minutes, but essentially, as all of you on the
14 committee know, the only remedy that's available to the
15 House as a result of this proceeding is to recommend
16 articles of impeachment, and the only remedy available to
17 the Senate is removal from office.
18 And because the retirement of Justice
19 Ketchum effectively will result in his removal from
20 office, we will not be spending any time dealing with the
21 findings of any of the reports that deal with Justice
22 Ketchum. Obviously, that may alter our schedule somewhat
23 and probably reduce the time that we had planned on today
24 and maybe in the long run shorten our three-day session

Page 6

1 by some number of hours if not by a day. So as -- we'll
2 see how the evidence unfolds that we plan to present, but
3 there is that possibility that because a block of time
4 would have been devoted to those findings that we will
5 not need that time as a result of that retirement.
6 Let me just take a moment to
7 editorialize. I know you-all -- you members of the
8 committee have heard me editorialize before, but I think
9 it's appropriate at this time. I know I have spent a lot
10 of sleepless nights thinking about what we're about to
11 undertake. I started practicing law in the fall of
12 nineteen eight -- 1975 and during that time I also spent
13 18 years on the school board and was either blessed or
14 cursed, depending on how you look at it, with being
15 involved in a lot of significant activity: Murder
16 trials, mergers of companies, closing schools, opening
17 schools, the heartbreak of consolidation and closing
18 local schools. None of that is anywhere near as
19 significant as what we're about to undertake in this
20 committee and perhaps in the house and the senate.
21 So, you know, the ultimate result of what
22 we're doing here today could be to overturn a duly
23 elected official's election. Tens of thousands of West
24 Virginians voted for our Supreme Court justices for

Page 7

1 12-year terms and invested in them substantial trust
2 and -- on the other hand, though, when you think about
3 it, the least accountable of our public officials is
4 someone elected to the supreme court of appeals, and
5 that's because of the length of the term. Each of us has
6 to fo -- to face the voters every two years, and so we're
7 more likely to be scrutinized during that two-year
8 period. So we have an obligation to also hold
9 accountable those public officials who the voters can't
10 hold accountable for activities that occur during such a
11 lengthy term.
12 I had an opportunity to do a little bit
13 of research leading up to this about the federal system,
14 which, of course, our constitution is modeled after the
15 federal constitution; and the impeachment of judiciary in
16 the federal system. And as you all know, a federal judge
17 has a lifetime appointment, so the process of impeachment
18 plays a significant role in holding those people
19 accountable. We've only had one US Supreme Court justice
20 attempted to be impeached or be impeached, and that was
21 Justice Samuel Chase back in 1804. 1804. He was
22 nominated, by the way, by President George Washington.
23 And the result of that proceeding was an acquittal. So
24 there's never been an impeachment that resulted in

Page 8

1 removal of a US Supreme Court justice.
2 There have been some federal judges
3 impeached over the history of our system. According to
4 the information I had, there have been 15 times when
5 federal judges have been impeached. Of those, eight were
6 convicted, four were acquitted, and three resigned before
7 their impeachment proceeding concluded. So this is a
8 rare -- fortunately, a rare process, a rare proceeding.
9 Critically important, but also and I hope you will
10 appreciate that we are, in a sense, by given -- been
11 given the power of impeachment, encroaching to some
12 extent upon a different branch of the government. And if
13 you value and cherish the separation of powers doctrine
14 and the balance that it brings to our government, I think
15 you'll appreciate the importance of what we're about to
16 do.
17 I know that during the course of lead --
18 the leading up this, there have been a lot of folks that
19 have analogized what we're about to do to a Grand Jury
20 proceeding. I would urge you to resist the temptation to
21 do that. I think there are fundamental differences in
22 the Grand Jury process and what we're about to do here
23 today.
24 For instance, unlike a regular trial, a

Page 9

1 defendant cannot have any counsel present in the Grand
 2 Jury proceeding and may not even know it's going on. A
 3 lot of those Grand Jury proceedings are held in secret.
 4 There's no gra -- there's no ti -- there's no way to
 5 screen Grand Jury members, members of that Grand Jury,
 6 for bias or any other -- any other thing that would
 7 affect their impartiality. There's no rules of evidence.
 8 No one there to cross-examine the witnesses that are
 9 brought forward. And, in fact, the state or the federal
 10 government, in whichever case it may be, can use
 11 illegally obtained evidence as part of the case they
 12 present to the Grand Jury.
 13 All of that in this -- I'm sure most of
 14 you have heard this famous quote from Judge Wachtner --
 15 Wachtler, the -- who was the chief judge of the Court of
 16 Appeals in New York when he said district attorneys now
 17 have so much influence on Grand Juries that by and large
 18 they can get them to indict a ham sandwich. And I think
 19 to illustrate that point, the Bureau of Justice
 20 statistics back in 2009 and 2010 analyzed over 161,000
 21 cases that were presented to a Grand Jury and of those
 22 hundred -- over 161,000 cases, only 11 -- only 11 were
 23 cases where the Grand Jury did not indict. So if you're
 24 a mathematician and you did the math, you would find out

Page 10

1 that 99.99 percent of the time a case is presented to a
 2 Grand Jury there's an indictment.
 3 And that's why I suggest to you let's
 4 resist the impulse to consider this like a Grand Jury.
 5 If you were looking for analogy, probably a preliminary
 6 hearing might be a better analogy because in our roles -
 7 and we'll go over this shortly - we're going to allow
 8 questioning of our witnesses by those who represent the
 9 subjects of our investigation; those who represent one of
 10 our justices. I think basically we ought to consider
 11 this not either a Grand Jury or preliminary hearing.
 12 It's really a hybrid type of proceeding because if you
 13 are familiar with the criminal system, or per -- have
 14 participated hopefully not on the defendant side in a
 15 criminal process, you will know that the Grand Jury
 16 process is in many cases intended to create leverage in
 17 favor of the State.
 18 I've had limited experience before a
 19 Grand Jury. Three years of my practice were as an
 20 assistant prosecutor and I was before three different
 21 Grand Juries and I never had one refuse to return a true
 22 bill or an indictment. It's a pretty intimidating
 23 process if you're in the Grand Jury room, and it's often
 24 the case that the prosecutor wants to get as many charges

Page 11

1 as he or she can in order to have some leverage in the
 2 plea negotiations with a defendant.
 3 Preliminary hearing, the same sort of
 4 situation. it's a very low standard of probable cause.
 5 Usually it results in a finding of probable cause. And
 6 so as -- the whole set-up is designed in many cases to
 7 avoid a trial because the prosecutor and the US attorney
 8 have in most cases a great deal of leverage to negotiate
 9 with the defendant over a plea to avoid the need for a
 10 trial. And that's -- I've heard people criticize that.
 11 It's actually very necessary because if we tried every
 12 case that was the result of an arrest, our courts would
 13 be backlogged and clogged for just an innumerable period
 14 of time.
 15 So in our case, we have one -- one --
 16 basically one remedy as I mentioned earlier, and that is
 17 if we recommend articles of impeachment that are adopted
 18 by the House, and we try them in the Senate, the only
 19 remedy is removal from office. There's no way to
 20 negotiate a plea, so that's a -- I think that's a
 21 fundamental difference in this case between what happens
 22 in a criminal proceeding and what happens here.
 23 One of the questions that we as a
 24 committee will decide is what sort of burden we want

Page 12

1 imposed on a presentation of our evidence in order to
 2 justify our recommendation of articles -- of the adoption
 3 of articles of impeachment. I want to suggest to you
 4 that we ought to adopt a pretty strict standard. We have
 5 preliminary indications that's not final from the Senate
 6 as they are working on procedural rules that they will
 7 likely impose a clear and convincing evidence standard,
 8 not preponderance of the evidence, but not beyond a
 9 reasonable doubt either, which is the highest standard.
 10 They will impose on us when we come to them with -- if we
 11 come with articles of impeachment that we prove it by
 12 clear and convincing evidence, and they are likely to
 13 apply the West Virginia rules of evidence.
 14 Now, we're free to do whatever we want as
 15 a committee. There's really no -- no guidance in our
 16 constitution as to what we need to satisfy ourself that
 17 one of the conditions set forth in the constitution has
 18 been satisfied or any of the con -- conditions to go
 19 forward. That's up to us. And so we will -- we will by
 20 our -- by the result of these proceedings decide what
 21 that standard is, but I suggest to you that we ought to
 22 assume that the Senate will, in fact, require those --
 23 the proof to -- by clear and convincing evidence and that
 24 we conform to the rules of evidence as we present our

Page 13

1 evidence to them.
 2 I know that there is a great deal of
 3 sentiment to apply a lesser standard. And I will readily
 4 admit that it would be cathartic to come out of the House
 5 with the articles of impeachment in certain situations
 6 just because of some of the reactions that we've had to
 7 some of the revelations about activities in that branch
 8 of the judiciary. But I would strongly suggest that --
 9 and especially for sake of those five managers who will
 10 have to present our case to the Senate that we -- we
 11 take -- we apply a strict standard to our analysis of the
 12 evidence and what we are going to require in order to
 13 make that -- that recommendation.
 14 The end result will be whatever we can
 15 convince 23 senators of -- because that's what's
 16 required, two-thirds of those elected, that falls within
 17 the conditions of the constitution will be what prevails,
 18 but I would suggest it would be dangerous and probably
 19 irresponsible of us to assume that they're going to be
 20 lax in the way they view our evidence.
 21 Now, I want to talk for a minute about
 22 the rules that we're going to be following during today's
 23 and the following days' process. All right, you should
 24 have a copy of the procedural rules, giving due credit to

Page 14

1 now Judge, former judiciary chair, John Hatcher, whose
 2 rules of procedure back for the proceeding back in 1969
 3 involving Treasurer A. James Manchin we've used as a
 4 guide, but there are some differences. Conditions
 5 change. Obviously technology's changed in that period of
 6 time.
 7 I want to call your attention to the one
 8 rule that is certainly different than anything in Judge
 9 Hatcher's draft, and that is Rule Number 12, which was
 10 created basically in response to the resignation of
 11 Justice Ketchum. And I'm just going to read the rule to
 12 you and then I'll -- I'll basically talk a minute about
 13 it. Here's how the rule reads.
 14 "Because the sole remedy available in an
 15 impeachment proceeding is the removal from office of an
 16 officer of the State, the resignation retirement or some
 17 other act which effectively results in the removal of an
 18 officer who is a subject of the proceeding from his or
 19 her office eliminates the need for further evidence
 20 specifically referring to that official.
 21 In order for the committee's time to be
 22 more effectively employed and to reduce the cost of the
 23 State, no such evidence will be admitted following
 24 receipt of notice of the resignation, retirement or

Page 15

1 action resulting in the removal of that official. And
 2 counsel for the committee and the members of the
 3 committee will be instructed accordingly by the chair.
 4 However, evidence regarding a group of which that
 5 official is a member if otherwise relevant for purposes
 6 of considering the allegations involving other members of
 7 that group or for the purpose of considering the need for
 8 legislative action shall be permitted."
 9 As you will recall from the resolution,
 10 one of our tasks is to identify any re -- any legislation
 11 that might be needed as a result of our inquiries. So we
 12 will be addressing certain findings in -- shortly, in the
 13 legislative reports, Legislative Auditor's reports that
 14 involve the court as a group. That's relevant. It's
 15 also relevant in terms of if -- how it effects those
 16 individuals who are still on the bench or have not been
 17 removed. So I will ask for your cooperation in that, but
 18 if it's -- if I see a question coming that it -- that
 19 violates the spirit of that rule, we will-- I'll
 20 basically rule it out of order. So that should shorten
 21 our proceeding somewhat. As I said earlier, we had some
 22 findings that affected Justice Ketchum and we will not be
 23 getting into those today.
 24 Now, the way we'll proceed, we'll call --

Page 16

1 counsel for the committee will call a witness, we'll ask
 2 quest -- direct questions of that witness. When that
 3 testimony is concluded, we'll go around the room and I'll
 4 probably start from my left and go down the row and ask
 5 if members have questions. And rather than hit your
 6 button, since I'm going to proceed in that method, I
 7 would just ask that if you're the next person up,
 8 indicate by raising a hand or a finger - not the middle
 9 finger - but a finger to alert me that you want to ask a
 10 question. And then I'll call on you. That way I don't
 11 think anybody will feel like they need to answer -- to
 12 ask a question if I call on you by name. If you want to
 13 ask a question or questions, as I come down the row and
 14 I'll begin with Delegate Fast after we're finished.
 15 We'll go through the whole process, and
 16 we'll come back to counsel. No, I'm sorry. We'll go to
 17 counsel for the subjects of our investigation. We have
 18 two counsel present today that may or may not want to ask
 19 questions. In our rules we permit that. I think it's
 20 important for the committee to know if there are issues
 21 out there that the subjects of our investigation want
 22 raised. We have provided in there for a method by which
 23 they can request witnesses that we call, but also that
 24 they can ask questions. When that process is finished,

Page 17

1 we'll do a -- go back to our house counsel to see if any
2 follow-up questions are needed. We'll make a second
3 rotation through the chamber of our members to see if you
4 have follow-up questions that may be needed. Please
5 don't feel like you have to ask questions, but if you do,
6 please, feel free to ask questions. And when that
7 process is concluded -- and that will include those of us
8 up here at the podium, Delegate Fleischauer, Delegate
9 Hanshaw and me will also be free to ask questions, but
10 we'll be the last of our committee members to go.
11 So that's basically how we'll proceed.
12 The sequence of our presentation is outlined in e-mails
13 that I sent out will be by subject matter. The subject
14 of, for instance, vehicle use will be the first subject
15 matter that we'll get into. It may or may not involve
16 more than one justice, but if it does, we'll cover all of
17 the involvement of each justice at the same time.
18 Purpose of that for efficiency and also as convenience to
19 our witnesses. That way we don't treat them like a yo-yo
20 and have them back here every other day or every other
21 hour to answer questions. We'll try to deal with that in
22 a -- in a more efficient way and it also, I hope, will
23 provide some context for you -- overall context within
24 which to judge this witness.

Page 18

1 I should say that we're going with the
2 Legislative Auditor's report first because that was the
3 first information that was made available to us. We had
4 to subpoena the information from the Judicial
5 Investigation Commission based on their process and their
6 confidentiality it's taken a while to get that evidence
7 and it's basically come in this week in batches on thumb
8 drives, and I think we've gotten two so far. Is that
9 right? Just one yesterday. And we're not talking about
10 five or six pages. We're talking about in some cases
11 hundreds, if not thousands of pages. So it's taken our
12 staff a good bit of time to go through that, get it
13 organized and basically focus it on the information that
14 we need to make a decision.
15 You are being provided with some
16 documents this morning. The packet of documents consists
17 of 18 exhibits that counsel intends to discuss with our
18 witnesses today. As I said, the Auditor's office as well
19 as the JI -- what I'll refer to as JIC has provided us
20 with numerous documents, and staff has been reviewing
21 those documents. Some of those documents are as long as
22 1,000 pages, believe it or not. Some of the documents,
23 though, contain personal information that is either
24 confidential or irrelevant to these proceedings. That's

Page 19

1 why they focused on these 18 exhibits. The documents
2 that you are being provided are mentioned in some of the
3 reports that will be discussed today.
4 We have encountered one problem in
5 preparing for this proceeding, and that is getting a
6 court reporter. We've tried, counsel has tried for four
7 firms. The problem is no one's willing to commit to the
8 number of days that we need someone here. So we are
9 recording this in two different ways. It's video
10 streamed so there'll be a record -- a recording of that
11 and there will also be a audio recording, and ultimately
12 if we need we transcripts, we will provide the audio --
13 audio recordings to stenographers to actually prepare the
14 transcript.
15 I will say that all of our sessions are
16 going to be open and, therefore, they will be video and
17 audio streamed. They will be open to the public. You
18 can see we've packed the house today. So obviously we
19 would expect you to act appropriately. The only
20 exception that I can see that might happen - and this
21 will be a committee decision, not a decision of the
22 chair - is when we're finished with the evidence and we
23 need to discuss how the evidence may or may not fit in
24 with the conditions that the Constitution requires for us

Page 20

1 to -- the categories, maybe is a better way to put it, we
2 may -- we may go into executive session so that we can
3 have an open and uninhibited -- let's say uninhibited
4 discussion about that. That's the only time I think
5 there would -- any possibility of an executive session
6 and that will be based on your decision as a committee.
7 Those conditions for the benefit of
8 our -- of our press and the audience that may or may not
9 be listening is that the Supreme Court requires findings
10 of either maladministration, corruption, neglect of duty
11 and competency, gross immorality or high crimes and
12 misdemeanors, and unfortunately none of those are defined
13 in the Constitution. So essentially the definition will
14 be what we conclude, and that may be -- may need some
15 discussion. As you'll recall there's some cases cited by
16 Judge Hatcher in his memorandum, but those -- none of
17 those cases are West Virginia cases, so we are in many
18 ways plowing new ground by what we do, and I would
19 encourage us to keep in mind, not just this proceeding,
20 but any proceedings that the State might unfortunately
21 have to go through in the future as to what kind of
22 standards -- what kind of bar we set for that type of --
23 that type of inquiry.
24 For logistical purposes, we'll take a

Page 21

1 lurch break today. It just depends on the flow of the
 2 evidence, but I expect it will be somewhere between 12:00
 3 and noon. We will resume and we will take a dinner
 4 break. I had hoped to get some time in this evening,
 5 which based on the retirement of Justice Ketchum may
 6 result in us -- we work tonight, not having much a day,
 7 if any, on Saturday. So we'll be bringing dinner in and
 8 it will be served upstairs in our committee room. So
 9 we'll take a break probably between 5:30 and 6:00 for
 10 that purpose. And I think you'll find the meal
 11 appropriate. I suggested to my wife that because I
 12 wanted alert members after dinner, that she only make one
 13 cake and you'll soon find who won that argument.
 14 So my last request really to you is to
 15 help us, your managers, by putting yourself in the place
 16 of the senator who may hear this evidence. Be alert for
 17 any gaps that you might hear in the evidence that we need
 18 to follow up on, identifying any witnesses you think we
 19 need to call. We -- certainly our staff is amenable to
 20 your suggestions as to who we need to call, or documents
 21 that we need to fill those gaps. I suggest you ought to
 22 be willing to test the sufficiency of the evidence
 23 through your questionings. Consider possible
 24 explanations for the evidence that you hear. I think

Page 22

1 it's reasonable to consider the context within which it
 2 occurred, the motive of the person involved, whether it's
 3 for personal gain or whether there's some more worthy
 4 motive, whether there's -- it's a technical or substan --
 5 substantive violation, the frequency of it, whether it's
 6 isolated or frequent; and the degree of it as well.
 7 At the end of the day when we're
 8 finished, there's several results that could --
 9 recommendations we could make. Not to impeach, to
 10 impeach, censure. I think if you read the call for the
 11 meeting for the extraordinary session there was the word
 12 "censure" in there, which we're going to try to develop
 13 exactly what that means, but the way I interpret it is:
 14 Basically we would recommend to the House a reprimand but
 15 not an impeachment. We would go on record as
 16 reprimanding certain conduct of certain individuals. We
 17 may also decide that just the shedding of light, the
 18 publicity of what we're hearing today is a sufficient
 19 deterrent for that type of activity in the future or
 20 perhaps even ammunition for the Constitutional amendment
 21 that was overwhelmingly approved by this -- by the House.
 22 I would also urge you to re -- resist the
 23 sense of urgency that some have tried to instill in this
 24 proceeding. Obviously, the Court does not meet again

Page 23

1 until September, and unlike the A. James Manchin
 2 impeachment back in 1989, the credit of the State is not
 3 on the line. If you'll recall the allegations were that
 4 through mismanagement and otherwise, the State had
 5 lost -- consolidated investment fund had lost between 250
 6 million and 300 million, perhaps more, but more
 7 importantly, at some point the entire portfolio of the
 8 consolidated investment fund was at risk. And the credit
 9 rating bureaus were waiting for action fairly quickly.
 10 So we don't have the same urgency, but obviously the
 11 importance to the State we need to keep that in mind.
 12 As I mentioned earlier, the balance of
 13 power between the separation of powers should impose upon
 14 us the seriousness of this. And, of course, the
 15 reputation of the State we need to keep in mind.
 16 I -- finally, I just want to recognize
 17 before we begin, the hard work of our staff, our legal
 18 staff, plus we had some volunteers -- Marsha Kauffman,
 19 Bryan Casto, and John Hardison of our staff, and their
 20 efforts were supplemented by Charlie Roskovensky, Robert
 21 Akers and Joe Altizer. And then our clerk, Mark White,
 22 and our executive assistant, Adair Burgess also have been
 23 working really hard to try to get this together for you.
 24 Our managers have been -- participated as well, and

Page 24

1 that's -- include Delegates Hollen, Miller, Andrew Byrd
 2 and Roger Hanshaw. So certainly a -- I know there's been
 3 some perception nothing's been happening, but I can
 4 assure you that's not the case.
 5 So we're ready to proceed. Counsel,
 6 would you call your first witness? Delegate Fleischauer.
 7 MINORITY CHAIR FLEISCHAUER: Thank you,
 8 Mr. Chairman.
 9 Mr. Chairman, are we going to adopt the
 10 rules prior to proceeding with the witnesses?
 11 CHAIRMAN SHOTT: If you reviewed the
 12 resolution, which I'm sure you did, the resolution
 13 authorizes the chairman to establish the rules and that's
 14 what's happened.
 15 MINORITY CHAIR FLEISCHAUER: Okay. I
 16 have a couple of questions I would like to ask about the
 17 rules if I may.
 18 CHAIRMAN SHOTT: If you have a point of
 19 order, I'd be happy to address it, yes.
 20 MINORITY CHAIR FLEISCHAUER: Well, I want
 21 to -- I'm not sure if I would put it in terms of a point
 22 of order. I want to explore what the thinking was for
 23 departing from the rules of Judge Hatcher and
 24 substituting some additional sentences. And if -- if I

Page 25

1 could inquire about that, I think -- I don't know that
2 it's in the form of a point of order, but I would like to
3 inquire about them.

4 CHAIRMAN SHOTT: Well, as I indicated,
5 and this is about all I'm -- further explanation I'm
6 going to give. I took Judge Hatcher's rules, I looked at
7 them, I tried to fit them into the context we're working
8 with, I made some adjustments. And, of course, Judge
9 Hatcher's rules are not binding on us. They're simply a
10 illustration of one set of rules that were -- that were
11 adopted. The -- as I read the resolution, the chairman's
12 responsibility is to establish the rules of procedures,
13 and I did that so that we wouldn't spend a lot of time
14 debating the rules. I know a lot of folks have imposed a
15 real sense of urgency on this. I don't think we need to
16 spend any time debating the rules or explaining the
17 rules.

18 The rules are the rules, and if I'm -- if
19 I remember right, 89 people were here on the day the
20 resolution was passed. Everybody voted in favor of that
21 resolution.

22 MINORITY CHAIR FLEISCHAUER: Well, I
23 guess I can turn it into a point of order. I do think
24 the rules are an improvement in many ways over Judge

Page 26

1 Hatcher's rule. I like the fact that there's more modern
2 language. It made the -- it flows much better, so I want
3 to congratulate you and your staff on that. My biggest
4 concern is the last sentence that was added to rule
5 number 8, and I believe that could potentially be a
6 violation of the House rules. That says that "No motion
7 to issue articles of impeachment shall be considered
8 until counsel for the committee has informed the Chair of
9 the presentation of all evidence regarding the subject
10 against whom the proposed articles are addressed has been
11 completed."

12 I don't think there's anything in the
13 House rules that gives staff that authority over the
14 body -- over the membership and maybe just as
15 importantly, I think that the -- this is a rule that is
16 not contained in the House rules and is inconsistent with
17 the House rules that spell out the motions that members
18 are allowed to make. So I think it is potentially a
19 violation of the House rules, and I think that is a
20 problem and I would urge that that -- that be stricken.

21 CHAIRMAN SHOTT: Well, it's going to
22 remain in there. I'll take your suggestion under
23 advisement and confer with the clerk as well as our par
24 -- parliamentarian and we'll see where we go from there,

Page 27

1 but at the moment, that's -- that's the rule.

2 MINORITY CHAIR FLEISCHAUER: Okay. Let
3 me just make it clear for the record. Our House rules
4 say that all rules of the committee must be consistent
5 with the House rules generally. And, secondly, the House
6 rules allow members to make specific motions including
7 the one that is referenced in number 8 and by taking that
8 authority away from members we are departing from the
9 rules of the House.

10 CHAIRMAN SHOTT: I understand your
11 position and we will take it under advisement.

12 MINORITY CHAIR FLEISCHAUER: I had two --
13 I guess that's -- I was wondering why you omitted number
14 16, which is in the 1989 rules. I don't really feel
15 strongly about it. You explained why you added number
16 12, but also number 14, the new sentence in number 14.

17 CHAIRMAN SHOTT: Well, let's proceed this
18 way. Rather than delay the whole committee, I'd be happy
19 to talk to you during the break as to why I did certain
20 things, but for the time being, those rules -- those are
21 the rules that have been established pursuant to the
22 authority of the resolution. Those are the rules we'll
23 operate under until further notice.

24 MINORITY CHAIR FLEISCHAUER: Okay. Thank

Page 28

1 you, Mr. Chairman.

2 CHAIRMAN SHOTT: Delegate Robinson, point
3 of order?

4 DELEGATE ROBINSON: Mr. Chairman, I move
5 to amend the rules proposed by the chairman.

6 CHAIRMAN SHOTT: I'm going to rule that
7 out of order. The resolution, which I believe you voted
8 for, Delegate Robinson, authorizes the chair to
9 promulgate or establish the rules. And that's what I did
10 based on the confidence that that resolution reflected.

11 Your motion's out of order.

12 DELEGATE ROBINSON: Point of order,
13 Mr. Chairman.

14 CHAIRMAN SHOTT: Yes.

15 DELEGATE ROBINSON: As we have proposed
16 and brought in the rules from 30 years ago, in the case
17 that 30 years from now they do the same, do you not think
18 we should address the rules and try to amend them and
19 make them the best possible as we have discussed that we
20 took a three-week break to make this process correct as
21 it's historical? Do you not think it's appropriate for
22 us to discuss and go through the rules thoroughly?

23 CHAIRMAN SHOTT: I don't think we need to
24 delay the process. If you're suggesting we spend a

Page 29

1 couple of weeks debating the rules, I suggest that that's
2 not a good use of our time.

3 DELEGATE ROBINSON: Mr. Chairman, I
4 have -- I have three, one-sentence amendments to your
5 proposed rules that are just corrections and improvement
6 to the rules that I would like to propose if --

7 CHAIRMAN SHOTT: And to the gentleman,
8 consistent with my discussion with Delegate Fleischauer,
9 I'll be happy to discuss those with you during a break,
10 but for now we're going to -- we're going to protect the
11 integrity of the time that we have available and move
12 forward.

13 DELEGATE ROBINSON: Mr. Chairman, I have
14 a point of inquiry prior to starting the witnesses.

15 CHAIRMAN SHOTT: Yeah, I'll listen to
16 your point of inquiry.

17 DELEGATE ROBINSON: Mr. Chairman, it's
18 come to our attention that you may have had a meeting
19 with the private attorney of Justice Loughry yesterday.
20 Just for transparency, could you give us a summary of who
21 was in that meeting and what those meetings entailed?

22 CHAIRMAN SHOTT: I did not meet with the
23 attorney for Justice Loughry nor did I meet with Justice
24 Ketchum. I haven't met with any of the justices or any

Page 30

1 of their attorneys. My understanding is that the
2 attorney for Justice Loughry visited with staff counsel
3 to discuss the rules and the proceedings that we'll
4 follow, but I was not a participant in any of those
5 meetings.

6 DELEGATE ROBINSON: The same request,
7 sir, for staff counsel. Give us a summary and just for
8 transparency the -- explain to us what went on in that
9 meeting and what was discussed.

10 CHAIRMAN SHOTT: I don't think that's in
11 order. If staff counsel wants to address that at a later
12 time, we'll go forward. To my knowledge, it basically
13 was a discussion about the rules and the opportunity to
14 question witnesses, and that's -- Counsel, am I basically
15 correct on that? Yeah. Okay.

16 Any further inquiries? Counsel, will you
17 call your first witness?

18 (Inaudible due to no microphone)

19 CHAIRMAN SHOTT: One of the reasons we've
20 asked everybody to move forward was to -- to the front
21 two rows was to bet -- try to improve the ability to
22 hear, but I -- for the technology you mentioned, I'm not
23 familiar with, but I'll ask the clerk's office. Is there
24 -- we'll try to get that fixed for you. Okay?

Page 31

1 UNIDENTIFIED SPEAKER: Okay. Thank you.

2 CHAIRMAN SHOTT: Yes, sir. Counsel.

3 MS. KAUFFMAN: Thank you, Mr. Chairman. The
4 House committee on the Judiciary calls as its first witness
5 Justin Robinson.

6 CHAIRMAN SHOTT: Would you remain standing for
7 a moment, please?

8 THE WITNESS: Yes, sir.

9 CHAIRMAN SHOTT: Would you identify yourself
10 for the committee?

11 THE WITNESS: Yeah, my name's Justin Robinson,
12 acting director of the Legislative Post Audit Division.

13 JUSTIN ROBINSON
14 was called as a witness by the Committee of the Judiciary,
15 pursuant to notice, and having been first duly sworn,
16 testified as follows:

17 EXAMINATION

18 BY MS. KAUFFMAN:

19 Q. Thank you.

20 Mr. Robinson, I think you have just stated your
21 full name for the record and indicated your current position.
22 Can you please tell again the committee where you work and
23 what your position is?

24 A. Yes, I work for the Legislative Post Audit Division

Page 32

1 and I am the acting director.

2 Q. As the acting director, how long have you held
3 that position?

4 A. Very shortly.

5 Q. Okay. Was that a recent --

6 A. Yes, it was.

7 Q. -- a recent event? Prior to that, what
8 position did you hold?

9 A. I was audit manager.

10 Q. Were you audit manager during this past --
11 during this calendar year, 2018?

12 A. Yes.

13 Q. As audit manager, what were some of your
14 duties?

15 A. To assist in the planning and supervising of
16 the audits conducted by our staff including the Supreme
17 Court audit.

18 Q. Could you please give the committee some
19 indication or idea as to your educational background,
20 please?

21 A. Yes, I hold a bachelor's degree in business
22 administration with a focus in accounting and a master's
23 in business administration.

24 Q. Thank you. Mr. Robinson, you just mentioned

Page 33

1 some post audit reports that were -- that were completed
2 with respect to the West Virginia Supreme Court of
3 Appeals, and I want to begin with that and ask just a few
4 general questions.
5 A. Okay.
6 Q. It is my understanding that three reports were
7 completed during this calendar year so far; is that
8 correct?
9 A. That is correct.
10 Q. For ease of reference, if it is okay with you,
11 I will during my questioning be referring to those
12 reports by number - again, if that is okay - report
13 number 1, report number 2 and report number 3. Is that
14 okay with you?
15 A. That will be fine, yes.
16 Q. Okay. With respect to those reports, do you
17 recall -- and I am not asking for a specific date, but do
18 you recall the months or the time period in which those
19 reports beginning with report number 1 were complete?
20 A. Yes, the first report was completed and
21 presented to our post audit subcommittee in April, the
22 second report in May and the third in June.
23 Q. Okay. And that was all of this year, 2018?
24 A. Yes, correct.

Page 34

1 Q. Okay. With respect to the three audits, did
2 your office and all of the individuals that worked on
3 these reports, did they follow or conform to any type of
4 specific standard when it comes to auditing?
5 A. Yes, our office follows the United States
6 Government Accountability Office's generally accepted
7 auditing standards.
8 Q. And were those followed with respect to all
9 three of these reports?
10 A. Yes.
11 Q. I would like to - if it's okay with you - go
12 ahead and just move to report number 1.
13 A. That would be fine.
14 Q. It is my understanding from this report that
15 the -- one of the -- at least one of the issues that this
16 report addresses is the use of State vehicles and rental
17 cars by members or justices of the West Virginia Supreme
18 Court of Appeals. Is that correct?
19 A. That is correct.
20 Q. Did your investigation look at all of the
21 current justices of the Supreme Court of Appeals?
22 A. The first report covered a couple justices and
23 the second -- the second, subsequent report covered the
24 remaining current justices as well as one former justice.

Page 35

1 Q. Which former justice was that?
2 A. Justice Brent Benjamin.
3 Q. Okay. With respect to -- and I'm going to try
4 to the best of my ability to remain on report number 1.
5 With respect to that report, I believe that it indicates
6 that -- on page 1 of that report that the initial focus -
7 and I'm just going to ask you about this initial focus -
8 concerned that use. Could you please just tell us what
9 precipitated that particular focus in this audit?
10 A. Are you asking how this audit was inception?
11 Q. Yes.
12 A. Essentially, concerns were expressed obviously
13 in the media concerning extravagant expenditures by the
14 Court regarding renovations, as well as the fact that in
15 previous reports conducted by the Performance Evaluation
16 and Research Division of the Legislative Auditor's Office
17 as well as the Post Audit Division was having a focus on
18 State vehicle fleets.
19 Q. Okay. Thank you. By way of background, I want
20 to just make sure when I begin asking these questions
21 that my assumption here is correct. It's my
22 understanding that the justices of the Supreme Court
23 have -- had or have exclusive use to three different
24 vehicles. Is that correct?

Page 36

1 A. That is correct.
2 Q. Okay. I'm going to ask you now with respect --
3 and it's my understanding that you are -- and do have in
4 front of you a copy of the report number 1; is that
5 correct?
6 A. I do, that's correct.
7 Q. Okay. I will ask you, if you could, please, to
8 skip over -- we will skip over the first few pages of
9 that report and move to page 7 of that report.
10 A. Okay.
11 Q. At the time that this particular report was
12 finalized, if you know, did the Supreme Court have formal
13 written policies regarding vehicle use?
14 A. Specifically to your question at the time the
15 report was finalized, I believe the Court was actually
16 formulating those policies, but at the time when we
17 inquired whether or not the Court had those policies
18 while we were conducting the field work of the audit,
19 they did not have those policies in place.
20 Q. With respect and -- and going down and still
21 remaining on page 7, there is a mention about the -- an
22 internal reservation system that is described essentially
23 as a calendar.
24 A. Uh-huh.

Page 37

1 Q. Let -- if I can, I would just like for you to
2 try to the best of your ability to explain to the
3 committee what is meant by that, by the internal
4 reservation system.
 5 A. The only record the Court had to indicate when
 6 vehicles were used by employees or justices was a
 7 reservation log that was maintained internally
 8 electronically to which if a employee or a justice needed
 9 to use a Court vehicle, they would request its use
 10 through this reservation log.
11 Q. And I believe that the chairman mentioned this
12 before. With respect to the reservation log, is that in
13 and of itself a very large document?
 14 A. Yeah, it's in excess of 1,200 pages.
15 Q. Okay. Just for that one document?
 16 A. Yes.
17 Q. Okay. And was your office provided with a copy
18 of that reservation system?
 19 A. Yes, we were.
20 Q. That's how you know it's over 1,200 pages?
 21 A. Absolutely.
22 Q. During the time period that your office looked
23 at this particular court reservation system -- and I'm
24 going to ask you to confine and I'll try to my -- best of

Page 38

1 my ability to confine my questions to Justice Loughry
2 only. And I understand we're on page 7 and that's what
3 this deals with.
4 Could you please tell the committee how
5 many days Justice Loughry reserved a car during that time
6 period of your investigation?
 7 A. Based on the vehicle reservation log we noted
 8 212 instances where Justice Loughry had reserved a
 9 vehicle.
10 Q. And with respect to those 212 days, can you
11 please tell the committee how many of those times he did
12 not list a destination?
 13 A. Justice Loughry did not list a destination for
 14 148 out of the 212 days that he reserved the vehicle in
 15 the vehicle log.
16 Q. I believe that as part of your -- your
17 investigation that you put that into a percentage and
18 that was roughly 70 percent of the time; is that correct?
 19 A. That's correct.
20 Q. Okay. On page 7, Table 1, could you please
21 just -- it seems pretty self-explanatory, but just out of
22 an abundance of caution, could you please let the
23 committee know what that -- what Table 1 represents?
 24 A. Yes, Table 1 is a summation of our review of

Page 39

1 that vehicle reservation log for the years 2013 through
 2 2016, and for each year it notes the total days of
 3 vehicle use noted in the reservation log, the number of
 4 days for each of those years that did not provide a
 5 business purpose substantiation, and the percentage of
 6 usage without substantiation as it represents the two
 7 figures.
8 Q. Okay. I'll now ask you to move to page 7 of
9 that report. That is -- there's Figure 2 on that, and I
10 would like to ask you the same question. If you could,
11 please, just generally describe to the committee what
12 Figure 2 represents.
 13 A. Figure 2 was our attempt to represent this
 14 information more visually through a calendar. We
 15 essentially laid out a yearly calendar for the years that
 16 we reviewed - specifically through 2015 - because
 17 beginning in 2016 the notations of Loughry's use of the
 18 Court vehicle was sparse. So this calendar essentially
 19 represents the dates that we noted where he had reserved
 20 a Court vehicle in that vehicle reservation log. There
 21 are blue highlighted dates where he did provide a
 22 destination. There are red highlighted dates where he
 23 did not provide a reservation or a purpose, and the Court
 24 was also in recess. And there is a -- it's more of an

Page 40

1 orange color highlight for indicating when dates did not
 2 provide a destination.
3 Q. And that orange highlighted color, is that when
4 the Court was in session?
 5 A. Yes.
6 Q. Okay. I now -- just so that everyone can
7 remain on the same page, I'll now like to move to page 9
8 of that report. At the top part of that page, there is a
9 pattern that is noted as a result of your investigation.
10 Could you please inform the committee of the pattern that
11 is noted as you completed and went through your
12 investigation?
 13 A. Yes, as we reviewed these vehicle reservations
 14 with particular regard to dates when the Court was in
 15 recess, we noted three years consecutively where Justice
 16 Loughry had reserved a Court vehicle over the Christmas
 17 holiday and in certain instances, well into the New Year.
18 Q. Okay. Remaining on page 9, there is mention
19 underneath Figure 3 of a memo that was written by the
20 deputy director -- the director and the deputy director
21 of the Supreme Court, and with that said, I would ask
22 that you please refer to Exhibit Number 1 -- the document
23 that has been pre-marked as Exhibit Number 1.
 24 A. Yes.

Page 41

1 Q. If you could -- and I recognize that you did
2 not author this document, but could you please just
3 explain to the committee how you came into possession of
4 this document and generally what it -- what it purports
5 to be?

6 A. Yes, during our process of gathering
7 information and evidence, we requested any and all
8 internal court memorandum that discussed the use of Court
9 vehicles, and we were provided this memo. This
10 particular memo, Exhibit 1, is in reference to a memo
11 from the deputy director and director of court security
12 to Justice Davis regarding some questions she had about
13 the formal check-out procedures for Court vehicles.

14 Q. And this, I believe, is noted in your report on
15 page 9 and it is in the memo. Could you please read the
16 last sentence of Exhibit Number 1?

17 A. Yes, the last sentence reads, "The only person
18 we can recall that failed to provide a destination when
19 asked was Justice Loughry."

20 Q. Okay. Remaining on page 9, there is also
21 mention of other memos that were -- that went back and
22 forth, and I believe you just indicated that you had
23 requested those memos.

24 A. Yes.

Page 42

1 Q. I would ask for you to please now refer to
2 Exhibit Number 2, and if you could, please, as we just --
3 as you just did, try to explain to the committee how you
4 came into possession of this and what this is.

5 A. Again, this was in relation to our request for
6 any internal memorandums of the Court discussing Court
7 vehicle use specific with regard to justices using those
8 vehicles. This particular memo is from Justice Davis to
9 then administrative director of the court Steve
10 Canterbury requesting that a few items be placed on their
11 administrative conference agenda to discuss procedures
12 concerning the use of Court vehicles and other questions
13 that she had regarding this use by the justices.

14 Q. And now I would ask for you to move to Exhibit
15 Number 3. This also appears to be a memorandum.

16 A. Yes.

17 Q. Could you please tell the committee what this
18 memorandum is about?

19 A. This memo is from Justice Davis to the deputy
20 director and director of supreme court security -- give
21 me one second to review it. It's her -- Justice Davis is
22 requesting from those -- the director and deputy director
23 of court security who were actually in charge of
24 overseeing that vehicle reservation log to provide her

Page 43

1 the answers to the three questions in this memo,
2 essentially regarding the procedures for reserving those
3 vehicles and their use.

4 Q. Okay. And, now, if you could please refer to
5 Exhibit Number 4. Is this another memorandum that you
6 received during your investigation?

7 A. Yes.

8 Q. Is this memorandum also dealing with the use of
9 State vehicles?

10 A. It is.

11 Q. At least in part it appears. And I would also
12 ask now that you refer, please, to Exhibit Number 5. Is
13 this also a memorandum?

14 A. It is.

15 Q. Is this another memorandum from Justice Davis?

16 A. Yes.

17 Q. And who did she send this one to?

18 A. This was one to former administrative director
19 of the court Steve Canterbury.

20 Q. And was she still requesting additional
21 information at that time?

22 A. Yes, it appears in this memo she was actually
23 requesting specific information regarding Justice
24 Loughry's use of a Court vehicle to which she believed he

Page 44

1 did not provide business use.

2 Q. Okay. I'm going to jump back to your report
3 now and still remain on page 9. I believe the last --
4 next to last par -- next to last sentence on that
5 indicated that Justice Loughry had made some type of
6 response to this -- to the memos that had been sent
7 questioning the usage of State -- his usage rather of
8 State vehicles; is that correct?

9 A. That is correct.

10 Q. I would now like for you to please refer to
11 Exhibit Number 6. Is Exhibit Number 6 the memo that is
12 referenced in which Justice Loughry responded to the
13 memos from other Court members about usage of State
14 vehicles?

15 A. Yes, I believe so.

16 Q. Okay. And I understand, again, you didn't
17 author any of these. If you could either from your --
18 just your recollection or review of the report, what was
19 Justice Loughry's response?

20 A. His position as stated in the report was that
21 once he stated to court security or any other individual
22 questioning his use of the vehicle that the purpose was
23 for State business, that that should be the end of the
24 inquiry.

Page 45

1 **Q. Okay. Mr. Robinson, I am now going to ask you**
 2 **to remain on your report but to move to the next page.**
 3 **Again, still dealing with Justice Loughry, and on page 10**
 4 **of this there is -- it begins by noting that the**
 5 **Legislative Auditor questions Justice Loughry's need and**
 6 **use of State-paid rental vehicles during out-of-state**
 7 **trips. So just so that the record and the committee**
 8 **members are clear, does the report now move to -- the**
 9 **focus now is on rental vehicles as opposed to the State**
 10 **vehicles?**

11 A. Yes, this portion of the report focuses on
 12 rental usage -- rental car usage by Justice Loughry.

13 **Q. Okay. Just by Justice Loughry in this --**
 14 A. Just by Justice Loughry. Yes.

15 **Q. -- particular area. Okay. If you could,**
 16 **please, just summarize for the committee the findings --**
 17 **the Legislative Auditor's findings with respect to**
 18 **Justice Loughry's use of rental vehicles.**

19 A. We noted on several occasions that Justice
 20 Loughry had utilized a rental vehicle for out-of-state
 21 trips relating to Court business for which he put
 22 substantial amounts of miles on those rental vehicles
 23 during those trips. Also, in many of those instances,
 24 Justice Loughry took the fuel option of the rental

Page 46

1 meaning that when he returned the car without fuel, the
 2 rental car company would refill it for a charge. There
 3 was also other fees we noted including upgrade fees and
 4 other indirect costs associated with his rental car use
 5 such as hotel parking for the vehicle which in certain
 6 instances was somewhat substantial. And essentially we
 7 just note in this section of the report those particular
 8 instances we noted that had substantial amounts of rental
 9 car mileage use.

10 **Q. Okay. On Table 2 on page 10 of report number**
 11 **1, there is a listing of, I believe, seven different**
 12 **instances of rental car use by Justice Loughry; is that**
 13 **correct?**

14 A. That is correct.

15 **Q. Are those the seven instances that you focused**
 16 **on? Were there others or are these the ones that were**
 17 **noted when there was additional mileage put on the cars,**
 18 **if you recall?**

19 A. I can't recall if there were other instances
 20 that we looked into, but these are the particular
 21 instances we noted with excessive personal -- what
 22 appeared to be personal use mileage.

23 **Q. And when you say noted -- that appeared to be**
 24 **excessive personal use mileage, if you could, just**

Page 47

1 **explain for the committee how you came to that**
 2 **understanding -- or that assumption given the mileage**
 3 **that is listed on this table.**

4 A. The information that we used to derive the
 5 calculation of the number of miles essentially was the
 6 location of the trip, the airport to which he flew to,
 7 the hotel to which he took from the airport to the hotel
 8 that the conference was often held at or he was staying
 9 at; and essentially we calculated the difference between
 10 the mileage from the hotel to the airport and then we
 11 compared that with the total number of miles actually
 12 driven on the rental car receipts. So essentially we
 13 used rental car receipts, hotel receipts, travel expense
 14 settlements provided by Justice Loughry to the Court to
 15 be reimbursed for expenses. Amongst other documentation.

16 **Q. With respect to these seven instances that are**
 17 **identified in table number 2 -- and I don't want to**
 18 **get -- get too far ahead of myself. The travel -- and I**
 19 **won't read them all, but they are to California; Omaha,**
 20 **Nebraska; to Monterey, California. Was it determined**
 21 **that those trips -- the trip itself was a -- for a**
 22 **business purpose?**

23 A. Yes, oftentimes it was for a conference related
 24 to justices across the United States or some other

Page 48

1 Court-related business purpose, yes.

2 **Q. Okay. So it wasn't found that was it was**
 3 **solely for a personal use. The reason for going was**
 4 **oftentimes I think you said for a conference; is that**
 5 **correct?**

6 A. Yes, for each of the instances noted the actual
 7 purpose for the trip was Court-related business, yes.

8 **Q. Okay. But then what -- again, I think you have**
 9 **noted and I want to make sure I understand is that in**
 10 **addition to going to the conference, it is believed that**
 11 **the rental car was used at times anywhere between several**
 12 **hundred miles to go elsewhere. Would that be correct?**

13 A. That is correct. What we noted were
 14 essentially that the round-trip distance from the
 15 airports to the hotels were oftentimes -- and I think the
 16 most -- the highest mileage between those was 27 miles,
 17 listed in our report, but in those instances the
 18 difference in miles actually used on the rental car were
 19 in excess of 400 miles which indicated there was
 20 significant travel outside of just to and from the
 21 airport.

22 **Q. Okay. Now, I have a question with respect to**
 23 **the calculations that are in that last column on Table 2,**
 24 **the total cost. When we're talking -- and I know you**

Page 49

1 said you looked at the fuel option that was oftentimes
2 selected and parking and things such as that. Did any of
3 that account for mileage? And the reason I ask that is
4 with respect to rental cars, it's my understanding that a
5 lot of times if not -- a lot of times there is an
6 unlimited mileage option. Were there any charges
7 associated with those actual miles that were driven or do
8 the amounts in that last column deal with other --
9 other -- other things?

10 A. The amounts in the last column actually is a
 11 summation of all the costs associated with the rental car
 12 use. There was no partic -- particular additional charge
 13 associated with the mileage put on the cars. Oftentimes
 14 rental car vehicles do have unlimited mileage but for us,
 15 the significant number of miles indicated the potential
 16 that the purpose for renting the vehicle was personal in
 17 nature and not simply for transportation to the event
 18 that he was attending for Court business.

19 Q. Okay. Mr. Robinson, I'm now going to ask that
20 you move to page 11 of that report. And I believe you
21 have just gone over this. The first full paragraph
22 beginning with "In addition" on page 11, does that
23 identify the other expenses that were -- that were used
24 in part of the calculation as to the amount you came up

Page 50

1 with, the total of \$2,668.64?

2 A. Yes, that paragraph does describe the
 3 additional charges. I wouldn't say that it's a
 4 comprehensive list, but it does summarize the key costs
 5 associated with his rental car use.

6 Q. And that is -- that amount -- and I know it's
7 been rounded up on page 11. It's just right around
8 \$2,669. Was that an amount that the Legislative Auditor
9 requested be reimbursed by Justice Loughry?

10 A. No, we did not directly request or indicate to
 11 any justice concerning any of our reports of the fact
 12 that they should reimburse. We did inquire of Justice
 13 Loughry had he made any reimbursements concerning any
 14 personal vehicle use or anything else related to our
 15 reports, to which he did not respond.

16 Q. Okay. Now, if we could -- and this is with
17 respect to -- still on page 11. These are a little bit
18 different issues, but I think still dealing with Justice
19 Loughry.

20 A. Uh-huh.

21 Q. With respect to the travel regulations that
22 were filed granting the justices different treatment, if
23 you could, please, just generally explain to the
24 committee this particular finding about these travel

Page 51

1 regulations.

2 A. Yes, essentially we, you know, looked into the
 3 travel regulations on file with the West Virginia State
 4 Auditor's Office which is required for them to perform
 5 travel reimbursements when requested and make a payment
 6 to those requesting the reimbursement. When we reviewed
 7 these regulations, we noted in particular that regarding
 8 the use of rental cars by justices, it seemed that there
 9 was special permissions granted to them regarding the
 10 reimbursements they were eligible for regarding the
 11 rental car use.

12 Q. Did that regulation as the -- as your
13 investigation tra -- went further, would that -- the use
14 of that and asking the reimbursement for the entire
15 thing, even if there had been personal use, would that
16 have been a violation of the actual travel regulation
17 filed with the Auditor's office or no?

18 A. I'm not sure of that.

19 Q. Okay. Now, if you could, please, move to page
20 12. There is a finding or notation at the top of that
21 page about taxable fringe benefits use of State vehicles.
22 If you could -- if you could just now take a little step
23 back and explain to the committee what we're talking
24 about and what you mean when we're -- start down this

Page 52

1 path of the taxable fringe benefits.

2 A. A taxable fringe benefit is anything provided
 3 to an employee when you allow the employee to -- similar
 4 to allowing an employee to commute to work in a vehicle,
 5 it's any benefit provided to the employer that has a
 6 value that they are not responsible for incurring a cost
 7 of themselves.

8 Q. Okay. And I believe the finding on page 11
9 indicates that the Supreme Court did not report -- I'm
10 sorry. Page 12. I indicated the wrong number. The
11 Supreme Court did not report the taxable fringe benefit
12 of Justice Loughry's use of State vehicles on his W-2s as
13 ret -- as required by federal tax law. Is that the --
14 was that the finding of the Legislative Auditor?

15 A. That was the finding, yes.

16 Q. Okay. And was -- was this one of the
17 recommendations or how was -- was this just a finding in
18 the report? Did anything come of this, if you know, with
19 respect to Justice Loughry's W-2s?

20 A. I am unaware that Justice Loughry had been
 21 issued any amended W-2s. I believe the only justice that
 22 was issued an amended W-2 concerning any use of State
 23 vehicles identified by our reports was Justice Ketchum.

24 Q. Okay. But you're unaware of any issued to

Page 53

1 **Justice Loughry?**
 2 A. That's correct.
 3 **Q. Okay. The -- there is a notation about a March**
 4 **28 letter -- March 28, 2018 letter, that was sent by the**
 5 **Legislative Auditor to Justice Loughry. I think you just**
 6 **previously noted that. Is that the one that you were**
 7 **talking about earlier, a letter sent asking about the**
 8 **reimbursements?**
 9 A. Yes, it is. We essentially sent Justice
 10 Loughry a request to inform of us -- inform us of any
 11 reimbursements he had made to the State concerning any
 12 personal use of State property.
 13 **Q. Okay. And I believe it's also noted on page 12**
 14 **and it is attached, I believe, as Appendix G to this**
 15 **report -- maybe I. I apologize. On page 52, Justice**
 16 **Loughry did send a response by letter; is that correct?**
 17 A. He did not send a response directly to our
 18 office. He sent his response to the now former director
 19 of the Court administration Gary Johnson.
 20 **Q. And I believe -- if you could, please, refer to**
 21 **page 52 of report number 1, just so that we're all clear,**
 22 **I want to make sure that is the letter to which you**
 23 **referred.**
 24 A. That is correct.

Page 54

1 **Q. Okay. And if you could, please, just read the**
 2 **first -- the first paragraph of that letter to the**
 3 **committee.**
 4 A. The paragraph reads, "I have reviewed the
 5 revised draft audit report dated April 10, 2018, from the
 6 Legislative Auditor's Office. I have also reviewed the
 7 proposed response of our Court which has been agreed to
 8 by all five justices. The draft audit report refers to
 9 me in at least two of the four designated issues. I
 10 disagree with the factual and legal assumptions made, the
 11 standards and definitions applied, and the conclusions
 12 ultimately reached in the draft audit report."
 13 **Q. Okay. Thank you. Mr. Robinson, I am now going**
 14 **to ask as we remain and stay on the topic of the use of**
 15 **State vehicles. I am now going to ask that you please**
 16 **refer to report number 2, and specifically page 2 of**
 17 **report number 2. It is my understanding from the issue**
 18 **identified on page 2 that this addresses Justice Davis'**
 19 **use of the State vehicle; is that correct?**
 20 A. That is correct.
 21 **Q. With respect to the investigation, did you look**
 22 **at Justice Davis' use of the State vehicles as well?**
 23 A. Yes, we did.
 24 **Q. How many reservations did you find that Justice**

Page 55

1 **Davis had made during that time period that you did your**
 2 **review?**
 3 A. Our initial review of the reservation log
 4 indicated 75 vehicle reservations.
 5 **Q. Okay. And I believe that it's noted on page**
 6 **2 - I want to just confirm - that you looked at those**
 7 **reservations from 2011 through 2018; is that correct?**
 8 A. That is correct.
 9 **Q. Okay. Of those 75 instances, were there some**
 10 **instances in which Justice Davis did provide destination**
 11 **information?**
 12 A. Yes, there were. I believe the report notes --
 13 and let me clarify this. I believe 55 of the 75
 14 reservations there was determined a business purpose and
 15 destination.
 16 **Q. Okay. And with respect -- so that leads me to**
 17 **my next question. So it appears from that that there**
 18 **might have been some instances in which there was not a**
 19 **destination identified; is that correct?**
 20 A. That is correct.
 21 **Q. And did you reach out to Justice Davis to**
 22 **request information -- any additional information that**
 23 **the justice may have about those travel events?**
 24 A. Yes -- yes, we did. It was indicated to us

Page 56

1 that as the reservation log was a reservation system,
 2 just because the vehicle was reserved did not always
 3 indicate that it was used. And we used other methods to
 4 confirm whether or not that was the case.
 5 **Q. Okay, And in that regard, if you could,**
 6 **please, now with respect to the exhibits, please refer to**
 7 **Exhibit Number 7. If you could, again, I continue to**
 8 **state this just to be clear, you did not author this**
 9 **exhibit, but if you could, please, just identify this for**
 10 **the committee and tell them what this is generally?**
 11 A. Yes, this is the response provided by Justice
 12 Davis' attorney concerning a request for information
 13 concerning those dates we identified that she had
 14 reserved a Court vehicle but we could not substantiate a
 15 business purpose or destination.
 16 **Q. Okay. And I believe there is at least one**
 17 **exhibit attached to this letter that goes through**
 18 **those -- some of the instances, the dates that were in**
 19 **question; is that correct?**
 20 A. Yes.
 21 **Q. Okay. There is a notation on page 2 of report**
 22 **number 2 that Justice Davis indicated that she traveled**
 23 **in Court vehicles only when she was accompanied by the**
 24 **director of court security. Is that -- is that your**

Page 57

1 **understanding?**
 2 A. That is correct.
 3 **Q. And if you know, for what reason did court**
 4 **security travel with Justice Davis in the State vehicle?**
 5 A. I believe Justice Davis had some personal
 6 security concerns --
 7 **Q. Okay.**
 8 A. -- to which she provided her -- Arthur Angus
 9 provided her security on business-related trips
 10 associated with the Court.
 11 **Q. Okay. There is a notation -- and now I will**
 12 **ask you to go to page 3 of report number 2. Underneath**
 13 **Table 1, there is a paragraph about some vehicle use by**
 14 **Justice Davis and that would be in the November 2011 time**
 15 **frame. Could you please describe what you found with**
 16 **respect to that travel in November of 2011?**
 17 A. Yes, essentially from the dates of November 13
 18 through 15th of 2011, Justice Davis reserved a Court
 19 vehicle and traveled with Arthur Angus, the director of
 20 court security, to some truancy events I believe in
 21 Parkersburg and Wheeling. Coincidentally, after
 22 attending the first event, she traveled to Parkersburg
 23 and attended a political fundraiser that evening, did not
 24 charge any lodging to the State, and then on the next day

Page 58

1 she attended the second anti-truancy meeting in
 2 Parkersburg, so I believe her first trip was to Wheeling.
 3 Then she traveled to Parkersburg the subsequent day and
 4 then returned to Charleston.
 5 **Q. Okay. Mr. Robinson, if you could, please, now,**
 6 **I will move to page 4 of report number 2. I have just a**
 7 **few questions. I believe you have indicated this. I**
 8 **just want to make sure that the record is clear. Who is**
 9 **Mr. Steve Canterbury?**
 10 A. He is the former administrative director for
 11 the Supreme Court of Appeals of West Virginia.
 12 **Q. Okay. With respect to Mr. Canterbury, was his**
 13 **car usage also reviewed?**
 14 A. Yes, we actually reviewed the vehicle -- the --
 15 UNIDENTIFIED SPEAKER: Is Mr. Canterbury
 16 a subject of impeachment today?
 17 CHAIRMAN SHOTT: Not by this committee.
 18 We're providing context. I'll ask counsel to continue.
 19 **Q. With respect to Mr. Canterbury, the**
 20 **investigation into Mr. Canterbury -- I apologize, I can't**
 21 **recall if I just asked this. Was both the vehicle use of**
 22 **State vehicles and rental cars reviewed?**
 23 A. Yes, they were. For all sitting justices at
 24 the time these reports were issued including the former

Page 59

1 Justice Brent Benjamin, the current administrative
 2 director at the time Gary Johnson, and former
 3 Administrative Director Steve Canterbury, we consistently
 4 reviewed this vehicle use in the same manner for each.
 5 **Q. For Mr. Johnson and Mr. Canterbury?**
 6 A. Yes.
 7 **Q. Okay. And, again, just -- just a few questions**
 8 **with respect to Mr. Canterbury. I believe this is noted**
 9 **on page 4. With respect to the time period that you**
 10 **looked at, how many times were you able to determine that**
 11 **Mr. Canterbury used a State vehicle?**
 12 A. Based on the reservation log, 78 times.
 13 **Q. Okay. And with respect to the destination or**
 14 **the purpose for the trips that Mr. Canterbury -- or the**
 15 **reservations, rather, Mr. Canterbury made, did he provide**
 16 **a purpose for each of those 78 trips?**
 17 A. No, the report indicates that Mr. Canterbury
 18 did not complete the purpose section of the reservation
 19 log for 36 of the 78 uses.
 20 **Q. Okay. It's -- I don't want to assume anything.**
 21 **Did you have an opportunity as part of this investigation**
 22 **to meet -- speak with Mr. Canterbury about -- about this?**
 23 A. We did. We did.
 24 **Q. And, if I could, I would just ask for you to**

Page 60

1 **please refer to Exhibit Number 8. Is this a list of the**
 2 **78 times that Mr. Canterbury -- just in a format -- that**
 3 **Mr. Canterbury used the State car?**
 4 A. Yes.
 5 **Q. Okay. I would now ask for to you please look**
 6 **at Exhibit 9. I believe you just indicated that you did**
 7 **at least meet with or have spoken with Mr. Canterbury.**
 8 **Could you please just tell the committee what -- what**
 9 **Exhibit 9 is?**
 10 A. This is -- we inquired of Mr. Canterbury to
 11 provide us further explanation for the dates that he did
 12 not provide a business purpose or destination to which he
 13 looked at his personal calendars to indicate if he had
 14 record of travel for those dates. In instances where he
 15 did have rec -- record of travel and the purpose, he
 16 provided those to us in this Exhibit 9.
 17 **Q. So in Exhibit 9, he was -- he took the time to**
 18 **go back and look at his records and try to come up with**
 19 **where these trips might have been to. Is that fair to**
 20 **say?**
 21 A. Yes, absolutely. I believe also we tried to
 22 obtain the personal calendars from the Supreme Court of
 23 Appeals that would have indicated possibly those dates,
 24 but when we requested them, we were informed they were

Page 61

1 missing.

2 **Q. If you could, please, refer to Exhibit Number**

3 **10. You were one step ahead of me. Could you please**

4 **tell the committee what Exhibit Number 10 is?**

5 A. Yes, Exhibit 10 is a memo from the executive

6 assistant to the administrative director to the then

7 current administrative director Gary Johnson. And

8 essentially this memo indicates that she was asked to

9 provide the daily calendars maintained by the Court for

10 the current and former administrative directors, and as

11 she indicates in this memo they were missing.

12 **Q. Okay. They -- they were missing?**

13 A. Yes.

14 **Q. Okay. And, lastly, with respect to this, if**

15 **you could, please, just generally inform the committee of**

16 **the -- of Table 2 on page 5 of report number 2. Again,**

17 **if you could just generally indicate to the committee**

18 **what this -- what information is contained in this table.**

19 A. Table 10 is a summation of the rental car use

20 by the former Administrative Director Steve Canterbury.

21 **Q. And I note at the bottom there was -- there is**

22 **a finding or an amount, rather, let's say, of \$911.04.**

23 **What -- what was -- what's that?**

24 A. I think that in -- the total column for the

Page 62

1 total cost including -- which is the second to last

2 column indicates the amount of \$11,076. This was the

3 total cost of his rental car uses. The last column

4 indicates amounts improperly reimbursed to

5 Mr. Canterbury. He was -- actually, in many of these

6 instances he paid for these rental cars up front and

7 requested reimbursement, and it notes the amounts of

8 improper reimbursements for various reasons.

9 **Q. Okay. And if you could now, please, refer to**

10 **Exhibit Number 11, and if you could, just tell the**

11 **committee what this is and what Mr. Canterbury did after**

12 **meeting with you or speaking with you about this.**

13 A. Essentially, after meeting with Mr. Canterbury,

14 we discussed the amounts he was improperly reimbursed to

15 which he made a similar effort to Justice Ketchum to

16 reimburse the State for this amount. Particularly, the

17 first page of Exhibit 11 is a handwritten note to me

18 concerning this meeting and indicating that he has also

19 sent in a copy of the letter that is subsequent to this

20 page to the current director Gary Johnson along with a

21 copy of the check or -- well, I guess he actually

22 submitted the check to them, made out to the State of

23 West Virginia for that amount.

24 **Q. Okay. Thank you.**

Page 63

1 **Mr. Robinson, I'm now going to ask you to**

2 **please skip over to page 7 of report number 2. There is**

3 **a notation on that about the remaining justices and**

4 **administrative directors' vehicle use. I believe you**

5 **have already indicated that you -- in addition to**

6 **Mr. Canterbury, you also did look at the former**

7 **administrative director Gary Johnson. If you could,**

8 **please, just tell the Court the findings with respect to**

9 **former administrative director Johnson.**

10 A. In regard to former administrative director

11 Gary Johnson, we reviewed all reservations. There were

12 only four noted in the vehicle reservation log and we

13 found no issues with those. Each was for a business

14 purpose.

15 **Q. Okay. Now, I want to ask you about the --**

16 **about two current justices. That would be Justice Walker**

17 **and Justice Workman. Let's begin with Justice Walker.**

18 **If you could, please, let the committee know what your**

19 **investigation revealed with respect to the State vehicle**

20 **usage or rental car usage for Justice Walker.**

21 A. We reviewed both types of usage, and the only

22 thing noted was that there was only one Court vehicle

23 reservation by Justice Walker, and in regard to that,

24 there were no issues found.

Page 64

1 **Q. Now, I would like to ask the same question with**

2 **respect to Chief Justice Workman. What did your**

3 **investigation reveal with respect to Chief Justice**

4 **Workman's vehicle usage?**

5 A. We noted seven vehicle -- Court vehicle

6 reservations in the reservation log and to which we found

7 no issues with any of them.

8 **Q. Okay. The recommendation -- if you could,**

9 **please, just read your recommendation on this -- located**

10 **at the bottom of page 7 of report number 2, please?**

11 A. Okay. It relates to the recommendation made in

12 the initial report, but "The Legislative Auditor

13 recommends that the Supreme Court of Appeals of West

14 Virginia comply with his recommendations from the April

15 16th, 2018 report concerning its vehicle use and continue

16 with its current course of action to administer its

17 vehicle fleet under the Fleet Management Office of the

18 Department of Administration."

19 **Q. Okay. Thank you.**

20 MS. KAUFFMAN: Mr. Chairman, if I might

21 have just a moment to consult.

22 **Q. Mr. Robinson, I have just a few additional**

23 **questions. I'm almost finished here. I would like to go**

24 **back to report 1, page 16.**

Page 65

1 A. Okay.

2 **Q. And we're back to the taxable income and the**
3 personal use of vehicles being taxable income. Should
4 have been reported as taxable income. If you could,
5 please, just -- and I believe the -- these are
6 contained -- some of these findings are contained on both
7 pages 16 and 17, with respect to the tax implications and
8 how the Court had treated other employees with respect to
9 commuting and having -- having vehicles and taxable
10 income.

11 A. Based on this report, there was at least one
12 instance where an individual that worked for the Court's
13 IT department had been utilizing a Court vehicle and they
14 had, in fact, had been issued a W-2 reporting that
15 taxable fringe benefit.

16 **Q. Okay. So the Court had done it in that**
17 instance?

18 A. Yes.

19 **Q. Okay. There is also mention - and I believe it**
20 is contained as an appendix to this report - about a memo
21 that had re -- previously been authored by a former
22 administrative counsel about the taxable -- the tax
23 implications; is that correct? Do you recall a memo
24 being prepared or that you saw?

Page 66

1 A. Yes.

2 **Q. Okay. And if you recall, just generally, what**
3 did that memo actually inform the former administrative
4 director about the use of these State vehicles?

5 A. It essentially informed him of the tax
6 implications of using a employer-provided vehicle for
7 commuting purposes or for personal use.

8 **Q. Okay. And just so that our record is clear,**
9 I've kind of jumped around, we are still on report number
10 1. At page 41 of that, if you could, please, just
11 confirm, is that the memo that the -- to which this
12 report is referring?

13 A. That's correct, that is the memo.

14 **Q. Okay. Mr. Robinson, just generally speaking, I**
15 know we've asked -- I've asked a lot of questions just
16 your general understanding in putting these reports
17 together. Let me ask just generally with respect to
18 the -- I understand there were probably many interviews
19 that were done throughout the course of your
20 investigation. Is that accurate?

21 A. That's accurate.

22 **Q. Did you participate in some of those? If you**
23 can give us -- give the committee any idea as to your
24 involvement as to the actual investigation.

Page 67

1 A. I was involved in nearly every interview
2 conducted with Court personnel regarding these audits,
3 and my direct involvement with each report was the
4 supervision, planning and coordination of the efforts of
5 each one of these audits.

6 **Q. Okay. And also, I'd meant to ask you this**
7 question before and I had neglected to do so. Throughout
8 some of these documents and perhaps mentioned elsewhere
9 is the name Mr. Denny Rhodes. Could you please tell the
10 committee about Mr. Rhodes' position at the time that
11 this investigation was ongoing and where Mr. Rhodes is
12 now?

13 A. Yeah, Mr. Rhodes, Denny Rhodes, was the
14 former dir -- or is the former director of the
15 Legislative Post Audit Position. Currently he works for
16 a agency under the Department of Military Affairs and
17 Public Safety.

18 **Q. So was he also involved in the interviews?**

19 A. Yes, for the most part I believe so.

20 **Q. Okay. Did you ever to your knowledge, your**
21 recollection -- I understand you said with respect to
22 Court personnel you sat in on some interviews. Did you
23 ever sit in on any interviews of any current Supreme
24 Court justice?

Page 68

1 A. We met several times with Justice Ketchum
2 regarding his implications of this report.

3 **Q. Other than Justice Ketchum. We're not --**

4 A. Other than Justice Ketchum, we have met at
5 times with Chief Justice Workman, mostly regarding the
6 exit conference which we hold to distribute a draft copy
7 of this report and go over the findings contained within
8 with those agency or branch of government personnel.
9 Outside of those two justices mentioned, I did not meet
10 personally, nor did -- am I aware that our staff did with
11 any of the other justices of the Court.

12 MS. KAUFFMAN: Okay. Mr. Chairman, I
13 don't believe at this time I have any further questions
14 for Mr. Robinson.

15 CHAIRMAN SHOTT: Thank you, Counsel.
16 We're going to begin as I indicated to my left. If you
17 have a question -- Delegate Fast, do you have questions?
18 Please proceed.

19 DELEGATE FAST: Thank you, Mr. Chairman.

20 EXAMINATION

21 BY DELEGATE FAST:

22 **Q. Thank you, Mr. Robinson, for being here. I**
23 want to refer to the Exhibit 10 the -- that was on the
24 screen. A memo to Gary Johnson from Joan Mullins dated

Page 69

1 February 16, 2018, talks about missing calendars. Did
2 you follow up on that when you received this memo that
3 calendars were missing?
 4 A. We had actually asked in person for those
 5 calendars and went to the Court's facilities to try to
 6 obtain them. We were actually invited to come there to
 7 obtain them, and upon arrival we were informed, much to
 8 our surprise, that they were missing. I believe this
 9 memo indicates - because the date of that meeting was
 10 subsequent to the date of this memo - they were aware
 11 they were missing prior to our arrival. However, in
 12 terms of following up to as why they were missing, we
 13 were given no explanation when we arrived to obtain them.
 14 And to my knowledge there is no explanation for why they
 15 were missing.
16 Q. Did you as an Auditor inquire further to try to
17 get to the bottom of how documents such as calendars
18 would just vanish?
 19 A. We asked the individual in charge of the
 20 calendars why she believed they may have been missing, to
 21 which she did not understand. She said one day they were
 22 there; the next they were not.
23 Q. And what were you hoping to see on these
24 calendars? What information would you expect to be on

Page 70

1 these calendars?
 2 A. These calendars were specific to the
 3 administrative directors of the court. They were
 4 maintained by the Court to indicate particular items of
 5 business that they attended throughout their years. What
 6 we were trying to obtain from the calendars was to
 7 substantiate business purposes for the use of Court
 8 vehicles for Mr. Canterbury that were not available in
 9 the reservation log.
10 Q. And would Mr. Canterbury have had anything or
11 could he have had anything to do with the disappearance
12 of these calendars?
 13 A. I couldn't speak to that.
14 Q. On your second report, page 3, if you could
15 refer to that, please.
 16 A. Okay.
17 Q. The language underneath Table 1 there, it talks
18 about Justice Davis. It appears that your information
19 tells me that she attended a Court function, an anti-
20 truancy event in Wheeling, and then while using a State
21 vehicle proceeded to a fundraising event which would be
22 not Court related, correct?
 23 A. That's correct.
24 Q. And my question, though, is at that time --

Page 71

1 that was in 2011, correct?
 2 A. Yes.
3 Q. Did that violate any policy?
 4 A. To my knowledge, no. Essentially the instance
 5 of business purpose use coincided with that event. The
 6 way she had planned this trip, she left for Charleston to
 7 Wheeling, attended the event in Wheeling, subsequent to
 8 the event in Wheeling, she traveled to Parkersburg where
 9 she attended the fundraiser. I believe she stayed
 10 overnight in Parkersburg as indicated in the report. Did
 11 not charge lodging to the State. The only other
 12 additional charges she charged outside of using the
 13 vehicle during this trip instance was meal per diem. And
 14 then on the subsequent date after attending the
 15 fundraiser there was an event in Parkersburg that she
 16 attended and then traveled back to Charleston. So there
 17 was to our knowledge no additional cost incurred through
 18 this fundraiser event.
19 Q. Well, from Wheeling to Parkersburg, that's a
20 couple of hours at least of driving on a State vehicle,
21 correct?
 22 A. Yes.
23 Q. And -- but, regardless, you're not aware of any
24 policy that that -- she would have violated in attending

Page 72

1 that fundraising event at the expense of a State vehicle?
 2 A. No. And the reason we drew that conclusion was
 3 that it was coincidental. She could have planned the
 4 trip to go to Wheeling and then back to Charleston and
 5 then back up to Parkersburg, but she did it in a way that
 6 was more like a round trip rather than bouncing back and
 7 forth between Charleston. But to my knowledge, no, there
 8 is no policy she violated.
9 Q. Did you calculate any mileage that she would
10 have used the State vehicle for the personal fundraising
11 event?
 12 A. We did not.
13 Q. Okay. That would be several hundred miles,
14 wouldn't it?
 15 A. I'm not specifically aware.
16 Q. If you're driving a couple of hours. Okay. So
17 no policy violation there.
 18 Now, I'd like to go to the first report --
19 switch over to Justice Loughry. And counsel brought up
20 an important point I think. Were these -- and I'm on
21 page 10 right now, Justice Loughry.
 22 A. Okay.
23 Q. Your first report. Table 2. Were these rental
24 agreements, unlimited mileage rental agreements or do you

Page 73

1 know?

2 A. To the best of my knowledge they were unlimited
3 mileage agreements, yes.

**4 Q. Is that pretty much standard operation for
5 justice when they use a rental car or any State person to
6 have an unlimited mileage rental agreement?**

7 A. I can't speak to that specifically, but
8 generally I do believe most rental cars provide unlimited
9 mileage rates.

**10 Q. Okay. And so you're calculating all of these
11 miles -- I see there July 19 through 25, 445 miles
12 difference, 390 miles difference, 580 miles difference,
13 467 miles difference, 171 miles difference, 498 miles
14 difference, and 323 miles difference. You calculated all
15 those miles just based upon odometer readings and
16 differentiated between the mileage from the airport to
17 the hotel, correct?**

18 A. That's correct.

**19 Q. And how did you get the odometer readings? Did
20 you contact the rental car company?**

21 A. On the travel expenses that were submitted and
22 paid by the Court for Justice Loughry, the rental car
23 receipts indicated the mileage put on the car during the
24 time of the rental.

Page 74

**1 Q. Okay. But this mileage did not equate to any
2 extra cost to the State because it was unlimited mileage;
3 isn't that correct?**

4 A. That's correct.

**5 Q. And what would be the difference between
6 Justice Davis, then, using a vehicle where you said that
7 there was no policy violated but yet here it appears that
8 you're concluding that Justice Loughry violated policy or
9 violated something and you're actually putting a dollar
10 figure of \$2,668.64 on it, so what's the difference?**

11 A. I think in terms of Justice Loughry the best
12 way I can answer that question is that while the mileage
13 did not attribute to an additional cost, we questioned
14 the need for the rental car in light of the fact that
15 there may have been a cheaper alternative for the means
16 of travel from the airport to the hotel. The number of
17 mileage put on these vehicles during the time he was
18 using them indicates there was significant use
19 potentially for something other than a business purpose.

20 To explain the difference between that and
21 the instance noted for Justice Davis, I would say that if
22 you were to put a dollar amount on the fuel cost
23 associated with Justice Davis' use of that vehicle for
24 those few days, it would be substantially less than the

Page 75

1 amount for the rental cars used by Justice Loughry as
2 noted in our report.

**3 Q. Well, obviously we're looking at seven -- I
4 think seven trips here out-of-state travel. When
5 compared to Justice Davis it -- we're just looking at the
6 one trip there. So I would think that would be a little
7 apples and oranges comparison, wouldn't it?**

8 A. To some degree, yes, I would agree with that
9 statement.

**10 Q. Okay. So this entire Table 2 did not equate to
11 any additional costs to the State. You're just simply
12 looking at mileage and comparing it to what it was
13 between the hotel and the airport?**

14 A. If you're considering additional mileage or
15 additional costs to be directly attributed to the
16 mileage, no. However, we do take issue with the fact
17 that there may have been a cheaper means for him to
18 obtain transportation from the airport to the hotel. As
19 you've noted in the report, the greatest distance between
20 the round-trip air -- travel to the airport and hotel is
21 about 27 miles for San Francisco and the Montreal, Quebec
22 trips. We just feel that it's highly likely that some
23 form of public transportation may have been used that
24 could have been cheaper than the total amounts charged

Page 76

1 for the rental usage.

**2 Q. When a State official such -- such as a justice
3 of the West Virginia Supreme Court travels out of state,
4 are -- are they -- are you suggesting that they should be
5 confined either at the hotel or the airport subject only
6 to public transportation?**

7 A. No, but if their confinement -- if their lack
8 of desire for confinement relates to potential need to
9 travel for personal reasons during that trip, we
10 potentially feel that that cost should be incurred by the
11 individual seeking to use that type of vehicle for
12 personal use.

**13 Q. Well, if they -- if they would normally use a
14 rental car and it's normally an unlimited mileage, I
15 guess, why does it matter?**

16 A. I think it's the role of our office to
17 determine the most cost-effective method for spending tax
18 dollars by State agencies and branches of government
19 including the Supreme Court of Appeals.

**20 Q. Okay. And so -- speaking of rules, am I
21 correct -- and I was looking on the very first -- page 7
22 of your first report. The Supreme Court does not have
23 formal written policies or procedures for the use of
24 vehicles. So -- and then I see it looks like in October**

Page 77

**1 of 2016 there were some regulations regarding judicial
2 travel that were implemented.**

3 A. That's correct.

**4 Q. So up until October of 2016, there were no
5 written policies. Is that --**

6 A. That is our understanding.

**7 Q. Okay. So then October of 2016, that means that
8 five of the seven issues raised on -- in Table 2 would
9 not have violated any written policy, correct?**

10 A. That's correct.

**11 Q. And, in fact, none of the issues on Table 1 --
12 if you would flip over to page 7, none of those would
13 have applied to any written policy because there would
14 not have been any written policy during all of those
15 events on Table 1, correct?**

16 A. As it relates to an internal policy of the
17 Supreme Court of Appeals, that's correct.

**18 Q. Okay. And all of the issues raised in Figures
19 2 and 3, pages 8 and 9, none of those would have violated
20 any written policy of the Supreme Court, correct?
21 Because there were none?**

22 A. That's correct, there were no policies.

**23 Q. Okay. Now, you touched a little bit on the --
24 in your report you talk significantly about W-2s. And I**

Page 78

**1 want to be sure I understand. The IRS conducted its own
2 audit, correct?**

3 A. They did.

4 Q. Of all of this? All of this?

5 A. I do not believe the focus of the IRS audit
6 encompassed everything that is encompassed in our report.

**7 Q. Okay. The IRS did, however, focus specifically
8 on the use of commuting, as use of State vehicles for
9 commuting, and whether or not there should be any amended
10 W-2s.**

11 A. Only to which the information that the IRS was
12 provided by the Court.

**13 Q. And, of course, the IRS, when they do an audit,
14 they can get pretty deep just with their powers. They're
15 not going to be -- if they want to get documents, they
16 could get documents, can they not?**

17 A. They can request documents, but what they're
18 provided by the Court is the only basis they have to go
19 on when conducting their audit.

**20 Q. Can't the IRS even subpoena documents if they
21 want to in context of an audit?**

22 A. I can't answer that question.

**23 Q. Okay. The bottom line, though, is the IRS
24 itself concluded that no w -- no amended W-2s were**

Page 79

1 necessary; is that correct?

2 A. That is correct, but I would like to reiterate
3 a fact that is contained in one of our reports. The IRS
4 was not informed of the commuting in a State vehicle by
5 Justice Ketchum by the Court and they were not aware of
6 this use when conducting the audit.

**7 Q. And if I read Justice Workman's responsive
8 letters to some of the inquiries, she pointed out the
9 fact that even after reviewing Justice Ketchum's issues
10 with commuting that they still concluded no amended W-2s
11 were necessary. Am I reading Justice Workman's letter
12 correctly?**

13 A. Yes, that's correct.

**14 Q. Okay. So do you have any grounds to dispute
15 that, that the IRS was wrong in its conclusion that of
16 all the justices, no amended W-2s were necessary based
17 upon commuting?**

18 A. The IRS' initial ruling did not make any
19 specific indication regarding the justices, and as I
20 pointed out, the information regarding Justice Ketchum's
21 use of a State vehicle was not provided by the IRS when
22 that decision was made. I -- can you reiterate? There
23 was another part of that question I think I wanted to
24 answer.

Page 80

**1 Q. Well, I believe Justice Workman in her -- she
2 had two responsive letters that I saw. In the first one
3 she said that the IRS concluded no amended W-2s were
4 necessary, and the second one she went to painstakingly
5 detail citing portions of the IRS audit. Wasn't that
6 second letter after the IRS would have then known about
7 Justice Ketchum's issues?**

8 A. I'm not sure of that, but I am aware of the
9 fact that in regards to providing the IRS information on
10 any justice's vehicle use at the time of the initial
11 audit that began in January of 2018, they did not provide
12 any information concerning vehicle use to the IRS or
13 vehicle use by the justices to the IRS.

**14 Q. Okay. And, of course, Justice Ketchum insisted
15 on an amended W-2 himself and he paid some money back,
16 correct?**

17 A. He did. And that's correct, and it was our
18 stance in this report that it's not so much a retroactive
19 necessity that W-2s should have been issued. Our point,
20 in fact, was that at the time that this commuting was
21 occurring, the Court did not treat this properly for tax
22 purposes and such taxable fringe benefits should have
23 been included on the current year's W-2s issued to each
24 justice.

Page 81

1 Q. Okay. So you conclude that the W-2s were wrong
2 for some of the justices because of the commuting issue.
3 The IRS concluded no amended W-2s were necessary, but
4 your point is the IRS didn't have all of the information.
5 Is that what you're --
 6 A. The point that I am trying to make is that at
 7 the time of the initial IRS audit when their decisions
 8 were made and finalized that they were not aware of
 9 Justice Ketchum's use of a Court vehicle for commuting
 10 purposes. Outside of that, any other use was
 11 specifically related to commuting. And the other
 12 instances of Court vehicle use by Justice Loughry does
 13 not relate to commuting instances.
14 Q. Okay. Back to the rental car. We've
15 established -- or you've established that there were no
16 written policies until 2016 -- October of 2016. We've
17 established that all but two of these issues would not
18 have violated any policies because there were none on
19 Table 2, page 10 of your first report. So -- and we've
20 also established that -- the fact that Justice Loughry
21 used a rental car, it was an unlimited mileage rental
22 and, therefore, that would not equate to additional money
23 to the State.
 24 Now, you couched one of your statements

Page 82

1 that it did not violate any internal Supreme Court
2 policy. So now, I would like to ask what other policy do
3 you believe would have been violated that is not an
4 internal Supreme Court policy?
 5 A. The initiation of the October 2016 travel
 6 policies was due to the fact the State Auditor's Office
 7 had indicated to the Court that they could not pay out
 8 travel expense settlements due to the fact that these
 9 regulations weren't filed with the State Auditor's
 10 Office. Subsequent to the submission of these travel
 11 policies to the State Auditor's Office, the Court had
 12 been being reimbursed for travel expense settlements
 13 without a proper filed travel policy with the State
 14 Auditor's Office.
15 Q. Okay. I'm -- I'm sorry. Let's go back. What
16 policy -- other than an internal written policy of the
17 Supreme Court that didn't exist until October of 2016,
18 what other policy would have applied to all of these
19 infractions that I'll just -- I'm not saying they are
20 infractions but alleged infractions of Justice Loughry
21 other than anything with the Supreme Court?
 22 A. As mentioned, I mean, aside from the fact that
 23 the Supreme Court was required to file travel policies
 24 with the State Auditor's Office, and in order to be

Page 83

1 reimbursed and, again, that's nothing against
 2 particularly the Court or the State Auditor's Office. It
 3 may have just been an oversight. I can't speak to any
 4 particular policy that was violated regarding this rental
 5 car use. And, again, our point in highlighting these
 6 issues in our audit report was to question whether or not
 7 this was the most efficient means of travel concerning
 8 these instances and the best use of tax dollars.
9 Q. And isn't that -- doesn't that then place that
10 whole issue on subjective grounds? I mean, if you can't
11 point to a policy, a law, a rule that was violated, then
12 that merely places that whole issue on subjective
13 interpretation, doesn't it?
 14 A. Possibly does. Or we relate it to best
 15 business practices. Many other agencies in State
 16 government have a policy that governs such instances of
 17 travel. The fact that the Court did not have one may in
 18 and of itself be an issue.
19 Q. And the fact that the Court didn't have one,
20 that would have been a fact well before Justice Loughry
21 ever entered the West Virginia Supreme Court of Appeals.
 22 A. I can't answer that question.
23 Q. Well, are you aware of any rule or policy that
24 existed a year or so before he entered the Court?

Page 84

1 A. I can't answer that. Not that -- not to my
 2 knowledge.
3 Q. Okay. So --
 4 CHAIRMAN SHOTT: Delegate Fast. Excuse
 5 me, Delegate Fast. I'm going to move on to give others a
 6 chance to question. We will come around a second time,
 7 but in the interest of time --
 8 DELEGATE FAST: Thank you, Mr. Chairman.
 9 CHAIRMAN SHOTT: -- other members may
 10 wish to answer questions. Delegate Foster.
 11 EXAMINATION
 12 BY DELEGATE FOSTER:
13 Q. My question's regarding report 1, page 10, the
14 Table 2 that was being discussed and also on page 5 on
15 report -- audit report 2. And my concern is the
16 difference in -- for one, on these conferences that
17 were on, was this something that was -- meals were
18 provided and it couldn't be that -- could the vehicle
19 have been used for, basically, lunch or dinner? Was --
20 were meals provided on this trip or do you know?
 21 A. I don't have that knowledge.
22 Q. Okay. And then on audit report 2 on page 5, I
23 see Justice Loughry's mileage on page 2 and, one, that it
24 went anywhere from 6 to 27 miles from round trip to

Page 85

1 hotel.

2 A. Uh-huh.

3 **Q. And for Mr. Canterbury, it was 481 miles for**

4 **Palm Springs, California. What airport was he flying**

5 **into that there was 481 miles round trip?**

6 A. I don't have that information directly

7 available, but I could get that for you at some time.

8 **Q. I was just wondering what the difference was**

9 **like this 244, 481, and 212. It would seem that there**

10 **was a much more economical place to be flying into that**

11 **was closer to the hotel and I was --**

12 A. That's quite possible.

13 DELEGATE FOSTER: Okay. All right.

14 Thank you.

15 CHAIRMAN SHOTT: Delegate Sobonya.

16 EXAMINATION

17 BY DELEGATE SOBONYA:

18 **Q. Chairman, my question is on Exhibit 13, and**

19 **it's a part of the post audit meeting summary March 5th,**

20 **2018. In that meeting, Ms. Racer-Troy who happened to be**

21 **the director of Division of Financial Management with the**

22 **Supreme Court of Appeals was told evidently by Steve**

23 **Canterbury that of the taxable fringe benefit for Justice**

24 **Ketchum. And then you drop down to midway part of the**

Page 86

1 page and it says Ms. Racer-Troy was notified by

2 Mr. Canterbury's -- Mr. Canterbury of the existence of a

3 policy voted on by the justices that would allow them to

4 determine for themselves what constituted business trips

5 in State vehicles and how to report it some time in

6 August of 2016.

7 **Where is that policy? Is that a written**

8 **policy? It says it was voted on by the justices, but I**

9 **don't -- I don't recall seeing a record of that.**

10 A. And you may not have. It may not be in direct

11 relation to any of the issues in the report, and I

12 apologize, but if that was -- if that is something you

13 would like to see, I think we could provide that. As

14 mentioned earlier in this, we provided counsel thousands

15 of pages of documents and I'm sure that is one of them.

16 **Q. Okay, I would like to see a copy of that**

17 **policy.**

18 **And then you drop down to the next bullet**

19 **point it says, "Ms. Racer-Troy is uncertain if she made**

20 **Gary Johnson" - I guess who replaced Mr. Canterbury -**

21 **"aware of the taxable fringe benefits associated with the**

22 **justices' use of State-owned vehicles." And then you**

23 **drop down and it says, "The issue of the taxable fringe**

24 **benefit was not addressed at all with Gary Johnson until**

Page 87

1 the IRS audit." My question is: Who's responsible for

2 ascertaining the taxable fringe benefits for all the

3 justices?

4 A. That's an excellent question. It would be our

5 assumption that it would be the director of the Division

6 of Financial Management of the Court.

7 **Q. Okay. If you look at the first post audit**

8 **report of April, page 18, it talks about "In October**

9 **2016, the Supreme Court submitted its travel regulations**

10 **to the State auditor -- Auditor's office; which exempted**

11 **all justices' travel reimbursements." And it goes on to**

12 **say because the State Auditor's Office would not approve**

13 **court employee's request for travel reimbursements**

14 **without an updated set of travel regulations, and these**

15 **regulations were updated and presented to the Court with**

16 **the justices asked to respond with a vote yes or no by**

17 **Monday, September 19, 2016.**

18 **But then you drop down and it says,**

19 **"Subsequently, in the October 3, 2016 Administrative**

20 **Conference, these travel regulations were discussed**

21 **further." I guess no any action taken. So my question**

22 **is: Why if this was demanded back in 2016, you flash**

23 **forward to 2018, if the State Auditor's Office cannot**

24 **approve of these travel reimbursements, why was -- why**

Page 88

1 were they continued to be approved?

2 A. The regulations were actually submitted to the

3 State Auditor's Office in October of 2016. I don't have

4 a lot of familiarity with any regulations that were cited

5 by the State Auditor's Office that were outdated, to

6 which they needed to be updated for them to continue to

7 process those reimbursements to Court employees. But as

8 of October of 2016, the travel regulations that are

9 referenced in the appendix to this report were submitted

10 and filed with the State Auditor's Office. So subsequent

11 to that date, any travel expense settlements were made

12 through the -- reimbursed through the State Auditor's

13 Office in accordance with those applicable rules.

14 **Q. So that policy is in place now?**

15 A. Yes.

16 **Q. Can we receive a copy of that as well?**

17 A. The travel policy, I believe, is in the

18 appendix of the report, but let me check. Yes, Appendix

19 E of the report reflects those travel policies that were

20 effective October 3, 2016, as submitted by the Court to

21 the State Auditor's Office.

22 **Q. Okay. And in the post audit meeting summary**

23 **referenced earlier of March 5, 2018, it says that**

24 **Ms. Racer-Troy was aware that a secretary of the Court,**

Page 89

1 Connie Toney, was commuting back and forth from work in a
2 State vehicle and awarded special protection of the
3 former court manager. Who would have approved that?
 4 A. Through our meetings with Ms. Racer-Troy she
 5 indicated that that approval was granted from the former
 6 Administrative Director Steve Canterbury.
7 Q. So is that the only Court employee that you
8 found to have preferential treatment?
 9 A. The specific meeting summary is just regarding
 10 the discussion we held that day with Ms. Racer-Troy and
 11 those other attendees. The nature of the conversation
 12 just may have not strayed into those areas, but to my
 13 knowledge when asked about frequency of Court employees
 14 commuting in a State vehicle, other than the justices,
 15 this was mentioned along with the previously mentioned IT
 16 individual who was properly issued W-2s to reflect the
 17 commuting value.
 18 DELEGATE FOSTER: Thank you. No further
 19 questions at this time, Mr. Chairman.
 20 CHAIRMAN SHOTT: Delegate Summers.
 21 DELEGATE SUMMERS: Thank you,
 22 Mr. Chairman.
 23
 24 EXAMINATION

Page 90

1 BY DELEGATE SUMMERS:
2 Q. Sir, can you help me understand Appendix F of
3 the first post audit report? It's issued from
4 Administrative Counsel Brandfass to Mr. Canterbury laying
5 out the legislative rules for State owned vehicles.
 6 A. Uh-huh.
7 Q. Are you there yet?
 8 A. I am.
9 Q. Okay. And when I'm reading through that, it's
10 a little bit confusing for me that it states later the
11 "Applicability to the Judiciary of State Rules Governing"
12 the "State vehicles", like, perhaps these rules don't
13 always apply. And then it says the consequences of
14 improper use of State vehicles are only ethical violation
15 complaint with the JIC or determination for untaxed
16 wages.
17 Is that what -- is that the support of
18 this? If you -- if you don't use the vehicles properly
19 these are the two consequences that happen, and who --
20 who determined that?
 21 A. This memo was written by a former
 22 administrative counsel for the Supreme Court of Appeals,
 23 Kirk Brandfass. Essentially, I believe at this time
 24 there were some conversations regarding use of Court

Page 91

1 vehicles by the justices. Obvious, we had expressed
 2 earlier that Justice Robin Davis had some concerns
 3 regarding this and had sent several memos to Arthur
 4 Angus, the director of court security, and other
 5 individuals with the Court trying to ascertain some facts
 6 regarding this use.
 7 I think this memo was incepted out of
 8 those concerns and this was essentially their
 9 administrative counsel's take on what the proper
 10 reporting should be; what the consequences of such use
 11 may be.
 12 DELEGATE SUMMERS: Okay. Thank you.
 13 CHAIRMAN SHOTT: Process will follow to
 14 go to the second row left to right and then we'll come
 15 down to the first row on the right side. Delegate
 16 Capito.
 17 DELEGATE CAPITO: Hey, thank you.
 18 EXAMINATION
19 Q. Quickly, who paid for the gas on the rental
20 cars? We see all this mileage. That's got to be a lot
21 of money in gas.
 22 A. I'm -- we are assuming and to our -- I mean,
 23 none of them -- justices are issued a purchasing card to
 24 which they could purchase fuel. I would assume that the

Page 92

1 gas for those trips were purchased by the justices
 2 themselves, outside of the fuel option that was used,
 3 so --
4 Q. Got it. And, I mean, I think it's probably
5 safe to say that this would not have been the cheapest
6 option given the mileage to and from the airport, but
7 we -- did you research that or is that just kind of an
8 assumption? I mean, I wouldn't suggest that it's not a
9 safe one, but it -- is it, indeed, an assumption?
 10 A. I would not say to the full degree that it is
 11 an assumption. I think that, you know, several of our
 12 staff conducting this audit have common knowledge of the
 13 other means of transportation that could be taken from
 14 those locations of the airport to the hotels. And we did
 15 do some preliminary looking into what it would cost to
 16 maybe take an Uber, a super shuttle, et cetera, other
 17 means of travel, and comparatively you're correct in
 18 stating that it's probably not the cheapest method to
 19 have rented the car.
20 Q. Okay. And, lastly, Mr. Chairman, is it a
21 practice also of Supreme Court justices or frankly any
22 government worker to submit for reimbursement mileage
23 that is on a personal vehicle for business purposes?
 24 A. I couldn't speak to what other agencies --

Page 93

1 **Q. So none of that was looked into with regard to**
2 **any -- and I'm not -- I'm not going really anywhere, but**
3 **I'm just curious. So -- so we didn't -- we didn't look**
4 **into whether there was any business mileage claimed on**
5 **personal vehicles?**
6 A. No, we did not.
7 **Q. Okay. So is it -- is it -- and I don't know if**
8 **you know the answer. Don't answer if you don't know, but**
9 **is it the practice of the Court to take the Court's**
10 **vehicle if it -- if a business trip is --**
11 A. Yes.
12 **Q. Okay.**
13 A. Yes, and I do believe they are eligible for
14 mileage reimbursement if they do take their personal
15 vehicle on a business-related trip, so long as it is
16 outside of what their -- what's considered their home or
17 their headquarters which would be Charleston.
18 **Q. So there's two options for business travel.**
19 **The Court car or the personal car, but you just get**
20 **reimbursement for the personal car?**
21 A. That's correct.
22 DELEGATE CAPITO: Okay. Thanks,
23 Mr. Chairman.
24 CHAIRMAN SHOTT: Delegate Harshbarger.

Page 94

1 DELEGATE HARSHBARGER: Thank you,
2 Mr. Chairman.
3 EXAMINATION
4 BY DELEGATE HARSHBARGER:
5 **Q. Thanks for being here today.**
6 A. Uh-huh.
7 **Q. One question to build on Delegate Capito's**
8 **question here is did I hear you right that the justices**
9 **do not have a State-issued P-card?**
10 A. No, they do not.
11 **Q. So they basically use a personal credit card,**
12 **then submit their expenses back -- or how do they -- how**
13 **do they pay --**
14 A. In regard to?
15 **Q. With the rental cars and their trips. How do**
16 **they pay for those trips?**
17 A. I believe that -- and I -- forgive me, I can't
18 speak specifically, but in the instances we noted for the
19 former administrative director Canterbury, there were
20 times that the Court would pay for it up front. There
21 were times -- or pay for it directly with their
22 purchasing card or travel card. There were times he
23 would pay for it with his personal credit card and ask
24 for a reimbursement. In doing so, for the former

Page 95

1 administrative director Canterbury, he attempted to
2 prorate business use versus personal use because he was
3 aware that some of the use was personal use.
4 In terms of Justice Loughry, it's my
5 knowledge that all of the instances were paid for
6 directly by the Court.
7 **Q. Okay. So basically there was no set format for**
8 **the justices to either use a personal card or**
9 **Canterbury's card or a P-card, purchasing card? They**
10 **just kind of -- what the flavor of the day was.**
11 A. As noted before, there was really no
12 policy governing some of these instances.
13 **Q. Okay. And one of the things when -- on this**
14 **Table 2 on page 10, you have it broke out to additional**
15 **miles as you quoted over here for personal use.**
16 A. Uh-huh.
17 **Q. In that, when they submit their expenses or**
18 **they're approved, was there any additional cost that was**
19 **hit with the State that could possibly have been for**
20 **personal use or personal travel, meals or tickets to an**
21 **event or anything like that?**
22 A. No, not that we noted.
23 **Q. Okay. And then was there any additional**
24 **questioning with the additional mileage or was it just**

Page 96

1 **taken off the receipts and documented? Was it ever**
2 **questioned -- you know, any of the justices ever**
3 **questioned why there's an additional amount of miles put**
4 **on these rental cars?**
5 A. No, there was no question raised by any
6 justices concerning that.
7 DELEGATE HARSHBARGER: Okay, that's all I
8 have. Thanks, Mr. Chairman.
9 CHAIRMAN SHOTT: Delegate Hollen.
10 DELEGATE HOLLEN: Thank you,
11 Mr. Chairman.
12 EXAMINATION
13 BY DELEGATE HOLLEN:
14 **Q. Now, the intent of your audit is to -- for the**
15 **vehicles, is to scrutinize or to dig down into personal**
16 **use. Would that be a correct statement?**
17 A. Yes.
18 **Q. Then we go back on to your second post audit**
19 **for Justice Davis' trip from Charleston to Wheeling to**
20 **Parkersburg, back to Charleston. Do you find that in**
21 **your -- in your audit, that she had charged 115 for meal**
22 **expenses? And that was for the three days, correct?**
23 A. Uh-huh.
24 **Q. Do you know what -- in 2011 what the per diem**

Page 97

1 rate was then?
 2 A. I do not off the top of my head. Sorry.
 3 **Q. Okay. And you don't -- in here she had**
 4 **traveled with the director of court security.**
 5 A. That's correct.
 6 **Q. And the reason being that she had needed the**
 7 **director with her?**
 8 A. Personal security concerns.
 9 **Q. Personal security concerns. And what is his**
 10 **salary?**
 11 A. What is who?
 12 **Q. What is his salary at the time; do you know?**
 13 A. The director of court security, I would not
 14 have that answer.
 15 **Q. And there's other court security under him; is**
 16 **that correct?**
 17 A. I believe there is a deputy director of court
 18 security to my knowledge, but beyond that -- those are
 19 the only two security officers that I'm aware of, but
 20 they also administer court security for other instances
 21 outside of just for the justices.
 22 **Q. Okay. And previously I believe I read that she**
 23 **only traveled -- or in the use of the State vehicles only**
 24 **when he was with her; is that correct?**

Page 98

1 A. That's correct.
 2 **Q. And that was all because of security concerns?**
 3 A. That's correct.
 4 **Q. Over -- from 2011 to 2018, seven-year period?**
 5 A. That's correct.
 6 **Q. Did you happen to look at his expenses for that**
 7 **Wheeling/Parkersburg trip?**
 8 A. We did.
 9 **Q. And -- but you did not report those. Is there**
 10 **a reason?**
 11 A. We found no issues with them. And, as a matter
 12 of fact, the inclusion of this information regarding the
 13 trip was just because we felt it best to be transparent
 14 in noting the fact that she had attended a political
 15 fundraiser that also coincided with Court business.
 16 **Q. But in doing so, then, an additional salary was**
 17 **paid while she was attending that political function, so**
 18 **additional expenses were incurred by the State because**
 19 **she had court security while she was doing a political --**
 20 **attending a political function. So you found no reason**
 21 **to put in there what extra it cost the State for her to**
 22 **attend that.**
 23 A. You indicated increased salary cost?
 24 **Q. No, his salary.**

Page 99

1 A. Uh-huh.
 2 **Q. If she's attending a political function that is**
 3 **not Court business and she has an additional employee of**
 4 **the Court with her, those expenses were not acc -- were**
 5 **not accounted in your post audit. Did you find a reason**
 6 **why not to include those if it cost the State -- your**
 7 **main focus is to dig down and find reasons why State**
 8 **money was either not accounted for or inappropriately**
 9 **used, but you found that not --**
 10 A. Well, I can't specifically speak to the travel
 11 expenses incurred by the director of c
 12 ourt security in this instance. I don't have that
 13 information available. But as such, it related to two
 14 other events related directly to Court business to which
 15 he would have attended with her regardless of the event,
 16 the political fundraiser.
 17 **Q. Okay. And, you know, a follow-up on Delegate**
 18 **Fast, his concerns, there's no dollar figure for what it**
 19 **cost for her to attend that with a State vehicle?**
 20 A. Dollar figure to -- for --
 21 **Q. For her to attend that political function using**
 22 **the State vehicle.**
 23 A. No, as we mentioned, it coincided with two
 24 other Court-related business events. And we did not see

Page 100

1 that there was any additional cost incurred for traveling
 2 from the Wheeling to the Parkersburg location.
 3 **Q. Okay. But to follow up on that -- and I will**
 4 **end this with this, Mr. Chairman, but there was -- you**
 5 **know, you find no issues with that, but for Justice**
 6 **Loughry, you find issues that I read back -- and I can't**
 7 **remember where it was, that the reason the mileage might**
 8 **have been put on the rental vehicle because he was on**
 9 **vacationing or he had another member of his family or**
 10 **someone traveling with him that could have used the**
 11 **vehicle. You dug deep enough to find that assumption,**
 12 **but you won't dig deep enough to find another assumption**
 13 **of a political event being used -- used or going to in a**
 14 **State vehicle; is that correct?**
 15 A. Well, I can't speak to assumptions regardless.
 16 DELEGATE HOLLEN: Okay. Thank you,
 17 Mr. Chairman.
 18 CHAIRMAN SHOTT: Delegate Zatezalo.
 19 DELEGATE ZATEZALO: Thank you,
 20 Mr. Chairman.
 21 EXAMINATION
 22 BY DELEGATE ZATEZALO:
 23 **Q. Just one quick question. I notice that these**
 24 **cars are 2007, 2009, 2012 years. Were they purchased**

Page 101

1 new?
2 A. I don't have that knowledge.
3 **Q. And the reason I am asking the question I --**
4 **not -- that's not particularly relevant, but the reason**
5 **I'm asking the question is: Did you look at past**
6 **practice of vehicle usage by the Court?**
7 A. When you mean past practice -- what period of
8 time --
9 **Q. All the way back to 2007, say, or --**
10 A. Oh. No, no, our audit periods were limited to
11 the -- I think the farthest back we went in reviewing
12 vehicle use was 2011.
13 **Q. So you have no knowledge of historical use of**
14 **vehicles by the Court?**
15 A. That was outside the scope of our audit.
16 DELEGATE ZATEZALO: Okay. Thank you.
17 CHAIRMAN SHOTT: Delegate Pushkin, I note
18 you have moved, so I'm expecting that you're not going to
19 try to get two bites at the apple so to speak. You'll
20 stay there for the rest of the day?
21 DELEGATE PUSHKIN: I'll stay here for the
22 rest of the weekend.
23 CHAIRMAN SHOTT: All right. Go ahead.
24 Your question.

Page 102

1 DELEGATE PUSHKIN: Thank you,
2 Mr. Chairman.
3 EXAMINATION
4 BY DELEGATE PUSHKIN:
5 **Q. In -- I'm looking at report 1, issue 1,**
6 **Mr. Robinson, and thank you for being here, too. And so**
7 **let's go to Table 2 in regards to the rental cars that**
8 **were supposed to be used during days where there were**
9 **conferences of official business of the Court. So let's**
10 **just look at Montreal, for example. I'm choosing that**
11 **one because that was the biggest difference in the miles**
12 **that were used other than just back and forth from the**
13 **airport. Because it's been brought up that these were**
14 **unlimited miles, but there are other issues that -- in**
15 **regards to time. I know if one were to drive, say, 65**
16 **miles per hour the entire time, it would still take eight**
17 **to nine hours to put that many miles on the car, so what**
18 **I am asking is: The dates July 10th through 16th, is**
19 **that the entire time of the conference or is that the**
20 **arrival and departure dates of Justice Loughry?**
21 A. To the best of my knowledge it would be the
22 arrival and departure dates which also coincided with the
23 conference, but there is potential for some of the other
24 instances that the length of time that he rented the

Page 103

1 vehicles extended beyond the length of time of the
2 conferences.
3 **Q. Do we know that, if the length of time that the**
4 **vehicles were rented were extended beyond the length of**
5 **the time of the conferences?**
6 A. We would know that, but I would not have that
7 information readily available right this second.
8 **Q. Can we get that? I would like to see when the**
9 **dates of the conferences were versus the arrival and**
10 **departure times of Justice Loughry. Could we get that?**
11 A. So it would be your -- your request that we
12 provide what additional dates beyond the conference dates
13 he remained in those locations?
14 **Q. Okay. Because what I'm getting at, if you put**
15 **that many miles on a car, either somebody else drove the**
16 **car or you did not attend at least part of the conference**
17 **if these dates match up to the conferences. So did we**
18 **get a copy of the rental agreements?**
19 A. Yes, our documentation would include the rental
20 agreements, the rental receipts, the total amount paid,
21 the dates the rental car was had, and obviously we have
22 also cross referenced many of these dates with the actual
23 conferences being held to determine the location of the
24 conferences and the specific dates the conferences were

Page 104

1 held.
2 **Q. Okay. On the rental agreements, were there any**
3 **additional drivers listed?**
4 A. Not to my knowledge.
5 **Q. So he -- there were no additional drivers, so**
6 **if anyone -- at least legally, if anybody drove that car,**
7 **it would have to have been Justice Loughry, correct?**
8 A. I can't speak definitively to the fact that
9 there weren't additional drivers listed.
10 **Q. But that -- we don't know if there were any**
11 **additional drivers listed?**
12 A. We do not know that.
13 **Q. Okay. Is that something else we could find, if**
14 **there were any additional drivers listed on the --**
15 A. I don't know that we would be able to ascertain
16 that information.
17 **Q. Okay. What about the -- the travel from**
18 **Charleston to, say, the airport in Montreal or to the**
19 **airport in Monterey? Did the State pay for the flights**
20 **and the hotel accommodations while attending these**
21 **functions?**
22 A. I can't speak to every instance, but I would
23 imagine that if it was not being paid by the conference
24 itself it was paid for by the State, yes.

Page 105

1 **Q. Okay. So what I'm getting at is we could have**
 2 **paid for the travel to Montreal, and if these dates match**
 3 **up -- well, it would be obvious that one could not have**
 4 **attended the entire conference, maybe not attended any of**
 5 **the conference while they were putting 580 miles on a**
 6 **rental car.**
 7 A. That's possible, but --
 8 **Q. And they paid for the hotel room and the**
 9 **flight, would that be a possibility?**
 10 A. It's possible, but I can't be certain of that.
 11 **Q. Okay. Let's see. I had a couple more. Well,**
 12 **go to -- let's see. I have it marked here. Issue 2 from**
 13 **report -- no. It would be issue 1 in report 2 or we were**
 14 **talking about the Justice Davis travel to truancy con --**
 15 **events in Wheeling and Parkersburg.**
 16 A. Uh-huh.
 17 **Q. Now, was -- the fundraiser in question, was**
 18 **that earlier in the day than the event in Parkersburg?**
 19 A. No, I believe it was actually the evening
 20 before the event in Parkersburg.
 21 **Q. Okay. So it was in between the event in**
 22 **Wheeling and the --**
 23 A. That's correct.
 24 **Q. -- event in Parkersburg? And I would imagine**

Page 106

1 **one would take -- in most cases, drive on Interstate 77**
 2 **to get from Charleston to Wheeling?**
 3 A. That's a common route, yes.
 4 **Q. And Parkersburg is also on Interstate 77?**
 5 A. I believe so.
 6 **Q. So I guess what -- what your finding was is if**
 7 **you're on your way back from Wheeling, you're going**
 8 **through Parkersburg anyway. Instead of driving all the**
 9 **way back to Charleston for a night and then going to**
 10 **Parkersburg, in order to save extra miles and gas, they**
 11 **stayed in Parkersburg, attended another function, and**
 12 **then went to the next fun -- the function in Parkersburg**
 13 **the next day and then returned to Charleston?**
 14 A. That's correct.
 15 **Q. So it would only make sense if you're going --**
 16 **you know, the interstate runs through Parkersburg anyway**
 17 **that that's --**
 18 A. Yes, that's why I was previously trying to
 19 indicate we didn't really look into this issue further
 20 because we believe, in fact, that there was no additional
 21 cost incurred by the State regarding her choice to stay
 22 in Parkersburg the evening following the Wheeling event.
 23 DELEGATE PUSHKIN: Okay. Thank you.
 24 Just a brief inquiry to the Chair. In report 1 there's

Page 107

1 also the matter of the Cass Gilbert desk. I assume we're
 2 going to be discussing that later?
 3 CHAIRMAN SHOTT: It will be the subject
 4 of the next inquiry.
 5 DELEGATE PUSHKIN: Okay. Well, thank you
 6 very much. And thank you.
 7 THE WITNESS: You're welcome.
 8 CHAIRMAN SHOTT: Delegate Lane.
 9 DELEGATE LANE: Thank you, Mr. Chairman.
 10 EXAMINATION
 11 BY DELEGATE LANE:
 12 **Q. What authorization exists permitting justices**
 13 **to have dedicated vehicles?**
 14 A. I'm not aware of that. That would be something
 15 the Court would know internally.
 16 **Q. And does the Court own these vehicles?**
 17 A. I can't be certain, but it is my assumption.
 18 **Q. Okay. Thank you.**
 19 **Are there procedures outlining what the**
 20 **director of court security and the deputy are supposed to**
 21 **do?**
 22 A. Not to my knowledge.
 23 **Q. I believe you said that the court security**
 24 **consists of two people?**

Page 108

1 A. To my knowledge, yes. There's a director of
 2 court security and a deputy director of court security.
 3 **Q. And have any of the other justices asked for**
 4 **court security to drive them to events?**
 5 A. I believe so, but I can't be specific.
 6 **Q. Who provides court security to the justices**
 7 **when some of the court security's out on the road driving**
 8 **other justices?**
 9 A. That's an excellent question to which I don't
 10 have an answer.
 11 **Q. Okay. Thank you.**
 12 **On page 7 of the second report, there was**
 13 **an item that said that Justice Benjamin spent \$122,457.**
 14 **Could you explain to me what that consisted of?**
 15 A. Various instances of travel, attending various
 16 functions related to circuit courts, family courts, and
 17 drug courts throughout the state, but in specifics, I
 18 can't speak to that.
 19 **Q. Did -- did it consist of any overseas travel?**
 20 A. Not to my knowledge.
 21 **Q. Okay. Thank you.**
 22 **Now, on page 3 of the second report, we**
 23 **were talking about the expenses incurred by Justice**
 24 **Davis.**

Page 109

1 A. Uh-huh.

2 **Q. And she went to Wheeling, came back to**

3 **Parkersburg, spent the night because she had an event the**

4 **next day.**

5 A. Roughly that's correct. She had traveled to

6 Wheeling to attend an anti-truancy event. After

7 subsequently -- subsequently leaving Wheeling, she drove

8 to Parkersburg where she attended a political fundraiser,

9 but the next day she had an anti-truancy event scheduled

10 in Parkersburg.

11 **Q. Okay. Now, correct me if I am wrong, but don't**

12 **the State travel procedures provide that one cannot**

13 **charge per diem expenses unless one spends the night?**

14 A. That is correct, but in this instance she did

15 spend the night out and I guess -- I see where you're

16 going with this, but I'll let you ask.

17 **Q. So she spent the night at her own expense but**

18 **charged per diem to the State?**

19 A. Yes. She only charged a partial per diem on

20 her first day of travel and then the full per diem

21 coinciding with the full day of travel the next day.

22 **Q. Okay. So on the day that she didn't charge the**

23 **State to spend the night she did charge per diem?**

24 A. That's correct. Well, meal per diem.

Page 110

1 **Q. Okay. In your audit, did you determine what**

2 **the procedure was within the Court to okay expenses and**

3 **okay the expenditures of money? I mean, who all was**

4 **involved in how these expenditures took place?**

5 A. As mentioned, the Court didn't have any formal

6 policies or procedures regarding how these expenditures

7 were placed regarding travel.

8 **Q. No, how -- I'm talking about expenditures**

9 **generally. I mean, if someone wanted to spend, let's**

10 **say, \$100,000, what procedures at the Court would one**

11 **have to go through to get that okayed?**

12 A. I want to try to answer this, but I can't be

13 definitive, but I do believe that expenditures of the

14 Court are ultimately approved by the administrative

15 director of the court and potentially reviewed by the

16 director of financial management of the Court, but in

17 terms of specifics regarding expenditures, that's a

18 pretty broad category and I really can't speak to

19 specifics regarding certain expenditure types.

20 **Q. Do the justices exercise any supervision over**

21 **the director of fin -- financial office or whatever you**

22 **called him, or the court administrator?**

23 A. Could you describe "supervision"?

24 **Q. Well, make sure that the money that is being**

Page 111

1 **spent is for a proper purpose according to the budget.**

2 A. I do not believe that the Supreme Court

3 justices play an active role in the day-to-day operations

4 of the Court, the expenditure of the Court's budgeted

5 funds.

6 DELEGATE LANE: Okay. Thank you.

7 CHAIRMAN SHOTT: Delegate Deem, do you

8 have a question? Or questions.

9 DELEGATE DEEM: Thank you, Mr. Chairman,

10 for the hearing aid. I can now hear what they're saying.

11 CHAIRMAN SHOTT: Okay, good. Delegate

12 Overington.

13 DELEGATE OVERINGTON: Thank you,

14 Mr. Chairman.

15 EXAMINATION

16 BY DELEGATE OVERINGTON:

17 **Q. I want to follow up on the questions about the**

18 **fundraising event in Parkersburg. There obviously was a**

19 **good bit of cost, especially with security there. Was**

20 **there any effort to extrapolate the cost dealing with the**

21 **fundraising effort out of the rest of the expenses that**

22 **were charged to the State?**

23 A. When you mean cost associated with the

24 fundraising effort, what particular do you mean?

Page 112

1 **Q. That extra time that was spent there, the**

2 **security that was required, obviously some additional**

3 **costs that would have been incurred.**

4 A. It's too -- the director of court security

5 traveled with her and this event -- it's my knowledge

6 that he is a salaried employee, so he's paid the same

7 rate biweekly that he would paid regardless if he had

8 traveled to that event or not. And the fundraiser was

9 not paid for in any way, shape, or form by the State or

10 the Court.

11 **Q. The other -- the other question I have deals**

12 **with the policies that were in place where the -- for the**

13 **Supreme Court just -- for the justices, there was sort of**

14 **vagueness in their expenses. Did other employees working**

15 **for the Supreme Court have the same vagueness or was**

16 **there -- were there specific policies that they operated**

17 **under for their travel expenses?**

18 A. We didn't review any travel expenses related to

19 employees of the Court outside of those listed in our

20 report, which included the Supreme Court justices, one

21 former justice, and the director and former directors of

22 the administrative office of the Court. In speaking

23 generally regarding their policies, it did appear within

24 their travel policies submitted to the State Auditor's

Page 113

1 Office that justices were granted somewhat special
 2 treatment regarding their reimbursement for expenses
 3 related to rental cars. And if you allow me to, I'll
 4 locate the section of this report that speaks a little
 5 more to the justices' travel in general.
 6 The initial language that was submitted or
 7 discussed by the Supreme Court justices regarding
 8 expenses for justices' travel stated that an expense
 9 account submitted by a justice of the West Virginia
 10 Supreme Court of Appeal shall be honored irrespective of
 11 any of the language in these travel regulations. Prior
 12 to that being approved, it was amended at the request of,
 13 I believe, Chief Justice -- Chief Justice Workman to
 14 include that an expense account submitted by a justice of
 15 the Supreme Court of Appeals pursuant to judicial branch
 16 policies shall be honored irrespective of any language in
 17 its travel regulations submitted to the State Auditor's
 18 Office.
 19 This particular policy is different than
 20 the policy that governs the travel for typical Court
 21 employees.
22 Q. Are those -- are the Court's policies different
23 from other branches of government's travel expense
24 policies?

Page 114

1 A. I can't answer that. We did no direct
 2 comparison between their policies in comparison to other
 3 agencies.
4 Q. So after 2016, was there still a difference
5 between the policies of Court employees versus Supreme
6 Court justices?
 7 A. I do believe that in the 2016 -- October 2016
 8 follow-up policy it did make the statement regarding
 9 rental car expenses being different for justices. And
 10 obviously Section 10.4 of these travel regulations
 11 specifically addressed justices' travel which would
 12 indicate some differentiation between the policy that
 13 applied to the Court employees. So I believe my answer
 14 to you would be yes.
15 Q. For the policing of those policies, was there a
16 different standard for the justices versus the Court
17 employees?
 18 A. In terms of the policing of those policies
 19 which would have done -- been done internally by the
 20 Court, I can't speak to that.
 21 DELEGATE OVERINGTON: Thank you,
 22 Mr. Chairman.
 23 CHAIRMAN SHOTT: Delegate Lovejoy.
 24 DELEGATE LOVEJOY: Mr. Chairman, thank

Page 115

1 you.
 2 CHAIRMAN SHOTT: There you go.
 3 EXAMINATION
 4 BY DELEGATE LOVEJOY:
5 Q. Just a few questions for you. Thank you for
6 coming in today.
 7 A. Uh-huh.
8 Q. I want to ask you with regard to the
9 correspondence that we've talked about today in the
10 initial exhibits. Did you find any justice prior to
11 Justice Davis that was writing for the need of a policy?
12 I think she did in 2016?
 13 A. I mean, concerns were expressed by various
 14 justices regarding various matters in administrative
 15 conference minutes. In particular regard to travel
 16 vehicle use, I think primarily concerns were expressed
 17 initially by Justice Davis, but that's -- I can't speak
 18 to the involvement of the other justices and their
 19 concerns.
20 Q. But as I -- as I see, there's no written call
21 to action by anyone prior to Justice Davis in the
22 exhibits we've been provided, correct?
 23 A. I don't have all -- as noted, there were
 24 thousands of documents that we were made available that

Page 116

1 aren't all directly related to the findings in our
 2 reports. I can't speak to whether or not that's the
 3 case.
4 Q. Okay. I think we've established that at least
5 with regard to 2011, we had no written policy of the
6 Court with regard to the use of the Court vehicles,
7 right? And we -- I'm specifically trying to focus in on
8 this -- this trip in 2011. As I understood with Justice
9 Davis -- and I understand you to say there was no cost to
10 the State additional; is that correct?
 11 A. It's our stance that the way the trip was
 12 planned and coordinated that there was no additional cost
 13 to the State, no. Court security is a salaried employee.
 14 There was no specific additional cost. I can't speak to
 15 the specifics of whether or not he received any expense
 16 reimbursement such as per diem for that instance. It's
 17 likely, but I can't speak to that definitively, but in
 18 terms of the fact that she was attending both events, he
 19 would have attended with her either way and it's likely
 20 that a per diem would have been paid. However, given the
 21 fact that there was an overnight trip, the per diem rate
 22 may have been higher because that allows you to claim the
 23 full per diem rate because it's not a travel day.
24 Q. And am I correct that as -- in the course of

Page 117

1 **your investigation - yours being the Auditor's office -**
 2 **you came to learn that there had, in fact, been threats**
 3 **against the body and, indeed, the life of Justice Davis?**
 4 A. That's correct.
 5 **Q. And you were also provided with some**
 6 **information that included a report called Murdered**
 7 **Justice which discussed a history of attacks on our**
 8 **judiciary across the country?**
 9 A. That's correct.
 10 **Q. And that report that was provided showed that**
 11 **since 2008 there's been an unprecedented number of**
 12 **attacks on the bodies and lives of our judicial officers?**
 13 A. I don't recall the specifics of that report,
 14 but if that's what was mentioned, I'll take your word for
 15 it.
 16 DELEGATE LOVEJOY: Okay. I have no other
 17 questions. Thank you.
 18 CHAIRMAN SHOTT: Delegate Fluharty.
 19 DELEGATE FLUHARTY: Thank you,
 20 Mr. Chairman.
 21 EXAMINATION
 22 BY DELEGATE FLUHARTY:
 23 **Q. Briefly, thank you for being here, sir.**
 24 A. Uh-huh.

Page 118

1 **Q. Now, this infamous trip by Justice Davis that**
 2 **we've been talking about ad nauseum, there were two**
 3 **nights of over -- stays, right, overnight? It was a**
 4 **three-day trip but two nights were overnight stays?**
 5 **Correct me if I'm wrong.**
 6 A. Just give me one moment to confirm that. I
 7 believe you may be correct. I can read the summary of
 8 the report, how we have written it, if that would explain
 9 it --
 10 **Q. Sure, but I just want to clarify here that I**
 11 **believe there were two nights that she stayed overnight**
 12 **and in the Auditor's report, it says that she charged no**
 13 **lodging for those two nights, correct?**
 14 A. Yeah, that's correct and you are correct in
 15 assuming that there were two nights. Yes, she did travel
 16 to Wheeling at the subsequent and close of business here
 17 at the capitol, stayed in Wheeling, attended a truancy
 18 event that morning in Wheeling, traveled to Parkersburg,
 19 stayed in Parkersburg, then traveled back to Charleston,
 20 but yes, there was no lodging charged to the State.
 21 **Q. Three days, two nights no lodging charges. It**
 22 **would have been perfectly permissible for her to charge**
 23 **lodging for those two nights, right?**
 24 A. I would question whether or not it would be

Page 119

1 permissible if the reason for her needing to stay was to
 2 attend the political fundraiser, but outside of that, I
 3 would agree with you.
 4 **Q. Well, there were two events during that**
 5 **three-day course that were --**
 6 A. Yes.
 7 **Q. -- directly related to the anti-truancy events,**
 8 **right?**
 9 A. Yes.
 10 **Q. So obviously at least one of those nights --**
 11 A. Yes, absolutely.
 12 **Q. -- would have been permissible.**
 13 A. And I would -- I would -- it is possible that
 14 it would be permissible on the second night if the pure
 15 intent was to make it more convenient to travel from
 16 Wheeling to Parkersburg rather than back to Charleston,
 17 then back to Parkersburg the subsequent day.
 18 **Q. So at a minimum, she could have charged at**
 19 **least one night of lodging --**
 20 A. That's correct.
 21 **Q. -- to the State, which she did not do. right?**
 22 A. That's correct.
 23 **Q. So by not doing that, she saved the State some**
 24 **money in that area?**

Page 120

1 A. You could say so, yes.
 2 **Q. Very briefly on the Loughry conferences, I just**
 3 **had a document in front of me that had the names. I**
 4 **think it's gone now, but did you check any of the agendas**
 5 **from those conferences to see if he actually attended?**
 6 A. No, we did not.
 7 **Q. Do you know if he was on any panels that may**
 8 **have happened dur -- at those conferences?**
 9 A. I can't speak to that, no. We had some -- we
 10 did have some difficulty determining specific locations
 11 of these conferences in reaching out to the organizations
 12 that held them. We were able to ascertain the specific
 13 locations to confirm whether or not that the hotel he
 14 resided in during these trips was the same location of
 15 the conference or not, but beyond that in terms of the
 16 agenda or specifics of what occurred during the
 17 conferences, I do not have that knowledge.
 18 **Q. And did he ever provide justification for the**
 19 **increased travel after arriving at a conference and then**
 20 **taking off for hundreds of miles?**
 21 A. Not to us.
 22 **Q. And one last question: The reservation chart,**
 23 **we talked about destination being omitted from many of**
 24 **these requests.**

Page 121

1 A. Uh-huh.

2 **Q. There's no written policy, right?**

3 A. That's correct.

4 **Q. So there's no written policy to require his**

5 **destination be part of it?**

6 A. No, but in terms of the IRS regulations, if an

7 employee, including a justice of the Court as an elected

8 official, is provided an employer-provided vehicle, it's

9 the employer's duty to track business versus personal use

10 miles so that those miles can properly be applied for

11 personal use instances to the employee's W-2s if it is

12 considered a taxable fringe benefit.

13 **Q. Sure. And that's the individual and the tax**

14 **implications involved therein --**

15 A. Yes.

16 **Q. -- but I'm asking about the specific policy by**

17 **the Supreme Court. There's no policy apparently exists.**

18 A. No.

19 **Q. Now, as to that, the forms -- are these forms**

20 **when you go to fill it out, this reservation chart?**

21 A. The reservation log? It's my understanding

22 from what we received that it's more of an on-line

23 system. Oftentimes I believe the procedure was that if a

24 justice was seeking to utilize a Court vehicle they would

Page 122

1 notify the Court security who administered the system and

2 also administered those vehicles and would notify them of

3 the dates that they would need the vehicles and if they

4 wished to provide a business purpose they would.

5 **Q. Okay. So who actually fills it out? Does --**

6 A. I don't have that information. I would assume

7 it's most likely the director of court security upon

8 receiving the request but there is likelihood that the

9 justices or the administrative director of the court may

10 have access to that system in order to do so.

11 **Q. So there -- and related to that, and now we**

12 **don't even know who actually fills it out, but the form**

13 **itself - if it's on-line, paper format, however - does it**

14 **have a section for destination to be filled out?**

15 A. Yes.

16 **Q. It does? So when you reviewed these forms,**

17 **although we don't know who actually filled them out --**

18 **when you reviewed them, you were able to see that there**

19 **were areas were left blank with the form destination?**

20 A. Yes.

21 DELEGATE FLUHARTY: That's all I have.

22 Thank you.

23 CHAIRMAN SHOTT: Delegate Byrd.

24 DELEGATE BYRD: Thank you, Mr. Chairman.

Page 123

1 EXAMINATION

2 BY DELEGATE BYRD:

3 **Q. Thank you again for being here and the work**

4 **you've put in on this.**

5 **To follow up on Delegate Fluharty's**

6 **question about the conferences, was there any check by**

7 **the Legislative Auditor into whether Justice Loughry**

8 **turned in CLE credits for any of these conferences?**

9 A. No.

10 **Q. Okay. I'd like to -- can we pull up on the**

11 **screen Exhibit 1?**

12 CHAIRMAN SHOTT: Certainly.

13 **Q. And following up on Delegate Fluharty's**

14 **question, it appears to me that it looks like line 3,**

15 **that a copy of this form that Delegate Fluharty and**

16 **you-all were discussing about should have been attached**

17 **to this memo. We don't have that. Have you seen it?**

18 A. It's possible. Again, we reviewed thousands of

19 documents. I can't speak to that.

20 **Q. Fair enough, and I would just ask,**

21 **Mr. Chairman, with leave of the Committee and you, if we**

22 **do discover that if we could maybe attach that as 1A,**

23 **Exhibit 1A.**

24 CHAIRMAN SHOTT: Certainly.

Page 124

1 **Q. Thank you. Talking about the Internet, was**

2 **there a time frame provided to you of how long that was**

3 **available? Was it, like, between 2012 and 2017?**

4 A. We may have that information, but I can't speak

5 to it at this moment.

6 **Q. And just provide that if you can.**

7 A. Okay.

8 **Q. I would like to turn your reference now over to**

9 **page 9 of the first report.**

10 A. I'm there.

11 **Q. Okay. Talking a -- it's right -- the**

12 **Legislative Auditor was provided a memo written by both**

13 **the director and deputy director of the Supreme Court**

14 **security. Were there any other individuals that were**

15 **involved or may have been involved in filling out these**

16 **forms if the justices didn't, during the time period of**

17 **2012 to 2016?**

18 A. Not to my knowledge.

19 **Q. Okay. And last question is on page 12 of the**

20 **same report, I see here where we have included a response**

21 **from Justice Loughry and it talks about his response to a**

22 **draft audit report and what we have is the final,**

23 **correct?**

24 A. Uh-huh.

Page 125

1 **Q. Is there any way that we could look at or would**
 2 **there be any changes to -- between the draft and the**
 3 **final?**
 4 A. There should not be. The draft of our audit
 5 reports are simply noted as draft until they're formally
 6 released to the post audit subcommittee.
 7 **Q. Okay. Did you receive a response from Justice**
 8 **Loughry when the final one was completed?**
 9 A. No, the response that we had requested and the
 10 draft that had been provided was con -- content-wise the
 11 exact same as the final product. The only changes that
 12 would have occurred would have been minor punctuational
 13 formatting or grammatical errors that we caught prior to
 14 sending this to print, but the content of the draft
 15 report provided to Justice Loughry to which he responded
 16 to contained everything that the final draft that you're
 17 reading from today does have.
 18 **Q. All right. And one final question is we've had**
 19 **-- we've heard a lot of questions about meal expenses,**
 20 **hotel expenses. If those expenses are incurred by a**
 21 **justice and turned in to be paid as an expenditure for**
 22 **any of these trips, who are those receipts turned into?**
 23 A. I'm not sure. I belie -- I would speculate
 24 that it would be the director of court financial

Page 126

1 management, but I'm uncertain.
 2 **Q. And do they -- who do they turn those over to,**
 3 **do you know, to be paid?**
 4 A. To be paid, the State Auditor is essentially
 5 the person that approves these reimbursements for
 6 repayment to any individual submitting a request for
 7 reimbursement.
 8 **Q. So would you recommend us talking to the State**
 9 **Auditor about where these receipts possibly could be**
 10 **stored or -- and/or the Supreme Court?**
 11 A. Are you referencing receipts regarding these
 12 travel instances?
 13 **Q. If any -- if any receipts were turned in of any**
 14 **of these travel instances.**
 15 A. If anything was paid for by the State, it's
 16 highly likely that the Supreme -- or excuse me, that the
 17 State Auditor's Office would have record of that.
 18 DELEGATE BYRD: All right. Thank you,
 19 that's all I have.
 20 CHAIRMAN SHOTT: Let me just inquire due
 21 to the time. I'm assuming most of you in the back row
 22 there will have questions. Am I correct on that? All
 23 right. Why don't we break for lunch. I would hope we'd
 24 get -- I'd hoped we get through this first series, but

Page 127

1 it's obvious we're going to go beyond 1:00, so let's
 2 break for lunch. It's now -- let's break for 45 minutes.
 3 We'll be back here at 1:30 and we'll begin with Delegate
 4 Miller's questions. We're in recess until 1:30. Yes?
 5 DELEGATE ROBINSON: -- that the house
 6 committee of the judiciary during its inquiry may
 7 entertain such procedural and dispositive motions as may
 8 be made in the case of any other bill or resolution
 9 referred to that committee or in making its
 10 recommendations if any pursuant to this resolution may
 11 include. The provision makes it clear that the Committee
 12 controls the disposition of procedural matters relating
 13 to this resolution and the Chair's rule that's
 14 established by this Committee are subject to
 15 consideration and amendment as all actions of the
 16 Committee chair and all committees of the legislature.
 17 Any action of any chairman is subject to appeal to the
 18 full Committee. In no circumstance does the Chair have
 19 the Committee's sole discretion to function without
 20 challenge of the Chairman's ruling on any matter.
 21 Further, this provision also allows any
 22 member to make dispositive motion regarding the
 23 resolution as a privileged motion available at any time
 24 to any member and the extent that Rule 8 tries to prevent

Page 128

1 this is a violation of House Rule 201 and House rules.
 2 Therefore I move the following and have attached written
 3 amendments to the rules provided by the Chairman.
 4 CHAIRMAN SHOTT: And we'll take up your
 5 motion immediately upon reconvening at 1:30.
 6 (Recess taken.)
 7 CHAIRMAN SHOTT: -- I think it's worthy
 8 to note that in an e-mail to the mover of that motion
 9 dated Friday, June 29th, which was copied to all members
 10 of the Committee, I attempted to provide an update
 11 regarding where we were with regard to preparation for
 12 this meeting, and in the body of that about four
 13 paragraphs down, I said, I would be conta -- contacting
 14 Judge Hatcher tomorrow to ask for any advice that he can
 15 provide. In that regard, I will be working on some rules
 16 for our proceedings similar to what Judge Hatcher
 17 produced for the Manchin impeachment proceedings.
 18 One thing that you -- referring to the
 19 man -- person who is the mover of this motion. One thing
 20 that you and others can do to help is to review those
 21 rules at pages 21 through 31 of his handout and provide
 22 me with your suggestions and concerns regarding those
 23 rules if utilized in our proceedings. I see several that
 24 I will probably change or eliminate, but will welcome

Page 129

1 suggestions from members of our Committee. Please
 2 provide those suggestions by next Thursday morning so
 3 that I can finalize the rules and distribute them prior
 4 to our next meeting.
 5 It's also worthy to note that I have
 6 received at least two e-mails since that date from the
 7 mover of this motion in which he mentions no suggestions
 8 or comments regarding the rules. So in order to avoid
 9 further delay in this process, the rules were prepared
 10 and finalized yesterday and distributed to you.
 11 Now, today, as we start these
 12 proceedings, which a number of members have urged that we
 13 need to move quickly, I receive this motion to make three
 14 amendments to the rules. I refuse the motion based on
 15 the authority given to me in the resolution that was
 16 passed unanimously on June 26th. It reads, "Further
 17 Resolved, That in carrying out his duties pursuant to
 18 this resolution, the Chairman of the House Committee on
 19 the Judiciary is authorized to establish or define rules
 20 of procedure for the conduct of any meeting," "meeting(s)
 21 or hearing(s) held pursuant to this resolution."
 22 I appreciate the confidence that the 89
 23 members who are here all voted in favor of that
 24 resolution. I have prepared these rules. I am not going

Page 130

1 to consider any further amendments to the rules.
 2 However, as I offered by invitation, if you have
 3 suggestions that will not consume the Committee time. I
 4 will be happy when we're in breaks to consider those, and
 5 if there is a need to revise any rules, based on that, I
 6 certainly will entertain those.
 7 But at this point I think we need to move
 8 forward, so your motion is denied. If you want to
 9 challenge the Chair, that's -- that is permissible.
 10 You're certainly -- you're -- all you have to do is refer
 11 to House Rule Number 6, which read -- which reads, "The
 12 speaker shall decide all questions of order subject to an
 13 appeal to the House when demanded by any ten members.
 14 And of course that rule by virtue of Rule 89 is pertinent
 15 to this committee. So if there are ten members here that
 16 would --
 17 (inaudible)
 18 CHAIRMAN SHOTT: Ten. Ten. Doesn't say
 19 percent. It says ten. That's what the rule says. So do
 20 you have ten members who wish to join you in challenging
 21 the ruling of the Chair? Or is it your desire -- let me
 22 ask the first question. Is it your desire to challenge
 23 the ruling of the Chair?
 24 DELEGATE ROBINSON: Yes, Mr. Chairman.

Page 131

1 CHAIRMAN SHOTT: All right.
 2 (inaudible.)
 3 MINORITY CHAIR FLEISCHAUER: Point of
 4 order.
 5 CHAIRMAN SHOTT: Point of order, yes.
 6 MINORITY CHAIR FLEISCHAUER:
 7 Mr. Chairman, normally when we're in Committee --
 8 normally -- (inaudible) my recollection of that rule is
 9 normally when we are Committee we use the proportional
 10 analysis, so when there are three members that wish to
 11 challenge the rule or ruling of the Chair that's
 12 proportionate to ten members in the House. Am I wrong
 13 about that?
 14 CHAIRMAN SHOTT: You're wrong about your
 15 interpretation of the rule. I'm reading the rule
 16 verbatim. The words are ten members.
 17 MINORITY CHAIR FLEISCHAUER: Of the
 18 House. We are not meeting as the House. We're meeting
 19 as a Committee.
 20 CHAIRMAN SHOTT: Well, if you can show me
 21 a rule that says ten percent or three members, I will
 22 abide by that rule, but right now I read this as under
 23 Rule 6 we would -- you would need ten members.
 24 MINORITY CHAIR FLEISCHAUER: I think

Page 132

1 that's the way that it has been interpreted by you and in
 2 all the years I've been on the judiciary committee. And
 3 your memory is not the same.
 4 CHAIRMAN SHOTT: It's not the same.
 5 MINORITY CHAIR FLEISCHAUER: Thank you.
 6 CHAIRMAN SHOTT: But we can debate that
 7 issue for the rest of the day if you wish and --
 8 MINORITY CHAIR FLEISCHAUER: I was just
 9 asking -- I made a point of inquiry and you responded. I
 10 don't need to debate any -- I'm not debating.
 11 CHAIRMAN SHOTT: All right. Let's move
 12 on. The next person who has questions for our witness
 13 today is Delegate Miller.
 14 MINORITY CHAIR FLEISCHAUER:
 15 Mr. Chairman.
 16 CHAIRMAN SHOTT: Yes.
 17 MINORITY CHAIR FLEISCHAUER: I -- well,
 18 I-- did you answer about whether you wanted to -- the
 19 gentleman wanted to challenge the ruling of the Chair?
 20 CHAIRMAN SHOTT: Did you want to
 21 challenge the ruling of the Chair?
 22 DELEGATE ROBINSON: Yes.
 23 CHAIRMAN SHOTT: All right. We need to --
 24 I need to see ten hands in order for us to go forward.

Page 133

1 I'll ask the clerk to count hands. There were not ten
2 hands. We're pro -- we're proceeding with our agenda.
3 MINORITY CHAIR FLEISCHAUER:
4 Mr. Chairman, I do want to just offer this amendment to
5 remove the sentence of -- the last sentence in Rule 8 for
6 the record, for the reasons I explained before. I would
7 also like to add that I -- that if you look at the words,
8 the resolution it says that the House Committee may
9 entertain such procedural and dispositive motions as may
10 be made in the case of any other bill or resolution. And
11 so I'm asking to offer an amendment to those procedural
12 rules like I would be able to in any other -- with any
13 other bill.
14 CHAIRMAN SHOTT: And it's my opinion and
15 the ruling of the Chair that the authority given to the
16 Chairman in the resolution trumps the other rules insofar
17 as it pertains to procedurally setting the -- the rules
18 for the Committee's action. And those rules are -- have
19 been adopted. Again, if you want to suggest a change to
20 those, I'm happy to meet with you at any time we're not
21 in Committee meeting and we'll discuss those, but
22 currently those rules are set. Once again, I offered
23 that to anybody and everybody back on June the -- June the
24 29th and I got no responses from anybody, so we'll be

Page 134

1 moving on. Your motion is denied.
2 MINORITY CHAIR FLEISCHAUER: Mr. Chairman,
3 I would like to submit this. I'm permitted to do that --
4 CHAIRMAN SHOTT: Yes, you are.
5 MINORITY CHAIR FLEISCHAUER: -- for the
6 record. And the gentleman is permitted to submit his
7 motion also.
8 CHAIRMAN SHOTT: Certainly.
9 MINORITY CHAIR FLEISCHAUER: Is it your
10 position that the rules -- that you have the power as --
11 from this resolution to not abide by the rules of the
12 House?
13 CHAIRMAN SHOTT: I think I answered that.
14 Insofar as these rules were -- I was authorized to adopt
15 and established the rules of procedure. Insofar as the
16 rules of procedure are different than the rules of the
17 House, then these rules will pertain. As you know, the
18 rules of the House are adopted by resolution of this
19 body. The most recent resolution of this body was House
20 rule 2001 (sic) which empowered the Chairman to establish
21 the procedural rules for this Committee. These rules
22 don't cover everything in the House rules, but to the
23 extent that they cover an issue and it's inconsistent
24 with a House rule, then it's my ruling that these rules

Page 135

1 pertain -- or are trumped.
2 MINORITY CHAIR FLEISCHAUER: Okay. And
3 just one last thing. There's nothing in this resolution
4 that gives the Chair authority to override longstanding
5 rules of the House. There's nothing specific about that.
6 That's your interpretation.
7 CHAIRMAN SHOTT: My interpretation is the
8 most recent action of the House by resolution was the
9 resolution of House rule -- House Resolution 201 (sic.)
10 And that's what I'm abiding by.
11 MINORITY CHAIR FLEISCHAUER: Thank you.
12 CHAIRMAN SHOTT: To the extent that these
13 rules are in conflict -- conflict, then I think these
14 rules will govern. Do you wish to challenge that rule --
15 that ruling?
16 MINORITY CHAIR FLEISCHAUER: No. Yes,
17 yes, I wish to challenge that ruling. I changed my mind.
18 CHAIRMAN SHOTT: All right. The same --
19 the same situation. We'll need ten members to --
20 MINORITY CHAIR FLEISCHAUER: And this
21 is -- this is regard to us losing our right to -- from
22 motions of privilege to --
23 CHAIRMAN SHOTT: The on -- I'm sorry. Go
24 ahead. Finish your statement.

Page 136

1 MINORITY CHAIR FLEISCHAUER: That's what
2 it -- that's what it's in regard to.
3 CHAIRMAN SHOTT: As I read the rules, the
4 only --
5 MINORITY CHAIR FLEISCHAUER: To proceed
6 more quickly by offering a motion to -- what's it called?
7 I'm blanking on the name of it. A motion to -- to what?
8 Take up a matter immediately.
9 CHAIRMAN SHOTT: The only motion that is
10 affected by the rules that have been submitted is a
11 motion to issue our impeachment. All others motions
12 would be -- would not be affected by the rules. If
13 that's the question you're asking. The gentlelady asked
14 if there are ten members here, or nine other members to
15 join her in challenging the ruling of the Chair. Are
16 there members who wish to challenge the ruling of the
17 chair? All right. Apparently there's not enough to
18 challenge the ruling of the Chair, so we'll move forward.
19 The next person -- what is your point of inquiry?
20 DELEGATE MILLER: Thank you,
21 Mr. Chairman. Thanks for entertaining a few questions
22 that -- you stated that what was the date that you asked
23 for input on the rules?
24 CHAIRMAN SHOTT: June 29th was the -- was

Page 137

1 the date of the e-mail that went out right after
2 midnight.
3 DELEGATE MILLER: And those were the
4 rules that were originally used back in '89 from then
5 Chairman Hatcher; is that correct?
6 CHAIRMAN SHOTT: It -- it was -- if I
7 have to read that again. I said, "I see several that I
8 probably will change or eliminate, but will welcome
9 suggestions from members of our Committee." So that was
10 a -- basically inviting suggestions to -- regarding the
11 rules.
12 DELEGATE MILLER: Well, were there not
13 changes made to the rules that were used by Hatcher in
14 1989 that we saw yesterday?
15 CHAIRMAN SHOTT: Yes, I said I was going
16 to do that.
17 DELEGATE MILLER: And we saw that
18 yesterday, right?
19 CHAIRMAN SHOTT: Right.
20 DELEGATE MILLER: Okay. And so were
21 there some significant changes that we did not know about
22 until yesterday; is that correct?
23 CHAIRMAN SHOTT: There are changes to the
24 rules that were -- that were sent out yesterday waiting

Page 138

1 to see if there were any comments or concerns.
2 DELEGATE MILLER: Yeah.
3 CHAIRMAN SHOTT: Yes.
4 DELEGATE MILLER: One of those big -- one
5 of the big changes that I would see would be that one
6 that prohibits us from making certain motions; is that
7 correct?
8 CHAIRMAN SHOTT: Making a motion, yes.
9 DELEGATE MILLER: Yeah, okay. That
10 wasn't part of Hatcher's rules?
11 CHAIRMAN SHOTT: It was not.
12 DELEGATE MILLER: But we learned about
13 this yesterday, so that -- one other thing -- you did --
14 we heard -- we learned earlier this morning that there
15 was a meeting with the counsel for Justice Loughry where
16 they discussed the rules of procedure. Was -- was
17 counsel for just -- Justice Davis present at that
18 meeting?
19 CHAIRMAN SHOTT: I don't know. I wasn't
20 there. I don't know.
21 DELEGATE MILLER: Could I ask that
22 question of counsel?
23 CHAIRMAN SHOTT: No, I don't think so.
24 Not at this moment. I'll be happy during a break to let

Page 139

1 you ask --
2 DELEGATE MILLER: I can't ask him that
3 question of counsel if the -- whether the --
4 CHAIRMAN SHOTT: It's out of order now.
5 It's out of order now.
6 DELEGATE MILLER: Well, I think it's
7 also -- I'm just going to say I'm troubled that the
8 justice for Allen Loughry -- the counsel for Allen
9 Loughry was afforded more privileges in going over rules
10 of procedure than members of this Committee, sir.
11 CHAIRMAN SHOTT: The rules of procedure
12 were not given to him at that time. And let me note that
13 two members of your caucus were present all day yesterday
14 as we worked through this process. They had -- they had
15 copies of these rules before any counsel for any of the
16 re -- the parties who are the subject of our inquiry.
17 Delegate Robinson.
18 DELEGATE ROBINSON: Mr. Chairman, I would
19 just like to describe and submit my amendments for your
20 review at a later time.
21 CHAIRMAN SHOTT: Thank you.
22 DELEGATE ROBINSON: May I describe them
23 briefly?
24 CHAIRMAN SHOTT: I believe I've already

Page 140

1 been told what they were by your minority counsel and I
2 think we've already worked out at least one of them.
3 DELEGATE ROBINSON: Has the -- has the
4 rest of the Committee been summarized or described them?
5 CHAIRMAN SHOTT: You have the right to
6 file them with the clerk. No problem with that. We're
7 not going to get into a debate or a discussion about the
8 amendments.
9 DELEGATE ROBINSON: I don't expect to,
10 Mr. Chairman. I'd just like to describe them and submit
11 them to you and we move on.
12 CHAIRMAN SHOTT: We're going to move on.
13 Delegate Miller, your questions of the witness.
14 DELEGATE MILLER: Thank you,
15 Mr. Chairman.
16 EXAMINATION
17 BY DELEGATE MILLER:
18 **Q. Thank you, Mr. Robinson. To briefly, I guess**
19 **go under general accounting or auditing standards, I've**
20 **heard a lot today and you've answered lots of questions**
21 **in regard to one particular trip involving Justice Davis'**
22 **trip from Parkersburg -- or Wheeling, Parkersburg, then**
23 **returning to Charleston. Whether it's that trip or any**
24 **other trip, if a person in a State vehicle may make a**

Page 141

1 stop while in route to or from, at its worst under
2 accounting principles would -- could that be considered
3 de minimis?
4 A. That is quite possible, yes.
5 Q. At its worst?
6 A. Yes.
7 Q. Okay. In regard to -- and sticking with the
8 vehicles, particularly with Justice Loughry's use, did it
9 appear during the auditing process that he had exclusive
10 use of one of the Court's vehicles more so than any other
11 justice?
12 A. I can't answer that at this time definitively.
13 Q. Was it clear during your audit or your
14 investigation that he was utilizing the Court's vehicle
15 or the State's vehicle for commuting to and from his
16 residence to work here at the capitol?
17 A. In particular regard to Justice Loughry?
18 Q. Yes.
19 A. We did not note specific instances of
20 consistent commuting use of the State vehicle, no.
21 Q. During his unauthorized use, there's been some
22 discussion on whether it should -- should or should not
23 have been reported on his W-2 for IRS purposes. If it
24 was not -- if it was not reported, is that a violation of

Page 142

1 IRS rule? Regardless of what the IRS auditors said that
2 needed to be backed up and checked, regardless of all
3 that, was it a violation?
4 A. Yes, anything that was considered a taxable
5 fringe benefit per IRS guidelines should be reported on
6 the employee's W-2.
7 Q. Do we know who made the decision, based on your
8 audit or your investigation, as to why that was not
9 reported?
10 A. No.
11 Q. In looking at the -- at some of the -- in
12 looking at the vehicles in particular - and I may jump
13 around with no specific reference to pages - but in
14 response to the vehicles themselves that are in control
15 by the Supreme Court -- and I'm going to an end, it may
16 sound trivial, but I'm going to an end. Was it clear
17 during your audit whether these vehicles had
18 front-identifying license plates identifying them as a --
19 as a State car?
20 A. Yeah, that was a finding we had in the first
21 report that these vehicles did not include the front
22 vehicle plate denoting the fact that they were a State
23 vehicle.
24 Q. Is that required under State law?

Page 143

1 A. Yes.
2 Q. Do we know why those plates were not on the
3 front of the car?
4 A. We do not.
5 Q. Who has the ultimate responsibility for
6 overseeing the maintenance of those vehicles?
7 A. I don't have that answer.
8 Q. Who pays for the maintenance of those vehicles?
9 A. The Supreme Court.
10 Q. Is it fair to assume that they have control
11 over that?
12 A. The Court in general, yes.
13 Q. Is it also fair to assume that they make the
14 decision or an individual responsible to the Supreme
15 Court makes that decision?
16 A. Yes.
17 Q. And if that plate is not on there, it's not
18 identified as a State car?
19 A. Not from the front view of the vehicle, but it
20 does have a back State plate.
21 Q. It does have a green State plate on the back
22 now?
23 A. Yes.
24 Q. Has it always?

Page 144

1 A. It has always had to my knowledge a green State
2 plate on -- plate on the back of the vehicle. Just not
3 on the front.
4 Q. Are you aware of any time that it would have
5 had a regular Class A registration plate on the back
6 which did not indicate that it's a State car, thereby --
7 A. No.
8 Q. -- not being in public view?
9 A. No, I do not have any indication that there was
10 not a back plate.
11 Q. Okay. Thank you.
12 During what's been characterized as a
13 virtual exclusive use of one of the Supreme Court
14 vehicles from January of '13 through September of 2016,
15 as referenced in the reports, are you aware of why
16 abruptly after September or as of September 2016 that
17 there was no longer a frequent use of the vehicle by
18 Justice Loughry?
19 A. I am not aware of the reasoning behind that,
20 no.
21 Q. Are you aware of at any -- during any aspect of
22 your audit or investigation where Justice Loughry would
23 have traveled in the State vehicle with members of his
24 family?

Page 145

1 A. No, we were not.
 2 **Q. That wasn't addressed?**
 3 A. No, it was not. We were not made aware of whom
 4 he traveled with. Essentially, without providing a
 5 business purpose or a purpose for his travels, we were
 6 unaware of why he did so.
 7 **Q. For discussion sake, if that had have taken**
 8 **place, is that a liability to the State of West Virginia**
 9 **with their insurance coverage if a non-government**
 10 **employee is a occupant or a passenger in a motor vehicle**
 11 **owned by the State?**
 12 A. To the best of my recollection we asked that of
 13 BRIM that administers the state's insurance policies
 14 concerning State vehicles and they indicated to us that
 15 it would not be an increased liability.
 16 **Q. Would that same -- same rule - I assume we call**
 17 **it a rule - apply if a State employee were to rent a**
 18 **motor vehicle on a conference out of state, that it**
 19 **doesn't matter if there's a family member that is a**
 20 **passenger or an occupant in that vehicle as well?**
 21 A. I don't -- I don't recall the specific opinion
 22 granted to us by the BRIM concerning that instance.
 23 **Q. Did you address a -- any concerns regarding if**
 24 **someone that is a family member, not a State employee,**

Page 146

1 **were to be the driver of either of those types of**
 2 **vehicles?**
 3 A. We did.
 4 **Q. But they did -- obviously, a non-State employee**
 5 **should not and is not allowed to be driving a State**
 6 **vehicle.**
 7 A. In terms of the rental cars, I think to the
 8 best of my recollection, the opinion from BRIM was it
 9 depended on whether or not the individual renting the
 10 vehicle utilized their own insurance. I think that in
 11 most cases when you rent a rental car you can purchase an
 12 insurance option through the rental company itself or you
 13 can have your own personal insurance be applied to the
 14 liability of using that vehicle.
 15 **Q. If they were rented by the State of West**
 16 **Virginia, would the State of West Virginia have to be**
 17 **responsible for that, or can an individual use their own**
 18 **insurance on a State-rented vehicle?**
 19 A. That's a rental car company policy that I'm not
 20 familiar with answering at this time.
 21 **Q. During some of the -- the discussion through**
 22 **today, I think there was a question maybe from the**
 23 **gentleman of Fayette in regard to specific violations of**
 24 **rules or something substantial to that aspect. Are you**

Page 147

1 **familiar with a Code of State regulation Title 148 Series**
 2 **3 where it reiterates that a State vehicle cannot be used**
 3 **for personal purposes?**
 4 A. I am familiar with it, yes.
 5 **Q. Based on your audit, would some of the actions**
 6 **that are indicated in your report by Justice Loughry,**
 7 **would that be a violation of 148 Series 3?**
 8 A. If it were proven that the instances where he
 9 did not provide a destination were for personal use, yes.
 10 **Q. Do you believe that to be true?**
 11 A. I can't speak to opinion on that.
 12 **Q. It's in your report.**
 13 A. Well, essentially, we believe it to be personal
 14 use in light of the fact that there was no business
 15 purpose provided and per IRS regulations in light of
 16 being able to differentiate business purpose from
 17 personal use of a vehicle, all miles are considered
 18 personal use.
 19 **Q. If --if there was, for argument's sake,**
 20 **personal use of State-owned resources, particularly these**
 21 **vehicles, would it also constitute a violation of State**
 22 **Code 6B-2-5(b) that prohibits personal use of State-owned**
 23 **resources?**
 24 A. It would.

Page 148

1 **Q. Could it also be implied under the same thing**
 2 **that it is a violation of criminal Code dealing with**
 3 **embezzlement converting State resources to one's own use?**
 4 A. That would be a legal matter that I -- would
 5 probably be better answered by our legislative services.
 6 **Q. In regard to documented travel that showed a**
 7 **known destination. Were any of those destinations**
 8 **followed up on to show the validity of that -- of that**
 9 **description? There's been some questions in regard to**
 10 **trips to the Greenbrier, whether that constituted a**
 11 **personal trip or if it was a business trip, both of which**
 12 **was placed on the State's dime.**
 13 A. To the extent that additional information was
 14 available to confirm whether or not the destination and
 15 purpose that was listed pertained to specific Court
 16 business, we did do some looking into that, but only
 17 where such information was available.
 18 **Q. Was there anything to indicate during the**
 19 **travel on the out-of-state conferences -- well, in state**
 20 **or out of state whether Justice Loughry traveled alone or**
 21 **was accompanied by any indi --other individuals?**
 22 A. Not that I recall at the moment.
 23 **Q. Ultimately, whose call was it -- if you know,**
 24 **whose call was it that no information -- the additional**

Page 149

1 information was put on the W-2 forms for 2014, '15, '16,
 2 '17 all the way through March of 2018? Do you know if
 3 there was an individual that made that decision that
 4 fringe benefits were not included? Was that a Court
 5 decision that was voted on or how -- how did we get to
 6 that point?
 7 A. There is no indication that it was a voted-on
 8 decision by the justices of the Court. However, any
 9 indication of one individual or any group of individuals
 10 being responsible for that decision was not made to us.
 11 We don't have that information.
 12 **Q. Do we know ultimately who would be responsible**
 13 **for that?**
 14 A. Essentially the Supreme Court's personnel that
 15 handles payroll and processes the W-2 forms would
 16 ultimately be responsible for reporting that information,
 17 if they were aware of it.
 18 **Q. There was a indication in one of the reports**
 19 **where that was put in a memo to -- to the Court that**
 20 **there was a violation, that it needed to be, but that was**
 21 **still not done.**
 22 A. Are you referring to the Brandfass memo?
 23 **Q. Yes, sir.**
 24 A. In the first report. It's my knowledge that

Page 150

1 that memo was issued explaining the potential
 2 ramifications of such personal use. And I do believe
 3 that memo also indicated the need to report such personal
 4 use as a taxable fringe benefit. In light of that, if
 5 the question is: Were there ever taxable fringe benefits
 6 reported on a W-2 subsequent to that memo date, the
 7 answer is no.
 8 **Q. Do we know who -- who the ultimate authority is**
 9 **to see that that's followed through with for compliance**
 10 **with the law?**
 11 A. I do not know specifically at the Court the
 12 individual responsible, but it should be handled through
 13 their payroll officers.
 14 **Q. Could the payroll office do that absent a**
 15 **directive from the Court itself or the chief justice**
 16 **whoever that was at the time?**
 17 A. Could they include such information on a W-2?
 18 **Q. Yes.**
 19 A. Yes, they could.
 20 **Q. Could they be prevented by it by a directive**
 21 **from the Supreme Court itself or by the chief justice?**
 22 A. I can't speak to that. That would be a
 23 question -- particular instance to an employee whether or
 24 not they were going to follow orders from their

Page 151

1 superiors.
 2 **Q. Did you ever receive any information that that**
 3 **financial officer was directed not to include that**
 4 **information on a W-2?**
 5 A. No, we don't -- the slightest indication that
 6 we were made aware of was that at some point during a
 7 meeting with Ms. Sue Racer-Troy, who was the director of
 8 financial management for the court, she had mentioned to
 9 us that she had mentioned the potential for the commuting
 10 by Justice Ketchum in a Court vehicle as being a taxable
 11 event to which she informed the then Director of Court
 12 Administration Steve Canterbury. And in her response to
 13 us essentially the -- she was told that it was none of
 14 her business.
 15 **Q. Thank you.**
 16 DELEGATE MILLER: Thank you,
 17 Mr. Chairman.
 18 CHAIRMAN SHOTT: Delegate Canestraro.
 19 DELEGATE CANESTRARO: Thank you,
 20 Mr. Chairman.
 21 EXAMINATION
 22 BY DELEGATE CANESTRARO:
 23 **Q. Thank you for being here, Mr. Robinson.**
 24 **For the times that you saw use of a**

Page 152

1 **vehicle by Justice Loughry that you believe were for --**
 2 **maybe for personal use, did your audit recover any**
 3 **records of State funds being used for gasoline or other**
 4 **purposes?**
 5 A. Yes. Particularly with the instances noted on
 6 the calendar on page 8 of the first report which
 7 highlights in red several dates to which he had access to
 8 a vehicle while the Court was in recess which indicated
 9 most likely this instance was for personal use. He also
 10 used the Court gas card paid for by the State to fuel the
 11 vehicle.
 12 **Q. In your audit did you find that any other**
 13 **justice had use of a vehicle to that extreme when the**
 14 **Court was in recess?**
 15 A. No, sir.
 16 **Q. And did you -- did you-all find any legitimate**
 17 **purpose for having such use of a vehicle by a justice**
 18 **when the Court is in recess?**
 19 A. In the instances we reviewed in particular to
 20 Justice Loughry we did not.
 21 **Q. And so it's your testimony that we do have**
 22 **records then showing where State funds were expended**
 23 **during those times, that could be used possibly as**
 24 **exhibits?**

Page 153

1 A. That's correct.

2 **Q. Did you find any instances where a vehicle was**

3 **used by Justice Loughry to travel from Charleston to out**

4 **of state that there was no destination listed?**

5 A. Without the destination provided through our

6 review, we were basically left with reviewing gas fuel

7 card records. We did the best we could to determine

8 possibly where those -- the instances of vehicle use

9 occurred. We do have notation of where the fuelings took

10 place based on the gas card billings, but to be specific

11 in any instances noting where he may have gone or the

12 purpose of that, we do not have that information.

13 **Q. Were you able to calculate the sum total of**

14 **funds expended by the State during those times?**

15 A. I wouldn't say with any real conclusiveness.

16 Again, you know, for a lack of a lot of good

17 recordkeeping at the Court, it made our efforts in trying

18 to determine the specific expenditures related to this

19 vehicle use difficult. We were able to ascertain several

20 fuelings that occurred with the fuel card that was

21 assigned to the vehicles in question during the periods

22 of use. But as for it to be, you know, complete and

23 accurate, we just did our best job to account for any

24 uses of the State fuel card.

Page 154

1 **Q. And you do have records of those uses as well,**

2 **the State fuel card?**

3 A. Yes.

4 **Q. So that could be an exhibit if we possibly**

5 **needed it?**

6 A. Absolutely. I believe that information was

7 supplied to counsel.

8 **Q. If you could look at page 2 of report number 1,**

9 **this is just one question I have about the taxable fringe**

10 **benefits.**

11 A. Uh-huh.

12 **Q. In the report it states at the bottom that**

13 **Justice Ketchum and Justice Loughry's use of the vehicle**

14 **should have been but was not included in the respective**

15 **IRS W-2s as a taxable fringe benefit. And then in bold**

16 **it says, "Although there is evidence to suggest that the**

17 **justices and their staff knew that the personal use**

18 **should have been included." The question I have is what**

19 **evidence do you have that they knew?**

20 A. Well, the Brandfass memo that's in appendix --

21 apologies -- Appendix F of this first report indicates

22 the knowledge of that. Also, the indication from the

23 director of financial management that indicated to us she

24 attempted to notify then Administrative Director

Page 155

1 Canterbury of the need -- or potential need to report

2 this as a taxable fringe benefit gave cause for that

3 statement.

4 DELEGATE CANESTRARO: Okay. Okay,

5 thanks.

6 CHAIRMAN SHOTT: Delegate Robinson.

7 DELEGATE ROBINSON: Thank you,

8 Mr. Chairman.

9 EXAMINATION

10 BY DELEGATE ROBINSON:

11 **Q. Mr. Robinson, the -- there was another report**

12 **from the JIC that was brought out. Have you kept up to**

13 **date with other reports that have been brought forward?**

14 A. I have reviewed them, but I'm not extremely

15 knowledgeable of them at the moment.

16 **Q. In that report, they go through kind of the**

17 **same accusations of personal car use, but they're able to**

18 **match it with a -- with a private calendar. Were you**

19 **able to do that in any way?**

20 A. No, we did not have access to the private

21 calendar.

22 **Q. Is that the private calendar that we talked**

23 **about from Ms. Mullins?**

24 A. No, the private calendar I believe in reference

Page 156

1 in the JIC is Justice Loughry's private calendar. The --

2 **Q. So they were able to obtain that, and you all**

3 **were not?**

4 A. The cal -- no, the calendars that we were not

5 able to obtain were for the administrative director of

6 the court, Steve Canterbury.

7 **Q. Okay. And then that was -- the ones they've**

8 **reviewed and compared to his usage of the car are**

9 **something private, something separate from those**

10 **calendars.**

11 A. Yes.

12 **Q. Okay. Now, with Ms. Mullins' calendars, do you**

13 **know how those were kept? I mean, how -- how did she**

14 **store those? Were they in a cabinet? Were they in a --**

15 **do you have any idea?**

16 A. Yeah, it's my understanding when we went to

17 meet and obtain those calendars to which, like we'd spoke

18 before, we were informed that, yes, we could come collect

19 the calendars, but upon arrival we were informed that

20 they were missing to which they also knew that prior to

21 us arriving. We were told that the current year's

22 calendar for activities involving whatever calendar year

23 they were in for whomever was the administrative director

24 was always kept in the desk of her office. Any dated

Page 157

1 calendars that were more historical in nature, she simply
 2 kept in an unlocked drawer in her office.
 3 **Q. Okay. So they were not locked in a -- they**
 4 **were just in a desk drawer not locked and -- by key or**
 5 **anything like that? No security?**
 6 A. No. And interestingly enough, I believe that
 7 calendars preceding the dates and -- were available.
 8 Essentially there was only a select set of calendars that
 9 were missing. There were others that were there.
 10 **Q. Starting in -- what were those dates that were**
 11 **not available? 2013?**
 12 A. I don't recall exactly. And I would have to go
 13 back and check to see which ones we were specifically
 14 looking for. As we mentioned, the purpose of obtaining
 15 those calendars was trying to confirm and substantiate
 16 business purpose use of a vehicle by Steve Canterbury.
 17 **Q. My recollection of it was that it starts in**
 18 **2013 to 2016 are missing; is that correct, you believe?**
 19 A. That would be -- I believe so, yes.
 20 **Q. And Justice Loughry began on the Court in what**
 21 **year?**
 22 A. I'm not certain of that. Are we referring to
 23 his term as a justice or --
 24 **Q. As a justice. I believe 2013 --**

Page 158

1 A. That could be correct.
 2 **Q. Okay. And what date did you call and they said**
 3 **that the calendars were available? Do you have that**
 4 **catalogued?**
 5 A. I would have that catalogued somewhere, the
 6 date particularly, but I do know it's subsequent to the
 7 date of the memo. I want to say that it had occurred
 8 some time in possibly April of this year.
 9 **Q. In April -- it looks like what I have written**
 10 **here is that you found the calendars were missing on**
 11 **February 16th, 2018.**
 12 A. Is that the -- that's quoting the memo,
 13 correct?
 14 **Q. Yes, sir.**
 15 A. Yeah, she found the memo -- the calendars
 16 missing. We had not requested them until possibly April.
 17 **Q. Okay. So in two thous -- in February of 2018**
 18 **they knew they were missing, but the former administrator**
 19 **Mr. Canterbury had left in January of 2017, so those**
 20 **calendars were present prior -- or after Mr. Canterbury**
 21 **ended his employment, correct?**
 22 A. Yes, and --
 23 **Q. And he wouldn't have any access to the building**
 24 **post-employment.**

Page 159

1 A. No, no, no they were -- it's my understanding
 2 that those calendars were there subsequent to him
 3 leaving.
 4 **Q. Okay. So it -- I was trying to go down the**
 5 **line as a previous question was asked if it was possible**
 6 **that he took those with him when he left or something of**
 7 **that sort, so that clears up my concern there.**
 8 **There were a couple requests you made of**
 9 **Mr. Canterbury, all the justices to catalog the use of**
 10 **the car whenever they traveled, rental car as well. It**
 11 **looks like Mr. Canterbury and Justice Davis and the**
 12 **others went through with that and gave pretty detailed**
 13 **information; is that correct? I mean, it looks like it's**
 14 **catalogued in your report --**
 15 A. Are you referencing a request that we made to
 16 individuals?
 17 **Q. Either a request made or some kind of**
 18 **investigation that you took to obtain information of**
 19 **where they were taking the cars on those days. And looks**
 20 **like Justice Davis provided a letter and to her best**
 21 **memory she gave some information. Mr. Canterbury gave**
 22 **you a pretty detailed catalog and grid.**
 23 A. Yes.
 24 **Q. And then how did Justice Loughry respond to**

Page 160

1 **that request?**
 2 A. We did not make a similar request to Justice
 3 Loughry.
 4 **Q. Okay. Did he ever make any response or**
 5 **anything at any point of why he wasn't cataloging that or**
 6 **why that wasn't available like it was for the other**
 7 **justices or Mr. Canterbury as well?**
 8 A. No, the only communication -- to be actual
 9 factually, we had no direct communication from Justice
 10 Loughry to our office. The response --
 11 **Q. As in he refused to respond in any way?**
 12 A. I wouldn't -- he did not respond.
 13 **Q. He declined to respond is probably a better**
 14 **term.**
 15 A. That's probably a better term, yes.
 16 **Q. Okay. But the others were cooperative and went**
 17 **along and helped you obtain information you needed to**
 18 **finish your report.**
 19 A. Yes. And early on in the audit process all
 20 requests, regardless of to whom the request was directed
 21 at the Court, was copied to all five justices of the
 22 Court. So they were aware of all information requests we
 23 were making to the Court.
 24 **Q. So four out of five responded and complied**

Page 161

1 along with the Court ad -- former court administrator and
2 there was only one person involved that did not choose to
3 respond.
 4 A. Well, more accurately stated, two of the five,
 5 because the -- we only had questions concerning vehicle
 6 use for Justice Davis because there were the several
 7 instances - I believe, 13 - that we couldn't confirm
 8 through the information that we had available. And also
 9 for former Administrative Director Canterbury we made the
 10 same inquiry for the reason of not being able to confirm
 11 through the information we had. We did not take any
 12 issue with any of the other instances noted in the
 13 reservation log for the other justices; therefore, we did
 14 not need to make such inquiry.
15 Q. So you all -- who are the ones you -- Loughry,
16 Davis, Canterbury and Ketchum are the ones you requested
17 information from?
 18 A. In terms of explanation for what we did not
 19 know concerning their vehicle use --
20 Q. Missing information.
 21 A. -- Davis and -- Justice Davis and former
 22 Administrative Director Canterbury. Everything relating
 23 to Justice Ketchum re -- revolved around his commuting in
 24 a State vehicle, so it was somewhat unrelated and we

Page 162

1 didn't need to determine the purpose of that use. It was
 2 obvious he admitted it was commuting.
3 Q. So -- so we as a legislature and Legislative
4 Auditor's Office made a request of three people. Two
5 complied and one did not.
 6 A. And you're referring to one not, as in Loughry.
7 Q. Yes, sir.
 8 A. We've never made an actual request directly to
 9 Loughry to confirm any of the dates or any of the lack of
 10 destination in those calendars.
11 Q. Okay. There was a -- also a prior question
12 about it could have been -- Mr. Canterbury could have
13 used -- or someone could have used Mr. Canterbury's
14 P-card. Does -- did Mr. Canterbury have a P-card?
 15 A. Possibly. I can't speak definitively to that
 16 right now.
17 Q. Okay. Can we note that for a question for
18 counsel to -- because I believe the answer is he did not.
 19 There was -- there was a question about
20 Justice Davis and her having security. There's some non-
21 public records I would assume that are death threats and
22 those kind of things. Were you privy to looking into
23 those to see if she was -- had further death threats or
24 threats on her person that the other justices did not

Page 163

1 and that would require her --
 2 A. We were made aware of particular threats
 3 concerning Justice Davis and her husband.
4 Q. Okay. So there were -- there were extensive
5 reasons she had security with her at those times that
6 weren't public knowledge?
 7 A. Yes.
8 Q. Okay. Airfare, did you in your report look
9 into airfare in any -- any form or fashion?
 10 A. No. Usually airfare is direct billed in
 11 relation to a business purpose for the Court, but we did
 12 not explore that.
 13 DELEGATE ROBINSON: Okay. Mr. Chairman,
 14 that's it. Can I -- am I allowed to address counsel to
 15 ask that question at a later time? Okay.
 16 CHAIRMAN SHOTT: She's making notes of
 17 these questions.
18 Q. Okay. Thank you. I just have two more.
19 You were questioned earlier about if
20 there's a policy regarding anybody having personal gain
21 or using a State vehicle or using a rental car, and your
22 answer was there is no policy, correct?
 23 A. There's no Court policy, but I believe the es
 24 -- Ethics Commission has some policies concerning using

Page 164

1 one's office for private gain to which that's part of the
 2 reason we called into question the use of the rental car
 3 vehicles.
4 Q. And the Supreme Court is underneath the Ethics
5 Act, correct?
 6 A. That's correct.
7 Q. And it -- so I'm not going to you ask the exact
8 wording of the Ethics Act, but anything personal gained
9 -- if I -- if a person, elected official would gain
10 anything or save any dollar amount, that would be in
11 conflict of the Ethics Act, correct?
 12 A. That would be the opinion of the Ethics
 13 Commission --
14 Q. Okay.
 15 A. -- to make, but yes.
16 Q. All right. Thank you, Mr. Robinson.
 17 DELEGATE ROBINSON: Thank you,
 18 Mr. Chairman.
 19 CHAIRMAN SHOTT: Vice Chairman Hanshaw.
 20 VICE-CHAIR HANSHAW: All right. Thank
 21 you, Mr. Chairman.
 22
 23
 24 EXAMINATION

Page 165

1 BY VICE-CHAIR HANSHAW:
2 **Q. (Inaudible) Mr. Robinson, I'm -- I want to --**
3 **most my questions have been answered. I just want to**
4 **turn very briefly to another part of this committee's**
5 **charge which is to report recommendations, if any, to the**
6 **full House for things that come out of these proceedings.**
7 **I want to make sure that we understand what the -- both**
8 **the State's policy and the Court's policy is on matters**
9 **of personal security because threats against one's person**
10 **are serious and it's -- they need to be taken seriously**
11 **and it's good that they're taken seriously.**
12 **Have -- has your office reviewed the**
13 **policy of the State with respect to threats against**
14 **public officials?**
15 A. We have not.
16 **Q. What about the Court's policy?**
17 A. We have not.
18 **Q. Do you have any information about how -- how an**
19 **elected official goes about requesting security from the**
20 **State in the event threats like that are received?**
21 A. I do not have particular knowledge of that.
22 VICE-CHAIRMAN HANSHAW: Okay. Thank you.
23 CHAIRMAN SHOTT: Delegate Fleischauer.
24 MINORITY CHAIR FLEISCHAUER: Thank you,

Page 166

1 Mr. Chairman. Just a couple.
2 EXAMINATION
3 BY MINORITY CHAIR FLEISCHAUER:
4 **Q. If we look at the first legislative audit on**
5 **page 6 where we talk about the three older Buicks that**
6 **the Court had access to and some of them used quite a**
7 **bit, to your knowledge do other branches of State**
8 **government have public officials that have use of a car?**
9 A. It's possible, but I don't have direct
10 knowledge.
11 **Q. Okay. How long have you been employed in the**
12 **Auditor's office?**
13 A. Four and a half years.
14 **Q. Okay. So have you heard anything about other**
15 **members of the Board of Public Works having cars at their**
16 **disposal?**
17 A. That's possible. Again --
18 **Q. You're not familiar with it because you haven't**
19 **been -- you've never looked into it?**
20 A. I've -- me particularly in preparation for
21 this, that falls outside the scope for the questions that
22 I was prepared to answer today concerning other agencies.
23 **Q. Okay.**
24 A. But we have explored fleet reports and explored

Page 167

1 through our office what offices have access to vehicles
2 and individuals that have access to State vehicles. It
3 is likely that other State officials may have access to
4 vehicles that are owned by the State for their use in
5 business.
6 **Q. If you've been involved in any of those**
7 **investigations, have you ever encountered any other**
8 **official who during the Christmas and New Year's holidays**
9 **took a State car for 19 days with no specific destination**
10 **or business purpose listed?**
11 A. Not to my knowledge.
12 **Q. And not every year Justice lock -- Loughry**
13 **claimed or used a car that many days, but you also**
14 **haven't encountered anyone that did that three years in a**
15 **row, I'm guessing?**
16 A. Not to my knowledge.
17 **Q. Okay. If you go to page 8 -- or I mean,**
18 **page -- sorry, page 10. That is -- has to do with the**
19 **rental cars, and I added up the total on the -- the total**
20 **miles that exceeded the distance between the airport and**
21 **the hotel that -- what you'd marked as the difference. I**
22 **added that column and I came up with 2,874 miles.**
23 **There's been a lot of banter back and forth about --**
24 **about that issue, but wouldn't -- isn't it likely that**

Page 168

1 **there would have been extra days of cars rented because**
2 **so many miles were driven? So if the conference was five**
3 **days and someone drove 607 miles and they stayed at the**
4 **conference and then took a side tour or whatever**
5 **happened, isn't it likely that maybe the State paid for**
6 **an extra day for each one of these trips because there**
7 **were several hundred miles? Every single one of these is**
8 **over -- well over 100 miles and some of them, like I**
9 **said, were 580 miles over.**
10 A. It is possible there were extra days involved,
11 but I cannot speak to the activities of the justice
12 utilizing the vehicle while he had it.
13 **Q. Well, if it was business use to be at a**
14 **conference, you did make a conclusion that it was likely**
15 **that some -- that this was personal use. Correct?**
16 A. Yes.
17 **Q. So it's also likely -- do you think it's likely**
18 **that there were extra days rented that needn't have been**
19 **rented?**
20 A. Possi --
21 **Q. Given --**
22 A. Possibly.
23 **Q. Given that there were 2,870 miles.**
24 A. We would actually most likely have the

Page 169

1 documentation from the rental car receipts that would
 2 indicate. We did have some difficulty in determining the
 3 actual start and end dates for some of the conferences
 4 because the organizations that held the conferences just
 5 simply do not keep good record of that.
 6 To your question is it likely that there
 7 were extra days likely, I don't know. Possible, yes, but
 8 it could also be possible that an individual that was
 9 supposed to be attending a conference may not have
 10 attended it and traveled those miles during the dates of
 11 the conference. But those are possibilities and
 12 speculation. I can't confirm that.
 13 **Q. But that would have been itself personal use?**
 14 A. Yes. I mean, with no question we are
 15 indicating in our report that the likelihood of these
 16 additional miles were for personal reasons.
 17 MINORITY CHAIR FLEISCHAUER:
 18 Okay. That's all the questions I have. Thank you. And
 19 thank you very much for appearing today. Thank you,
 20 Mr. Chairman.
 21 CHAIRMAN SHOTT: Thank you, Mr. Robinson,
 22 and I appreciate your endurance. I have a few questions,
 23 and then we'll start round 2.
 24 EXAMINATION

Page 170

1 BY CHAIRMAN SHOTT:
 2 **Q. Trying to put into context this vehicle use.**
 3 **As I understand it, the so-called -- what I'll call the**
 4 **trigger to the filing of this policy by the Supreme Court**
 5 **was the refusal of the Auditor's office to approve**
 6 **reimbursements. Is that fair to say?**
 7 A. That's correct.
 8 **Q. And that occurred in some time during 2016?**
 9 A. That's correct.
 10 **Q. So apparently before that time whoever was the**
 11 **auditor did not require that type of policy to be filed**
 12 **with -- with the Auditor's office; is that fair to say?**
 13 A. I think the -- the requirement for it to be
 14 filed still existed. Whomever was processing the
 15 transactions simply did not note that the policy that was
 16 on file was out of date or did not meet the requirement
 17 of the State Auditor's Office rule concerning the travel
 18 policy being submitted.
 19 **Q. So there was a policy on file before 2016?**
 20 A. To my knowledge I believe there was a policy of
 21 some sort on file with the State Auditor's Office prior
 22 to this. What it entailed and what it encompassed and
 23 the language within it, I don't have knowledge of that.
 24 **Q. Okay. Well, Counsel, I think we need to find**

Page 171

1 **out what that was.**
 2 **Do you -- have you -- in the course of**
 3 **your investigation did you determine if that policy was**
 4 **preserved in any way or was it discarded when the new**
 5 **policy was filed?**
 6 A. It's possible it could have been preserved in
 7 some way. And, again, I don't want to speak out of turn.
 8 I can't confirm definitively whether or not such policy
 9 existed. I just know that there was an indication from
 10 the State Auditor's Office that they needed to file an
 11 updated policy --
 12 **Q. So that --**
 13 A. -- which led us to believe that there was at
 14 some point in time a prior travel policy established with
 15 the Court.
 16 **Q. That could certainly indicate that or it could**
 17 **indicate they just want the policy that's filed to**
 18 **conform with some current authority.**
 19 A. That's correct.
 20 **Q. Do you know what the authority of the State**
 21 **Auditor -- I don't want to confuse with our Legislative**
 22 **Auditor. The State Auditor's authority is to require a**
 23 **written policy for reimbursement of travel expenses?**
 24 A. When you say authority, would you --

Page 172

1 **Q. Is there a statute that requires the Auditor to**
 2 **deny requests for reimbursement if it's not**
 3 **inconsistent -- it's not consistent with a filed policy?**
 4 A. I can't speak to whether or not it's a statute,
 5 but it would indicate that the State Auditor has some
 6 rule that allows them to refuse reimbursement or payment
 7 of travel expenses without a proper filing of travel
 8 regulations from an agency or branch of government.
 9 **Q. And you made that assumption that there's a**
 10 **internal regulation in the Auditor's office that would**
 11 **basically serve as a stop if there's not a policy on**
 12 **file; is that fair to say, or do you -- have you -- are**
 13 **you aware of their internal regulation?**
 14 A. There is definitely a regulation in the State
 15 Auditor's Office that requires a updated travel policy be
 16 filed with them for an agency to be reimbursed.
 17 **Q. All right.**
 18 A. The specifics of that policy internal or
 19 whether it's a statute I just don't have knowledge of at
 20 this moment.
 21 **Q. For how long did -- do -- are you aware that**
 22 **that policy has existed?**
 23 A. I don't have that information.
 24 **Q. I would ask counsel to follow up on that issue.**

Page 173

1 **With respect to the new policy or the**
2 **updated policy, whatever was filed effective October 3rd**
3 **of '16, have you gone through that policy to determine if**
4 **had it been in place at the beginning of your audit it**
5 **would have made any difference? Or maybe let me ask it**
6 **this way. If it would have been violated by anything you**
7 **uncovered?**
8 A. We have not sought to make that determination,
9 no.
10 **Q. Okay. Have you reviewed the updated policy?**
11 A. Yes.
12 **Q. Okay. And to your recollection, is there**
13 **anything in that policy that would have prevented any of**
14 **the concerns that you've addressed in your report?**
15 A. I would say that the travel regulations are
16 specific to -- travel-related to Court business. It
17 wouldn't fall in the category of vehicle use for personal
18 use, Court vehicle use in any way shape or form.
19 Essentially this is the policies for when an employee or
20 a justice goes out of state or in state to travel for
21 Court business.
22 **Q. So it would be your opinion that had that**
23 **policy been in effect it would have prevented -- not**
24 **prevented. It would have forbidden personal use of a**

Page 174

1 **State vehicle by the justices or their employees?**
2 A. Again, the travel policy would only relate to
3 use of vehicles for travel and business events. In terms
4 of checking out a -- or reserving a Court vehicle for
5 personal use, that would not be covered by this travel
6 policy.
7 **Q. I see.**
8 A. What would be covered would be rental car use
9 and as noted in the report, the travel policies gave some
10 exemption to the justices regarding their ability to be
11 reimbursed for rental car expenses that was different
12 than what was applied to the normal Court employees.
13 **Q. Yeah, I noticed in your report at page 11 you**
14 **note the difference between Court employees and the**
15 **justices. Is there any -- other than the normal**
16 **offensiveness of that policy, is there anything in**
17 **statute or regulation that would prevent the justices**
18 **from basically having preferential treatment with regard**
19 **to those vehicles?**
20 A. I think one could potentially make a legal
21 argument that this establishes grounds for disparate
22 treatment amongst employees of the same organization.
23 **Q. Okay. Let me ask you about the -- something**
24 **that came up in the JIC information, and I know you all**

Page 175

1 **are not responsible for that, but it really links into**
2 **your chart. On page -- find it -- page 8, there's a note**
3 **in the report from the JIC about a trip that Justice**
4 **Loughry made on January 28th, 2014, a Tuesday, through**
5 **Wednesday, the 29th, which appears on your chart with the**
6 **Code "no destination provided, Court in recess". And the**
7 **JIC report notes that the -- I think it was the calendar**
8 **indicated that Justice Loughry attended a hearing in**
9 **which his father was a defendant. Did you all -- did you**
10 **all -- did your organization or agency do any type of**
11 **investigation as to whether there was any influence**
12 **exerted during that visit into the magistrate court that**
13 **is noted in the JIC report?**
14 A. To be quite honest when we did our audit work
15 and released this report for those specific dates we did
16 not know that is exactly what had happened. We didn't
17 know that he had attended that event.
18 **Q. Have you since gained any knowledge as to**
19 **whether or not the -- there was any influence exerted in**
20 **the magistrate court one way or the other or perhaps**
21 **the -- there was a settlement reached. Do you have any**
22 **knowledge at all regarding that?**
23 A. No, sir.
24 **Q. Okay. I think this may have been covered, but**

Page 176

1 **I just want to be sure I understand. Is Justice Davis**
2 **the only member of the Court who has required Court**
3 **security to accompany her on trips?**
4 A. No, there are various other justices that
5 utilize court security on attending conferences, et
6 cetera.
7 **Q. Why were the 13 instances of Justice Davis then**
8 **included in your report? Was there anything unusual**
9 **about that?**
10 A. No. And if you could refresh me on the page of
11 that. Hold one second.
12 **Q. Sure.**
13 A. Second report, correct?
14 **Q. Second report.**
15 A. Initially, as the report states, when we
16 reviewed the Court's vehicle reservation log, we noted 75
17 reservations for Justice Davis. Through our review we
18 were able to determine a destination for 55. 13
19 instances were found where although she had reserved a
20 vehicle we determined she had not. Essentially, in light
21 of the 20 instances that we could not ascertain a
22 business purpose, we looked into those. The 13 were just
23 noted as instances where there was a reservation in the
24 reservation log, but simply because there reser -- there

Page 177

1 was a reservation it did not necessarily mean that the
2 vehicle was actually used.

3 To determine whether or not the vehicle
4 was actually used, that's when we reached out to Justice
5 Davis to inquire of her, and I believe that given every
6 instance of Court vehicle use she was accompanied by
7 Arthur Angus, they had exhausted their search through her
8 personal calendars as well as his to determine potential
9 instances where there was a business purpose or if, in
10 fact, the vehicle was used. And for those 13, neither of
11 them had any record of any use of the vehicle, and
12 through subsequent research on our end, we could not find
13 any fuel purchases or any other documentation that
14 indicated those vehicles were actually used for those 13
15 instances.

16 **Q. You indicated either in your report or in your
17 testimony that every time Justice Davis took a State car
18 she was accompanied by security; is that correct?**

19 A. That's the assertion that the Court has made to
20 us, yes.

21 **Q. Am I to interpret that, that that was -- that
22 was the 55 situations where there were reservations of
23 the car?**

24 A. Yes. For each of those 55, she was accompanied

Page 178

1 by court security, yes.

2 **Q. And then we have an additional 13, is that
3 right, that she was also accompanied by court security
4 where we didn't have a reservation with a business
5 purpose?**

6 A. No, there was 75 total reservations. 55 we
7 could determine. That left 20 remaining. Of those 20,
8 13 were identified of instances of a reservation where
9 the vehicle was not used. Of the remaining 7, those were
10 the ones that we noted where she could not confirm or
11 deny if she used the vehicle, nor could the director of
12 court security. Therefore, those were the 7 instances we
13 noted that we could not determine a business purpose or
14 destination for.

15 **Q. So just so I'm clear, we had 55 that we knew
16 where she -- the Justice was going or --**

17 A. Uh-huh.

18 **Q. -- the business purpose. And now we've
19 narrowed it down to 7 where we did not, but those would
20 also be included in the total number of trips she was
21 accompanied by armed security, right, or is that in the
22 55?**

23 A. I think you would have to add the 7 to the 55.

24 **Q. Okay.**

Page 179

1 A. So it would be 62 total. And then the
2 remaining 13 instances were the ones where while she did
3 reserve the vehicle there was no indication through our
4 research or through the calendars maintained personally
5 by Arthur Angus or Justice Davis that she had actually
6 used the vehicle. It was simply reserved.

7 **Q. And that was over a period from 2011 to 2018,
8 those 62 times where she was accompanied by court
9 security?**

10 A. That's correct.

11 **Q. Do you know whether there was any type of law
12 enforcement report filed with regard to the need for
13 security regarding the threats or whatever caused the
14 need for security?**

15 A. I'm not aware of that.

16 **Q. But there were other times when other justices
17 traveled with armed security; is that correct?**

18 A. That's correct. And a point of clarification
19 to some earlier statements. We've looked into the fact
20 of whether or not Arthur Angus is a salaried employee.
21 Currently he is a salaried employee not eligible for
22 overtime.

23 **Q. Okay. Did you also do an analysis of the
24 number of times that any of other justices traveled with**

Page 180

1 **court security?**

2 A. As noted in the report for the other justices
3 there was only a handful of instances amongst them they
4 had actually used a Court vehicle, so no.

5 **Q. So a minimal number of times that other
6 court --**

7 A. Yeah.

8 **Q. -- other justices would have needed court
9 security to travel with them?**

10 A. Yes. I believe -- I would love to be
11 definitive in this, but we reviewed the Court vehicle use
12 by the remaining justices, and as noted, their uses was
13 far more minimal than Justice Loughry or Justice Davis.
14 I would be safe in saying that Justice Davis and Justice
15 Loughry had far more frequent use of the Court vehicle
16 than the other justices.

17 **Q. On page 7 of the second report, you all -- your
18 group makes a recommendation and my question is similar
19 to Delegate Hanshaw's. Part of our -- part of our task
20 is to identify any need for any legislation. Either with
21 regard to that recommendation or any other
22 recommendations of this section of the report, do you
23 have any recommendations to the legislature as to changes
24 in existing laws or new laws that we need to try to avoid**

Page 181

1 **some of this -- this usage?**

2 A. Not at this time. The majority of our

3 recommendations were aimed at having the Court esta --

4 establish proper policies and procedures internally to

5 mitigate the personal use that we've noted in this

6 report.

7 **Q. Just a mechanical issue. The documents that**

8 **you've provided to us, obviously copies of something**

9 **else, did -- were you provided with original documents**

10 **from the Court in each case, or were you -- so that you**

11 **could make your own copies, or were you basically**

12 **provided copies upon your request?**

13 A. We were definitely provided copies upon

14 request. Our information requests were oftentimes very

15 rigorous -- rigorously reviewed by the administrative

16 counsel of the court and the other justices before being

17 provided to us. I do not believe we were ever provided

18 an original document to which we were allowed to copy.

19 Copies were simply provided.

20 **Q. So your testimony, if you were asked, would be**

21 **you did not see the originals from which these copies**

22 **were made, but they -- they were represented to be copies**

23 **of the originals. Is that fair to say?**

24 A. For the most part, yes. I would say that in

Page 182

1 some instances we may have reviewed original -- or may

2 have viewed original documents prior to them being

3 copied, but as they were supplied to us they were

4 presented to us as copies of the originals.

5 **Q. Were you personally involved in any face-to-**

6 **face meetings with any of the justices?**

7 A. As mentioned, we had some face-to-face meetings

8 with Justice Ketchum regarding the instances we noted in

9 the report, and his attempts to try to reimburse the

10 State for those instances.

11 **Q. Any justices other than Justice Ketchum?**

12 A. Justice -- Chief Justice Workman during the

13 exit conferences to which we discussed the draft copies

14 of the report prior to them being issued to the Post

15 Audit Subcommittee, but outside of that we did --

16 have not met privately with any of the other justices nor

17 have we met with them as a group.

18 **Q. And, personally, have you had telephone**

19 **conversations with any of the justices regarding any of**

20 **the issues here, and other than Justice Ketchum?**

21 A. Personally, no, I have not had any personal

22 phone conversations with any justices outside of Justice

23 Ketchum.

24 **Q. Okay.**

Page 183

1 A. And Chief Justice Workman.

2 **Q. So is it fair to say the bulk of the**

3 **documentation that you have gathered is copies that were**

4 **represented to be from originals. That the work product**

5 **that you did yourself basically was the assembly of the**

6 **data you drew from those copies and displayed or produced**

7 **in certain charts that are -- that is actually your**

8 **firsthand work; is that correct?**

9 A. Yeah, that's correct.

10 CHAIRMAN SHOTT: All right. Thank you.

11 So the members of the Committee, our

12 rules invite the justices to have counsel here if they

13 wish to have questions asked of our witnesses. We have

14 two counsel here today. Representing Justice Davis is

15 Bob Allen and representing Justice Loughry is Jonathan

16 Carr (sic), so Mr. Allen you're on the end of the row.

17 Do you have any questions for this witness?

18 MR. ALLEN: (Inaudible.)

19 CHAIRMAN SHOTT: Thank you. Mr. Carr, do

20 you have any questions for this witness.

21 MR. CARR: No, sir.

22 CHAIRMAN SHOTT: Thank you. All right.

23 We'll start round 2. Do we have any follow-up questions

24 from our Committee counsel? Pardon me?

Page 184

1 (Inaudible.)

2 EXAMINATION

3 BY MS. KAUFFMAN:

4 **Q. Mr. Robinson, I have just -- just a couple.**

5 **And this is a follow-up in response to some questions**

6 **that were posed by one of the Committee members about**

7 **rental use in the conferences.**

8 A. Uh-huh.

9 **Q. During the break, we located some -- with the**

10 **assistance of your office, some documents that we think**

11 **may shed a little bit of light on those, and I just**

12 **wanted to bring that back to your attention. I will note**

13 **that these are now the newest exhibits, they are Exhibit**

14 **Numbers 19 and 20.**

15 (Discussion off mic.)

16 Mr. Robinson, I believe that these go

17 back and refer -- we're going to be back on report number

18 1 at page 10, again, talking about the rental car for

19 out-of-state travel for Justice Loughry. Let me begin

20 with Exhibit 19, just so that I -- we can make sure the

21 Committee understands what this is. If you could -- I

22 will tell you it appears to just be a listing of the

23 hotels and the dates of the travel; is that correct?

24 A. Yes. Essentially, as we mentioned, we had some

1 difficulty in trying to determine the specific dates,
2 locations and events that occurred during those
3 conferences. We attempted to reach out to the
4 organizations that held these conferences to get that
5 information. This is an internal document created in my
6 office to try to reflect the hotel locations of these
7 conferences to determine whether or not the hotel that
8 Justice Loughry had stayed in coincided with the hotel
9 where the conference was being held.

10 **Q. Okay. Thank you.**

11 **And with respect to Exhibit Number 20,**
12 **if -- does that show in addition to the event, the**
13 **destination city, it also states "start date and end**
14 **date". Are those the start dates and end dates of the**
15 **conferences themselves?**

16 A. Yeah, on the left under Destination Event
17 column, essentially this is the event that we were trying
18 to determine the start and end dates for, and obviously
19 the far right -- two far right columns are the start and
20 end dates we were able to determine, either through, you
21 know, determining the information from the organization's
22 website or conversations with the actual members of the
23 organization that held the events.

24 **Q. Okay. And with respect to the information that**

1 **you were able to -- to glean from this, if we could just**
2 **start with the very first one in San Francisco in July of**
3 **2013.**

4 A. Uh-huh.

5 **Q. Looking at Exhibit Number 20, if we go three**
6 **rows up from the bottom, it indicates that there was a**
7 **destination city of San Francisco but no start or end**
8 **date. Was that one of the conferences for which you were**
9 **unable to determine what the start and end dates were?**

10 A. It does appear we were unable to determine the
11 start and end dates, that's correct.

12 **Q. Thank you.**

13 **I will now move to the second item on**
14 **Table 2 on page 10. That was a travel for -- to San**
15 **Antonio, Texas, and if we go to Exhibit 20, three lines**
16 **down from the top there is some information in there. If**
17 **you could please explain that to the Committee.**

18 A. Yes. This is some information pertaining to an
19 event, but it does not coincide with the dates listed in
20 the Table 2 of the audit report concerning Justice
21 Loughry's rental car vehicle from January 23rd to 29th of
22 2015.

23 **Q. And let me ask: Is that -- is that the actual**
24 **date -- was that a typo? It looks like the -- and I'm**

1 **not meaning to imply that it was, but it looks like the**
2 **conference actually occurred the year before between Jan**
3 **-- or January 2014, let's say -- on January 24th and ran**
4 **through January 28th, which are close in dates to the**
5 **2015. Were you able to determine if that was a**
6 **typographical error or if there was no conference in**
7 **2015?**

8 A. I don't believe it was a typo in our report.
9 However, I believe the information we gathered concerning
10 this trip, it may coincide. I'm not sure. Obviously
11 there could be an error, but the dates do seem closely to
12 match, but at the same time it could be a different
13 instance.

14 **Q. Understood. Thank you.**

15 **The next is the Montreal trip. Six lines**
16 **down from the top on Exhibit 20 indicates, I believe,**
17 **that the conference occurred -- began on July 11 and**
18 **ended on July 15; is that correct?**

19 A. That's correct.

20 **Q. And the travel was actually July 10 through 16,**
21 **so one day before the conference and one day after the**
22 **conference; is that correct?**

23 A. That's correct.

24 **Q. Okay. We'll move on to the next one, Omaha,**

1 **which is right underneath the Montreal on Exhibit 20.**
2 **Were you able to determine the dates of that conference?**

3 A. Yes.

4 **Q. And what were those dates?**

5 A. July 25th through July 29th, 2015.

6 **Q. And comparing that to Table 2, it appears that**
7 **the start date of the -- that Justice Loughry may have**
8 **arrived one day before the conference and left on the**
9 **last day of the conference. Would that be accurate?**

10 A. That would be accurate.

11 **Q. We'll move down to Monterey, California, and**
12 **that is not quite halfway down. It appears to me there**
13 **is no information on start or end dates in Exhibit 20, so**
14 **was that one in which you could not find information on**
15 **the --**

16 A. That would be correct. We could not find that
17 information.

18 **Q. Okay. The next one is Scottsdale, Arizona.**
19 **That is a little over halfway down, and I note on Exhibit**
20 **20 there are no dates for that one. So is that also one**
21 **in which you were unable to find dates for that**
22 **conference?**

23 A. That's correct, we were unable to find the
24 dates for that conference.

Page 189

1 **Q. Last, we have Boston, which is about seven up**
2 **from the bottom on Exhibit 20, and I do believe there are**
3 **dates on that. Could you please tell those to the**
4 **Committee?**
5 A. Yes, the dates for the conference were July
6 22nd, 2017 to July 25th of 2017.
7 **Q. Okay. And what were the dates of Justice**
8 **Loughry's travel to that event?**
9 A. July 21st of 2017, through July 26th of 2017.
10 **Q. So would it be fair to say he arrived one day**
11 **before the conference and then departed on the day after**
12 **the conference?**
13 A. That would be accurate.
14 MS. KAUFFMAN: Okay. Mr. Robinson,
15 that's all I have for you. I just wanted to bring this
16 up and provide this documentation in response to a
17 question by a Committee member.
18 THE WITNESS: Thanks.
19 CHAIRMAN SHOTT: Thank you, Counsel.
20 Delegate Fast.
21 DELEGATE FAST: Thank you again,
22 Mr. Chairman.
23
24 EXAMINATION

Page 190

1 BY DELEGATE FAST:
2 **Q. Picking up on counsel's recent questions,**
3 **Mr. Robinson, were you able to determine, for instance --**
4 **what time on the days that Justice Loughry appeared to**
5 **have arrived a day early, were you able to determine what**
6 **time of day he arrived into the city? For instance, was**
7 **it 10:00 at night, 11:00 at night but still would be --**
8 A. I don't have that information available. It
9 would be available on the flight itinerary.
10 **Q. And do you have that?**
11 A. I believe we would have that documentation. If
12 we wouldn't, the Court would have record of it.
13 **Q. Okay. Mr. Chairman, I would certainly like to**
14 **see that.**
15 **And the same with the departure, for**
16 **instance, do we know if the conference ended like in the**
17 **evening time or maybe there was a grand finale gathering**
18 **of chief justices at a certain location for dinner after**
19 **the conference. Perhaps maybe he stayed overnight and**
20 **left early in the morning. So you would have that on the**
21 **flight itinerary as well?**
22 A. Yeah, the flight itinerary would indicate
23 exactly when he flew out and flew in.
24 **Q. Okay. And do you have -- were you able to**

Page 191

1 **gather any itineraries of these events?**
2 A. As we stated, the list that we just went over
3 as Exhibit 19 and nine -- and 20 were our efforts to try
4 to determine specific locations where the events were
5 held as well as the dates. Many of the organa --
6 organizations we reached out to had some difficulty in
7 providing us the actual dates let alone the events that
8 occurred during those dates.
9 **Q. Have you been able to recover any brochures or**
10 **announcements of these events, schedules of these events?**
11 A. Not to my knowledge. We -- the information
12 that you see in Exhibit 19 and 20 was somewhat our best
13 effort in trying to ascertain exactly where the events
14 were held and the specific dates.
15 **Q. Okay. So we just don't know?**
16 A. That's a good, fair statement.
17 **Q. Okay. Now, you mentioned when the Chairman was**
18 **asking you questions about disparate treatment, that the**
19 **regulations and your opinion -- and I don't want to put**
20 **words in your mouth, but it appears that you're drawing**
21 **the conclusion that the 2016 Supreme Court travel**
22 **regulations give preferential treatment to justices over**
23 **other Supreme Court employees. Is that a fair**
24 **assessment?**

Page 192

1 A. It is certainly not my place to determine
2 whether or not disparate treatment is occurring. I am
3 simply indicating that there is a difference in treatment
4 regarding how expense settlements regarding rental car
5 vehicles for Supreme Court justices are reimbursed versus
6 those reimbursements to typical court employees.
7 **Q. Okay. Disparate treatment is often used in**
8 **discrimination-type cases. When you use the term**
9 **"disparate treatment," are you using that term in the**
10 **context of some statute, rule, federal or State, that**
11 **would proscribe such policy or such activity?**
12 A. No, I'm simply trying to indicate that there is
13 a potential for that given that there's a different
14 treatment being applied to -- un-uniformly to different
15 employees at the Court.
16 **Q. Okay. What? Potential violation of what?**
17 A. As the policy states except for vehicles rented
18 by Supreme Court justices, reimbursements will be allowed
19 for rental car only if the administrative director or his
20 designee has granted approval in advance. My point is
21 simply to make that this policy exempts those Supreme
22 Court justices from the same requirements that is
23 required for typical court employees.
24 **Q. Okay. So my question then, it's the same**

Page 193

1 **question. What would that be a violation of?**
 2 A. I don't understand your question.
 3 **Q. Well, you're saying that that is possibly**
 4 **disparate treatment which is a legal buzzword, but what**
 5 **is that a violation of? Let's assume blatantly that the**
 6 **Supreme Court justices have preferential use of a vehicle**
 7 **that other Supreme Court employees do not have. Let's**
 8 **assume that. My question is -- and I don't mean to be**
 9 **flippant here, but so what? What is that a violation of?**
 10 A. That's not my place to answer. That's a legal
 11 question.
 12 **Q. Okay. So you're not -- are you aware of any**
 13 **law or rule or regulation that would be violated by that**
 14 **pol -- the implementation of that policy?**
 15 A. Again, that's a legal question.
 16 **Q. Okay. The trips to -- on Table 2, page 10 of**
 17 **your first audit report -- first of all, were you able to**
 18 **determine conclusively that on the face -- on their face**
 19 **these were, in fact, true, legitimate Supreme Court**
 20 **trips?**
 21 A. Yes, for each trip it indicated a conference.
 22 We confirmed that a conference was held in relation to
 23 the dates. Again, we had some difficulty confirming the
 24 actual dates, but not the event listed on the forms for

Page 194

1 which Justice Loughry submitted travel expenses.
 2 **Q. Okay. And you have appeared to have concluded**
 3 **- and I think it's absolutely stated in your report -**
 4 **that these -- this extra mileage was for personal use.**
 5 **Am I correct in that?**
 6 A. Yes, that's what we're indicating in the
 7 report.
 8 **Q. Okay. Now, I want to -- I want to just --**
 9 **assuming Justice Loughry arrived on July 19 and stayed**
 10 **and departed on July 25, San Francisco - that's Table 2,**
 11 **page 10 - that's seven days; and if you take your extra**
 12 **miles of 445 miles, that's -- that breaks down to 63**
 13 **miles per day. Now, if Justice Loughry wished to go eat**
 14 **breakfast somewhere across San Francisco, which is a very**
 15 **large city, that would break -- and if he decided to eat**
 16 **three meals a day other than at the hotel, that would be**
 17 **three trips and that would break down to 21 miles per**
 18 **meal. So if he drove 14 miles one way and back for**
 19 **lunch, that would take care of 21 miles. If you did the**
 20 **same thing for breakfast, same thing for dinner, that**
 21 **would eat up 63 miles.**
 22 A. That's possible, but our point in pointing this
 23 out is that if Justice Loughry chose to do so that would
 24 be personal in nature yet the cost associated with the

Page 195

1 rental car use was paid for by the State.
 2 **Q. And -- now, nothing prohibited him from leaving**
 3 **the hotel to walk across the street and have lunch,**
 4 **correct?**
 5 A. That's correct.
 6 **Q. And is it your point that if he wanted to go**
 7 **somewhere for lunch other than the hotel he was staying**
 8 **in he should have taken a taxi or something like that?**
 9 A. If it was something he wanted to do related to
 10 personal desires and not related to a business purpose.
 11 **Q. Lunch.**
 12 A. Well, I mean, if he wanted to go to lunch, I
 13 think it's our opinion that the cost of the rental cars
 14 associated with the dates listed, it may have been
 15 cheaper to take public transportation to do so.
 16 **Q. Well, you mentioned on page 11 of your report,**
 17 **in addition to the cost of the rental cars there were**
 18 **other unnecessary costs related to renting a car such as**
 19 **hotel parking and fuel that increased the expenses**
 20 **incurred by Justice Loughry that were paid by the State**
 21 **as opposed to him taking a taxi, shuttle or public**
 22 **transportation. Well, first of all, I think you said**
 23 **earlier the fuel would have been paid by the justice**
 24 **himself; is that --**

Page 196

1 A. But what we're referring to there is that if
 2 the fuel was paid for by the justice, when he returned
 3 the rental car he should have fueled up before returning
 4 the car rather than taking the more expensive fuel option
 5 which you can get when renting the vehicle that precludes
 6 you from having to fill it up with a tank of gas or
 7 whatever level it was at when you rented it when
 8 returning it.
 9 **Q. So you're talking there about the fuel option?**
 10 A. Yes.
 11 **Q. But as far as just putting fuel in the car,**
 12 **that would have been paid by him if he needed to fill it**
 13 **up?**
 14 A. That's correct.
 15 **Q. Okay. And so that would not have been an**
 16 **increase, him putting fuel in the car, if he had to pull**
 17 **over and put fuel in the car?**
 18 A. No, if he paid for it personally, no, it would
 19 not have increased the cost to the State.
 20 **Q. Okay. And as far as taking a taxi, let's say,**
 21 **he did drive 14 miles one way to have lunch and then 14**
 22 **miles back, do you know what a taxi fare would cost in**
 23 **San Francisco to drive 21 miles?**
 24 A. I am not sure of that, but typically in our

Page 197

1 audits when we see travel expenses being requested to be
2 reimbursed, had Justice Loughry taken that taxi to attend
3 lunch and had he worked for another State agency, it's
4 likely that that agency wouldn't have approved a
5 reimbursement for that as his choice to go to lunch was
6 his personal choice.

**7 Q. And that reimbursement, most likely, wouldn't
8 it have cost a whole lot more than the numbers on these
9 miles you're putting in this book?**

10 A. Yes, but what my point was, I don't think any
11 State agency would reimburse an employee for choosing to
12 take a taxi for a personal reason. If it was related to
13 business, it would be reimbursed, but attending -- I mean
14 he also received per diem for meals while he was out
15 there, so his meals were being paid for by the State but
16 what you're asking me is if -- is there some benefit to
17 the State for paying for his taxi to go to lunch. I
18 can't answer that question.

**19 Q. Okay. Did Justice Davis -- we've talked about
20 her security and I don't downplay that whatsoever, but I
21 want to know: Do you know -- did you ask any questions,
22 did you find any data if Justice Davis required security
23 while she was, let's say, completely off duty, at the
24 grocery store, shopping for clothes, things like that?**

Page 198

**1 I've heard all the information about the courthouse
2 security traveling with her in the vehicle. But did she
3 require security otherwise as well?**

4 A. I think the justices' personal lives are beyond
5 the scope of our audit.

**6 Q. Okay. So you have no information if she
7 required security otherwise than in the State vehicle?**

8 A. No, sir.

**9 Q. Okay. The question was raised about 148 CSR 3.
10 You're familiar with that, are you? Are you not?**

11 A. Could you give me the layman name for that?

**12 Q. Yes, that's the legislative rule State-owned
13 vehicles.**

14 A. Yes.

**15 Q. One of the delegates previously asked you if
16 that could be a policy that was violated and I think you
17 indicated you thought maybe it would -- would -- could
18 have been.**

19 A. If it's a State policy that is also applicable
20 to the Supreme Court of Appeals of West Virginia, yes.

**21 Q. Okay. Now, before I get into that, did -- are
22 there any accusations in your audit report that Justice
23 Loughry violated or ran afoul of something because of
24 commuting or is --**

Page 199

1 A. As I previously indicated, the instances of use
2 for Justice Loughry of utilizing a State vehicle did not
3 appear to be for the purpose of commuting.

**4 Q. Okay. And that is -- I think you probably have
5 it -- Appendix F to your first report. There's a
6 memorandum from Steve Canterbury -- I'm sorry. From Kirk
7 Brandfast -- fass -- to Steve Canterbury and it has -- it
8 cites that CSR. Do you see that?**

9 A. Yes.

**10 Q. And that rule specifically and exclusively
11 applies to commuting, does it not?**

12 A. In which portion of this are you indicating
13 that it specifically applies?

14 Q. Pages -- pages 41 and 42.

15 A. I believe on page 41 it begins listing some
16 definitions. If you could point me to the section you're
17 referring to that's actually making it explicit, the
18 commuting.

**19 Q. Well, let's go to the definitions. Second one
20 from the bottom, 2.3 and it has a definition of
21 commuting.**

22 A. Uh-huh.

**23 Q. Which is to and from their home and office,
24 correct?**

Page 200

1 A. Yes.

**2 Q. Okay. And then on the next page, State-owned
3 vehicle, which we're talking about in the context of this
4 rule, State-owned vehicle means a vehicle owned by the
5 State of West Virginia. So a rental vehicle would not
6 even come into play under this rule, correct?**

7 A. I'm not sure we gave any indication that it
8 did, but, no, you're correct.

**9 Q. Well, it says State-owned vehicle means a
10 vehicle owned by the State of West Virginia. So a rental
11 car would not be a vehicle owned by the State of West
12 Virginia, correct?**

13 A. I'm confused where this question's leading and
14 how it relates to your previous questions.

**15 Q. Well, I think your testimony earlier was that
16 you thought in answering another delegate's question that
17 this CSR 148 Series 3 could have been a vi -- could have
18 been violated by Justice Loughry's use of the rental
19 vehicles.**

20 A. I didn't mean to imply rental vehicles. I
21 think the question was asked more generally in terms of
22 Justice Loughry's use of State vehicles.

**23 Q. Okay. But this rule would not apply to rental
24 vehicles, would it not, because --**

Page 201

1 A. No, it would not.

2 **Q. I mean, it wouldn't apply at all because rental**

3 **vehicle's not owned by the State of West Virginia?**

4 A. That's correct.

5 **Q. Okay. And we've established that Justice**

6 **Loughry does not have issues with commuting in any of**

7 **your audit's report -- audit reports; is that --**

8 A. No, but it -- he did have issues with

9 unsubstantiated business use of State-owned vehicles.

10 **Q. Okay. Please tell me.**

11 A. As this report indicates in the calendars on

12 page 8, there was --

13 **Q. I'm sorry. What page?**

14 A. On page 8 of our first report, every instance

15 that's highlighted in red or orange is an instance where

16 Justice Loughry reserved and used a State-owned vehicle

17 and did not provide a destination. The ones highlighted

18 in red are instances where he used a State vehicle and

19 did not provide a destination and the Court was in

20 recess.

21 **Q. Okay. And all of -- none of these on Figure**

22 **2 -- that's what you're referring to, correct?**

23 A. Yes, Figure 2 on page 8 of the first report.

24 **Q. None of these involved commuting?**

Page 202

1 A. No, but they do involve the use of a

2 State-owned vehicle.

3 **Q. Okay. But 148 dash 3 CSR would not apply**

4 **because that involves commuting.**

5 A. Well, on page 42 it also states 148-3-9.3.2

6 provides that a State owned vehicle "cannot be used for

7 personal purposes except for de minimis personal use as

8 allowed by the Internal Revenue Service" "Publication

9 15-B, Employer's Tax Guide to Fringe Benefits."

10 CHAIRMAN SHOTT: Delegate Fast, do you

11 have many more questions? I may pass and come back to

12 you.

13 DELEGATE FAST: Not now. Thank you,

14 Mr. Chairman. Thank you.

15 CHAIRMAN SHOTT: Delegate Sobonya, do you

16 have questions? All right. Then we'll move over to the

17 front row here. Delegate Pushkin, do you have questions

18 -- follow-up questions? No? Delegate Lane.

19 DELEGATE LANE: Thank -- thank you,

20 Mr. Robinson.

21 EXAMINATION

22 BY DELEGATE LANE:

23 **Q. I think you've answered this, but I'm not quite**

24 **sure. Going to the first audit report on page 10 and**

Page 203

1 **talking about the out-of-state use of rental cars, and**

2 **you stated that to the extent that gasoline was used, the**

3 **justice paid for that himself?**

4 A. Yes.

5 **Q. And so -- and how were these cars paid for?**

6 A. In the instances noted in Table 2 on page 10 of

7 the report, the vehicles were paid for -- the rental car

8 vehicles were paid for by the Court.

9 **Q. And how -- how does -- how does that work? If**

10 **you're out in San Francisco renting a car, how does the**

11 **Court pay for that?**

12 A. I'm not exactly certain in these instances. I

13 do know that the Court -- at times it utilizes a travel

14 card that it's allowed to put travel expenditures on.

15 The rental arrangement could have been made prior to the

16 individual taking the trip. The rental car could have

17 been paid for prior to.

18 **Q. And so does the Court have a gasoline purchase**

19 **card?**

20 A. It does, but they're assigned to the

21 Court-owned vehicles. It's not for general use to

22 purchase gasoline.

23 **Q. And so that wasn't used on these particular con**

24 **-- at these particular conferences?**

Page 204

1 A. Not to my knowledge.

2 **Q. And is there a rule or a policy either with the**

3 **Court or the State saying that when you're out of town**

4 **and have to travel you need to make a decision as to**

5 **whether it's going to be more cost effective to rent a**

6 **car or take a cab?**

7 A. Yes. And in my personal experience in my own

8 travels on the State's dime, that is the case. We make a

9 determination what's the most efficient and least costly

10 form of transportation to attend the event that we're

11 attending. And I do believe that is the same case across

12 the board for most State agencies.

13 **Q. So there is a policy?**

14 A. I don't -- if you're referring to a blanket

15 policy for the entirety of the State, I'm unaware of

16 that. I do know that specific agencies have internal

17 policies.

18 **Q. So is there a Supreme Court policy, written**

19 **policy?**

20 A. As we noted in the report, there was a Supreme

21 Court travel policy that was established in October of

22 2016. However, that granted the justices, as this notes

23 - and I'll read it once more - "except for vehicles

24 rented by Supreme Court justices, reimbursements will be

Page 205

1 allowed for car rental only if the administrative
2 director or his designee has granted approval in
3 advance."
4 **Q. Okay. I'm sorry. Did that apply to the**
5 **Supreme Court justices?**
6 A. It did not.
7 **Q. Okay. So looking at these parking -- or these**
8 **car costs for out-of-state conferences, I assume you**
9 **looked at the contract and the cars were rented for a**
10 **specific period of time?**
11 A. Yes, we have rental car receipts that would
12 indicate the dates that the car was rented for and when
13 it was picked up and when it was returned.
14 **Q. And I assume that if the justice had rented the**
15 **car on the first day, it would have been a higher cost**
16 **per day than if he had rented it for four days at a time?**
17 A. I'm confused by that question. Are you
18 referring to a daily rate versus a weekly rate?
19 **Q. Yes, a daily rate as opposed to an actual**
20 **weekly rate.**
21 A. I can't speak to that. I'm not familiar with
22 rental car policies.
23 **Q. Okay. Does Justice Loughry own a car?**
24 A. I -- I would assume, yes, but I can't speak to

Page 206

1 that definitively.
2 DELEGATE LANE: Okay. Thank you.
3 CHAIRMAN SHOTT: Starting down the second
4 row, justice -- Delegate Overington. Do you -- I have
5 already promoted him. Do you have any questions?
6 DELEGATE OVERINGTON: It's been a long
7 day.
8 CHAIRMAN SHOTT: It's not yet, but it
9 will be. Go ahead.
10 EXAMINATION
11 BY DELEGATE OVERINGTON:
12 **Q. The -- when looking at the conferences that the**
13 **different justices attended, did you notice cases where**
14 **there are expenses incurred that were outside of the**
15 **region where the conference occurred?**
16 A. So you're asking if we noted any expenses that
17 occurred in a different city than the location or than
18 where the conference was being held?
19 **Q. Or outside of the immediate region with the**
20 **conference.**
21 A. Only if that expense incurred would have
22 included a receipt denoting that location. But that
23 wasn't something we were specifically looking for, so my
24 answer to that was: I can't tell you whether or not

Page 207

1 we -- that had happened.
2 **Q. I mean, this would be outside of the normal**
3 **travel to the conference and back, but while the**
4 **conference was occurring, if it was going on for a week,**
5 **whether you checked the attendance of the activities or**
6 **noted any expenses outside of the region -- the immediate**
7 **region of the conference?**
8 A. Yeah, we didn't check the attendance of the
9 conferences. Oftentimes those organizations either don't
10 maintain a list unless there were -- I guess, in the
11 terms of the justices it would be CLEs, continuing legal
12 education. We didn't confirm whether or not that was
13 received in the instance of Justice Loughry to confirm
14 whether or not he had actually attended the conferences.
15 Nor did we determine whether or not any State
16 expenditures had occurred outside of the region where the
17 conference is held. It's possible that Justice Loughry
18 could have charged expenses that would have been incurred
19 outside of the location of where the conference was held
20 to his own personal accounts or paid cash that we
21 wouldn't be able to see.
22 **Q. So they would not have been charged to the**
23 **State?**
24 A. We have not noted any charges to the State that

Page 208

1 would indicate any travel outside of the region where the
2 conference was held.
3 **Q. And my other question is dealing with the**
4 **records that the Supreme Court keeps. Are they readily**
5 **available to share among each other or to have access so**
6 **that one justice would know what another justice was**
7 **spending and possibly using that as an example for**
8 **themselves?**
9 A. Are you talking about is there any internal
10 transparency that notes whether or not the justices are
11 made aware of each other's expenses?
12 **Q. Yes.**
13 A. I'm not aware of any system within the Court,
14 but I do believe the justices are free to ask what each
15 other justice had attended a conference for and if it
16 involves State monies, you could actually ask that
17 information from potentially the State Auditor's Office
18 if you were so inclined.
19 **Q. So when you were compiling this information**
20 **yourself you found that it was readily accessible?**
21 A. Oh, yes. I mean, if there's an involvement or
22 an expenditure involving State funds, finding the
23 information concerning that expenditure is readily
24 available within the wvOASIS system, the FIM System prior

Page 209

1 to.

2 DELEGATE OVERINGTON: Thank you. Thank

3 you, Mr. Chairman.

4 CHAIRMAN SHOTT: Delegate Lovejoy.

5 DELEGATE LOVEJOY: Thank you,

6 Mr. Chairman.

7 I'm not sure if this is perhaps better a

8 note to make, but since the witness is here and has been

9 questioned about it, Exhibit 7 that was provided to us

10 this morning internally references two exhibits, so it

11 would be like Exhibit 7-1 and 7-2 and my materials have

12 7-1 but not a 7-2 so I just wanted to ask at some point

13 if we could be provided 7-2 which would be -- the exhibit

14 references that our West Virginia court security officers

15 maintain security research, explaining the need for

16 security and that exhibit is listed. I don't know that I

17 want to question this witness, but I would just make a

18 note for counsel if we could get that to make the exhibit

19 whole. Thank you.

20 CHAIRMAN SHOTT: Certainly. Third row,

21 Delegate Miller.

22 DELEGATE MILLER: Thank you,

23 Mr. Chairman.

24 EXAMINATION

Page 210

1 BY DELEGATE MILLER:

2 **Q. Just briefly.**

3 **Mr. Robinson, if you know, would it be**

4 **proper or would it -- what would be the liability -- the**

5 **extension of the liability of the State of West Virginia**

6 **if a court security officer accompanied a justice in the**

7 **justice's personal vehicle during travel?**

8 A. You mean increased insurance liability to the

9 State? I'm just confused on your question.

10 **Q. -- the State or the justice with their personal**

11 **insurance, with their vehicle, the security officer**

12 **driving the vehicle --**

13 A. That is --

14 **Q. -- that is not licensed to him?**

15 A. That's a unique question I haven't considered

16 and I don't have the answer for that. I'm sorry.

17 **Q. Would it generally be perceived that that --**

18 **that would not be covered under a private individual's**

19 **insurance if someone else operated the vehicle not**

20 **insured by them?**

21 A. That would -- I wouldn't know the details of

22 the person's individual policy.

23 **Q. Okay. In regard to reports number 2 and number**

24 **1, and I don't know if you've made this correlation or if**

Page 211

1 **the records that you have explain this or not, but on**

2 **page 11 of audit report 1, in the top paragraph there's**

3 **information about a instance not included in the table**

4 **regarding a reimbursement for the rental car of Justice**

5 **Loughry for a Jackson Hole, Wyoming trip from July 22nd**

6 **through the 28th of 2016, and there were two instances of**

7 **two different submissions for reimbursement, one of 494**

8 **miles and another showing 1,749 miles driven. Was that**

9 **ever clarified?**

10 A. Actually to clarify your question, these

11 weren't two requests for reimbursement. These were two

12 different rental car receipts to which we couldn't really

13 confirm which one was accurate. And also it is our

14 understanding that this rental car cost to the State -- I

15 believe this is this instance -- Justice Loughry was

16 unhappy with the quality of the rental and therefore,

17 complained to the rental car company and the full amount

18 of the cost of the rental car was reimbursed to the

19 State. So there was no cost incurred to the State for

20 this particular instance.

21 What we were having trouble difficulty --

22 or having trouble determining was the amount of miles

23 actually driven in that rental car. One rental car

24 receipt indicated the 494 miles; the other indicated 1749

Page 212

1 miles. There's a very large discrepancy there, so given

2 the difficulty in determining the accuracy of which one

3 was correct, we left it out of the table and just noted

4 it and also noted the fact that it didn't incur any costs

5 to the State because the full amount was refunded.

6 **Q. The full amount for both receipts?**

7 A. Well, it's --

8 **Q. -- for both rentals?**

9 A. -- it was the same receipt, the same cost but

10 for some reason one receipt indicated X amount of miles,

11 the 494, and then through the process of them -- because

12 there was some confusion -- I believe his complaint was

13 he had rented a car and whatever car he received the car

14 he had rented someone else had and I think there was

15 confusion over the vehicle when it was returned and

16 associated with the account established through the

17 rental car company under his name. So there was only one

18 receipt, one charge to the State and that charge was

19 reimbursed.

20 **Q. Okay. Thank you. If -- did you find any of**

21 **your research where multiple justices or a justice and**

22 **court staff attended the same conference during the same**

23 **time frame?**

24 A. I'm not sure. It's a possibility. But I will

Page 213

1 state this, that of everything we reviewed the only
2 issues concerning the rental cars paid for by the State
3 fell on Justice Loughry. We had no issues with rental
4 car use or State vehicle use from the other remaining
5 justice aside from that noted by Justice Ketchum.
6 **Q. Were there any instances where multiple**
7 **employees including justices traveled to the same**
8 **location to the same conference and multiple vehicles**
9 **were rented?**
10 A. I can speak to the first part of your question.
11 There were instances of conferences where multiple court
12 employees would attend the same conference. As to
13 whether or not multiple vehicles were rented or if
14 vehicles were rented in particular regard to those
15 instances, I don't have that information.
16 **Q. Okay. And I will direct you to page 5 of**
17 **report number 2. The graph, which is Table 2 shown on**
18 **that page, second from the bottom, July 20th through the**
19 **26th of 2016, Jackson Hole, Wyoming. If we refer back to**
20 **audit report 1 referenced on page 11, that appears to be**
21 **Justice Loughry as well as Mr. Canterbury attending the**
22 **same location on the same general dates, but they have to**
23 **have separate vehicles.**
24 A. Let me confirm this. I do not have the same

Page 214

1 matching dates. I have the years are different. I have
2 in Table 2 of report one concerning Justice Loughry's use
3 July 21st to 26th of 2017 -- oh, pardon me. Let me
4 correct myself. We are talking in the body of that text
5 on page 11 of the first report, correct?
6 **Q. Yes. It gives the appearance --**
7 A. No -- yes.
8 **Q. -- that they're within a day or so of each**
9 **other.**
10 A. You -- you are correct. That instance is
11 accurate. Your recollection is accurate. It does appear
12 that both attended likely the same conference at the same
13 time. Whether or not -- and it will also indicate that
14 it appears Justice Loughry rented a vehicle that was
15 unrelated to the rental made by jus -- or former
16 Administrative Director Canterbury.
17 **Q. Even though they would have been at the same**
18 **location?**
19 A. That's correct.
20 **Q. I'm sure that we don't have any information as**
21 **of why that would have happened?**
22 A. No. And I will have to give you credit because
23 we did not make that correlation that you did, but you
24 are correct in pointing out the fact that it appears two

Page 215

1 separate rental car vehicles were rented by two separate
2 employees of the Court for the same conference during the
3 same dates.
4 DELEGATE MILLER: Thank you. Thank you,
5 Mr. Chairman.
6 CHAIRMAN SHOTT: It appears the back row
7 has no further questions. Vice-chairman Hanshaw, no
8 questions? I'll pass to minority counsel -- or Minority
9 Chair Fleischauer. I have a couple follow-ups.
10 EXAMINATION
11 BY CHAIRMAN SHOTT:
12 **Q. Primarily dealing with the effect of the filing**
13 **of the travel policy which is ex -- Appendix E, did you**
14 **happen to review the minutes of the justices' meeting in**
15 **which that policy was approved?**
16 A. We have reviewed several minutes when the
17 policy was discussed prior to its approval and when it
18 was approved, yes.
19 **Q. And do we have -- do you know if we've -- in**
20 **our materials we have those minutes for that**
21 **particular instance?**
22 A. You would. We have provided counsel the
23 administrative conference minutes from, I believe, 2008
24 moving to the current year -- most current administrative

Page 216

1 conference.
2 **Q. Was there anything in your recollection that**
3 **anybody -- any member of the Court objected to this**
4 **policy?**
5 A. As noted in the first report, there was an
6 objection made by jus -- Chief Justice Workman, then
7 Justice Workman, concerning the language of - and pardon
8 me, let me get to it - Section 10.4 of the travel
9 policies for justices' travel. The original language
10 read, "An expense account submitted by a justice of the
11 West Virginia Supreme Court of Appeals shall be honored
12 irrespective of any" language -- "of any of the language
13 in these travel regulations." She opted to amend that to
14 include "pursuant to judicial branch policies, it shall
15 be honored irrespective of any language contained in
16 these travel regulations."
17 So there was some discussion over the
18 specific language to be included in these travel
19 regulations. I also think there was con -- confusion
20 expressed in those minutes as to whether or not in the
21 proceeding month of when the policy was discussed whether
22 or not it had actually been adopted and made effective
23 and submitted, which eventually resulted in -- then this
24 revision and its submission to the State Auditor's Office

Page 217

1 in October of 2016.

2 Q. When I look at in your first report, Figure 2
3 on page 8 regarding Justice Loughry's reservations of
4 State vehicles, is -- am I -- am I correct in that his
5 reservation of State vehicles ceased before this policy
6 was adopted?

7 A. We had noted one vehicle reservation of
8 September of 2016, but beyond that there was - and I
9 don't have the records in front of me - little to maybe
10 no indication of vehicle use through the reservation
11 system by Justice Loughry subsequent to the submission of
12 this travel policy.

13 Q. So if this became effective October 3rd, then
14 he -- there was no usage after that date?

15 A. It's my understanding that on or about
16 September of 2016, his name did not appear in the vehicle
17 reservation log, or if it did, it was very infrequent.

18 Q. Well, let me follow up on that. When you say
19 "if it did it was very infrequent" --

20 A. I may need to qualify my answer in the terms
21 that I don't have the information available to speak to
22 whether or not the number of times exceeds the one that I
23 mentioned in September of 2016, but the frequency as
24 noted in the prior years was not repeated after October

Page 218

1 of 2016.

2 Q. But you can't say one way or the other whether
3 there was no use after October of 2016?

4 A. Again, no. And ultimately that's one of the
5 hindrances of the information we had available. The only
6 indication we had initially to determine whether or not a
7 justice of the court actually utilized a Court vehicle
8 was the reservation log. Outside of that, looking at the
9 fuel cards, those were assigned to the vehicles and it's
10 impossible for us to determine exactly who used a vehicle
11 simply based on the fuel card records. So this was our
12 primary source of information to determine if someone --
13 a justice of the Court actually did utilize one of those
14 vehicles. So without any indication in the reservation
15 log, if someone were using the vehicle, we wouldn't know.

16 Q. So any of the justices after that date,
17 September of 2016, could have been using these vehicles
18 and there's no record at all of it?

19 A. Based on the Court's recordkeeping policies
20 regarding how these vehicle uses were documented and
21 recorded, and it basically being limited to this
22 reservation log itself, it's possible that at any point
23 in time a justice of the Court could have used a Court
24 vehicle and not noted it in the reservation log and we

Page 219

1 would have not been aware of it.

2 Q. So what you've noted then are situations where
3 they've made the reservation but not given a business
4 purpose basically, but if they've not even made a
5 reservation, you haven't been -- you have no way of
6 knowing whether they used the vehicle or not?

7 A. That's correct.

8 Q. Okay. Now, looking at the regulations, it
9 appears to me -- well, let me back up. With regard to
10 the use of rental cars, there was two instances after the
11 adoption of these regulations that you've noted for
12 Justice Loughry. Is that fair to say?

13 A. Yes.

14 Q. I'm on page 10.

15 A. Yes.

16 Q. The Scottsdale, Arizona; Boston, Massachusetts;
17 they were two -- two after the regulations. Let me call
18 your attention to the regulations themselves on page
19 35 --

20 A. Okay.

21 Q. -- with regard to the rental vehicle and it
22 says, "Except for vehicles rented by Supreme Court
23 justices reimbursement will be allowed for Court car
24 rental only if the administrative director or his

Page 220

1 designee has granted approval in advance and rental cars
2 must be driven within the travel requirements for
3 personal vehicles."

4 Did I read that correctly?

5 A. You did.

6 Q. Okay. Great. I mean, that basically says to
7 me that even after these regulations went into effect
8 there was no internal control over the usage of a rental
9 vehicle mileage-wise or otherwise. Is that fair to say?

10 A. Yes, and that's where I think we took a little
11 bit of issue with this policy as it wasn't equitably
12 applied across all members of the court. It seemed to
13 grant special circumstances for the justices to be
14 reimbursed for vehicle rentals whereas a typical court
15 employee had to have it pre-approved and even still it
16 must be driven within the travel requirements of their
17 personal vehicles, but ultimately it seemed that this
18 policy exempted the Supreme Court justices specifically
19 from those requirements.

20 Q. And isn't the same true for 10.3, out-of-state
21 travel? Basically everybody else except a Supreme Court
22 justice had to get approval from the administrative
23 director or director of judicial education?

24 A. Yes, that's true. I believe -- let me find

Page 221

1 that section. Out-of-state travel in terms of renting
2 cars and travel, most of these regulations fall in line
3 with the same for in-state travel so, yes.

**4 Q. So regardless of how those of us on the outside
5 looking in would feel about this policy, isn't it fair to
6 say that the Court as a group basically invited its own
7 members to do whatever they wanted with regard to rental
8 cars and out-of-state travel?**

9 A. I would be careful in my answer in stating how
10 broad of authority they had in determining what they
11 could do with a rental car, but I will say at a
12 minimum --

**13 Q. Independent of IRS regulations and so forth, as
14 far as the Court itself goes, they put no controls at all
15 on their own members, have they?**

16 A. The specific policies we've just discussed do
17 seem to indicate that the Court had made a decision to
18 allow the justices more latitude in being reimbursed for
19 expenses related to rental cars.

**20 Q. Are there any controls at all within those two
21 provisions on the justices' use of rental cars or out-of-
22 state travel?**

23 A. At first read it is my opinion that, no, the
24 policies essentially exempt them from the rental car

Page 222

1 requirements that are applicable to the court employees.

**2 Q. So regardless of whether we talk about before
3 these policies are adopted or after, in terms of a
4 violation of their own policies, none of these -- none of
5 these rental car issues would be a violation of the
6 Court's own policy. Isn't that fair to say?**

7 A. That's fair to say and it might also be fair to
8 say that in light of not having policies, it's difficult
9 to violate such policy when it doesn't exist. And
10 ultimately until these regulations were filed many of the
11 Court's operations weren't governed by former policies
12 and procedures.

13 Q. Okay.

14 CHAIRMAN SHOTT: Delegate Fleischauer, I
15 passed over you. Do you have any follow-up questions?

16 MINORITY CHAIR FLEISCHAUER: Yes.

17 EXAMINATION

18 BY MINORITY CHAIR FLEISCHAUER:

**19 Q. To -- to yours actually. On page 38 of the
20 audit report, it says, "All out-of-state travel except
21 that made by a Supreme Court justice must be approved in
22 advance." The way I read that rule is there are --
23 that's -- the only thing that -- that is -- that this
24 applies to is advance approval.**

Page 223

1 A. Well, that particular section of the travel
2 policy is under the approval section, so I would assume
3 that for that specific instance, yes.

**4 Q. Well, that's the exception right there, is
5 that --**

6 A. Yes.

**7 Q. -- the Supreme Court justices don't have to
8 have advanced approval. And when I look at -- on page
9 35, that's also about advanced approval primarily.**

10 A. Excuse me. Which section were you looking at.
11 10 point --

**12 Q. The transportation with a rental vehicle
13 that the --**

14 A. 10.2?

15 Q. 10.2B.

16 A. 10.2B.

**17 Q. That's where that exception is that you were
18 mentioning.**

19 A. Yes. Yes, but in 10.3 section C,
20 transportation, "Allowances for transportation will be
21 the same as previously described for in-state travel
22 except for when out-of-state travel is by personal auto",
23 on page 38.

24 Q. Uh-huh.

Page 224

1 A. The approval exemption that you're noting in
2 10.3A does seem explicit to the requirement that it be
3 pre-approved. However, for the transportation portion of
4 out-of-state travel, it falls in line with the same
5 guidelines proscribed in 10.2B, which when reading 10.2B
6 subsection 1, "Except for vehicles rented by the Supreme
7 Court justices", I believe that line makes it indicate
8 that that is specific to vehicles and not the approval.

9 Q. And not what?

10 A. Not the approval.

**11 Q. You think where it says reimbursement will be
12 allowed -- "except for vehicles rented by Supreme Court
13 justices, reimbursement will be allowed for" rental --
14 "car rental only if the administrative director or his
15 designee has granted approval in advance." The way I
16 read that is that -- that justices don't have to get
17 advanced approval from the administrative director for
18 vehicle rental.**

19 A. Yes, but in your section 10.3 out-of-state
20 travel, A, approval, that is referring in general to all
21 out-of-state travel. The section we're reading in 10.2
22 is specific to the vehicles. Our interpretation of that
23 is except for vehicles rented by the Supreme Court
24 justices, reimbursements will be allowed for car rental

Page 225

1 only if the administrative director has granted approval
 2 in advance. We don't -- I do not interpret that, our
 3 office does not interpret that section on page 35,
 4 subsection B.1 to mean that "except for vehicles rented
 5 by the Supreme Court" is indicative of only the approval.
 6 We believe it to encompass the actual vehicle rented by
 7 the Supreme Court justice and those related expenses to
 8 be reimbursed.
 9 **Q. So I'm not sure I really understand. To me**
 10 **when I read that sentence is they don't have to ask**
 11 **permission from the administrative director in order to**
 12 **rent a car, and you interpret that to mean that they also**
 13 **are automatically going to get reimbursement?**
 14 A. Well, I take it to mean that if they don't need
 15 to seek prior approval to rent the car, that the
 16 reimbursement would be allowed.
 17 **Q. Okay. And who dec -- who makes -- so would the**
 18 **administrative director make the decision about the --**
 19 **the reimbursement, normally. About the amount?**
 20 A. According to these policies, yes.
 21 **Q. I mean --**
 22 A. In policy, yes. In practice, I can't speak to
 23 that.
 24 **Q. But there -- there is -- I mean, there's**

Page 226

1 **nothing -- this isn't to say that there's no policy.**
 2 **It's just that they don't have to ask permission in**
 3 **advance.**
 4 A. That's -- that's your interpretation of it
 5 and I don't want to --
 6 **Q. Okay.**
 7 A. -- argue against your interpretation. However,
 8 our interpretation is that 10.2 of their in-state travel
 9 policy in terms of the rental car vehicle -- the rental
 10 vehicle section seems to indicate that except for the
 11 vehicles rented by the Supreme Court justices -- and I do
 12 not interpret that to mean except for Supreme Court
 13 justices, all of their employees need prior approval. I
 14 take it to mean that except for vehicles rented by the
 15 Supreme Court justices that reimbursements will
 16 be grounded -- it also says in the section 2, allow --
 17 allowable reimbursements will be for rental charges and
 18 gasoline, both of which must be documented by original
 19 receipts, toll charges and parking. It gives no
 20 indication that the approval is the trigger point to
 21 which a reimbursement can be made.
 22 **Q. Do you think section 2 applies to Supreme Court**
 23 **justices?**
 24 A. I think section 2 applies to transportation and

Page 227

1 rental vehicles.
 2 **Q. It does?**
 3 A. Yes.
 4 **Q. Okay. So that exception in 1 doesn't go any**
 5 **farther than 1?**
 6 A. Well, I just take it to mean that to some
 7 degree the exception in 1 exempts the Supreme Court
 8 justices from the remaining requirements listed in the
 9 remainder of those travel policies.
 10 **Q. Okay. Thank you.**
 11 CHAIRMAN SHOTT: Let me just follow up on
 12 that.
 13 EXAMINATION
 14 BY CHAIRMAN SHOTT:
 15 **Q. I want to refer to 10.4. And it talks about --**
 16 **sort of gives the justice the freedom to turn in a policy**
 17 **that is -- or an expense account that's not consistent**
 18 **with the travel regulations, but it refers to judicial**
 19 **branch policies. Do you know what that is?**
 20 A. No, sir, I do not.
 21 **Q. Did you find any kind of document that dealt --**
 22 **that was referred to as judicial branch policies?**
 23 A. No, and I'm not exactly sure what the referral
 24 to the judicial branch policies is. Obviously, I'd

Page 228

1 mentioned previously that there was some debate about the
 2 initial language of this section that had excluded those
 3 -- that specific phrase "judicial branch policies" or
 4 "pursuant to judicial branch policies". The original
 5 language was going to read, "An expense account submitted
 6 by a justice of the West Virginia Supreme Court of
 7 Appeals shall be honored irrespective of any of the
 8 language in these travel regulations." The only addition
 9 was, "pursuant to judicial branch policies", but I'm
 10 unfamiliar with exactly what those policies are referring
 11 to or the specifics of how they would be applied in this
 12 instance. But it does appear to give the Supreme Court
 13 justices the right to have their expense accounts honored
 14 irrespective of the remaining language within their own
 15 travel policy.
 16 CHAIRMAN SHOTT: Thank you.
 17 All right. Moving to our counsel that
 18 are representing individuals that are involved in this.
 19 Mr. Allen, any questions?
 20 MR. ALLEN: No, your Honor.
 21 CHAIRMAN SHOTT: Mr. Carr?
 22 MR. CARR: No, sir.
 23 CHAIRMAN SHOTT: Counsel, I assume
 24 there's no follow-up, so may this witness be excused? Is

Page 229

1 there any objection to us excusing this witness? Apparently
 2 not. Mr. Robinson, thanks again for your appearance and your
 3 endurance.
 4 THE WITNESS: Thank you, Mr. Chairman.
 5 CHAIRMAN SHOTT: You're excused.
 6 Counsel, will you call your next witness.
 7 MR. CASTO: Thank you, Mr. Chairman. The
 8 House Committee on the Judiciary now calls Aaron Allred to the
 9 stand.
 10 Well, we'll get there.
 11 A A R O N A L L R E D
 12 was called as a witness by the Committee of the Judiciary,
 13 pursuant to notice, and having been first duly sworn,
 14 testified as follows:
 15 CHAIRMAN SHOTT: Good afternoon, Mr. Allred.
 16 Thank you for your appearance.
 17 EXAMINATION
 18 BY MR. CASTO:
 19 **Q. Mr. Allred, for the benefit of the Committee, I**
 20 **think you're well-known to us, but for the benefit of the**
 21 **Committee's record, could you state your name and your**
 22 **position with the legislature for the record?**
 23 A. My name is Aaron Allred. I'm the Legislative
 24 manager for the West Virginia legislature. In addition, I'm

Page 230

1 also the Legislative Auditor for the West Virginia
 2 legislature.
 3 **Q. How long have you served in each of those**
 4 **capacities?**
 5 A. Approximately 25 years.
 6 **Q. And could you tell us a little bit about your**
 7 **work experience generally?**
 8 A. After college I started out with the South
 9 Carolina Legislative Audit Council for approximately
 10 three years. I worked for a little while for the US
 11 Department of Education, and then spent approximately two
 12 years working for the Executive Office of the President
 13 of the United States. I went back to the South Carolina
 14 General Assembly and worked for approximately four years
 15 for the General Assembly's Reorganization Commission, and
 16 since October of 1993 I've been the Legislative manager
 17 in the Legislative Auditor for West Virginia.
 18 **Q. Can you tell us a little bit about your**
 19 **educational experience before you embarked upon that**
 20 **career?**
 21 A. I graduated from Purdue with a degree in
 22 economics and a master's degree in political science with
 23 minors in economics and methodology.
 24 **Q. Thank you, sir. What are your current**

Page 231

1 responsibilities as Legislative manager and Legislative
2 Auditor?
 3 A. The simplest way to describe it is if you work
 4 for both the House and the Senate, the Joint Committee,
 5 you're under my purview with the exception of the
 6 investigative endeavors of the Commission on Special
 7 Investigations. We do handle their budget though.
 8 **Q. How did you become involved in this**
9 investigation?
 10 A. Through multiple media reports, through
 11 concerns expressed by members of the legislature, I made
 12 a decision that we needed to more specifically audit the
 13 Supreme Court with regards to their vehicles. I informed
 14 the president and speaker. They agreed with that
 15 decision. We had previously looked at fleet management
 16 from a statewide perspective and had, in fact, received
 17 some information back from the Supreme Court with regards
 18 to those inquiries and went to more than just the Supreme
 19 Court.
 20 **Q. I'm going to ask you an unusual question, but**
 21 **this -- in light of the context that we've just had, but**
 22 **this, I think, will set the stage for where we're about**
 23 **to proceed. What to your understanding is a Cass Gilbert**
 24 **desk?**

Page 232

1 A. It's my understanding that when it came to
 2 buildings designed by Cass Gilbert, oftentimes the
 3 furniture that was installed in those buildings were
 4 furniture that was recommended by Cass Gilbert or the
 5 Cass Gilbert architectural firm. Those pieces of
 6 furniture are referred to as Cass Gilbert desk, a Cass
 7 Gilbert chair, a Cass Gilbert mirror. It doesn't mean
 8 that Cass Gilbert had any part of the design. It simply
 9 means that this was a choice by the architect to have
 10 bought by the occupant of the building that he designed.
 11 **Q. And at some point, I assume based upon the**
 12 **report -- in report 1 on page 22 of that report, that you**
 13 **became aware that a desk was somehow involved as a**
 14 **portion of this investigation.**
 15 A. Obviously there were multiple media reports.
 16 We had also discussed issues with Steve Canterbury, so we
 17 obviously knew that there were accusations that one of
 18 the five original Cass Gilbert desks had been moved to
 19 Justice Loughry's house.
 20 **Q. And when you say one of the five, I assume that**
 21 **there were five original desks assigned to each justice**
 22 **of the court then?**
 23 A. That is my understanding with one having been
 24 missing for about 35 to 40 years.

Page 233

1 **Q. So currently to the best of your knowledge the**
 2 **Court has in its possession and knowledge four desks of**
 3 **the original five?**
 4 A. That is my understanding.
 5 **Q. And the desk that was mentioned in the report**
 6 **number 1, as we've termed it here today, was one of those**
 7 **four that have been in the Court's possession.**
 8 A. That is my understanding.
 9 **Q. So do you know how this particular desk came to**
 10 **be in Justice Loughry's possession?**
 11 A. It is my understanding that Justice Loughry had
 12 this desk when he was a law clerk, prior to being elected
 13 to the Supreme Court of Appeals, and that at some point
 14 in time he requested, I think the man's name is Fletcher
 15 Adkins, who was the director of facilities for the Court,
 16 to have the desk moved to his house.
 17 **Q. Do you know based upon the data that you have**
 18 **uncovered in this investigation when that desk was moved**
 19 **to Justice Loughry's residence?**
 20 A. With permission of the Committee if I can pull
 21 up the documentation.
 22 **Q. Yes, sir.**
 23 A. What we were provided is a payment by the State
 24 of West Virginia to Young's Moving Company which showed

Page 234

1 on Thursday, June 20th, "We moved furniture from the
 2 capitol to the Venable warehouse" -- no, that's the wrong
 3 one. Here we go. Then on Thursday, June 20th, 2013,
 4 "The furniture in Justice Loughry's office will be moved
 5 to make way for office renovations." Furthermore,
 6 there's a bill from Young's Moving Service on that day.
 7 However, this is merely the documentation we have. It
 8 does not refer to the Cass Gilbert desk, so I could not
 9 swear that this bill for moving furniture to Justice
 10 Loughry's house included the desk.
 11 **Q. Now, I have not seen that information that you**
 12 **have in front of you nor to my knowledge has that been**
 13 **made available to the Committee previously. Could you**
 14 **tell us, is there a breakdown on the number or kind of**
 15 **items that are transported to Justice Loughry's house as**
 16 **opposed to any other location on that date contained**
 17 **within that bill?**
 18 A. No, sir. What it shows is that there was a
 19 charge for that day of 9 hours of labor at \$85 per hour
 20 and 84 miles at 85 cents per mile by Young's Moving
 21 Service.
 22 **Q. So that would imply, I think, with 84 miles --**
 23 **I believe Young's is located in Dunbar if I'm correct?**
 24 A. I'm uncertain.

Page 235

1 **Q. But if -- is it safe that they -- where they**
 2 **took the items to -- I believe you mentioned that it --**
 3 **there was a mention -- you just mentioned the Venable**
 4 **Avenue warehouse in Kanawha City as well as Justice**
 5 **Loughry's home.**
 6 A. All we have is the receipt. It says moving
 7 services performed on Thursday, to wit, loaded items from
 8 state capitol, delivered an item to Dudley Drive - which
 9 it's my understanding is the address of Justice Loughry -
 10 returned to state capitol, finished loading and delivered
 11 remaining items to Venable Drive warehouse in Kanawha
 12 City. As to Young's Moving Service being in Dunbar,
 13 their statement shows that they are at 5311 Keith Drive,
 14 Cross Lanes.
 15 **Q. Cross Lanes. So there was at least one trip**
 16 **made to Justice Loughry's home and one trip made to the**
 17 **Venable Avenue warehouse, based upon the bill.**
 18 A. According to -- according to the bill the State
 19 of West Virginia paid, yes.
 20 **Q. And it is assumed based upon that information**
 21 **that the desk was on that day transported to Justice**
 22 **Loughry's home?**
 23 A. I cannot speak with that with any certainty
 24 because it doesn't say what was moved.

Page 236

1 **Q. Yes, sir. Was the desk's absence noted at the**
 2 **Court subsequent to that date?**
 3 A. I'm not sure I quite understand what you mean
 4 by was it noted.
 5 **Q. Well, was someone aware that the desk was**
 6 **missing at any time?**
 7 A. I would assume, but it's an assumption since it
 8 says Fletcher Adkins approved this, that Mr. Adkins
 9 would. My understanding from discussions with
 10 Mr. Canterbury was Mr. Canterbury had no knowledge that
 11 this desk had been moved to Mr. Loughry's home.
 12 **Q. But apparently someone was aware that the desk**
 13 **had been moved to Justice Loughry's home because you were**
 14 **at some point made aware that there was the potential**
 15 **that a desk was at Justice Loughry's home?**
 16 A. We obviously saw the media reports of people
 17 hauling things away. We also then went over to the
 18 warehouse and when we requested and took pictures of the
 19 desk and we had no disagreements from the Court that, in
 20 fact, the desk was previously at Justice Loughry's house
 21 and had been moved by Court employees to the Court
 22 warehouse.
 23 **Q. Do you have a date for when that desk was moved**
 24 **from Justice Loughry's residence to the Venable Avenue**

Page 237

1 **warehouse?**

2 A. Yes, we do, but I do not have it readily

3 available.

4 **Q. Okay. Have you interviewed anyone who**

5 **participated in the removal of the desk from Justice**

6 **Loughry's house?**

7 A. We talked to Officer Gundy. I was not involved

8 with that interview. I can't swear to you whether they

9 talked to Officer Gundy about the removal of the desk.

10 **Q. On your information and belief, you believe**

11 **that he may have been present at the time the desk was**

12 **removed from Justice Loughry's home?**

13 A. I believe both Mr. Gundy and Mr. Mendez were

14 two of the people that were there that moved the desk to

15 the Court's warehouse.

16 **Q. By Mendez, you mean Paul Mendez?**

17 A. That is my understanding, sir.

18 **Q. Did you or any of your employees visit the**

19 **Venable Avenue warehouse subsequent to the discovery that**

20 **the desk was at that location?**

21 A. Yes, sir, you'll find that on page 22 and page

22 23 of the first report.

23 **Q. And you have a picture of the desk that is**

24 **illustrated there for the Committee's inspection?**

Page 238

1 A. Yes, sir.

2 **Q. Did you personally see the desk in the**

3 **warehouse or did you --**

4 A. My staff did, sir, and brought back pictures.

5 **Q. Okay. And, again, you did confirm subsequent**

6 **to that with the Court that this was, indeed, apparently**

7 **a Cass Gilbert desk which was in the possession of the**

8 **Court prior?**

9 A. Yes sir.

10 **Q. Did you subsequent to the desk being deposited**

11 **back at the Venable Avenue warehouse commission an**

12 **appraisal of the value of that desk?**

13 A. Yes, sir, the Joint Committee on Government and

14 Finance hired the Purple Moon to make an appraisal of

15 that desk. They appraised the value of the desk at

16 \$42,500.

17 **Q. How was the value of the desk determined by**

18 **them in their report?**

19 A. I'm uncertain if the members have a copy of the

20 appraisal or not.

21 **Q. We do not, sir.**

22 A. I can read from the report. "Considering the

23 current market demand for fine furnishings such as this,

24 quote, Cass Gilbert desk, its historical significance,

Page 239

1 and impeccable provenance, the desk would have a fair

2 market value of \$42,500 in current condition. Full

3 restoration could increase this value.

4 The definition of fair market value is set

5 forth in treasury regulation 1.170A-1C2 which states, The

6 fair market value is, quote, the price at which the

7 property would change hands between a willing buyer and a

8 willing seller neither being under any compulsion to buy

9 or to sell and both having reasonable knowledge of the

10 relevant facts. The State tax regulations 20.2031-1B

11 expands the definition by stating, quote, Nor is the fair

12 market value of an item of property to be determined by

13 the sales price of the item and a market other than that

14 in which such item is most commonly sold to the public

15 taking into account the location of the item whenever

16 appropriate, end quote.

17 The sales comparison approach to value was

18 employed to determine the fair market value. In the

19 sales comparison approach the most appropriate market is

20 researched to locate comparable items which have sold in

21 the past on which an opinion of value can be based.

22 Adjustments in values are made to reflect differences, if

23 any, in value relevant to characteristics between the

24 comparable property and the subject properties.

Page 240

1 This appraisal is based only on the

2 readily apparent identity of the items appraised. In my

3 opinion, no further opinion or guarantee of authenticity,

4 genuineness, attribution of authorship is necessary."

5 **Q. That seems pretty conclusive and pretty**

6 **authoritative in terms of the expertise of the gentleman**

7 **who prepared it. We know generally his reputation --**

8 A. Yes.

9 **Q. -- in the community. He is an expert, he's a**

10 **dealer, I understand, in mid-century American furniture?**

11 A. Yes, sir. It's signed by Charles T. Hamsher,

12 president of Purple Moon Incorporated.

13 **Q. And as a consequence of his evaluation of the**

14 **valuation of the desk, I hesitate to say that you made a**

15 **determination in your report, but you certainly made an**

16 **evaluation based upon opinions issued by the ethics**

17 **commission that this may constitute, in your words, a**

18 **violation of the ethics act?**

19 A. That is correct.

20 **Q. And you quoted from an advisory opinion number**

21 **2012-52. Are you familiar generally with the findings of**

22 **that opinion?**

23 A. Yes, sir.

24 **Q. And what does that opinion state?**

Page 241

1 A. The relevant portion states, "If an individual
2 derives a benefit from the use of public equipment. That
3 constitutes a private gain. Even if an individual's use
4 does not result in a cost to the government; still the
5 individual benefited from the use of the public
6 equipment. Absent access to the use of public equipment,
7 the individual would have incurred the expense of renting
8 or purchasing the equipment."
9 **Q. And to the best of your knowledge, based upon**
10 **the information that you have concerning the removal of**
11 **the desk from Justice Loughry's home, it was for some**
12 **period present in his home?**
13 A. It is our understanding it was there for -- for
14 multiple years.
15 **Q. And was not in public use while it was in his**
16 **home?**
17 A. That would be correct.
18 **Q. Because it was in a private residence and not**
19 **within the confines of this building?**
20 A. Yes, sir.
21 **Q. Which is his assigned duty station as an**
22 **officer of the Court?**
23 A. Yes, sir.
24 **Q. Are you familiar with West Virginia Code**

Page 242

1 **29-1-7-B relating to the powers and duties of the**
2 **commissioner of -- and you'll forgive me. His title has**
3 **changed so many times here in the past year and a half.**
4 **With regard to the commissioner of archives and history**
5 **generally?**
6 A. Not that specific Code, I mean, but in -- the
7 general rules of the statute with regards to the
8 authority of the chairman of culture and history --
9 archives and history, excuse me.
10 **Q. Does that statute to the best of your knowledge**
11 **contain a stricture concerning the removal of original**
12 **furnishings from the Capitol building?**
13 A. Yes, sir, that I am familiar with.
14 **Q. And if I represented to you that it stated that**
15 **no furnishings from the capitol may be sold or disposed**
16 **of except pursuant to the provisions of Article 3 Chapter**
17 **5A of this Code, that would seem to be true and correct**
18 **to you?**
19 A. Yes, I've read that statute before and that is
20 my recollection of how it reads.
21 **Q. And that statute in that section goes on to**
22 **reference West Virginia Code Section 5A-3 generally. And**
23 **I believe you're familiar in your capacity as Legislative**
24 **Auditor that that article of the Code generally deals**

Page 243

1 **with the disposition of surplus property?**
2 A. Yes, sir. We've audited surplus property way
3 too many times.
4 **Q. And the disposition of surplus property as**
5 **provided for in that relevant article requires either**
6 **warehousing of surplus property or a subsequent sale of**
7 **surplus property as the only accepted mechanisms for**
8 **State property to be disposed of.**
9 A. That is my understanding, but I also believe
10 the legislature is except from that statute.
11 **Q. But the Supreme Court is not exempt from that**
12 **statute to the best of your knowledge?**
13 A. Not to my knowledge.
14 **Q. And there is also, I believe, a penalty for**
15 **violation of the provisions of that article if one**
16 **disposes of a piece of property not in accordance with**
17 **the provisions of that article of Code?**
18 A. To the best of my knowledge that is correct.
19 **Q. And I believe that's in Section 5A-3-29**
20 **entitled, rather shockingly, Penalty for violation of**
21 **article, and it states that a person who violates that**
22 **article is if -- upon conviction, guilty of a**
23 **misdemeanor.**
24 A. That sounds correct.

Page 244

1 **Q. And you noted as well that the same provisions**
2 **of the Ethics Act in that section that were discussed**
3 **there on page 22, based upon that advisory opinion that**
4 **we've previously discussed, essentially would perhaps**
5 **touch upon the use of automobiles as well as the use of**
6 **the desk.**
7 A. That is correct.
8 **Q. And so it is, again, I hesitate to say your**
9 **conclusion because in the report itself it's more or less**
10 **in a statement of probability rather than certainty, you**
11 **note that because of the strictures of the act being**
12 **construed by the Ethics Commission in the manner in which**
13 **they have set forth in that opinion, that you believe**
14 **that these instances could -- could constitute ethical**
15 **violations in that they were uses of private -- or of**
16 **public property for private gain.**
17 A. That is correct.
18 MR. CASTO: I have no further questions
19 of the witness at this time, Mr. Chairman.
20 CHAIRMAN SHOTT: Thank you, Counsel. I'm
21 going to begin -- begin on this side of the room first
22 and I'll start with Delegate Hollen, if you have
23 questions.
24 DELEGATE HOLLEN: Pass at this time.

Page 245

1 CHAIRMAN SHOTT: Delegate Zatezalo.
 2 EXAMINATION
 3 BY DELEGATE ZATEZALO:
 4 **Q. Quick question is: Were you able to discern**
 5 **any past precedent for any furniture ever being taken**
 6 **from a warehouse for use like this?**
 7 A. From the documentation we saw from the Court,
 8 which was in response to a media FOIA request, it is our
 9 understanding that the Court stated in writing that where
 10 they had previously allowed justices to have quote, an
 11 office at home, that they had merely provided computers
 12 and fax machines only.
 13 **Q. But there was something --**
 14 A. Yes, sir.
 15 **Q. Okay. The second thing is: Cass Gilbert desk,**
 16 **does it have a plate or markings or anything that**
 17 **identifies it as a Cass Gilbert desk?**
 18 A. No, sir.
 19 **Q. Okay. Just curious. Thank you.**
 20 CHAIRMAN SHOTT: Delegate Pushkin.
 21 DELEGATE PUSHKIN: Thank you,
 22 Mr. Chairman.
 23
 24 EXAMINATION

Page 246

1 BY DELEGATE PUSHKIN:
 2 **Q. Thank you, Mr. Allred, for being here.**
 3 **Were you present in the warehouse when**
 4 **they went -- they went to look at the desk, take this**
 5 **picture, go for the appraisal? Were you there?**
 6 A. No, sir. I sent my staff.
 7 **Q. Well, I'm looking the picture here and you**
 8 **can't really see the entire -- the entire desk. Do you**
 9 **know if there were any alterations made to the desk?**
 10 A. It is my understanding that there was some
 11 scratches, et cetera, on the desk. I'm not sure if there
 12 was anything more than that. I'm uncertain.
 13 **Q. So no holes made for computer wires or anything**
 14 **like that?**
 15 A. I am uncertain.
 16 **Q. Okay. And the desk was -- I imagine it was in**
 17 **this building -- it was in the east wing of the building**
 18 **before it was taken to the home of Justice Loughry?**
 19 A. It is our understanding from discussions that
 20 the desk was in Clerk Loughry's office prior to him being
 21 elected a justice of the Supreme Court of Appeals.
 22 **Q. Okay. So when he was clerking at the Supreme**
 23 **Court prior to that he had the desk in his office and**
 24 **that's when it -- and then -- and when was it -- when was**

Page 247

1 **it taken from this building into his house?**
 2 A. I can't tell you with certainty. I can only
 3 tell you what bills we found.
 4 **Q. Okay. Well, I couldn't hear very well when you**
 5 **were going over that part. So what -- what were the --**
 6 **the bills you found, was it, first, a moving company and**
 7 **then it was court employees that moved it the second**
 8 **time?**
 9 A. That is my understanding, yes.
 10 **Q. What's that?**
 11 A. That is my understanding what you just
 12 described, yes.
 13 **Q. So the moving company you said was located in**
 14 **Cross Lanes or Dunbar -- I couldn't hear very well. They**
 15 **moved it the first time. I'm not going to get into**
 16 **mileage again. We spoke enough about mileage earlier in**
 17 **the day. But the second time you said that was court**
 18 **employees were -- were -- was it, like, during the**
 19 **working hours were moving the -- this desk out of the --**
 20 **Justice Loughry's house into a warehouse in Kanawha City?**
 21 A. It is our understanding, yes, that they were on
 22 the clock.
 23 **Q. Okay. Well, are you familiar at all with Rule**
 24 **212 subsection C of the Code of judicial conduct that**

Page 248

1 **states - I'll go ahead and read for you - "A judge shall**
 2 **not direct any Court personnel to engage in any activity**
 3 **or perform any work not reasonably related to the**
 4 **official position or functions of the personnel."?**
 5 A. Yes, sir.
 6 **Q. You're familiar with that?**
 7 A. Yes, sir.
 8 **Q. Would you say that this could be seen as a**
 9 **violation of that Code in the Code of Judicial Conduct?**
 10 A. I would certainly say that's an argument you
 11 could make. That would be up to the JIC to make that
 12 decision.
 13 **Q. Yeah. Okay. Well, this is more of, I guess a**
 14 **legal question, I suppose, and let's see who could answer**
 15 **it, but if someone takes something of a great value that**
 16 **does not belong to them and then give it back once it's**
 17 **known, does -- is that still considered grand larceny?**
 18 A. That's a question, sir, I do not feel
 19 comfortable asking -- or answering. I'm sorry.
 20 DELEGATE PUSHKIN: Can I ask a question
 21 of counsel and it'll be my last question? Is that all
 22 right, Mr. Chairman?
 23 CHAIRMAN SHOTT: Yeah, go ahead.
 24 MR. CASTO: Yeah, I'm aware that the desk

Page 249

1 was given back after -- and, thank you, I'm done with
 2 questions for you, Aaron. Thank you very much.
 3 I guess I'm looking at the definition of
 4 a grand larceny and I can tell you from law school days
 5 with Roger Griffith, larceny is the taking and carrying
 6 away of the personal property of other with permanent
 7 intent to deprive the prior possessor thereof. Now, the
 8 question there we're talking about common law larceny as
 9 opposed to statutory larceny which we have in our Code.
 10 I don't believe -- and there's certainly people here
 11 better able to speak to this than I. I don't believe
 12 that our Code speaks to the permanent intent argument
 13 that was at common law. I think that it merely states
 14 that the taking and carrying away with some intent to
 15 deprive the possessor. I don't think it represents an
 16 intent to permanently deprive.
 17 So, theoretically, you know, borrowing or
 18 taking somebody's property for some period of time even
 19 if you intend to return it in a later date would indeed
 20 still constitute larceny, I believe, based upon our
 21 statutory definition.
 22 DELEGATE PUSHKIN: Thank you very much.
 23 Thanks.
 24 CHAIRMAN SHOTT: Delegate Lane.

Page 250

1 DELEGATE LANE: Thank you, Mr. Chairman.
 2 EXAMINATION
 3 BY DELEGATE LANE:
 4 **Q. Mr. Allred, I am sort of confused. So do you**
 5 **have in your report anybody that actually knows that the**
 6 **Cass -- the so-called Cass Gilbert desk was taken from**
 7 **this Capitol to Justice Loughry's house?**
 8 A. Are you -- are you saying in the report?
 9 **Q. Or documentation.**
 10 A. We do not have anything of documentation that
 11 shows specifically a Cass Gilbert desk was taken on
 12 such-and-such a date to Justice Loughry's house. The
 13 records we found do not say what was moved. Now, are --
 14 we do know from interviews that court employees did go to
 15 the house, did retrieve the desk, and take the desk to
 16 the Supreme Court warehouse, which I believe is on
 17 Venable Avenue.
 18 **Q. Okay. So court employees, and that is in the**
 19 **report, removed it from his house and took it to the**
 20 **warehouse?**
 21 A. I believe that's not in the report, but, yes,
 22 we do know that.
 23 **Q. Okay. Now, tell me, under what authority the**
 24 **Supreme Court is renting warehouses other than what the**

Page 251

1 **State does for surplus property?**
 2 A. There are multiple State agencies that have
 3 warehouses for different reasons. For example, the
 4 Supreme Court is in charge of all 55 county courts, so
 5 you have computers, you've got things circuit judges
 6 would have to have, family court judges would have to
 7 have, magistrates. I do not find it unusual that the
 8 Supreme Court would have warehouse facility. Now, the
 9 size might surprise me, but it is not abnormal for an
 10 agency to rent ware -- warehouse space.
 11 **Q. Okay. Now, at some point you said that the**
 12 **desk, and I'm not sure whether it was from the appraisal**
 13 **report or this is what you said -- that the desk was of**
 14 **impeccable provenance, so that means to me that it is**
 15 **absolutely proven that it is a Cass Gilbert desk. Do we**
 16 **know -- is that an accurate statement?**
 17 A. I think it is an accurate statement to state
 18 that the appraisal refers to it as an Cass Gilbert desk
 19 by Mr. Hamsher, yes.
 20 **Q. And he was certain that it is actually a Cass**
 21 **Gilbert desk?**
 22 A. My under -- my understanding is yes, but that
 23 may be a question more appropriately addressed to him.
 24 We paid for the appraisal. It's his opinion.

Page 252

1 DELEGATE LANE: Okay. Thank you.
 2 CHAIRMAN SHOTT: Second row, Delegate
 3 Overington.
 4 DELEGATE OVERINGTON: Thank you,
 5 Mr. Chairman.
 6 EXAMINATION
 7 BY DELEGATE OVERINGTON:
 8 **Q. The -- I know in the house of delegates when we**
 9 **change offices we sort of take the chair we don't like,**
 10 **we put it out in the hall, we go up again, we find some**
 11 **other chair that we like better that we replace ours with**
 12 **or the same thing applies to sofas and desks. What is**
 13 **the policy for the Supreme Court when a new justice is**
 14 **elected in terms of them taking over an office and**
 15 **being -- the existing furniture in that office?**
 16 A. I'm uncertain if there is a specific policy.
 17 **Q. Do you know if it's -- if a justice wants to**
 18 **make a change whether it's -- the furniture is moved to a**
 19 **storage area or is there any policy you're aware of?**
 20 A. I'm un -- I know of no policy of the Court that
 21 specifies what a new justice can do with the furniture
 22 that's in the office or with the office itself.
 23 DELEGATE OVERINGTON: I see. Thank you,
 24 Mr. Chairman.

Page 253

1 CHAIRMAN SHOTT: Delegate Fluharty.
 2 DELEGATE FLUHARTY: Thank you,
 3 Mr. Chairman. My first question is probably more
 4 appropriate for counsel if he's available.
 5 CHAIRMAN SHOTT: Counsel.
 6 MR. CASTO: I'm sorry. I didn't hear
 7 you.
 8 DELEGATE FLUHARTY: My first questions
 9 probably pertains to you more so than the witness. Sorry
 10 about that. I'll be brief. Is public equipment defined?
 11 MR. CASTO: I believe that public
 12 equipment -- are you looking for a particular definition?
 13 I mean, are you pulling -- are you -- is there a term of
 14 art that you see in front of you that I don't?
 15 DELEGATE FLUHARTY: Well, I was reading
 16 the Auditor's report here and it refers to the desk as
 17 public equipment, and I wondered if there was a
 18 definition of what constitutes public equipment.
 19 MR. CASTO: I don't believe that there's
 20 a definition of public equipment as a term of art in the
 21 manner in which it is used in the report. I think that
 22 the Ethics Commission and the opinion that they have may
 23 have a more defined use of it, but I'm not certain on
 24 that point.

Page 254

1 DELEGATE FLUHARTY: So my -- can a
 2 further inquiry be in defining public equipment, is it an
 3 access issue or an ownership issue?
 4 MR. CASTO: I believe that in the context
 5 of the opinion as it was issued by the Ethics Commission
 6 that it is an ownership issue, that it is not
 7 equipment -- for example, like a playground where there's
 8 public access and it's owned by the public, but merely
 9 the public ownership of the property or equipment is
 10 sufficient to render it public equipment. Certainly the
 11 general public doesn't have access to a grader used by
 12 the State road, but it would nevertheless I think under
 13 the terms of the ethics commission's opinion be public
 14 equipment.
 15 DELEGATE FLUHARTY: Okay. That's all I
 16 have. Thanks.
 17 CHAIRMAN SHOTT: Delegate Byrd.
 18 DELEGATE BYRD: Thank you, Mr. Chairman.
 19 EXAMINATION
 20 BY DELEGATE BYRD:
 21 **Q. Thank you for being here. It was a little hard**
 22 **to hear, but did you say that -- the day that the desk**
 23 **was moved? What was the date?**
 24 A. The record --

Page 255

1 **Q. By Young's, I guess you said?**
 2 A. Yeah. The records we found referred to
 3 Thursday, June 20th, 2013, but the records do not show
 4 what was moved, so I cannot say with any certainty that
 5 is the date it was moved. Merely that they moved
 6 something to Dudley Avenue.
 7 **Q. And that's a State holiday when no one was --**
 8 **would have been around?**
 9 A. That would be correct.
 10 **Q. And on -- do we have any confirmation or**
 11 **evidence that shows who contacted Young's initially?**
 12 A. From the documentation it would appear that it
 13 was Fletcher Adkins of this -- the Court -- his title --
 14 let me see if I can find his title. He was director of
 15 court facilities if I remember correctly.
 16 **Q. Okay. And then for the removal of the desk**
 17 **from Justice Loughry's house, who contacted who to get**
 18 **that in action? Do you have any proof or documentation**
 19 **of that?**
 20 A. We do not have any documentation of that.
 21 **Q. Was there any indication of who made the**
 22 **initial contact to get that ball rolling in any**
 23 **interviews?**
 24 A. It is our understanding that Justice Loughry

Page 256

1 contacted Director Johnson, who took over from Steve
 2 Canterbury as the administrative director, and worked
 3 through Director Johnson to have court employees come to
 4 his house.
 5 DELEGATE BYRD: All right. Thank you.
 6 That's all I have.
 7 CHAIRMAN SHOTT: Third row, Delegate
 8 Miller.
 9 DELEGATE MILLER: Thank you,
 10 Mr. Chairman.
 11 EXAMINATION
 12 BY DELEGATE MILLER:
 13 **Q. Thank you, Mr. Allred, for being here.**
 14 **Does the Supreme Court have any type of**
 15 **inventory control system where they can track their**
 16 **property, whether it's computers, furniture, anything**
 17 **else?**
 18 A. To our understanding, statements by the present
 19 chief justice and the former administrative director --
 20 Director Johnson, the only inventory the Supreme Court
 21 had at all was of computer equipment. We had started
 22 auditing the Supreme Court's lack of inventory, because
 23 it bothers us when you've got court facilities in all 55
 24 counties, you've got -- I believe the Court's budget is

Page 257

1 well over \$100 million a year, that you would have a
 2 business of over \$100 million a year without an
 3 inventory. According to the Court and according to the
 4 records we saw, they have a partial inventory for
 5 computer equipment and that's it.

**6 Q. On your search for records - and I'm not sure
 7 how in-depth you got with the moving company in making
 8 your inquiries - but are you aware of any other records
 9 by the moving company where they had made any other trips
 10 that they were contracted between the Capitol and the
 11 Loughry home between Jan -- or June 20th of 2013 until
 12 present?**

13 A. Not to my knowledge.

14 Q. Thank you.

15 DELEGATE MILLER: Thank you Mr. Chairman.
 16 CHAIRMAN SHOTT: Delegate Robinson.
 17 DELEGATE ROBINSON: Thank you,
 18 Mr. Chairman. I think I have one for counsel to start
 19 out if that's okay.

20 Counsel, I just want to follow the -- if
 21 we can stick in the 21st century, I'd appreciate it, but
 22 I want to request follow-up on Delegate Pushkin's
 23 question there. You said something about larceny and
 24 intent. Can you explain that to me again?

Page 258

1 MR. CASTO: Yes, sir. Larceny has
 2 historically been an intent crime. I'm not sure -- and
 3 as I said, there are gentlemen here in -- on this
 4 Committee who work daily in prosecuting criminals and
 5 some of them defending criminals, who know the larceny
 6 statute far better than I do. One of them is seated to
 7 your immediate right. But I will tell you that larceny
 8 has historically involved some intent to remove the
 9 personal property or the -- or in this case public
 10 property and it's always a property crime. It's removing
 11 property from its accustomed place and intended use or
 12 possession of --

13 DELEGATE ROBINSON: Do you have some
 14 understanding of Justice Loughry's intent that I don't
 15 have? Because I don't believe it was returned until it
 16 was public.

17 MR. CASTO: And intent in the case of
 18 larceny is usually inferred from the behavior of the
 19 individual taking it. And --

20 DELEGATE ROBINSON: So, say - I am trying
 21 to go down the line and figure this out in my head, so if
 22 you'll play along - if a person took something when no
 23 one was around, took it to his home and did not return
 24 it, what would -- what would your -- I mean, how would

Page 259

1 you follow intent there? I mean --

2 MR. CASTO: Again, a reasonable person
 3 could -- could infer intent from that pattern of
 4 behavior. You know, as we are not the trier of fact and
 5 ultimate disposition in this body, I am trying my best
 6 not to state what my opinion might be as to that
 7 behavior.

8 DELEGATE ROBINSON: So we -- so we aren't
 9 aware of any intent except for that the property was not
 10 returned until it was made public?

11 MR. CASTO: That would be one method by
 12 which you could infer intent, sir. Yes, sir.

13 DELEGATE ROBINSON: Thank you, Mr. Casto.
 14 I'll go to Mr. Allred for a second, if I may.

15 EXAMINATION

16 BY DELEGATE ROBINSON:

**17 Q. Mr. Allred, were you able to interview
 18 Mr. Adkins who was in the home and actually picked up a
 19 desk and couch and removed it?**

20 A. Mr. Adkins no longer works with the Supreme
 21 Court. He retired a couple years ago. My recollection
 22 is my staff reached out to him. I cannot tell you off
 23 the top of my head whether he actually provided us with
 24 any information. I know he did not provide us with any

Page 260

1 detailed information.

**2 Q. Were you able to interview whoever -- I was
 3 under the impression Mr. Adkins removed it most recently.
 4 Were you able to interview whoever moved the couch most
 5 re -- or the couch and desk most recently?**

6 A. The audit staff did not.

7 Q. They did not interview them?

8 A. Not to my recollection.

**9 Q. Okay. Are you aware of any other property that
 10 might have been or has -- that was at Justice Loughry's
 11 home?**

12 A. I'm aware -- I am aware of what is in the JIC
 13 report and also what is in the federal indictment, yes,
 14 sir.

**15 Q. Okay. Did -- have you been able to review any
 16 of the expenditures made by Justice Loughry on his
 17 offices and any property that may have been not
 18 considered real property or attached to the improvements?
 19 Such as --**

20 A. If you're referring to the computers that are
 21 referenced in the JIC report, no, sir.

**22 Q. What about picture frames or personally --
 23 personal material that may have been framed and removed
 24 from his office?**

Page 261

1 A. Yes, sir, we have looked at some invoices and
2 payments to framing companies here in town. At this
3 point in time I know what I've been told about pictures,
4 but that's not the same thing as having documented
5 evidence to show which pictures were framed and whether
6 those pictures that were framed were then taken by
7 Mr. Loughry back to his residence.

8 **Q. Do you recall what the total of the invoices of
9 the framing for Justice Loughry's office might have been
10 in those invoices, if that's information you have or --**

11 A. First off, all we have are invoices and we
12 could total them for you and would be happy to provide
13 the Committee with the total of those invoices. I am not
14 sure that those invoices necessarily separate out by
15 justice.

16 **Q. Okay.**

17 A. It may not say that this was for Justice
18 Loughry.

19 **Q. Are we talking in the hundreds of dollars, in
20 the thousands, of the tens of thousands? Do you recall?**

21 A. My recollection is when it comes to framing for
22 the Supreme Court you're talking thousands.

23 **Q. Thousands of dollars?**

24 A. Yes, sir.

Page 262

1 **Q. And they may or may not remain in the justices'
2 office here at the Capitol?**

3 A. I've heard accusations, but I do not know.

4 **Q. Do you know -- do you have any information as
5 to what was framed? I think you answered that, but --**

6 A. Mr. Canterbury informed us of his recollection
7 of some things that the Court paid for framing, yes, but
8 that is merely what Mr. Canterbury told me.

9 **Q. So you don't want to pass that on? That is not
10 documented yet?**

11 A. I believe that would be more appropriate to ask
12 Mr. Canterbury as opposed to me.

13 **Q. Okay. I think Delegate Miller was going down
14 this line and I believe it's either in your report or the
15 JIC report of if there's a policy of a home office
16 ability for the justices. Is that a policy that you're
17 aware of that they have to allow that?**

18 A. To my recollection according to first, Justice
19 Davis, who issued her own FOIA response, and then fil --
20 then the Court, there was nothing in writing that said
21 you could take a desk home, and that all they'd ever
22 furnished justices was computers and faxes.

23 **Q. Do any of the current justices or recently
24 resigned justices -- did they -- they have any furniture**

Page 263

1 **or any items other than a computer at their home?**

2 A. To our knowledge only computers and fax
3 machines.

4 **Q. Okay. So Justice Loughry would be the only
5 person that had furniture or anything of value other than
6 a computer that belonged to the State at his home?**

7 A. To my knowledge, yes.

8 DELEGATE ROBINSON: Okay. That's all I
9 have. Thank you.

10 CHAIRMAN SHOTT: Delegate Fast.

11 DELEGATE FAST: Thank you again,
12 Mr. Chairman.

13 EXAMINATION

14 BY DELEGATE FAST:

15 **Q. Thank you, Mr. Allred.
16 Is there a policy that describes what a
17 justice may have in their home as related to Supreme
18 Court business?**

19 A. Not to my knowledge.

20 **Q. Okay. So there wouldn't be any violation if he
21 had a couch and a computer or just a computer?**

22 A. A violation of what specifically, sir?

23 **Q. Anything.**

24 A. Our position as reported in the audit is we

Page 264

1 were concerned that the use of the desk was a possible
2 violation of the Ethics Act and, therefore, we stated in
3 the audit that we were referring the matter to the Ethics
4 Commission.

5 **Q. Okay. So a justice is allowed to have a
6 computer?**

7 A. Yes, sir.

8 **Q. And what authorizes that use or what authorizes
9 that act, to have a computer?**

10 A. To my knowledge that was just the decision of
11 the five justices.

12 **Q. Okay. And that -- wouldn't that also violate
13 the Ethics Act then?**

14 A. It would depend on how the computer was used.
15 The Judicial Investigative Commission charges included
16 the fact that Justice Loughry had multiple computers at
17 his house and that extra computers were used by his child
18 and by his wife and that Supreme Court IT techs took care
19 of those computers. If the charges by the Judicial
20 Investigative Commission about the extra computers are
21 true and those computers were not used for work but were
22 used merely for personal endeavors, I would state that it
23 would be my opinion that those computers that were not
24 used for work but supplied by the Supreme Court would be

Page 265

1 a violation of the Ethics Act.

2 **Q. I understand that. Just having a computer,**

3 **though, a Supreme Court computer, at your house, that**

4 **would be Supreme Court, i.e., government property at**

5 **one's house.**

6 A. That would be correct.

7 **Q. Okay. Wouldn't that in and of itself be a**

8 **violation of the Ethics Act the same as a couch?**

9 A. I do not believe so, sir.

10 **Q. How can you differentiate between a**

11 **government-owned computer and a government-owned couch?**

12 A. I believe if you look at advisory opinion

13 number 2012-52, the key distinction the Ethics Commission

14 makes is whether the individual divi -- derives a benefit

15 from the use of the public equipment that constitutes a

16 private gain. If a justice had a Supreme Court owned

17 computer at their house and they used that Supreme

18 Court-owned computer for Supreme Court business, there

19 would not be a private gain from the use of that

20 computer. It would be a State-owned computer used for

21 State-owned business.

22 **Q. Okay. I think I see where you're saying there.**

23 **So if you had a State-owned computer -- I'm just trying**

24 **to draw the -- clear out the gray lines. If you have a**

Page 266

1 **State-owned computer at a justice's house and they send**

2 **and receive some personal e-mails, is that -- that a**

3 **violation?**

4 A. The Ethics Act from my understanding has been

5 consistent that the de minimis use is allowed.

6 **Q. Okay. So if they generate some additional**

7 **letters, personal letters, things like that, then we're**

8 **getting into this no man's land or gray area?**

9 A. I think the Ethics Commission's been consistent

10 it's the amount of use, if it's more than de minimis for

11 private use then it's not allowed.

12 **Q. Okay. All right. Thank you.**

13 **I wanted to ask you about the desk and I**

14 **just wanted to clarify, when you first started**

15 **testifying, did you say that when the desk was moved that**

16 **Loughry, Justice Loughry asked someone about moving the**

17 **desk, that there was some discussion or request or**

18 **permission given or anything?**

19 A. I don't remember testifying to that.

20 **Q. Okay.**

21 A. To my knowledge that -- the only person to my

22 knowledge he would have asked was simply Fletcher Adkins

23 to schedule the movement of whatever stuff was moved to

24 his house on Dudley Avenue.

Page 267

1 **Q. Okay, and who is Fletcher Adkins?**

2 A. He is the retired director of the Supreme Court

3 facilities.

4 **Q. Okay. Does he have any authority to grant**

5 **someone permission to take anything out of the Supreme**

6 **Court premises?**

7 A. We saw no documentation that he did.

8 **Q. Who would have the authority to allow that to**

9 **happen --**

10 A. That would be --

11 **Q. -- lawfully?**

12 A. -- the five justices and the director of

13 administration if they have provided him with authority

14 to do that. However, as counsel pointed out, there is an

15 issue with regards to something of historical

16 significance to the Capitol, whether you could even move

17 it out of the Capitol.

18 **Q. Okay. And you say you have a -- an invoice or**

19 **a bill from the moving company that something was moved,**

20 **I think -- was it November 20 of that year?**

21 A. June 20th.

22 **Q. June 20. But you have no way -- you have no**

23 **idea what was moved that day, correct?**

24 A. What the statement reads from Young's Moving

Page 268

1 Service is for, quote, moving services performed on

2 Thursday, June 20, 2013, to wit, load items from the

3 State Capitol, delivered an item to Dudley Drive,

4 returned to the State Capitol, finished loading and

5 delivering items to Venable Drive warehouse in Kanawha

6 City. That is all the receipt says -- or the bill says.

7 **Q. Okay. So we don't know what that is?**

8 A. I cannot tell you with specificity what item

9 was delivered to Dudley Drive.

10 **Q. Okay. In the statement of charges -- formal**

11 **statement of charges, it's the end of your second audit**

12 **report, page 13, it -- it states -- it seems to state**

13 **conclusively that this happened. Is that verifiable?**

14 A. You said the second report. You mean the first

15 report, sir?

16 **Q. Well, this -- the end of the second report it**

17 **has the formal statement or charges, with a file date of**

18 **June 6th, 2018.**

19 A. We don't issue charges, sir, so I'm not sure

20 what you're referring to.

21 **Q. Okay. Well, I know you didn't write it, but it**

22 **says, "In December 2012, respondent without the**

23 **permission of the Court and without the knowledge of the**

24 **justices had the Cass Gilbert desk -- executive desk**

Page 269

1 moved from him law clerk office at the Capitol to his
2 home in Charleston." Is that -- is there any way to
3 verify that?
 4 A. I don't have the information that the JIC has.
 5 I can't tell you the item that was moved on June 20th
 6 could have been the couch. All I know is that there is
 7 bill to the State for moving something to Dudley Avenue,
 8 which the assumption would be since that is where Justice
 9 Loughry lives that the item was delivered to Justice
 10 Loughry's house.
11 Q. Okay. And then it says that the Cass Gilbert
12 desk remained in Respondent's home office from December
13 2012 until November 30, 2017. During normal work hours
14 on November 30, 2017, Respondent had three court
15 employees surreptitiously move the desk from the house to
16 the Court warehouse.
17 Do you know who these three employees are?
 18 A. My recollection is Mr. Mendez.
19 Q. Mendez?
 20 A. Mendez, Mr. Gundy, who was one of the security
 21 officers; and I've heard the name of the third but I'm
 22 not sure who he is. And that's my recollection. I am
 23 certain that one of them was Mr. Gundy, but I wouldn't
 24 swear to the names with certainty, because there's no

Page 270

1 documented evidence that we have.
2 Q. So you didn't talk to these three individuals
3 or did you or someone in your office?
 4 A. Someone did. We talked to Mr. Gundy on a
 5 couple of occasions with regards to this, and with
 6 regards to the transportation of justices. He's the
 7 assistant director of security for the court to my
 8 recollection.
9 Q. And did he state specifically that this Cass
10 Gilbert desk was moved by himself on November 30, 2017?
 11 A. I'm not sure. Be happy to pull whatever notes
 12 we have for meeting with Mr. Gundy and supply them to the
 13 Committee.
14 Q. Do you have any knowledge right here today that
15 any of these three gentlemen specifically stated that
16 they moved this Cass Gilbert desk from Justice Loughry's
17 home to a warehouse on November 30, 2017, specifically
18 that desk?
 19 A. For those three individuals, no. Do I know the
 20 desk was moved on that date? Yes, I do.
21 Q. And how do you know that?
 22 A. From both media reports and from our discussion
 23 with Supreme Court staff. We actually -- once it was
 24 moved over to the warehouse, Arthur Angus, the director

Page 271

1 of security, we contacted, and it took a little bit of
 2 effort, but he agreed to let us go over to the warehouse
 3 and to take pictures of the desk that had been moved to
 4 the Supreme Court warehouse.
5 Q. Did he tell you how long the desk had been
6 there?
 7 A. I was not there, so I can't tell you with
 8 certainty.
9 Q. Okay. So you don't have any particular
10 information from these three gentlemen that they moved
11 that desk on that day from Justice Loughry's home to the
12 warehouse?
 13 A. I would be happy to have my staff go back and
 14 pull the notes from the meetings we had with any of these
 15 individuals that we talked to with regards to moving the
 16 desk.
17 Q. Okay. Mendez, Gundy and who was the third?
 18 A. I'm not sure -- I don't remember the name of
 19 the third one, sir.
20 Q. Okay. How long would it take to get that
21 information regarding these three individuals?
 22 A. For us to review our notes and get back to you,
 23 certainly by the morning.
24 Q. Okay. And the person that you say authorized

Page 272

1 you to go to the warehouse and take photographs, who was
2 that?
 3 A. Arthur Angus, the Supreme Court director of
 4 security.
5 Q. And when -- when did this take place?
 6 A. Shortly thereafter. I'm not certain of the
 7 date off the top of my head.
8 Q. Was it still within the year of 2017?
 9 A. I can get you that date easily, but I'm not
 10 sure of the date off the top of my head, but it was
 11 shortly after the desk was moved over there.
12 Q. And what triggered this trip to the warehouse
13 to take photographs?
 14 A. The media reports, including the accusation by
 15 the media that items had been removed from Justice
 16 Loughry's house by court employees and taken over to the
 17 warehouse, which we were able to confirm.
18 Q. Okay. Now, these statements of charges, which
19 I understand you didn't write, also says, "The plan
20 called for respondent's wife to call him at work after
21 neighbors across the street left their houses and no one
22 would see the desk moved out of his house."
23 Do you know anything about that?
 24 A. That's not part of our audit, sir.

1 **Q. Did you come across any such information during**
2 **your audit?**
3 A. Kenny Bass called me and told me that they were
4 trying to take pictures of him moving the desk that day
5 and that -- something to the indication of that it
6 appears that people were on the lockout.
7 **Q. Kenny who?**
8 A. Kenny Bass of WCHS.
9 DELEGATE FAST: Okay. Thank you,
10 Mr. Chairman.
11 EXAMINATION
12 BY DELEGATE FLUHARTY:
13 **Q. Yes, my question was first on the delivery --**
14 **the original delivery of the desk to the house. It was**
15 **by Young's Moving Service?**
16 A. We have a receipt that shows on June 20th
17 something was moved to Justice Loughry's house.
18 **Q. Or something was moved, and --**
19 A. It says "an item."
20 **Q. And with looking that something being moved to**
21 **the house, I believe there would have been, according to**
22 **DOT regulations, a delivery ticket or shipping**
23 **information that would be -- go along with that vehicle**
24 **to deliver it to the location. It wouldn't list the**

1 **items or what was on it, but I was wondering if they --**
2 **you reached out to try to acquire -- inquire who had**
3 **signed that delivery ticket or get a copy of it?**
4 A. Post Audit Division did not.
5 **Q. They did not. Okay.**
6 DELEGATE FLUHARTY: And then also I had a
7 question for counsel if available.
8 CHAIRMAN SHOTT: Counsel.
9 MR. CASTO: Yes, sir.
10 MR. FLUHARTY: Earlier in your discussion
11 explaining the removal of original furniture or something
12 from the -- it's not allowed to be removed, but did you
13 say that the legislature is exempt?
14 MR. CASTO: No, that we were talking
15 about that with regard to the surplus property
16 provisions. No one to my understanding is exempt from
17 the general application of that provision in 29.1.7 paren
18 b.
19 **Q. Okay. So that is just surplus property?**
20 A. Right. That would be the general provisions of
21 53 that that falls under, but the general provisions of
22 29.1.7(b) relating to the requirement that original
23 property of the building stay in the building, no one is
24 exempt from that to my knowledge.

1 DELEGATE FLUHARTY: All right. Thank
2 you.
3 CHAIRMAN SHOTT: Delegate Sobonya.
4 DELEGATE SOBONYA: Thank you,
5 Mr. Chairman.
6 EXAMINATION
7 BY DELEGATE SOBONYA:
8 **Q. On the -- I guess there was a cover sheet. It**
9 **was -- it's a faxed cover sheet from the Supreme Court of**
10 **Appeals and it's from Fletcher Adkins. It's on -- it's**
11 **in front of the page where you have the invoice from**
12 **Young's Moving Service for Thursday, June 21st -- or June**
13 **20th, and it says that the furniture in Justice Loughry's**
14 **office will be moved to make way for office renovations.**
15 **So there, in fact, was a reason for that furniture being**
16 **moved. Is that not correct?**
17 A. I can't answer you whether there was a reason
18 for moving that furniture or not, ma'am.
19 **Q. Well, it's in the documentation that you just**
20 **provided. It's from the Court and it says "On Thursday,**
21 **June 20th, the furniture in Justice Loughry's office will**
22 **be moved to make way for office renovations. I would**
23 **like for" your -- "you to provide assistance to move the**
24 **furniture in the Capitol building." And this is sent**

1 **from the Court to Young's Moving Service. My follow-up**
2 **question is: On page 27 of the JIC report on Count 20 it**
3 **says, Mr. Canter -- or Mr. Loughry was asked about, you**
4 **know, who gave authorization to initiate the movement of**
5 **the desk to his house and it's -- he - meaning Justice**
6 **Loughry - says "Mr. Canterbury did and there are receipts**
7 **from that. It was -- it's my recollection that it went**
8 **to my home on December 21, 2012." So that would be**
9 **before he was sworn in as Supreme Court justice, would it**
10 **not?**
11 A. If the JIC charges are correct, but I can't
12 tell you whether the JIC charges are correct.
13 **Q. And he goes on to say in the JIC questioning, I**
14 **had no individual authority to direct anybody to do**
15 **anything like that. So the invoice -- so there are**
16 **invoices reflecting this, so the Court paid for and sent**
17 **a desk to my home. And he said that it kept been**
18 **referred to as the Cass Gilbert desk, but he said that**
19 **he -- this was a desk he was using for approximately ten**
20 **years as a law clerk. Has that ever been proven not to**
21 **be the case, that that was not his desk when he was a law**
22 **clerk? Is it your understanding --**
23 A. It is my understanding that that desk he used
24 when he was a law clerk for the Supreme Court, yes,

Page 277

1 ma'am.

2 **Q. Okay. Has there been any evidence submitted to**

3 **you as the State Auditor that he had authorization to**

4 **move it on December 21st, or was the desk moved after he**

5 **was sworn in as a Supreme Court justice? Do you have**

6 **any -- any evidence that --**

7 A. We have no evidence -- the Post Audit Division

8 has no evidence as to whether this was moved in December

9 or whether this was moved on June 20th, 2013.

10 **Q. And who would have signed off or issued the**

11 **check to pay for Young's Moving Service? Would it have**

12 **been Justice Loughry or would it have been someone --**

13 **would it have been the Court administrator who would sign**

14 **off on and authorize those payments?**

15 A. The contact on the June 20th, 2013, is Sue Troy

16 and it's electronically authorized by Sandra K. Johnson.

17 I'm uncertain what Ms. Johnson's job title is or whether

18 she works for the court.

19 **Q. And do you have any recommendations to the**

20 **legislature this coming session based upon some questions**

21 **that have arisen in this investigation? More**

22 **importantly, I'm looking at the West Virginia Code 29-1-7**

23 **and it was adopted in 1991 and has not been updated since**

24 **then, and it talks about missing historical furnishings**

Page 278

1 **or objects, if they're missing or if they've been sold or**

2 **disposed of. Did Mr. Loughry sell the desk in question?**

3 **Did he sell the desk?**

4 A. Did he sell the desk?

5 **Q. Yes.**

6 A. No, ma'am. The desk is to my knowledge still

7 over at the warehouse of the Supreme Court once it was

8 moved out of his house.

9 **Q. Did he dispose of the desk?**

10 A. He moved -- he had court employees move the

11 desk to the Supreme Court warehouse, yes, ma'am.

12 DELEGATE SOBONYA: I might ask counsel at

13 the appropriate time the definition of "disposal". If

14 I'm permitted to, Mr. Chairman?

15 CHAIRMAN SHOTT: Sure. Counsel. You're

16 in great demand today. If you'd return to your podium,

17 please.

18 MR. CASTO: You know, Mr. Chairman, there

19 are some days it doesn't pay to be popular.

20 CHAIRMAN SHOTT: Delegate Sobonya, a

21 question for counsel.

22 DELEGATE SOBONYA: In 29-1-7 of State

23 Code, it talks about the historical furnishings and

24 objects, whether they're missing from the Capitol or if

Page 279

1 they've been sold or disposed of. Do you know what the

2 definition of "dispose" would be? Does that mean to move

3 or does that mean to eliminate, get rid of? What is the

4 definition of "disposal"?

5 MR. CASTO: What I would say is that it

6 basically would default to the dictionary definition,

7 which is with regard to what I think we are dealing with

8 here. The phrase "dispose of" has two definitions. This

9 is from Merriam-Webster, so it's as authoritative as I

10 can get you in terms of definition.

11 Number one, to place, distribute or

12 arrange especially in an orderly way, but I don't think

13 that the statute prohibits arrangement. What I believe

14 the statute prohibits is (a) is the second prong of this,

15 which is to transfer to the control of another or to get

16 rid of. So I think disposal here would mean transferring

17 from the control of the State to the control of some

18 other person.

19 DELEGATE SOBONYA: And on West Virginia

20 Code 5A-3-43 -- 5A-3-43 that deals with State agency

21 surplus property.

22 MR. CASTO: Yes.

23 DELEGATE SOBONYA: In the JIC report it

24 says under num -- item number 7, page 13, "Importantly,

Page 280

1 the statute makes absolutely no provision for an employee

2 to take home a commodity such as a desk or a couch that

3 is no longer being used by the State agency simply on a

4 whim." Is there a prohibition in State Code, and if not,

5 do you think that that could be cleaned up in the

6 future -- in a future legislative session?

7 MR. CASTO: My understanding is as

8 Mr. Allred has testified that the State Code does operate

9 to prohibit that. That the operation of State Code

10 requires the surplus property procedures to be gone

11 through with in the event that property is - to use a

12 phrase which is kind of neutral here - de-accessed from

13 State control. If the State gives up control of an item,

14 it is usually sold through the surplus property process,

15 be that anything from the cars that a state trooper uses

16 when they become obsolete or old, to -- you know, to

17 desks, to chairs. We've had any number of things that

18 are sold through the surplus property program. And there

19 are others who know that program a lot more intimately

20 than I do, but I know that that is something the State

21 routinely does. Whether or not those changes would be

22 useful or desirable is, as always, a matter of law for

23 this body.

24 DELEGATE SOBONYA: Thank you.

Page 281

1 BY DELEGATE SOBONYA:

2 **Q. And to Mr. Allred. Do you know of any**

3 **recommendations that you want to make to the legislature**

4 **in light of all of the accusations and findings and**

5 **investigations? Do you -- are you presenting to the**

6 **legislature any recommendations for legislative changes?**

7 A. I'll have to go back and look. If the State

8 does not directly require all State agencies by statute

9 to maintain an inventory, it would be our recommendation

10 that the legislature put in statute, because I find it

11 unreasonable that the Supreme Court did not even have an

12 inventory of what they own on behalf of the citizens of

13 West Virginia.

14 **Q. And they may not be the only branch of**

15 **government that operates in that manner. Would you**

16 **agree --**

17 A. I'm not sure I've ever found -- we -- in my 25

18 years here, I'm not sure I've ever found an agency of

19 this size that simply had a complete lack of inventory

20 control.

21 DELEGATE SOBONYA: Thank you. No further

22 questions.

23 CHAIRMAN SHOTT: We will move to the back

24 row. Delegate Kesner, any questions? Delegate Capito.

Page 282

1 DELEGATE CAPITO: Thank you,

2 Mr. Chairman.

3 EXAMINATION

4 BY DELEGATE CAPITO:

5 **Q. Thank you, Mr. Allred.**

6 **The circumstances around your testimony**

7 **are obviously very troubling, but I'm grappling with a**

8 **few things over here and I think I'll be -- I'll be**

9 **brief. Going back to the notion of a -- it being common**

10 **practice for a Supreme Court justice to have a home**

11 **office, if you will. I'm not using your words. I'm**

12 **just --**

13 A. Right.

14 **Q. -- this is what I'm paraphrasing. And it being**

15 **typical to have a computer and/or fax machine. Where --**

16 **where is that from?**

17 A. If I understand your question right, I think

18 what you're asking is: Is there a specific Supreme Court

19 of Appeals policy --

20 **Q. No. Not the quest -- okay. So because I know**

21 **that the answer to that no, correct? There is no**

22 **specific policy, right?**

23 A. Not to my knowledge.

24 **Q. Okay. Right. But the -- the notion that it's**

Page 283

1 **an understood activity comes from what document? It**

2 **might be before me and I apologize if it is. But was**

3 **it -- it was an answer? Was it an answer in response?**

4 A. No, I think perhaps what you're talking about

5 is the questions from Delegate Fast with regards to what

6 would be the allowable private use of State equipment if

7 you took it home. If you're asking is there anything

8 specifically that says a State employee can take a

9 computer home for State business, is --

10 **Q. No, no, I'm not -- I'm not disputing that you**

11 **can do that. I guess my question -- even before Delegate**

12 **Fast was asking, I feel like I heard something of just**

13 **the use of a fax machine and a computer. And so you**

14 **don't even need to answer. I'll cut to it. Is it your**

15 **understanding of the State of West Virginia paying for**

16 **telephone lines for fax machines for Supreme Court**

17 **justices in their personal homes?**

18 A. I have no knowledge of that.

19 **Q. Okay. But do we have knowledge of telefax**

20 **machines inside the homes of any Supreme Court justices?**

21 A. I believe Justice Ketchum to my knowledge had a

22 fax machine. I also know that with regards to paying,

23 Supreme Court did pay at least a portion for some cell

24 phones.

Page 284

1 **Q. Okay. And then last question, we talked -- you**

2 **mentioned the word "de minimis", and so I'm just trying**

3 **to figure out is de minimis -- does that relate to the**

4 **activity, or the act, or does that relate to the value**

5 **derived from the act? So we were talking -- Delegate**

6 **Fast was talking about computers. You know, if you're**

7 **sitting there gaming or something like that on -- I mean,**

8 **clearly that is not the purpose of the machine, right,**

9 **but if you're -- you know, if you've got a pen and you**

10 **came home, and you were writing an opinion with a pen and**

11 **your kid grabs it and it ends up in his backpack, I**

12 **mean --**

13 A. Right.

14 **Q. -- is that de minimis. So is it the value or**

15 **is it the act, I guess? Does that make sense?**

16 A. Yeah, I think from my readings over the years

17 of the Ethics Commission opinions, it's -- it's both.

18 The classic example is in the use of a State car. If

19 you've got a State car that you are commuting back and

20 forth from work, it has been considered de minimis if on

21 your way to work you would stop at Tudor's and get a

22 biscuit and then drive into work.

23 DELEGATE CAPITO: Thank you,

24 Mr. Chairman.

Page 285

1 CHAIRMAN SHOTT: Delegate Hanshaw, any
2 questions? Delegate Fleischauer.
3 MINORITY CHAIR FLEISCHAUER: Thank you,
4 Mr. Chairman. I guess my first question is for counsel.
5 I wanted to ask some more questions about
6 this Code section about culture and history.
7 MR. CASTO: Yes, ma'am.
8 MINORITY CHAIR FLEISCHAUER: So I didn't
9 catch when you were questioning earlier. This specific
10 re -- specifically refers to the Cass Gilbert
11 furniture --
12 MR. CASTO: Yes, ma'am. Indeed it does.
13 MINORITY CHAIR FLEISCHAUER: -- and it has
14 a requirement that it -- that the culture and -- or
15 archives and history are first supposed to determine the
16 whereabouts and require the return of those furnishings.
17 That's -- that's part of the Code. And then -- and then
18 it goes on to if something has been moved or disposed of,
19 there are certain procedures that have to follow.
20 MR. CASTO: That's correct.
21 MINORITY CHAIR FLEISCHAUER: And you were
22 talking about the penalty in 5A-3?
23 MR. CASTO: Yes.
24 MINORITY CHAIR FLEISCHAUER: Can you go

Page 286

1 into that penalty again?
2 MR. CASTO: Yes, if you'll give me one
3 second. It is the same penalty that applies to every
4 violation of that article, and of course, that article in
5 5A-3 deals generally with the disposition of surplus
6 property. And it states that - with regard to violations
7 of any clause of that article - that a person who
8 violates a provision of that article, except where
9 another specific penalty is proscribed - and there are
10 some of those provisions of that article which carry
11 heavier violations - shall be found guilty of a
12 misdemeanor, and upon conviction thereof, confined in
13 jail not less than ten days nor more than one year or
14 fined at not less than \$10 nor more than \$500 or both at
15 the Court's discretion.
16 MINORITY CHAIR FLEISCHAUER: So what
17 we're saying -- one argument is that by -- instead of --
18 that this was taken out of the State Capitol in violation
19 of 29-1-7B?
20 MR. CASTO: Yes.
21 MINORITY CHAIR FLEISCHAUER: And it was
22 missing?
23 MR. CASTO: Yes.
24 MINORITY CHAIR FLEISCHAUER: And that

Page 287

1 under the -- what should have been -- well, it should
2 have been returned first and foremost to the Capitol --
3 MR. CASTO: Yes.
4 MINORITY CHAIR FLEISCHAUER: -- right?
5 And so the -- after the passage of several years it was
6 taken to the warehouse pursuant to 5A-3, and what are
7 you -- I'm a little confused about the violation of 5A-3?
8 MR. CASTO: Well, the violation is for
9 violations of article 3 of Chapter 5A generally, so since
10 the furnishings are to be sold or disposed of pursuant to
11 the provisions of article 3 chapter 5A, we may be able to
12 infer that if they are not so sold or disposed of in
13 accordance with the provisions of that cited article,
14 that -- then one is in violation of the provisions of
15 that article and thus could be found guilty of a
16 misdemeanor.
17 MINORITY CHAIR FLEISCHAUER: Okay. Thank
18 you very much. That's all questions I have. Thank you,
19 Mr. Chairman. Thank you, Counsel.
20 EXAMINATION
21 BY CHAIRMAN SHOTT:
22 **Q. Mr. Allred, we now have to access the Capitol**
23 **with these magnetic cards.**
24 A. Yes, sir.

Page 288

1 **Q. Do you know whether in June of 2013 that**
2 **practice was in place?**
3 A. I'm not certain when that was rolled out.
4 That's about the right time period, though.
5 **Q. I mean, wouldn't not normally when you access**
6 **the building with one of those cards it registers so that**
7 **the security folks downstairs know who's in the building?**
8 A. Yes, sir.
9 **Q. Was there any effort made to determine, for**
10 **instance, on this particular date, June 20, who was**
11 **accessing the -- the -- was it the East Wing, I guess?**
12 A. Not by the Post Audit Division, sir.
13 **Q. Okay. thank you.**
14 **You mentioned earlier that the desk did**
15 **not have any type of plaque or "This is a Cass Gilbert**
16 **desk" on it and I'm looking at it and it -- it's a**
17 **nice-looking piece of furniture but it looks similar to**
18 **most everything I've seen of that age and I'm just**
19 **wondering, for the average person, would -- would the**
20 **average person know that this is a Cass Gilbert desk by**
21 **just looking at it?**
22 A. My personal opinion, no.
23 **Q. Okay. Well, I'm just wondering -- it's not**
24 **that relevant at this point.**

Page 289

1 A. Right.

2 **Q. If we have anyone that has come to you and said**

3 **that Justice Loughry has -- at some point whether when he**

4 **was a clerk or when he had this in his office for that**

5 **brief period of time -- and that's his justice office, so**

6 **-- said anything that would indicate he was aware of the**

7 **value of this desk because it is a Cass Gilbert desk.**

8 A. The only thing on that I would know is what I

9 read in the federal indictment.

10 **Q. Okay. Fair enough.**

11 CHAIRMAN SHOTT: And one of the reasons I

12 said that, I've got a desk that looks something like this

13 sitting on end in my garage I haven't been able to give

14 away, so if we got the missing desk, I may need to hire

15 Mr. Allen or Mr. Carr before this over. Okay. Thank

16 you.

17 Mr. Allen, do you have any questions for

18 Mr. Allred? And Mr. Carr?

19 MR. CARR: No, sir.

20 CHAIRMAN SHOTT: Thank you. Counsel, any

21 redirect?

22 MR. CASTO: Yes, sir, I have -- I have

23 one follow-up question.

24 EXAMINATION

Page 290

1 BY MR. CASTO:

2 **Q. Mr. Allred, who interviewed Mr. Gundy and**

3 **Mr. Mendez from your office?**

4 A. My recollection is it was Denny Rhodes who now

5 works for Military Affairs and Public Safety, but I'm not

6 absolutely certain. We'll have to go back and find the

7 documents.

8 MR. CASTO: Thank you very much, sir.

9 That's all I have.

10 CHAIRMAN SHOTT: All right. Round 2

11 beginning with Delegate Lane. Any further questions?

12 EXAMINATION

13 BY DELEGATE LANE:

14 **Q. Mr. Allred, where are the other Cass Gilbert**

15 **desks?**

16 A. It is my understanding the other three are

17 upstairs on the third or fourth floor of the Supreme

18 Court. As to the fifth missing desk, there are all sorts

19 of rumors, one of which is it's in a courthouse up in

20 north central West Virginia.

21 DELEGATE LANE: Or, perhaps, in the

22 Chairman's garage. Thank you.

23 CHAIRMAN SHOTT: Delegate Pushkin.

24 DELEGATE PUSHKIN: Thank you,

Page 291

1 Mr. Chairman.

2 EXAMINATION

3 BY DELEGATE PUSHKIN:

4 **Q. So I'm just going to -- a couple things that I**

5 **thought I'd heard. Justice Loughry, of course, before**

6 **being elected in 2012 served as a clerk in the West**

7 **Virginia Supreme Court for ten years?**

8 A. That sounds correct.

9 **Q. Okay. And during that time, it's believed that**

10 **that was the desk that he used while working in this**

11 **building as a clerk, right?**

12 A. It is my understanding that desk was what he

13 used as a clerk, yes, sir.

14 **Q. I would imagine during that time and someone**

15 **who is familiar with the Supreme Court would know that**

16 **there were at one point five Cass Gilbert desks, now**

17 **four, and that he was sitting at one for ten years**

18 **before -- before he was elected to the Supreme Court,**

19 **right? He was sitting there. I would imagine that he**

20 **knew what the desk -- you know, which desk he was sitting**

21 **at.**

22 **But I was looking at the date, June 20th,**

23 **and I see that the moving services performed on Thursday,**

24 **June 20, 2013, that would have been the year that Mr. --**

Page 292

1 **Justice Loughry was sworn in and I imagine that was right**

2 **after their -- June is the end of their -- is when they**

3 **adjourn sine die, correct?**

4 A. I believe so.

5 **Q. So that would have been a good time to renovate**

6 **the office. So there was trips by Young's Moving Service**

7 **from the Capitol to Dudley Drive, Justice Loughry's home;**

8 **they came back to the State Capitol, took some other**

9 **stuff to the warehouse. I imagine he's making room to**

10 **renovate his office, right, is what it would -- what one**

11 **would --**

12 A. That is what the documentation states.

13 **Q. Okay. And June 20th is a State holiday, right?**

14 A. Yes, sir.

15 **Q. So would be a lot less people in the building**

16 **to see what was -- what was coming -- what was -- what**

17 **was being taken out of the building, correct?**

18 A. In usual circumstances, yes. That would not be

19 true on the 150th anniversary of the formation of the

20 state, though. This place was packed with people.

21 **Q. Oh, that was -- that was the 150th anniversary?**

22 A. I'm trying to think. It would have been 63 --

23 **Q. Yeah.**

24 A. -- plus 50.

Page 293

1 **Q. Yeah. Hmm. That's an odd day to move stuff.**
 2 **Okay, well, when it was -- I guess I'm trying to go over**
 3 **the timeline in my head of how this came about. I think**
 4 **there was an article in the paper first about the desk**
 5 **possibly being in his house. There were people, I think,**
 6 **that -- watching for the desk to come out. And then**
 7 **there was I believe -- was there a response from justice**
 8 **-- Chief Justice Loughry at the time referring to a**
 9 **policy the Supreme Court had for home offices?**
 10 A. I believe there was, yes, sir.
 11 **Q. So -- and he mentioned that in an op ed in the**
 12 **Charleston Gazette?**
 13 A. Yes, sir.
 14 **Q. He referred to a policy that he would -- that**
 15 **allowed him to have home furnish -- a home office?**
 16 A. Yes, sir.
 17 **Q. Right? And there is no --**
 18 A. That is my recollection.
 19 **Q. -- policy?**
 20 A. To my knowledge, from discussion with the other
 21 justices, no, sir, there was not a policy.
 22 DELEGATE PUSHKIN: Okay. Quick question
 23 for -- thank you very much. Quick question for counsel,
 24 please.

Page 294

1 MR. CASTO: Yes, sir.
 2 DELEGATE PUSHKIN: Okay. This is just
 3 as -- you know, from a non-attorney of just how things
 4 work, I imagine if someone feels they've been wrongly
 5 convicted of grand larceny and they appeal that, and it
 6 gets to the highest court in West Virginia, that case
 7 could be in front of the Supreme Court?
 8 MR. CASTO: Absolutely, sir.
 9 DELEGATE PUSHKIN: So someone -- the --
 10 Justice Loughry could be seeing a case about grand
 11 larceny?
 12 MR. CASTO: He certainly could, sir.
 13 DELEGATE PUSHKIN: Could be hearing a
 14 case, I should say.
 15 MR. CASTO: Absolutely.
 16 DELEGATE PUSHKIN: What about employment
 17 disputes where somebody is -- feels they were wrongly
 18 fired. Maybe they're accused of taking home a stapler
 19 and they lose their employment benefits. That case --
 20 cases like that often go before -- before the Supreme
 21 Court; is that true?
 22 MR. CASTO: Employment cases for all
 23 reasons certainly do, sir, that's correct.
 24 DELEGATE PUSHKIN: And I would imagine

Page 295

1 that's why we -- you always hear we need to hold our
 2 judges and especially our justices to a higher standard.
 3 MR. CASTO: I believe that's the
 4 rationale, sir, absolutely.
 5 DELEGATE PUSHKIN: Thank you. Thanks.
 6 CHAIRMAN SHOTT: Delegate Zatezalo.
 7 DELEGATE ZATEZALO: Yeah, thank you.
 8 EXAMINATION
 9 BY DELEGATE ZATEZALO:
 10 **Q. Mr. Allred, I've got a question for you and**
 11 **this is probably not directly related to a lot of this,**
 12 **but does it bother you that we may have hundreds of**
 13 **thousands of dollars in warehouses around here that we**
 14 **have no idea what the worth is?**
 15 A. Yes.
 16 DELEGATE ZATEZALO: And, Mr. Chairman,
 17 for the future for the legislature we may want to see if
 18 we can -- need to something about that because it scares
 19 me that a law clerk was using a \$42,000 desk. Thank you.
 20 CHAIRMAN SHOTT: Delegate Hollen.
 21 DELEGATE HOLLEN: Thank you,
 22 Mr. Chairman.
 23
 24 EXAMINATION

Page 296

1 BY DELEGATE HOLLEN:
 2 **Q. Mr. Allred, just a couple follow-up questions.**
 3 **Was it just your assumption that -- or maybe was it your**
 4 **assumption that the desk come up missing in 2013, just by**
 5 **the moving bill of ladings?**
 6 A. I think if you look in the audit, I don't think
 7 we used specific dates. When we do an audit, we comply
 8 with generally accepted government auditing standards and
 9 if we can't document exactly, we're not going to put it
 10 in the audit. We can't tell from the documentation
 11 exactly when the desk was moved. The JIC says it was in
 12 December of 2012. We have a bill that shows something
 13 was moved to Justice Loughry's house on June 20th, 2013,
 14 so I don't think we are specific in the audit as to a
 15 date that this was moved.
 16 **Q. All right. Thank you.**
 17 **Now, you -- you spoke briefly about**
 18 **Supreme Court justices believed that they can set up a**
 19 **home office; is that correct?**
 20 A. It is my understanding from discussions with
 21 the other justices that they believe the only thing the
 22 Court has ever provided is a computer and formerly a fax
 23 machine.
 24 **Q. But there's no written policy on what they can**

1 use in their home office; nor is there one what they
 2 can't use in their home office; is that correct?
 3 A. To my knowledge at this time there was not.
 4 Q. So if one believes that excess property and no
 5 one's using it and what harm would it be if I set my home
 6 office up with that, that could be a fair assumption for
 7 one of them to make that --
 8 A. I would have questions about that assumption
 9 with regards to a historical desk that's worth \$42,500.
 10 Q. Well, I'm glad you brought that up. We didn't
 11 know what the value of that desk was until 2018; is that
 12 correct? That's when the --
 13 A. That's the appraisal date.
 14 Q. The Purple Moon did an evaluation of it?
 15 A. That's the appraisal date.
 16 Q. I'm sorry?
 17 A. That is the appraisal date, yes, sir.
 18 Q. So if the desk come up missing in 2013 or 2012,
 19 then it would be assumption he wouldn't know if that desk
 20 was worth \$100 or \$42,000?
 21 A. Specifically on that, all I know is what I've
 22 read in the federal indictment.
 23 DELEGATE HOLLEN: Okay, no further.
 24 Thank you.

1 CHAIRMAN SHOTT: Going back to the second
 2 row. Delegate Overington, do you have questions?
 3 DELEGATE OVERINGTON: Yes, thank you.
 4 EXAMINATION
 5 BY DELEGATE OVERINGTON:
 6 Q. The value of the desk is because it is a Cass
 7 Gilbert desk, not because it's one that you might pick up
 8 at an auction somewhere or a bargain basement sale or
 9 that you might have in your garage.
 10 A. My understanding is that it's a combination of
 11 the two. That the desk itself from the circa 1930 era,
 12 would, in fact, have value to an antique collector. The
 13 fact that it is an original desk for one of the five
 14 Supreme Court justices of West Virginia in what is
 15 considered one of the crowning glories of Cass Gilbert's
 16 architectural career would add additional value to that
 17 desk. But there is an underlying value to the desk
 18 whether it was a, quote, Cass Gilbert desk or not, just
 19 from being a piece of 1930 furniture for an antique
 20 collector.
 21 Q. So most of its value would be based on the fact
 22 that it is a gas -- Cass Gilbert desk - or a major
 23 portion of it - and being able to document that this is
 24 where you re -- this is where you got it, this was -- you

1 know, tracking its history to, say, the Capitol of West
 2 Virginia?
 3 A. I'm not sure that Mr. Hamsher would agree with
 4 you on that given what he wrote in his appraisal. I
 5 can't tell you with regards to the \$42,500 value he
 6 placed on the desk how he split the value of the desk
 7 just from being a circa 1930 antique and how much
 8 additional value he placed upon the desk because of its
 9 historical significance. That I'm uncertain.
 10 Q. But a portion of it would be that it was this
 11 historic desk, and part of the value is going to be based
 12 on that and being able to document its history to show --
 13 to validate that part of its history and therefore, that
 14 part of it's value?
 15 A. Yes, sir that's my understanding from the
 16 appraisal.
 17 Q. Back to the home office. I would assume that
 18 just as we sort of have home offices on a -- since we're
 19 sort of available 24/7 and that the same thing with the
 20 court officials whether -- whatever level whether it's
 21 magistrate, circuit or Supreme Court, that part of their
 22 duties and part of their work would be done at home. You
 23 know, it may be they get ideas about writing something or
 24 documenting something or cases so that a lot of that

1 would be done outside of the Capitol itself.
 2 A. I would agree with that. Last night I was
 3 sitting at my personal desk in my house re-reading these
 4 reports getting preparation for today, so, yes, sir.
 5 Q. Exactly. So the other -- so that our court
 6 officials would be in the same category where whether the
 7 State provides it or not, it's sort of expected that they
 8 may have a home room dedicated to their obligations --
 9 not just a cell phone or a computer, but they would have
 10 desks and other pieces of equipment to help in their
 11 function as a court official?
 12 A. I would say for any State employee or any
 13 employee of a business that would have to do work at home
 14 that there's -- obviously they might have a desk at the
 15 house. Some people might; some people might not.
 16 Q. But it would -- it would -- for most it would
 17 be normal to be having some place that you're doing your
 18 work. Could be a kitchen table, you're right, or it
 19 could be a desk.
 20 A. Yes.
 21 Q. And it could be other types of office
 22 equipment --
 23 A. Yes, sir.
 24 Q. -- file cabinets and other types of things that

Page 301

1 would be part of your -- the duty that, you know, I guess
2 we all take homework home with us and that would be part
3 of the function of that office.
 4 A. Yes, sir.
 5 DELEGATE OVERINGTON: Thank you. Thank
 6 you, Mr. Chairman.
 7 CHAIRMAN SHOTT: Delegate Byrd.
 8 DELEGATE BYRD: Thank you, Mr. Chairman.
 9 EXAMINATION
 10 BY DELEGATE BYRD:
11 Q. One question, sir, if you know. Is the
12 security footage at the Capitol archived?
 13 A. I believe they keep it for a short amount of
 14 time.
15 Q. Who would we talk to about that, just to find
16 the precise answer?
 17 A. You would want to talk to Kevin Foreman, the
 18 director of the Capitol police.
 19 DELEGATE BYRD: Thank you.
 20 CHAIRMAN SHOTT: Back to the third row,
 21 Delegate Miller. Counsel, question to counsel.
 22 DELEGATE MILLER: Thank you,
 23 Mr. Chairman. Question of counsel.
 24 MR. CASTO: Yes, sir.

Page 302

1 DELEGATE BYRD: In the -- in the courts
 2 or the criminal justice world is there anywhere that it's
 3 commonly recognized or it's a commonly recognized
 4 standard that a violator of state law, whether it's a
 5 theft, a burglary, armed robbery, whatever, that if they
 6 return the property stolen or conceivably in this case
 7 knowingly converted it into their own use, that that
 8 absolves them of any kind of penalty for criminal or
 9 corrupt activity?
 10 MR. CASTO: Absolutely not. It may be
 11 considered as a mitigating factor in their sentence, but
 12 it won't absolve them of the guilt.
 13 DELEGATE BYRD: Thank you. Thank you,
 14 Mr. Chairman.
 15 CHAIRMAN SHOTT: Delegate Robinson.
 16 DELEGATE ROBINSON: Thank you,
 17 Mr. Chairman.
 18 EXAMINATION
 19 BY DELEGATE ROBINSON:
20 Q. Mr. Allred, I'm reading issue number 3 on page
21 22, down towards the bottom where you've -- where we've
22 notated in the advisory opinion. It goes on to say, "If
23 an individual derives a benefit from the use of public
24 equipment, that constitutes a private gain, even if an

Page 303

1 individual's use does not result in a cost to the
2 government, still the individual benefited from the use
3 of the public equipment. Absent access to the use of
4 public equipment, the individual would have incurred the
5 expense of renting or purchasing the equipment." We've
6 talked a lot about the value of the desk. Would your
7 opinion in issue 3 concerning the desk be any different
8 if the desk had been valued for \$100?
 9 A. No, sir.
10 Q. One dollar?
 11 A. One dollar might be de minimis.
12 Q. I mean -- but, I mean, in my scenario we're
13 still talking about public -- or private gain from a
14 public -- from public equipment, correct?
 15 A. I think the best way I could explain it is if
 16 you take an old laptop computer from your office, that
 17 your office might not be using very much and take it
 18 home, what this opinion states is that's still a
 19 violation of the Ethics Act because you avoided having to
 20 buy a computer for yourself at home.
21 Q. So to summarize it in my mind, the justice
22 wanted a desk in his home. Without taking the State's
23 desk, he would have had to pay for one. No matter the
24 value of the desk he took, it's still that you would have

Page 304

1 the same opinion within here because of the Ethics Act
2 and that advisory opinion?
 3 A. Yes, sir.
4 Q. Okay. I'm going to try to follow up on the
5 gentlelady from Cabell's questioning. She made the
6 suggestion that there was a renovation at the time the
7 desk was removed so that desk had to be moved no matter
8 what. Is that your recollection -- recollection of that
9 question?
 10 A. That was my understanding of her question, yes,
 11 sir.
12 Q. And the most recent example of construction or
13 having to move things out because we have something to do
14 would be in your office downstairs because of plumbing or
15 some issue there.
 16 A. We've been flooded four times in the last three
 17 weeks, yes.
18 Q. Can you tell me how many desks you took home?
 19 A. None.
 20 DELEGATE ROBINSON: Okay. Thank you.
 21 CHAIRMAN SHOTT: All right. On the
 22 second round, back over to this side of the chamber.
 23 I'll get to you. Delegate Fast.
 24 EXAMINATION

Page 305

1 BY DELEGATE FAST:
 2 **Q. Mr. Allred, is -- are these documents, Exhibit**
 3 **21, are these the only documents that you have that show**
 4 **that items were moved on 20 June 2013?**
 5 A. To my knowledge, yes.
 6 **Q. Okay. And the fax -- or you're familiar with**
 7 **these, correct?**
 8 A. Yes, sir.
 9 **Q. Okay. The fax dated June 1, 2013, it shows**
 10 **that P. Fletcher Adkins, Director Administrative**
 11 **Services, made the arrangements to have furniture in**
 12 **Justice Loughry's office moved for office renovation, and**
 13 **it asks Young's Moving Service, "I would like you to**
 14 **provide assistance to move the furniture in the Capitol**
 15 **building and some moving to the Venable warehouse." So**
 16 **that was arranged not by Justice Loughry, but by the**
 17 **director of administrative services, correct?**
 18 A. From the documentation, yes.
 19 **Q. Okay. And then the other fax dated June 18,**
 20 **still in the same exhibit, also was an arrangement made**
 21 **exclusively by P. Fletcher Adkins, Director of**
 22 **Administrative Services, also to Young's Moving Services**
 23 **stating that they needed help moving furniture from the**
 24 **Capitol to the Venable Avenue warehouse, correct?**

Page 306

1 A. I'm not -- I'm sorry. I'm pulling this one
 2 together. I've got both the December 2012 documentation
 3 as well as the June 20th, 2013, so I did not hear your
 4 question. I'm sorry, sir.
 5 **Q. The other fax in exhibit -- or fax page,**
 6 **Exhibit 21, was an arrangement made exclusively by P.**
 7 **Fletcher Adkins, Director of Administrative Services, to**
 8 **Young's Moving Service to move furniture from the Capitol**
 9 **to the Venable Avenue warehouse?**
 10 A. I would have no knowledge if it was solely by
 11 Mr. Adkins. Someone else could have called them. The
 12 fax is from Mr. Adkins. All I know is what the document
 13 shows.
 14 **Q. Well, we know that P. Fletcher Adkins was the**
 15 **director of administrative services at that time,**
 16 **correct?**
 17 A. Yes, sir.
 18 **Q. Okay. And is -- you have to forgive me. Is**
 19 **that a he or a she?**
 20 A. To my knowledge it's a he. I've never met him.
 21 **Q. Okay. Mr. Adkins. He was officially involved**
 22 **in this furniture moving arrangement.**
 23 A. Yes, sir.
 24 **Q. Because of the fax?**

Page 307

1 A. Yes, sir.
 2 **Q. Okay. And, in fact, that is the same for both**
 3 **faxes, correct?**
 4 A. Yes, sir.
 5 **Q. So this holiday, June 20, 2013, was -- is that**
 6 **the holiday we're talking about?**
 7 A. Yes, sir.
 8 **Q. Okay. That was obviously a pre-arranged date**
 9 **to move furniture from the Capitol somewhere?**
 10 A. Yes, sir.
 11 **Q. Okay. And one of those arrangements was to, in**
 12 **essence, remove furniture from Justice Loughry's office**
 13 **to make way for renovations?**
 14 A. That's what the fax says, yes, sir.
 15 **Q. Okay. Now, is it true at that time that**
 16 **renovations were afoot and items need to be -- needed to**
 17 **be removed simply to make room for the contractors to**
 18 **come in and induce renovations?**
 19 A. To my understanding that's true, but I wouldn't
 20 swear to it.
 21 **Q. Okay. If it were not true, then Mr. Adkins**
 22 **would be in the hot seat as well for making these**
 23 **arrangements for something that were not true, correct?**
 24 A. Yes.

Page 308

1 **Q. Okay. And he's not. He's not being called on**
 2 **the carpet?**
 3 A. Not to my knowledge.
 4 **Q. Okay. And so you have -- then you have this**
 5 **statement from Young's Moving Service that they delivered**
 6 **an item to Dudley Drive. Is that where you're coming up**
 7 **with the desk?**
 8 A. No, I think I've made it clear. We've got a
 9 couple different bills from Young. We do not put in the
 10 audit when the desk was moved because we cannot determine
 11 from the documentation whether it was June 20th, 2013.
 12 It merely says "an item." I can't tell you whether that
 13 item was the desk, a couch, or something else.
 14 **Q. Okay. So the federal indictment that says this**
 15 **was the day the couch was moved and the JIC statement of**
 16 **charges that says this was the date the couch was**
 17 **moved --**
 18 A. I think the JIC says December of 2012.
 19 **Q. Actually, you're correct on that. So the**
 20 **federal indictment then, are they taking a leap of faith**
 21 **here that they think they got it nailed down?**
 22 A. I don't know whether the U.S. prosecutor thinks
 23 he's taking leap of faith or not, sir.
 24 **Q. So you -- you in your audit -- your testimony**

Page 309

1 is you don't know when that couch or the desk was moved
2 notwithstanding this information?
 3 A. We don't know for certain when the desk was
 4 moved to his house, no, sir.
 5 DELEGATE FAST: Okay. Thank you.
 6 CHAIRMAN SHOTT: Delegate Sobonya.
 7 DELEGATE SOBONYA: Thank you,
 8 Mr. Chairman.
 9 EXAMINATION
 10 BY DELEGATE SOBONYA:
11 Q. Mr. Allred, you said you've read the federal
12 indictment.
 13 A. Yes, ma'am.
14 Q. Count 21, it discusses how Justice Workman was
15 looking for the Cass Gilbert desk and Justice Loughry was
16 questioned by the FBI agent and he was asking, "Are you
17 aware of a search being undertaken within the court to
18 find the original Cass -- one of the original Cass
19 Gilbert desks?" And the reason why I ask this question,
20 in this article in the newspaper was referenced that the
21 Cass Gilbert desks were a set of five desks that were
22 original to the Supreme Court and each justice in 1932
23 were issued one of the Cass Gilbert desks. And my
24 question is: Justice Workman was elected in 1988, so 30

Page 310

1 years prior she had served on the Court. My question is:
2 What prompted her to all of a sudden look for a -- one of
3 the two missing Cass Gilbert desks?
 4 A. I do not know.
5 Q. Did you question her or any -- did you look
6 in -- when you were looking into the desk --
 7 A. The Post Audit Division did not ask her any
 8 questions concerning the desk with regards to that, no,
 9 ma'am.
10 Q. Are you aware of anyone asking Justice Workman
11 who had served 30 years in the -- 30 years in the Supreme
12 Court why her, all of a sudden, interest in one of the
13 two missing desks, what prompted that?
 14 A. I could make some assumptions, but to my direct
 15 knowledge, no.
 16 DELEGATE SOBONYA: Thank you.
 17 CHAIRMAN SHOTT: Second row now.
 18 Apparently no questions in the second row. Delegate
 19 Hanshaw, any follow-up? Delegate Fleischauer, follow-up
 20 questions.
 21 MINORITY CHAIR FLEISCHAUER: Thank you,
 22 Mr. Chairman.
 23
 24 EXAMINATION

Page 311

1 BY MINORITY CHAIR FLEISCHAUER:
2 Q. Thank you for coming today, Aaron.
3 The part of the bill that the delegate
4 from Fayette mentioned which is Exhibit 21, he brought
5 out that there was -- the way this moving thing went,
6 they -- there was at least one change to the date of the
7 delivery from the 21st to the 20th and items were loaded
8 from the State Capitol and that they delivered an item to
9 Dudley Drive, returned to the State Capitol, finished
10 loading and then delivered the remaining items to the --
11 to the warehouse.
12 Did anyone ever ask -- were there any ever
13 questions asked of court employees or of the moving
14 company if they knew what that "an item" was?
 15 A. To my recollection, one, we did not talk to the
 16 moving company.
17 Q. Uh-huh.
 18 A. Two, I am uncertain whether my staff asked any
 19 specific questions with regards to this receipt of court
 20 employees. I'm just not certain.
21 Q. Okay. And just going back to that Code
22 section, we've kind of talked a little bit about whether
23 this is just an ordinary desk or what, but apparently
24 this legislature made a policy decision in 1991 that Cass

Page 312

1 Gilbert desks were pretty important.
 2 A. Yes, ma'am.
3 Q. And that they should not be removed from the
4 Capitol. It's interesting because I just went on a tour
5 of a Frank Lloyd Wright home in Chicago and I can't
6 imagine anyone thinking of removing that furniture, but I
7 doubt if there's a state law like there is here. Do you
8 know if the Division of Culture and History -- have --
9 did you ask them for their inventory to see what they had
10 discovered anything about the whereabouts of the Cass
11 Gilbert items? Because it says anything. It says that
12 nothing should be removed from the Capitol including but
13 not limited -- nothing historical should be removed
14 including but not limited to the Cass Gilbert. Has
15 anybody checked with them about this? This Code section?
 16 A. I'm not certain whether we checked with Culture
 17 and History.
 18 MINORITY CHAIR FLEISCHAUER: Okay. All
 19 right. Thank you. Thank you, Mr. Chairman.
 20 EXAMINATION
 21 BY CHAIRMAN SHOTT:
22 Q. Mr. Allred, you mentioned that the desks were
23 on the third and fourth floor of the Capitol now; is that
24 correct?

Page 313

1 A. That's my understanding, yes, sir.

2 **Q. All four of them?**

3 A. I am uncertain as to whether the desk that was

4 at Justice Loughry's house is still in the warehouse or

5 whether they have moved it back into this building. I'm

6 not sure.

7 **Q. So if it is in the warehouse, it's been removed**

8 **from the Capitol?**

9 A. Yes, sir.

10 **Q. Technically a violation of that statute, right?**

11 A. Yes, sir.

12 **Q. Do you -- do you know if at any time -- I mean,**

13 **these apparently perhaps could be tourists' attractions,**

14 **things of that sort. Do you know if the -- in your**

15 **memory has the judiciary ever staged any type of display**

16 **of these desks so the public could get some enjoyment out**

17 **of viewing them?**

18 A. Not to my knowledge -- knowledge, sir.

19 **Q. So they've basically just been used as desks?**

20 A. Yes, sir.

21 CHAIRMAN SHOTT: Okay. Thank you.

22 Let me ask. Mr. Allen, questions?

23 MR. ALLEN: No.

24 CHAIRMAN SHOTT: And Mr. Carr.

Page 314

1 MR. CARR: No.

2 CHAIRMAN SHOTT: Follow-up question by

3 counsel?

4 MR. CASTO: Yes, sir. One final

5 question, Mr. Allred.

6 EXAMINATION

7 BY MR. CASTO:

8 **Q. On June 20th, 2013, I believe as Legislative**

9 **Auditor you might have the wherewithal to answer this**

10 **question. Was the legislature not in Wheeling for**

11 **legislative interims?**

12 A. To my recollection, yes.

13 **Q. And Governor Tomblin and most of the members of**

14 **the executive branch were up there as well for the 150th,**

15 **I believe during the day at least?**

16 A. That is -- that is correct.

17 MR. CASTO: That is all I have, sir.

18 Thank you.

19 CHAIRMAN SHOTT: Anything further for

20 Mr. Allred before we excuse him? Anything further? If

21 not, Mr. Allred, we thank you for your appearance.

22 THE WITNESS: Thank you very much.

23 CHAIRMAN SHOTT: You're excused. To

24 members of the Committee, we want to try to finish the

Page 315

1 Legislative Auditor's reports this evening, but we're going to

2 take a break for dinner. And we have dinner in the committee

3 room upstairs and I think spread out on the conference table

4 in the chairman's office. So we're going to take about a

5 45-minute break but no more than that. We'll try to finish up

6 with the Legislative Auditor's reports tonight and then we

7 have some other witnesses tomorrow that will be filling in

8 some of the holes that have been identified today. So we'll

9 be in recess until, let's just say, 6:15 for the Committee

10 members. We also invite our staff to share and if we have

11 anything left over, we'll notify the rest of you and you can

12 come and get it. All right. We're in recess.

13 (Recess taken.)

14 JUSTIN ROBINSON

15 was called as a witness by the Committee of the Judiciary,

16 pursuant to notice, and having been previously duly sworn,

17 testified as follows:

18 EXAMINATION

19 BY MR. CASTO:

20 **Q. -- in the example to buy 50 \$20.00 gift cards?**

21 A. Yes.

22 **Q. But there's no record generated of that purchase**

23 **that appears within the P-card system?**

24 A. Some adult probation offices are -- probation office

Page 316

1 for the adult drug courts did attempt to maintain

2 receipts for items that were purchased with the large

3 denomination gift cards. We attempted to reconcile a

4 batch of receipts concerning use from one gift card by

5 the Kanawha County adult probation office and essentially

6 we could not reconcile it back to the full amount of the

7 gift card value.

8 **Q. When you say you couldn't reconcile it to the**

9 **full amount, could you estimate for us what percentage of**

10 **those funds you were unable to account for?**

11 A. In reality we really couldn't provide any

12 assurance to any accounting of any of the funds because

13 the disparity of the receipts didn't list out proper

14 detail to differentiate which gift card had been used

15 because oftentimes there was a large gift card purchased

16 that was running out and then they had another large gift

17 card behind it to which they purchased other stuff. So

18 it was almost impossible to reconcile it back to one

19 individual gift card.

20 **Q. Wow. And so these cards, these high-dollar**

21 **cards were basically used to buy items or other cards and**

22 **usually other cards for the drug courts was the intention**

23 **that's been communicated to you?**

24 A. I wouldn't necessarily say it was usually for

Page 317

1 other cards. It was to purchase incentives for the drug
 2 court participants out of that. It was done so out of a
 3 matter of convenience because, as it was told to us by
 4 the Court, there is only one purchasing card issued for
 5 each adult probation office, and therefore, only one
 6 individual at those offices authorized to use that card
 7 to purchase items using the card.

8 **Q. And, as you noted, there is no way to monitor**
 9 **what these purchases were that were made using these**
 10 **high-dollar gift cards?**

11 A. Not under the methods that were being employed
 12 by the Court at the time.

13 **Q. And so they could have been used to purchase**
 14 **any number or type of goods and services, but you have no**
 15 **ability to present that information to us as to what that**
 16 **might have been?**

17 A. That's correct.

18 **Q. And while these purchases were ostensibly made**
 19 **to be used to purchase items and gift cards for use**
 20 **within the confines of the drug court program, thus we**
 21 **actually have no mechanism by which we can prove that**
 22 **they were so used?**

23 A. That's correct.

24 **Q. Are there penalties for the unauthorized use of**

Page 318

1 **the P-card?**

2 A. Yes, it's my understanding that unauthorized
 3 use of the P-card can be subject to revocation of P-card
 4 privileges for that P-card holder.

5 **Q. Is there a criminal offense for persons using a**
 6 **P-card unauthorized?**

7 A. I'm not sure of that.

8 **Q. Okay. When did you as the Legislative Auditor**
 9 **become aware of the issues that were surrounding the use**
 10 **of the P-cards?**

11 A. Ultimately it was through the media reports
 12 from WCHS and Kenny Bass that identified the issue to us.

13 **Q. Approximately what time was that?**

14 A. I want to say the article ran earlier in 2018
 15 between the months of January and March. I can't be
 16 specific, though.

17 **Q. And you conducted an investigation and I**
 18 **believe the date of the second report -- that that was**
 19 **issued somewhat subsequent to March of 2018?**

20 A. Yes, I think the second report from our office
 21 was issued in May.

22 **Q. And you sent a letter that is marked as Exhibit**
 23 **17 -- 17. There it is. And this was sent to Judge**
 24 **Johnson, who at that time was administrative director of**

Page 319

1 **the courts, and I believe that this letter notified the**
 2 **judge of the problems that were accruing with the use of**
 3 **this P-card system that was in the place at the time?**

4 A. That's correct.

5 **Q. And it recommended to him that the use of the**
 6 **P-card as it was currently being used at that time be**
 7 **discontinued.**

8 A. That's correct.

9 **Q. And that as a result of the investigation that**
 10 **you developed and is chronicled in report --and**
 11 **summarized in report number 2 herein?**

12 A. That is also correct.

13 **Q. And just to -- just to make clear, if we could**
 14 **go back to Exhibit 16, and if we could go into number 4**
 15 **on Exhibit 16, I believe that is the third page of**
 16 **exhibit 16 is where that starts.**

17 A. Uh-huh.

18 **Q. And then we'll go to the fourth page on --**
 19 **which actually has the language we're looking for, in Sub**
 20 **F it appears that all purchases made for the adult drug**
 21 **court program must be made with the State P-card and that**
 22 **the P-card log and receipts were to be due on the 10th**
 23 **day of the month and that there were supposed to be logs**
 24 **and receipts that were submitted to the Court to confirm**

Page 320

1 **all of the purchases that were made utilizing the system.**
 2 **Now, was that system followed?**

3 A. Yes, in terms of the purchases made using the
 4 State P-card, those receipts were submitted to the Court,
 5 reviewed, and approved and that would be because the only
 6 item that showed up on the purchasing card receipts was
 7 the purchase of the large denomination gift cards that
 8 that was the case. Anything used or purchased
 9 subsequently with that gift card was not accounted for
 10 through that P-card log.

11 **Q. So the Court was reviewing and approving these**
 12 **large value gift card purchases even though there was no**
 13 **mechanism in place by which they could account for what**
 14 **was subsequently done with those large-value gift cards?**

15 A. That's a fair statement.

16 MR. CASTO: I have nothing further at
 17 this time, Mr. Chairman.

18 CHAIRMAN SHOTT: Thank you, Counsel.
 19 We'll start back on the left side. Delegate Fast,
 20 questions of Mr. Robinson?

21 DELEGATE FAST: Thank you, Mr. Robinson.
 22 Thank you, Mr. Chairman.

23
 24 EXAMINATION

Page 321

1 BY DELEGATE ROBINSON:
 2 **Q. Just looking at this page 8 of the second**
 3 **report. What is the authority for the purchase and**
 4 **payment of incentives, supplies, graduation ceremony**
 5 **matters, participant meals and snacks? Is that a**
 6 **statute?**
 7 A. I'm unaware if it is a statute.
 8 **Q. Okay. I'm just trying to find out what the**
 9 **authority here is. Another says, "Currently incentive**
 10 **purchases are limited to \$1,000 per month for each**
 11 **probation office." Where did that come from?**
 12 A. I believe that policy was established
 13 internally of the Court.
 14 **Q. Okay. So that's -- again, that's not a statute**
 15 **or anything?**
 16 A. Not that I'm aware of.
 17 **Q. Okay. Each probation office is issued one**
 18 **purchasing card to make purchases with including to**
 19 **purchase incentives needed for drug court participants.**
 20 **Same thing, that is just a policy?**
 21 A. I believe so.
 22 **Q. So is this -- it looks like this is perhaps a**
 23 **colossal failure, to recognize what the State Auditor is**
 24 **saying, that you just can't do this without the Auditor**

Page 322

1 **approving these purchases. If -- if that is the case, is**
 2 **there any particular Supreme Court justice that is**
 3 **implicated for these alleged violations of P-card**
 4 **purchases of these incentive amounts?**
 5 A. I wouldn't say there is any particular justice.
 6 There is no particular justice, no.
 7 **Q. Okay. Just the Court as a whole?**
 8 A. The court as a whole, yes.
 9 **Q. Okay. And is that -- so that's the whole issue**
 10 **here. It's not a particular justice?**
 11 A. That's correct.
 12 DELEGATE FAST: Thank you. Thank you,
 13 Mr. Chairman.
 14 CHAIRMAN SHOTT: Delegate Foster.
 15 EXAMINATION
 16 BY DELEGATE FOSTER:
 17 **Q. My question on these -- these cards -- and I**
 18 **don't know if you all delved into this at all, but is**
 19 **there an area where the majority of this was done? Or is**
 20 **this something that was done at -- because it was done by**
 21 **the -- each individual office, is there somebody that was**
 22 **a prime offender in this -- in these purchases, because**
 23 **there's -- was it 529 of them I believe?**
 24 A. No, we did not note that any particular county

Page 323

1 or probation office was a prime offender in utilizing
 2 this methodology of purchasing large denomination gift
 3 cards.
 4 **Q. So it was pretty much throughout the state?**
 5 A. Yeah. As I mentioned, it was -- it kind of
 6 became a common practice as a matter of convenience for
 7 them to get around the stipulation that the P-card holder
 8 and that there was only one for each probation office was
 9 authorized to make the purchases, which made it difficult
 10 for them to stop their daily duties -- and this is the
 11 Court's take on this. But if they were tied down with
 12 other duties they couldn't leave to make purchases that
 13 were needed, so in order to get around that, they
 14 purchased the large denomination gift cards to which
 15 anyone could utilize that to make purchases.
 16 **Q. And what was it? Was it actual gift cards for**
 17 **specific vendors, specific stores? Or was it like a Visa**
 18 **gift card that they just used wherever?**
 19 A. Both.
 20 **Q. Both. And did this all start like -- because**
 21 **there's multiple agencies throughout the state. It's**
 22 **just surprising that it would start all at once equally**
 23 **throughout the state if didn't come from somewhere upper**
 24 **in the Supreme Court system.**

Page 324

1 A. You know, it may have been a decision made
 2 by -- this would be speculation, and I hate to do so -
 3 but it could be a decision that was made at one probation
 4 office and then was followed suit throughout the rest.
 5 **Q. So you're not sure if it was something --**
 6 A. No, not at all.
 7 DELEGATE FOSTER: Okay. All right, thank
 8 you.
 9 CHAIRMAN SHOTT: Delegate Sobonya.
 10 DELEGATE SOBONYA: Thank you,
 11 Mr. Chairman.
 12 EXAMINATION
 13 BY DELEGATE SOBONYA:
 14 **Q. On page 8, under issue 3, it says, in 2016 and**
 15 **'17 you all found that the drug courts under the Supreme**
 16 **Court of Appeals purchased the gift cards. Was that just**
 17 **the time that you audited or how long had that been in**
 18 **practice, buying gift cards?**
 19 A. I can't say how long it's been practice.
 20 Essentially this was identified by the State Auditor's
 21 Office per FOIA requests from WCHS News concerning this
 22 purchase. And essentially re-requested that FOIA
 23 documentation as well, that was provided, which was only
 24 covering the calendar years 2016 and 2017.

Page 325

1 **Q. So this could have been going on for even**
 2 **longer than that?**
 3 A. Possibly so, yes.
 4 **Q. Okay. And you said that the Supreme Court**
 5 **authorized those P-card purchases. Was it the justices**
 6 **that signed off on it? Was it the Supreme Court**
 7 **manager -- the administrative manager? Was it the**
 8 **financial officer? Who actually did the authorization of**
 9 **that?**
 10 A. I'm not certain. I do know that any P-card
 11 transactions that are made by a specific holder, there is
 12 a coordinator that oversees that holder's transactions.
 13 That coordinator then signs off on those transactions at
 14 the end of the month. Then that ultimately is passed up
 15 to probably someone in the Supreme Court's financial
 16 management office to which it would be approved there.
 17 The individual doing so, I can't speak to.
 18 **Q. Okay. And then just a follow-up on the**
 19 **gentleman to my right, his question about are there**
 20 **certain county probation offices that stood out more so**
 21 **than the others. In the Table 3 it indicates that there**
 22 **were four, \$1,000 cards purchased. You can't tell what**
 23 **county probation offices that came from?**
 24 A. I possibly could. I just don't have that

Page 326

1 information available right now.
 2 **Q. So that's something that you could get to the**
 3 **Committee members?**
 4 A. Absolutely.
 5 DELEGATE SOBONYA: Thank you.
 6 CHAIRMAN SHOTT: Back to the second row.
 7 All right. We'll move to the right-hand side beginning
 8 with Delegate Zatezalo. No? Delegate Pushkin.
 9 DELEGATE PUSHKIN: Thank you,
 10 Mr. Chairman.
 11 EXAMINATION
 12 BY DELEGATE PUSHKIN:
 13 **Q. I'm looking at -- let me put on my glasses, I**
 14 **can see what I'm looking at -- page 8, I believe. I'm**
 15 **trying to see where I -- I saw it just a second ago. The**
 16 **money that we're talking about, it doesn't come from**
 17 **taxes paid by our constituents, right? It would come**
 18 **from the participants in the drug court?**
 19 A. Yes, the participants of the drug court
 20 programs actually pay into a fee and that is where these
 21 funds are derived. Not State tax dollars.
 22 **Q. Okay. So I guess the issue is they didn't ask**
 23 **permission from the Auditor to do this, but it's not that**
 24 **we're dealing with tax dollars. We're dealing with fees**

Page 327

1 **who are willing participants in the program, correct?**
 2 A. That's correct.
 3 **Q. Okay. And do you have any idea how much it**
 4 **costs to house one of these participants in one of our**
 5 **regional jails or prisons for a day?**
 6 A. Off the top of my head, no, but I want to say
 7 daily it may cost somewhere around between \$40 and \$50 if
 8 I'm correct.
 9 **Q. And that would be tax dollars, correct?**
 10 A. That would be, yes.
 11 **Q. Okay. I just wanted to get across that these**
 12 **programs save -- not only do they save lives but they**
 13 **save money and I've been to one of the -- have you ever**
 14 **been to a drug court graduation ceremony?**
 15 A. I have not, sir.
 16 **Q. You have not?**
 17 A. I have not.
 18 **Q. Okay. I've been to -- I go to -- I try to go**
 19 **to all of them. And I'd recommend that other members of**
 20 **the Committee attend and it's a good program.**
 21 DELEGATE PUSHKIN: Thank you.
 22 CHAIRMAN SHOTT: Delegate Lane.
 23 DELEGATE LANE: Thank -- thank you.
 24 EXAMINATION

Page 328

1 BY DELEGATE LANE:
 2 **Q. So none of this money for the purchases of**
 3 **these gift cards comes out of State dollars?**
 4 A. The only instance where State dollars are used
 5 to pay for incentives in any type of drug court program
 6 is the juvenile drug court program.
 7 **Q. Okay. But did I not read over on page 9 that**
 8 **although the drug court participants are supposed to be**
 9 **paying that some of the counties haven't participated --**
 10 **haven't paid everything that they're supposed to pay?**
 11 A. Could you point me more directly to the
 12 comment?
 13 **Q. Page 9.**
 14 A. Last paragraph possibly?
 15 **Q. Yeah.**
 16 A. Well, interestingly enough, what happens as a
 17 result of the adult drug court policies regarding the use
 18 of funds to be spent on incentives, each drug court
 19 office is limited to spending \$1,000 per month. In some
 20 instances, either drug courts collected more than that
 21 per month on a consistent basis and had accumulated a
 22 balance or they weren't spending as much as other drug
 23 courts and had a remaining balance that was somewhat
 24 substantial. I think as we noted in here, Hampshire

Page 329

1 County had over \$60,000 in collected drug court
2 participant fees that had not been used.
3 **Q. So they collected it but it hasn't been used?**
4 A. That's correct.
5 DELEGATE LANE: Okay. Thank you. Now --
6 okay, that's all I have.
7 CHAIRMAN SHOTT: Delegate Fluharty.
8 Nothing. Delegate Byrd?
9 DELEGATE BYRD: Thank you, Mr. Chairman.
10 EXAMINATION
11 BY DELEGATE BYRD:
12 **Q. Thank you for being here still. Just one**
13 **question is: Do the P-cards have an individual's name on**
14 **each one per county or is it -- just says Hampshire**
15 **County P-card? I'm not sure --**
16 A. Oh, no, it's issued to an individual.
17 **Q. Each county?**
18 A. Well, each P-card is issued to an individual,
19 so at each county there would be an individual at the
20 probation office that the P-card was specifically issued
21 to.
22 DELEGATE BYRD: All right, thank you.
23 CHAIRMAN SHOTT: Back to the third row.
24 Delegate Robinson.

Page 330

1 DELEGATE ROBINSON: Thank you,
2 Mr. Chairman.
3 EXAMINATION
4 BY DELEGATE ROBINSON:
5 **Q. Mr. Robinson, did this come at any -- did this**
6 **program come at any direction of any of the justices**
7 **under impeachment proceedings today?**
8 A. No, I believe that the mandate that each county
9 operate a drug court -- and I'm -- I can't speak to the
10 incentive program specifically, but I do believe the
11 mandate to operate drug courts came from the legislature
12 itself.
13 **Q. So this program that has been cited in your**
14 **report here has nothing to do with Supreme Court justices**
15 **other than the fact that they are over drug court and all**
16 **other courts in the state?**
17 A. Yes, that's a fair statement.
18 **Q. And had nothing to do with the five justices**
19 **we've been tasked to investigate today?**
20 A. I can't speak to the relationship anyone else
21 could draw to the program and the justices.
22 **Q. Okay. Did the Court -- did the drug courts**
23 **quit this practice as soon as the Auditor pointed it out?**
24 A. The drug courts stopped the practice of

Page 331

1 purchasing large-denomination gift cards once we had
2 issued the letter to Gary Johnson identifying the issue
3 and that it needed to cease until such approval was
4 granted.
5 **Q. So as soon as it got identified it was shut**
6 **down?**
7 A. Yes. And our concerns with the program was
8 simply lack of accountability and the lack of approval
9 for these transactions from the Auditor's office.
10 **Q. And would the Court typically -- would the**
11 **Court typically rely on the Auditor's office for**
12 **expertise in spending and those kind of things?**
13 A. How so?
14 **Q. As in a program like this if it's not a**
15 **appropriate, would they rely on the auditor to point it**
16 **"Out of that purchasing, your P-card purchase is not**
17 **appropriate"?**
18 A. I think the Auditor's office can identify
19 particular transactions that may not be appropriate, but
20 as in terms of whether the program and the purchases made
21 for the program and the program itself, I don't think
22 that's the State Auditor's Office's call. I think that
23 was something done by the Court.
24 DELEGATE ROBINSON: Okay. Thank you.

Page 332

1 CHAIRMAN SHOTT: Delegate Hanshaw.
2 VICE-CHAIR HANSHAW: Yes, Mr. Chairman.
3 EXAMINATION
4 BY VICE-CHAIR HANSHAW:
5 **Q. Mr. Robinson, I know that some members of our**
6 **Supreme Court of Appeals have taken varying levels of**
7 **interest in being personally involved in the**
8 **administration of the drug court over the years. Could**
9 **you help me understand how the spending is monitored? Is**
10 **it monitored in the first instance by the circuit court**
11 **judges? As I understand the program, it's administered**
12 **at the local level first by the circuit court judges.**
13 A. Yes, I imagine that the particular
14 transactional level data -- level data is scrutinized more
15 closely at the local level and then more at a higher
16 level as the overall program by the Supreme Court offices
17 here in Charleston.
18 **Q. But in terms of actual approval of programmatic**
19 **design and use of funds and carrying out of expenditures**
20 **and actually giving direction to those who are working on**
21 **the ground, that -- that -- and I don't know. Does that**
22 **come from the East Wing or does that come from the**
23 **circuit court judge?**
24 A. I don't have that answer either.

Page 333

1 VICE-CHAIR HANSHAW: Okay. Thank you,
2 Mr. Chairman.
3 CHAIRMAN SHOTT: Delegate Fleischauer.
4 MINORITY CHAIR FLEISCHAUER: Thank you,
5 Mr. Chairman.
6 EXAMINATION
7 BY MINORITY CHAIR FLEISCHAUER:
8 **Q. The -- I think in the answer to the first**
9 **question you said that no particular Supreme Court**
10 **justice has been identified as being a problem with**
11 **respect to this program.**
12 A. No, I don't think any one particular justice
13 was integrally involved in any activities regarding that
14 program, no.
15 **Q. Okay. So there was -- and also there's nothing**
16 **to indicate any of the justices committed any crimes in**
17 **conjunction with this -- this P-card program or these**
18 **incentives?**
19 A. Not that I'm aware of.
20 **Q. Or that they lied about anything?**
21 A. Concerning? This particular issue?
22 **Q. Yes.**
23 A. No.
24 **Q. Or that they did anything immoral in relation**

Page 334

1 **to this?**
2 A. No.
3 MINORITY CHAIR FLEISCHAUER: Okay. Thank
4 you. Thank you, Mr. Chairman.
5 EXAMINATION
6 BY CHAIRMAN SHOTT:
7 **Q. Mr. Robinson, I want to just conceptually**
8 **visualize this. You said that each county got a P-card?**
9 A. Yes.
10 **Q. So that one person in that county had some**
11 **authority up to \$1,000 a month to spend on that P-card?**
12 A. At least in relation to each county's probation
13 office, that's correct.
14 **Q. Okay. And the Supreme Court -- but I thought**
15 **you said earlier the Supreme Court was not issued any**
16 **P-cards?**
17 A. You asked if the justices specifically were
18 issued P-cards.
19 **Q. Okay.**
20 A. No, they are not.
21 **Q. So the Supreme Court had how many -- the Court**
22 **itself as a body had how many P-cards?**
23 A. I can't answer that question outside of the
24 fact that for each county probation office there would be

Page 335

1 at least one P-card, so it's likely to readily assume
2 there's at least 55 for the probation offices.
3 **Q. So how do they get those P-cards? Does the**
4 **Supreme Court request P-cards from some other entity and**
5 **then they are distributed to the counties based on that**
6 **request?**
7 A. The request would be made to the State
8 Auditor's Office, but the authority to request them
9 probably would come from the Supreme Court, but I can't
10 be certain of that.
11 **Q. But I thought part of the problem was they**
12 **didn't ask permission?**
13 A. They didn't ask permission specifically to
14 purchase gift cards using the purchasing card. Any
15 purchase of a gift card using the State purchasing card
16 requires prior approval of that transaction for each
17 instance of a purchase. Not as a whole, so --
18 **Q. I follow you. So they didn't need permission**
19 **to issue the card; they needed permission for the card to**
20 **be used to purchase gift cards?**
21 A. Yes.
22 **Q. Is that correct?**
23 A. Yes. And the purpose for that is
24 accountability and transparency. Essentially once the

Page 336

1 gift card's purchased, the only thing that can be tracked
2 through the purchasing card program is the purchase of
3 the gift card, not what is subsequently purchased with
4 the gift cards.
5 **Q. You indicated that the drug courts were**
6 **essentially required of the Supreme Court by the**
7 **legislature, correct?**
8 A. That's our understanding from the Supreme
9 Court.
10 **Q. Did the legislature require the Supreme Court**
11 **to have P-cards issued to each drug court?**
12 A. No. And the P-cards aren't particularly issued
13 to the drug courts. They're actually issued to the adult
14 probation offices.
15 **Q. Did the legislation that the legislature passed**
16 **require that, or was that a discretionary decision by the**
17 **Supreme Court?**
18 A. No, the purchasing cards are already being held
19 by the adult probation offices for day-to-day purchases
20 using the P -- purchasing card outside of the drug courts
21 or the incentive program.
22 **Q. So then the problem was someone gave authority**
23 **to the drug courts to use a P-card they already had to**
24 **purchase gift cards; is that right?**

Page 337

1 A. I'm not sure that anyone gave them authority
2 to, but it's possible.

3 **Q. Well, how did this program then start where**
4 **they could -- where they weren't purchasing gift cards**
5 **before and suddenly they started purchasing? How did**
6 **that --**

7 A. I'm unsure of the inception of this -- this
8 methodology for purchasing large gift cards.

9 **Q. Well, did the Supreme -- was the Supreme Court**
10 **aware that that was going on?**

11 A. To my understanding, yes.

12 **Q. They were? Okay. And so they were aware of a**
13 **process by which these P-cards were being used by their**
14 **probation officers in a manner that was not -- did not**
15 **create any transparency or accountability. Is that fair?**

16 A. That's a fair statement.

17 CHAIRMAN SHOTT: Okay. Thank you.
18 And I see that neither Mr. Allen or our
19 other counsel are here, so we'll ask counsel if you have
20 any redirect.

21 MR. CASTO: I do have just a few,
22 Mr. Chairman.
23
24 EXAMINATION

Page 338

1 BY MR. CASTO:
2 **Q. You testified earlier that you were unaware of**
3 **what the penalties were for unauthorized use of a**
4 **purchasing card to make a transactional purchase of this**
5 **nature. Is that correct?**

6 A. Yes. And specific to purchasing gift cards
7 without prop --proper approval.

8 **Q. But with -- unauthorized use of a purchasing**
9 **card generally is a criminal offense, isn't it?**

10 A. I think it would depend on the nature of the
11 unauthorized transaction.

12 **Q. My recollection is that failure to obtain**
13 **approval of the auditor for a purchasing card purchase is**
14 **a felony in each instance.**

15 A. Is that correct? Your understanding would
16 probably be better than mine.

17 **Q. My understanding of the Constitutional duties**
18 **of the Supreme Court that they have the entirety of**
19 **oversight of the courts. They're -- while they are a**
20 **judicial body they do have an administrative role.**

21 A. That's correct.

22 **Q. And they maintain an administrative office of**
23 **the courts?**

24 A. That's correct.

Page 339

1 **Q. And the five justices superintended by the**
2 **chief justice in his or her capacity oversee the**
3 **operation of all of the subordinate courts.**

4 A. That's correct.

5 **Q. And have ultimate responsibility for the**
6 **activities of those courts.**

7 A. That is also correct.

8 **Q. And they meet -- in their administrative**
9 **meetings they often deal with fairly arcane and what we**
10 **would consider perhaps even trivial matters of those**
11 **courts, sometimes down to the salaries of the subordinate**
12 **officials of those courts?**

13 A. It's quite possible.

14 **Q. And I believe that they are responsible out of**
15 **this -- because we had testimony earlier from Mr. Allred**
16 **with their central warehousing office that they equip the**
17 **subordinate offices and courts with all of the equipment**
18 **and material that they need to do their job.**

19 A. To some degree, yes, but not fully outfit the
20 lower courts.

21 **Q. But they are responsible for seeing that those**
22 **lower courts are, indeed, outfitted and able to proceed**
23 **to business.**

24 A. Yes, that's correct.

Page 340

1 **Q. And so ultimately when there is a purchasing**
2 **card issued to an entity such as the adult probation**
3 **office which is overseen by the Court, the use and**
4 **authority of that card -- the ultimate authority and use**
5 **of that card rest upon the rules and oversight provided**
6 **by the Supreme Court.**

7 A. That's correct.

8 **Q. And Exhibit Number 16 was a series of**
9 **guidelines which were promulgated by the Supreme Court of**
10 **Appeals of the State of West Virginia for the use of**
11 **those subordinate bodies.**

12 A. I believe so, yes.

13 **Q. And those subordinate bodies while they may**
14 **have explicitly followed the provisions that are set**
15 **forth here did not follow the larger procedures which**
16 **were set forth in the Auditor's guidelines to obtain**
17 **prior approval prior to the purchase of these so-called**
18 **high-dollar gift cards?**

19 A. That's correct.

20 MR. CASTO: I have nothing further,
21 Mr. Chairman.

22 CHAIRMAN SHOTT: Starting back on the
23 left side, Delegate Foster.
24 EXAMINATION

Page 341

1 BY DELEGATE FOSTER:

2 **Q. I was looking here in the report on page 8**

3 **where it's talking about in 2016 and 2017, and what I'm**

4 **wondering is -- so this went on for at least two years**

5 **without anybody noticing there was an issue, and what I'm**

6 **wondering there is, is there not -- if it has to be**

7 **approved and as counsel laid out that possibility of a**

8 **felony if it was not approved before the purchase was**

9 **made, how do we go two years without catching it?**

10 A. That's a good question. I don't have the

11 answer.

12 **Q. And -- and along those lines, is there not a**

13 **standard for, "Hey, there's purchases here of gift cards**

14 **for this amount and it was not" -- and whenever you see**

15 **there's a large purchase of gift -- purchase on a P-card**

16 **to say, "Hey, was this approved or was it not", is there**

17 **no flagging system to say, "Hey, here's a purchase that**

18 **wasn't approved" or -- and also who is responsible for**

19 **that?**

20 A. Internally at the Court I do not know if there

21 is a procedure to flag such large transactions. From the

22 meetings we held with the Kanawha County adult probation

23 representatives they told us that it was simply a

24 misunderstanding, they weren't aware that they required

Page 342

1 such prior approval from the State Auditor's Office to

2 make those purchases. Now to the question, if it's: Why

3 did the State Auditor's Office not flag those

4 transactions, I don't have that answer either.

5 **Q. Okay. And so -- but it would be the State**

6 **Auditor's Office that should have caught that something**

7 **was not approved before purchased?**

8 A. That's a fair statement, yes.

9 DELEGATE FOSTER: Okay. All right, thank

10 you.

11 CHAIRMAN SHOTT: Delegate Sobonya,

12 questions? Delegate Pushkin.

13 DELEGATE PUSHKIN: Thank you,

14 Mr. Chairman.

15 EXAMINATION

16 BY DELEGATE PUSHKIN:

17 **Q. You stated earlier the only cases where this**

18 **wouldn't be paid for by the fees of the participants**

19 **would be in a juvenile drug court. Are there any**

20 **instances of participants in juvenile drug court getting**

21 **gift cards?**

22 A. I believe there was one noted when we looked

23 into all gift cards being purchased by the drug court

24 incentive programs, where there was at least one issued

Page 343

1 to a juvenile, yes.

2 **Q. One card to one juvenile?**

3 A. That I'm aware of. We did not cross-reference

4 these particular cards to the particular courts that they

5 were issued to.

6 **Q. Okay. I see that the Legislative Auditor's**

7 **Office made recommendations to deal with this issue. I**

8 **think they're perfectly fine.**

9 DELEGATE PUSHKIN: Thank you.

10 CHAIRMAN SHOTT: Back to the third row,

11 any questions back there? Okay. Delegate Hanshaw.

12 Delegate Fleischauer. You're looking like you want to

13 get out of here, right?

14 THE WITNESS: I think I may be subjected

15 to a few more questions coming up, so I'm okay. I'm

16 hanging in here.

17 CHAIRMAN SHOTT: All right.

18 EXAMINATION

19 BY CHAIRMAN SHOTT:

20 **Q. I just want to be sure. We had \$105,000 of**

21 **somebody else's money, whether it's the taxpayers or the**

22 **taxpayers who are drug court participants, and we can't**

23 **say where any of it went?**

24 A. No, that's the difficulty with this is the lack

Page 344

1 of accountability and transparency to ensure that all the

2 money that was collected from the participants was

3 actually spent out in accordance with the regulations

4 governing the incentive program.

5 **Q. So we suspect that some of it may have been**

6 **spent for the purposes it was intended, but we can't be**

7 **sure?**

8 A. I wouldn't say "suspect", but the likelihood

9 exists.

10 **Q. And that's based on what?**

11 A. The lack of proper procedures to provide the

12 accountability necessary to account for the dollars spent

13 off the large-denomination cards.

14 **Q. Maybe I didn't state my question clearly. We**

15 **don't know for sure that this money was spent for the**

16 **purposes it was intended? I mean, for instance --**

17 A. Not all of it --

18 **Q. -- somebody that bought a large P-card could**

19 **have spent it for themselves.**

20 A. Yes, due to the system in place, if someone

21 purchased \$1,000 gift card and there isn't itemized

22 receipts to account for every dollar that was spent on

23 it, there is a possibility that someone purchased an item

24 for personal use.

1 **Q. Or a lot of items with \$1,000, right?**
2 A. It's possible, yes.
3 CHAIRMAN SHOTT: Thank you. Anything
4 further for Mr. Robinson? He's had a long day. Thank
5 you, Mr. Robinson. We'll start on the third -- is he --
6 are you -- third report, is that you too?
7 THE WITNESS: The third report's me, yes.
8 I'll be all right.
9 CHAIRMAN SHOTT: Let's see how far we get
10 on this one. It doesn't sound like it's going to take
11 too long.
12 THE WITNESS: As long as it takes, I'm
13 perfectly fine, generally.
14 CHAIRMAN SHOTT: All right. Counsel.
15 MS. KAUFFMAN: Thank you, Mr. Chairman.
16 CHAIRMAN SHOTT: Just -- you don't need
17 this reminder, but just in case you do, you're still
18 under the same oath.
19 THE WITNESS: Thank you, sir.
20 CHAIRMAN SHOTT: All right.
21 EXAMINATION
22 BY MS. KAUFFMAN:
23 **Q. Mr. Robinson, we are now going to move to the**
24 **third report. I believe we briefly discussed that**

1 **earlier this morning that there have been three reports**
2 **completed with respect to the Supreme Court during this**
3 **calendar year; is that correct?**
4 A. That is correct.
5 **Q. The third report that I have is entitled at**
6 **least in part "Reappropriated Fund Balance Analysis"; is**
7 **that correct?**
8 A. That is correct.
9 **Q. Turning to page 2 of that report, could you**
10 **please tell the committee how the Legislative Auditor**
11 **first became of concerns with respect to the spend-down**
12 **that -- that's been referenced in this report?**
13 A. Yes, there -- we noted issues in discussions in
14 the administrative conference minutes of the Court
15 concerning questions of the spend-down and where the
16 money had went.
17 **Q. And I believe in the first paragraph of that**
18 **there is also an indication that in reviewing a memo that**
19 **was written by Justice Loughry in which he was responding**
20 **to some questions regarding his usage of Court vehicles**
21 **that he had mentioned this as well; is that correct?**
22 A. That's correct.
23 **Q. And for -- just for ease or reference, not that**
24 **I won't go to it, it's my understanding from the exhibits**

1 **we had looked at earlier today that memo is Exhibit**
2 **Number 6 that Justice Loughry -- if you could please just**
3 **confirm that.**
4 A. That is correct.
5 **Q. Okay. With respect to this, it is my**
6 **understanding - and this would be on page -- beginning on**
7 **page 13 of this report - that a memorandum was prepared**
8 **by Mr. Canterbury back in November of 2016, regarding at**
9 **least some -- some of the issues contained in this**
10 **report; is that correct?**
11 A. That is correct.
12 **Q. If you could -- actually, let me back up there.**
13 **It is my understanding that from -- and we're back on**
14 **page 2. That there was a meeting that was held with the**
15 **at the time current administrative director and the**
16 **director of financial management to discuss those -- the**
17 **reappropriated funds. If you recall, were you part of**
18 **that meeting?**
19 A. I was, yes.
20 **Q. And who at the time was the administrative**
21 **director?**
22 A. Gary Johnson.
23 **Q. Okay. And what about the director of financial**
24 **management?**

1 A. Sue Racer-Troy.
2 **Q. Okay. And I believe -- if you could just**
3 **explain to the committee the concerns that -- that you**
4 **had and what you were able to determine. And by that I'm**
5 **specifically still staying on page 2 and trying to figure**
6 **out how you were able to determine how the funds were**
7 **accumulated.**
8 A. Well, we actually couldn't exactly determine
9 how the Court or why the Court had accumulated that
10 amount of money in the time frame that it had. I think
11 beginning in 20007, end of that fiscal year, the Court
12 reappropriated approximately \$1.4 million to which that
13 balance grew to \$29 million in 2012.
14 **Q. And I see you're referring to a graph. I will**
15 **now ask that you please refer to that graph -- I believe**
16 **it is located on page 3 of this report. Does that**
17 **provide the trend of the yearly reappropriated funds for**
18 **the Supreme Court?**
19 A. Yes, it does, for the years of 1997 through
20 fiscal year 2018.
21 **Q. And I believe you just indicated that in 2012**
22 **that was at a little over \$29 million; is that correct?**
23 A. Yes, that's correct. And on page 2 we
24 identified these specific categories where such funds

Page 349

1 were reappropriated from the prior year.

2 **Q. And by 2016, what was that balance?**

3 A. \$333,000 -- or \$333,514.

4 **Q. Okay.**

5 A. So just a little over 333,000.

6 **Q. The report beginning after that graph,**

7 **beginning on page 4 does go through the fiscal years and**

8 **does some analysis and provides information about the**

9 **reappropriated balances in those years, but if I could -**

10 **before we get to that - move forward to Mr. Canterbury's**

11 **memo that begins on page 13 of this report. Could you**

12 **please tell the Committee, how -- how did this memo come**

13 **about? Why did Mr. Canterbury -- your understanding of**

14 **why Mr. Canterbury prepared this memo?**

15 A. This memo was prepared by Mr. Canterbury in

16 response to a request from Justice Workman who asked that

17 he prepare it to explain how some of that \$29 million was

18 spent down to the balance it was currently at that date.

19 **Q. I believe in the first -- the last line of the**

20 **first paragraph he notes, "In brief she" - I believe**

21 **referring to Justice Workman - "wants to know where the**

22 **money went." Is that correct?**

23 A. That is correct.

24 **Q. Going through -- and I understand this is a**

Page 350

1 **several-page memo. Not to go through each and every**

2 **paragraph, it is -- if you could please just summarize**

3 **your recollection of, generally speaking, what this memo**

4 **says with respect to what happened and how the decision**

5 **was made with respect to spending?**

6 A. In Mr. Canterbury's words in this memo, there

7 are several reasons cited for the spend-down. Some of

8 them include raises that were given to justices, judges

9 and magistrates. Renovation projects that were needed in

10 their City Center East location here at the Capitol.

11 Amongst various reasons, but they also did cite some

12 reasons concerning the concern over a potential

13 sponsorship by the legislature of a constitutional

14 amendment that may take away their budgetary authority.

15 **Q. And I believe on page 13 in the second full**

16 **paragraph, beginning with the third sentence, it notes,**

17 **"And there was a decision by the Court to ask for lower**

18 **appropriations during the most recent fiscal years due to**

19 **growing concerns that key Senate leaders were angered by**

20 **the excessive amount of the Court's 'surplus funds' as**

21 **they styled it." Is that correct?**

22 A. That is correct.

23 **Q. In the next paragraph, I would ask you to look**

24 **beginning the -- on the second line, starts with "but it**

Page 351

1 **notes that the Court approved" -- Mr. Canterbury notes in**

2 **his memo that the Court approved each and every one of**

3 **those appropriation requests with the understanding of**

4 **the major issues that the Court was facing when the Court**

5 **approved those requests; is that correct?**

6 A. That is correct.

7 **Q. Does he cite one of those major issues that the**

8 **Court was facing as the threat of a successful**

9 **constitutional amendment to take away the Court's**

10 **budgetary independence if the Court had continued to have**

11 **those large funds at the end of each fiscal year?**

12 A. Could you redirect me to where you're

13 referencing? You said page 13.

14 **Q. On page 13, third full paragraph, the second**

15 **line down, in the middle of that it starts with "but the**

16 **Court approved."**

17 A. Yeah. And your question again was? Apologies.

18 **Q. No, no problem. That the Court re -- the Court**

19 **decided to make those expenditures knowing what issues**

20 **the Court was facing at the time and that was -- one of**

21 **those issues he identified was the potential**

22 **constitutional amendment to take away the independence of**

23 **the Court's budget.**

24 A. Yes, in Mr. Canterbury's words in this memo,

Page 352

1 that's correct.

2 **Q. And, again, I will not belabor all of these,**

3 **but similar to what your report did, then Mr. Canterbury**

4 **went through year by year to do some -- to provide some**

5 **explanation for the reappropriated funds; is that**

6 **correct?**

7 A. Yes. Yes, this memo actually had a brief cover

8 letter that described that the request from Justice

9 Workman was to try to describe the spend-down in bullet

10 point format as briefly as possible. So the fiscal year

11 summary as provided by Mr. Canterbury in his memo does

12 not go into great detail, but it does try to capture the

13 reasoning behind some of the spend-down.

14 **Q. Okay. And he did note -- he did note that he**

15 **was asked to keep it brief, so he put it in bullet form**

16 **-- format for that reason.**

17 A. Yes.

18 **Q. Okay. And with respect to those years, again,**

19 **there is notation as to how some of the money was -- was**

20 **spent; and I believe -- and I'm going to now refer you**

21 **back to -- still staying on Mr. Canterbury's memo on page**

22 **13 -- let's see. The third paragraph, the first sentence**

23 **that I had not previously read, I believe he notes that**

24 **he thought it was necessary to point out that not only is**

1 every dime accounted for in Director Sue Racer-Troy's
 2 electronic files, that he believed that every dime was
 3 accounted for; is that correct?
 4 A. That is correct.
 5 Q. And now I'll -- I'm just going to ask you some
 6 general questions with respect to that. Have -- has your
 7 office -- is this investigation still ongoing?
 8 A. Absolutely. There is a tremendous amount of
 9 transactional data that we will have to review to
 10 ascertain the specifics of this spend-down.
 11 Q. Okay. And when we continue to talk about the
 12 spend-down, we're still talking about the spend-down
 13 where the -- what happened between 29 million in 2012 and
 14 approximately 333,000 in 2016?
 15 A. That's correct.
 16 Q. And, again, and I might have just asked you
 17 this and if I did, I apologize. That investigation is
 18 still ongoing?
 19 A. Yes, that investigation is still ongoing.
 20 Q. Okay. If you could, just to the best of your
 21 ability -- and, again, I understand Mr. Canterbury was
 22 asked to be brief, and I'll ask you to be brief as well.
 23 If you could just generally, again, to the best of your
 24 ability try to summarize for the Committee what you

1 understand happened between 2012 and 2016 just up to this
 2 point.
 3 A. Would you like me to cover specific categories
 4 in general?
 5 Q. If you can.
 6 A. Okay. In going through our analysis,
 7 ultimately our report somewhat mirrors Canterbury's
 8 attempted analysis. And I don't mean to say "attempted"
 9 as to be derogatory towards his analysis. We just tried
 10 to be more specific. But given the amount of data we had
 11 to review, essentially we were able to go through fiscal
 12 year to fiscal year from fiscal year 2012 to '16 and
 13 identified specific categories of expenditures that saw a
 14 significant increase in spending over the prior year's
 15 expenditures.
 16 Fiscal year 2012, those categories,
 17 ultimately almost every year of this review from our
 18 office, included an increase in payroll. I think the
 19 total increase in payroll in 2012 was 12.4 million. But
 20 we identified various categories. Would you still like
 21 me to go through the various categories? I'd be happy
 22 to.
 23 Q. If you can.
 24 A. Okay. So for 2012, we saw a total increase in

1 payroll expenditures of \$12.4 million over the past year.
 2 Then we noted travel, saw an increase of \$587,000 over
 3 the prior year. Telecommunications 582,000 over the
 4 prior year. Leasehold improvements 873,000. That's an
 5 approximation. And computer equipment 361,000 over the
 6 prior year.
 7 For fiscal year 2013, again, we saw
 8 payroll-related expenses increase this time 900,000 over
 9 the prior year. But that also takes into account the \$12
 10 million that had increased the year prior to that. Other
 11 areas we saw increases in expenditures included
 12 contractual services, which increased 1.58 million over
 13 the prior year. Computer services, \$922,000 over the
 14 prior year. Routine building maintenance, 505,000 over
 15 the prior year. Office equipment 330,000 over the prior
 16 year, and consulting for capital asset projects increased
 17 725,000 over the prior year. Again, all of these are
 18 approximations.
 19 Then moving into fiscal year 2014, payroll
 20 expenses, again, increased 2.4 million over the prior
 21 year, which is a trend of three years in a row of
 22 increases. Other categories, rental expenses for real
 23 property increased \$376,000. Contractual services
 24 increased \$486,000. Travel increased \$909,000. Computer

1 services increased \$359,000. Attorney legal service
 2 payments increased \$1 million. Miscellaneous equipment
 3 purchases increased by \$272,000, and contractor payments
 4 for capital asset projects increased by 1.25 million, and
 5 computer equipment, again, increased 409,000 in fiscal
 6 year 2014.
 7 Moving into fiscal year 2015. Total
 8 expenditures actually decreased in this year by 1.6
 9 million but due to the increases in the prior years the
 10 reappropriated balance was still depleted. Payroll
 11 expenses increased 1.45 million, and the only other area
 12 we noted that saw a significant increase over the prior
 13 year was contractual services, which was increased 2.7
 14 million over the prior year for a total expenditure
 15 amount of \$4.99 million.
 16 And that's what carried over the 330,514
 17 into fiscal year 2016. And then by the end of fiscal
 18 year 2016, while we did see some categories have increase
 19 -- increases in expenditures, overall based on the
 20 appropriated amount that the Court had received, their
 21 appropriated balance didn't reduce. It actually grew at
 22 the end of fiscal year 2016 to 1.24 million. And that
 23 should summarize -- summarize what you were asking.
 24 Q. Okay. With respect -- and, again, I know you

Page 357

1 have indicated that your investigation into this is
2 ongoing. Are you investigating all of these different
3 categories with respect to the increase in salaries,
4 contractual services, the categories that are listed in
5 the report now; or how is that investigation going? What
6 are you looking at?
 7 A. Our initial focus will be to try to identify
 8 specific expenditures within the categories we have
 9 identified of having a significant increase over the
 10 prior year. But also it is our intent to try to identify
 11 expenditures related to the renovation projects and to
 12 possibly weed out those infrastructure-related
 13 renovations versus those more office furniture,
 14 decorations, et cetera, and try to identify expenditures
 15 related to that. So, categorically, I can't say that we
 16 will focus specifically only on these categories
 17 identified in this report, but for us it was a good start
 18 and it was a good way to get some information out to
 19 alleviate some concerns over what areas potentially saw
 20 an increase.
21 Q. And that's generally what this report number 3
22 does, shows the general areas that saw increase over
23 those years?
 24 A. Yes, essentially our analysis was just a

Page 358

1 categorically an -- categorically comparative analysis of
 2 specific expenditures over the prior year. And some
 3 categories saw a decrease, so it's not to say that -- as
 4 you'll see in this report, if you added up all the
 5 increases over the prior year, it may exceed the amount
 6 that the excess fund balance was reduced, but that's
 7 because it's a -- when you net it with the other accounts
 8 or the other expenditures that actually saw a decrease,
 9 we get to the amount that we got to.
 10 MS. KAUFFMAN: Okay. Mr. Robinson, I
 11 don't believe I have any further questions for you.
 12 THE WITNESS: Thank you.
 13 CHAIRMAN SHOTT: Thank you, Counsel.
 14 I'll start on the right side at this point and be -- end
 15 with the front row. The right side, Delegate Hollen, do
 16 you have any questions? Delegate Lane.
 17 EXAMINATION
 18 BY DELEGATE LANE:
19 Q. Thank you, Mr. Robinson.
20 I'm looking at the Post Audit Analysis of
21 expenditures by the Supreme Court, Table 1.
 22 A. Okay.
23 Q. Now, looking at 2012, the appropriation was 120
24 million dollars 483,000?

Page 359

1 A. Correct.
2 Q. And the total available was almost \$150
3 million?
 4 A. That's correct.
5 Q. And the total expenditure was 126 million.
 6 A. Uh-huh.
7 Q. Now, I thought that you could only spend what
8 had actually been appropriated and that would be \$6
9 million more than the actual appropriation.
 10 A. The \$29 million are carry over reappropriated
 11 general revenue funds from prior years so that would also
 12 be allowed to be spent. And their total available is
 13 what they can spend from.
14 Q. So -- so when you say "appropriation", it's
15 really the same as the total available?
 16 A. No, the -- for fiscal year 2012 the Court was
 17 reappropriated \$120.483 million worth of new
 18 appropriations from general revenue funds that year. It
 19 had a balance of \$29 million, a surplus balance, if you
 20 will, that was carried over from prior years.
21 Q. And I thought that surpluses had to then be
22 included in the appropriation to allow the body to spend
23 that amount of money in that fiscal year?
 24 A. That may be the case for typical State

Page 360

1 agencies, but the Supreme Court's its own branch of
 2 government and it's my understanding that what they
 3 request is what they get. And they're allowed to spend
 4 from their reappropriated balance.
5 Q. And we don't have a requirement that we
6 appropriate that amount of money?
 7 A. Not to my knowledge. My knowledge is that the
 8 Supreme Court has its own budgetary authority to request
 9 what it needs.
 10 DELEGATE LANE: Okay. Thank you. That's
 11 all I have.
 12 THE WITNESS: You're welcome.
 13 CHAIRMAN SHOTT: Second row. Third row.
 14 I'm sorry. Delegate Byrd.
 15 DELEGATE BYRD: Thank you, Mr. Chairman.
 16 EXAMINATION
 17 BY DELEGATE BYRD:
18 Q. Mr. Robinson, you said there -- there's still
19 more data that you are compiling regarding this?
 20 A. That's correct.
21 Q. Has your office set a timeline on when to
22 release that data?
 23 A. Not at this time, but it is priority for our
 24 office.

Page 361

1 DELEGATE BYRD: Thank you.
 2 CHAIRMAN SHOTT: Delegate Miller.
 3 DELEGATE MILLER: Thank you,
 4 Mr. Chairman.
 5 EXAMINATION
 6 BY DELEGATE MILLER:
 7 **Q. In regard to the 2016 memo issued by**
 8 **Mr. Canterbury, were you able to uncover at any point**
 9 **after that memo was issued that that memo was put in**
 10 **question by any member of the Court, any justice or**
 11 **anyone else or any personnel once that investigation was**
 12 **brought forth or those allegations are levied?**
 13 A. Chief Justice Workman adamantly denies the
 14 accuracy and statements made in Mr. Canterbury's memo
 15 with particular regard that the focus of the spend-down
 16 was to avoid a constitutional amendment taking away their
 17 budgetary authority. We spoke with Mr. Canterbury
 18 regarding this memo subsequent to discussing it after our
 19 June report -- pardon me -- May report to which he
 20 attested to the accuracy of the memo and the fact that
 21 those conversations did occur as he described.
 22 **Q. Was that by -- by conversation where she**
 23 **protested or was -- did she issue a document and, if so,**
 24 **when?**

Page 362

1 A. She verbally disagreed with the statements made
 2 in his memo subsequent to our May reporting, the Post
 3 Audit Subcommittee. She may have made the statement as
 4 well in writing in response to our report. I would have
 5 to look back into the appendixes. But she has at a very
 6 minimal made a verbal disagreement to the memo.
 7 **Q. And that was answering to your inquiry?**
 8 A. No, we made mention at the end of the second
 9 audit report to the Post Audit Subcommittee of what the
 10 upcoming report subject matter would cover, and I made
 11 mention of this memo by Mr. Canterbury and the statement
 12 made. The question was then posed to her, I believe, by
 13 the Senate president regarding the memo and the spend-
 14 down to which she adamantly denied that the Court - her
 15 or any other justice - discussed the need to spend the
 16 funds down to avoid a constitutional amendment.
 17 **Q. And that was in 2018 that she made those**
 18 **comments?**
 19 A. Yes, it would be available in the video
 20 archives of our Post Audit Subcommittee meeting following
 21 that May report.
 22 **Q. Is there any kind of documentation or evidence**
 23 **to show that there was any kind of disputing of his**
 24 **memorandum between 2016 and the inquiry by the Senate**

Page 363

1 **president in 2018?**
 2 A. Sir, are you asking is there any document --
 3 documentary evidence that would support whether or not
 4 there was this dispute had before she made the statement
 5 after our Post Audit Subcommittee meeting?
 6 **Q. Correct.**
 7 A. No, we have not found any documentation to show
 8 that this was disputed prior to her statement made at the
 9 May 2018 Post Audit Subcommittee meeting.
 10 **Q. So that's nearly a two-year period of no -- no**
 11 **mention of his allegations until it was brought to light**
 12 **in public.**
 13 A. That's an accurate statement.
 14 **Q. Okay. He makes reference to unanticipated**
 15 **construction and furniture purchases along with other**
 16 **purchases totaling \$12 million. Are you able or are you**
 17 **in the process of trying to delineate specifics on that**
 18 **allegation?**
 19 A. Yes, we are in the process of doing that, yes.
 20 **Q. If -- and this might be a general question, but**
 21 **if the legislature is not appropriating more than what is**
 22 **said to be needed to operate the courts in a year, it**
 23 **seems like according to the graphs and the information**
 24 **that's been provided they continually make money for the**

Page 364

1 **lack of a better description. How do they generate and**
 2 **come up and with a surplus each and every year if they're**
 3 **operating according to their own numbers as to what they**
 4 **need, if you can answer that?**
 5 A. I can't answer the why the Court continues to
 6 accumulate excess fund at the end of the fiscal year, but
 7 it was mentioned during the June Post Audit Subcommittee
 8 meeting that the Court would be happy to build itself a
 9 surplus, a somewhat rainy day fund.
 10 **Q. Do you have any knowledge if the Supreme Court**
 11 **has a stand-alone or any stand-alone bank accounts that**
 12 **are outside the purview of the State treasurer?**
 13 A. Not that I'm aware of.
 14 **Q. Would that be proper accounting procedures for**
 15 **the State of West Virginia if the Supreme Court did have**
 16 **its own mechanism to receive funding absent the State**
 17 **treasurer's office?**
 18 A. Yeah, I believe there would be some issue with
 19 that. At a minimum, I think any outside bank account
 20 operated -- operated by any State agency or branch of
 21 government should be reported to the treasurer's office.
 22 **Q. Who -- who ultimately has the authority to**
 23 **authorize or direct to expend -- increase in expenditures**
 24 **of the excess fund? Who's -- who's the ultimate**

Page 365

1 responsible person for that or persons?
 2 A. I believe that responsibility would fall on the
 3 administrative office of the Court and the justices.
4 Q. And the justices or the justices?
 5 A. The justice -- and the justices.
6 Q. Is that where the authority has always been or
7 has it changed over the years, even since 2010, let's
8 say?
 9 A. I can't speak to the change over the years.
10 Q. In regard to their normal expenditure of
11 funding, do they have a particular procedure, purchase
12 orders, bidding, as we would be familiar with in State
13 government?
 14 A. The Supreme Court of Appeals of West Virginia
 15 is exempt from the purchasing division, so they do not
 16 have to follow the same guidelines typical State agencies
 17 do with regard to the purchases they make.
18 Q. Do you know if they do even remotely follow any
19 type of generally accepted purchasing procedures?
 20 A. I am aware in many instances that they do
 21 attempt to try to follow those procedures to ensure that
 22 they're getting the best bang for the State dollar, but
 23 there are also instances we've noted where they have not.
24 Q. If you know, are excess funds spent under any

Page 366

1 kind of different rules, internal rules at the Supreme
2 Court than regular budgeted items?
 3 A. I'm not sure. I know the Court does allow --
 4 it is allowed to maintain a discretionary fund, but the
 5 direct nature of that fund I'm not aware of.
6 Q. Is there an ultimate authority who actually
7 physically signs off on spending?
 8 A. To my knowledge the administrative director of
 9 the Court ultimately signs off on the spending.
10 Q. That's based on a vote of the Court, an
11 authorization by the Court itself?
 12 A. I believe there's some thresholds of dollar
 13 amounts that can't be exceeded or decided upon by any one
 14 individual at the Court without it having to be brought
 15 before the justices and the administrative conferences.
16 Q. So once that threshold is met, the justices
17 have the responsibility to direct or authorize spending?
 18 A. I believe so. I would have to look into that
 19 further.
20 Q. Are you aware of any other reference letter
21 other than Mr. Canterbury's that had been issued as to
22 why the allocated fundings had been spent down?
 23 A. Not to my knowledge.
 24 DELEGATE MILLER: I think that's all I

Page 367

1 have. Thank you, Mr. Chairman.
 2 CHAIRMAN SHOTT: Delegate Robinson.
 3 DELEGATE ROBINSON: Thank you,
 4 Mr. Chairman.
 5 EXAMINATION
 6 BY DELEGATE ROBINSON:
7 Q. Mr. Robinson, how long did the -- when -- how
8 long's the spend-down -- how long did the entire spend-
9 down occur?
 10 A. You mean from the \$29 million to the 333,514?
11 Q. Yes, sir.
 12 A. It happened between fiscal year 2012 and fiscal
 13 year 2016.
14 Q. Okay. Looked like -- looks like the big drop
15 was, like, actually probably '14 to '16. Looks like they
16 dropped a little less than \$15 million over -- from '16
17 -- or '14 to '16.
 18 A. Between fiscal year 2012 and '13 it looks like
 19 it dropped approximately 7 million. Between '13 and '14,
 20 approximately 7 million. The greatest reduction in this
 21 appropriation rollover was between fiscal years '14 and
 22 '15 which saw approximately \$13-plus million in increased
 23 expenditures.
24 Q. I asked you this question earlier. I don't

Page 368

1 think you knew, but what year was Justice Loughry
2 elected?
 3 A. I'm uncertain. I believe 2012.
4 Q. Do you know who the chief justice was from the
5 time period of '14 to '16?
 6 A. I do not.
7 Q. Okay. Would the chief justice have approved
8 the budget on an annual basis and the whole Court
9 approved the budget following the lead of the chief
10 justice at that time?
 11 A. I'm unaware of that.
12 Q. Do they -- does the Court approve the budgetary
13 item in an annual basis? Do they --
 14 A. I'm unfamiliar with the Court's in general
 15 process for formulating its budget.
 16 DELEGATE ROBINSON: Would counsel be able
 17 to answer that question, Mr. Chairman?
 18 CHAIRMAN SHOTT: I don't think counsel
 19 can answer that question. That is something we're trying
 20 to find out.
 21 DELEGATE ROBINSON: Of who approves their
 22 budget? Is that the -- we're unaware of how they approve
 23 their budget. Okay. Thank you. Wow.
 24 CHAIRMAN SHOTT: Now to the left side.

Page 369

1 Delegate Fast, any questions?
2 EXAMINATION
3 BY DELEGATE FAST:
4 **Q. Just following up on my col -- what my**
5 **colleague just said. So when the Supreme Court makes its**
6 **appropriation request, we're not sure how that comes down**
7 **the pike?**
8 A. No, I'm not directly familiar for each instance
9 of each appropriation request how they formulated the
10 amount in that request.
11 **Q. Okay. And I see on page 10 of your report,**
12 **it's projected that the reappropriation balance for 2018**
13 **is going to be all the way back up to \$19.2 million.**
14 **Since this report was finalized not too long ago, do we**
15 **have any definites on that yet?**
16 A. It has kind of reached the close of the fiscal
17 year, so it is possible we could ascertain that
18 information now, but at the time of the report that was
19 the estimate that was actually noted in a memo between, I
20 believe, the administrative director and the director of
21 financial management office for the Court that the
22 balance would grow to 19.5 by the end of this year.
23 **Q. Okay. Are there -- I know a lot of fines and**
24 **court costs and things like that go into the coffers of**

Page 370

1 **the court system, and I'm assuming a great deal of the**
2 **that ends up under the jurisdiction of the Supreme Court.**
3 **Do you know if there are any identifiable fees that just**
4 **keep feeding the Supreme Court to make it grow so**
5 **exponentially financially?**
6 A. I don't believe our analysis includes any
7 special revenue funds.
8 **Q. Okay.**
9 A. So I don't know that collected fees are part of
10 this. The amounts we are noting in our analysis includes
11 appropriated funds from the general revenue fund on top
12 of any funds that remain in the Court's balance at the
13 end of the fiscal year.
14 **Q. Okay. Well, it seems like the appropriations**
15 **are not necessary. In fact, they decreased in recent**
16 **years a few -- last two or three years at least, but yet**
17 **we're looking now at another surplus of \$19 million. So**
18 **seems like there's some infusion of funds from some other**
19 **source besides appropriations when appropriations have**
20 **been decreased. And if you can't answer that, I**
21 **understand. I'm just --**
22 A. No, I would draw your attention to Table 1 on
23 page 6 that kind of breaks those analysis down. The
24 amount appropriated from the legislature and from the

Page 371

1 general revenue fund to the Court has increased consist
2 -- consistently each year from 2012 up until 2017. The
3 current fiscal year appropriation request matches that of
4 2017, but if you'll note in the next to the last right
5 column, Total Expenditure Amounts, you'll see the total
6 expenditures increased every year up until 2013 -- or '15
7 excuse me, when it decreased slightly over the prior year
8 or under the prior year. 2016 expenditures were 138.6
9 million but then in 2017 those dropped another four
10 million.
11 **Q. Okay.**
12 A. The anticipation of the growth in the year-end
13 balance for 2018 would not be attributable to any outside
14 funds coming in. It's a reduction in expenditures.
15 **Q. Okay. So mostly legislative appropriations**
16 **then?**
17 A. Yes.
18 **Q. Okay. Very helpful. Thank you.**
19 **And is the audit report alleging**
20 **malfeasance on the part of the Supreme Court as a whole**
21 **or any particular justice?**
22 A. Our audit reports do not -- and I forget how
23 you just phrased it, sorry.
24 **Q. Malfeasance.**

Page 372

1 A. No, no, the -- are we suggesting that, no. It
2 is not our place to suggest it. It's our place to just
3 provide the facts objectively and draw conclusion from
4 those.
5 **Q. So this -- this section of this report is**
6 **basically, legislature, take note. Maybe you're giving**
7 **the Supreme Court too much money or --**
8 A. Yes, essentially this information -- this
9 report's mostly informational. It provides some
10 background over the concern of the spend-down to what we
11 could provide up until the May interim.
12 **Q. Okay.**
13 A. Or June interim, excuse me.
14 **Q. Just before I pass the mike, we've heard about**
15 **some of the justices' offices being renovated at a pricey**
16 **amount. Does that in your report implicate a justice for**
17 **maladministration or malfeasance, something along those**
18 **lines?**
19 A. I wouldn't like to make that speculation. I
20 think that's a decision for this body.
21 CHAIRMAN SHOTT: Thanks.
22 Justice -- justice -- Delegate Foster.
23 DELEGATE FOSTER: Thank you,
24 Mr. Chairman.

Page 373

1 EXAMINATION

2 BY DELEGATE FOSTER:

3 **Q. My questions are going to kind of revolve**

4 **around page 7 to page 9 of this report and the changes**

5 **year to year.**

6 A. Uh-huh.

7 **Q. Now, these -- did I understand you correctly**

8 **earlier, are these expenditures from the appropriated and**

9 **the reappropriated, or is this just from what was spent**

10 **down of reappropriated, on these pages here 7 through 9?**

11 A. On these pages essentially we've identified --

12 and that's the difficulty in the task that we're trying

13 to accomplish. Essentially all expenditures are spent

14 out of the same pot. We're looking at the general

15 revenue fund appropriations for the Court specifically.

16 We're not looking at special revenue funds. So this

17 would be the appropriations received in any given year

18 plus whatever remained from the preceding year.

19 So all of these expenditures are coming

20 out of the same pot. For us to put a finger on one

21 particular expenditure and say this is attributable to

22 the spend-down is nearly impossible.

23 **Q. So you're just looking at what increased --**

24 A. Yes.

Page 374

1 **Q. -- for those years? And that's what I wanted**

2 **to ask you about. First of all, what -- what is**

3 **contractual services defined as? Like, what -- what does**

4 **that entail?**

5 A. And I -- forgive me. I don't -- essentially

6 this is the OASIS and the FIN systems would break down

7 categories of transactions by object codes and there is a

8 definition to -- assigned to that. Contractual services

9 essentially is any work performed by an entity or

10 individual for which there was a contract dictating those

11 services.

12 **Q. So -- so would that be, like -- because I see**

13 **it's also broken out into attorney legal services and**

14 **payments. Is that part of the contractual services or is**

15 **that something separate, like, for attorney and legal**

16 **work?**

17 A. I wouldn't be comfortable answering that now.

18 That's kind of the purpose of our continuation of this

19 work is while these categories are very broad and subject

20 to human error and how they're applied in terms of the

21 object code of the specific transaction, we need to

22 review them individually to determine what exactly the

23 transactions were for to really be able to speak

24 definitively of whether or not they do meet the criteria

Page 375

1 for that category in and of itself. So I wouldn't want

2 to answer that without our continuation of this work.

3 **Q. Okay. And then the other one I wanted to look**

4 **at was travel. Because as it says in the -- in 2012, it**

5 **went from -- it went up to 1 mil -- 1.5 million, which**

6 **was an increase of basically 5 million.**

7 A. Increase of 587,000 was the increase.

8 **Q. I'm sorry, of 500,000. So -- and in 2011 it**

9 **was 1 million, and then you -- if you go forward to 2016,**

10 **it went from 1 million to 3 million in just five years.**

11 A. Yeah, we also noted the increase in fiscal year

12 2014, it was somewhat significant, it increased 909,000

13 to 2.3 million in fiscal year 2014. It may have not been

14 noted in fiscal year 2013, because the amount of

15 expenditure increase over the prior year wasn't as great

16 as others that we identified, but you are correct in

17 stating that from 2012 those expenditures increased it

18 from roughly 1.5 million to 3 million in fiscal year

19 2016.

20 **Q. Well, from 2011 it would have been from 1**

21 **million to 3 million.**

22 A. Yes. No, that's correct.

23 **Q. It tripled over a five-year period --**

24 A. That's correct.

Page 376

1 **Q. -- the same time we have these issues with the**

2 **vehicles.**

3 A. That's correct.

4 **Q. All right. Thank you.**

5 A. Uh-huh.

6 CHAIRMAN SHOTT: Delegate Sobonya.

7 DELEGATE SOBONYA: Thank you,

8 Mr. Chairman.

9 EXAMINATION

10 BY DELEGATE SOBONYA:

11 **Q. On page 8 under fiscal year 2014, it indicates**

12 **that for the real estate rental expenses for real**

13 **property, it increased 375,000 or more, almost 376,000,**

14 **from the previous year and they say that it was because**

15 **of the renovations to the Court City Center East and the**

16 **Capitol. Have you all looked to see exactly how that**

17 **money was accounted for? If it was dollar for dollar?**

18 **And also is the Supreme Court real property under the**

19 **jurisdiction of the real estate division for**

20 **accountability and --**

21 A. The second question I can't answer at this

22 time. And the specifics of these expenditures and how

23 they relate is a product of our continuing work, so I

24 can't answer the first question either.

1 **Q. Okay. And I'm looking at the fiscal year 2011.**
 2 **It says at the end of 2011 the Court carried over**
 3 **approximately \$29 million into FY 2012. So that surplus**
 4 **was in existence in 2011?**
 5 A. In 2011, I believe -- at the beginning of
 6 fiscal year 2011, the excess balance was somewhat below
 7 29 million. I don't have the information directly in
 8 front of me, but by the end of fiscal year 2011 going
 9 into fiscal year 2012, it was 29 million that the Court
 10 had accumulated in unused funds.
 11 DELEGATE SOBONYA: Thank you.
 12 CHAIRMAN SHOTT: Going to the second row.
 13 Delegate Harshbarger.
 14 EXAMINATION
 15 BY DELEGATE HARSHBARGER:
 16 **Q. Thanks again for being here. Thank you,**
 17 **Mr. Chairman.**
 18 **On page 8, we -- there's a comment in**
 19 **there at the top that says, "The Legislative Auditor**
 20 **questions the Court's spending on renovations to the**
 21 **leased space at City Center East." And it goes on to**
 22 **further say, it benefits the lessor. Is it typical**
 23 **practice for the State to renovate a building they're**
 24 **leasing or would that be up to the landlord?**

1 A. I can't speak to whether or not it's a typical
 2 practice of the State, but the purpose was -- calling
 3 that to question was we've noted several memos that
 4 indicated there was significant spending on renovations
 5 at that location and I do believe it was Chief Justice
 6 Workman in at least one of those memos that expressed
 7 concerns over the fact that those improvements paid for
 8 by the Court would at the end of the day benefit the
 9 building owner and not the Court.
 10 DELEGATE HARSHBARGER: Yeah, because that
 11 looks like it was in 2013 and 2014 those renovations took
 12 place. Okay, that's all I have. Thank you.
 13 CHAIRMAN SHOTT: Delegate Hanshaw.
 14 VICE-CHAIR HANSHAW: Yes, thank you,
 15 Mr. Chairman.
 16 EXAMINATION
 17 BY VICE-CHAIR HANSHAW:
 18 **Q. Mr. Robinson, did your office have an**
 19 **opportunity to review any kind of documents that I'm**
 20 **going to characterize as what would be minutes of**
 21 **administrative meetings of the Court?**
 22 A. Yes, to which all of the minutes that we were
 23 provided from the administrative conferences of the Court
 24 were provided to counsel.

1 **Q. Okay. I'm interested in whether the decision**
 2 **that's characterized in Mr. Canterbury's memo as a**
 3 **decision to, quote, spend-down the money was a conscious**
 4 **decision of "All those in favor of spending down the**
 5 **money say aye", or was it more a series of conversations**
 6 **over time that "Well, we've got all this money. Let's**
 7 **spend some on this, let's spend some on this, let's spend**
 8 **some on this." Can you characterize that between those**
 9 **two extremes?**
 10 A. Yeah, that's an excellent question. We
 11 actually reviewed all those administrative conference
 12 minutes to determine whether or not the conversation as
 13 noted by Mr. Canterbury's memo had occurred as he had
 14 stated it did, to which we were unable to find any
 15 evidence within the administrative conference minutes of
 16 the justices of the Court that that matter was discussed
 17 the way Mr. Canterbury had described it in his 2016 memo.
 18 There were vague discussions over
 19 budgetary issues and the needs for raises, renovations,
 20 et cetera, but nothing in specific relation to the need
 21 to do so in regard to any threat of a constitutional
 22 amendment.
 23 **Q. Okay. Thank you.**
 24 A. You're welcome.

1 VICE-CHAIR HANSHAW: That's all,
 2 Mr. Chairman.
 3 CHAIRMAN SHOTT: Delegate Fleischauer.
 4 MINORITY CHAIR FLEISCHAUER: Thank you,
 5 Mr. Chairman.
 6 EXAMINATION
 7 BY MINORITY CHAIR FLEISCHAUER:
 8 **Q. And thank you again for continuing to be here**
 9 **at this late hour.**
 10 **The -- one of the solutions to any**
 11 **problems that have been raised here is the passage of the**
 12 **constitutional amendment. Would you agree?**
 13 A. I cannot agree that that's a solution. That's
 14 the policy decision that my office would not want to
 15 make.
 16 **Q. Pardon me?**
 17 A. That's -- I'm confused by your question about
 18 you're asking if the constitutional amendment would be a
 19 solution.
 20 **Q. Yes. Right now the Court has authority over**
 21 **its own budget.**
 22 A. Uh-huh.
 23 **Q. And if there are concerns raised about the way**
 24 **they're spending their money, those concerns could be**

1 **alleviated by giving a great amount of oversight to the**
 2 **legislature like the legislature has over the executive**
 3 **branch.**
 4 A. If I answered that question, I feel like I
 5 would be speculating on a policy decision that's not my
 6 authority to make.
 7 **Q. Well, I guess, you make -- there are**
 8 **recommendations in here.**
 9 A. Uh-huh.
 10 **Q. And we've passed it, the legislature has made**
 11 **it, so I'm not asking whether you agree or disagree. You**
 12 **are out -- outlining solutions. Wouldn't you agree that**
 13 **one of the potential -- possible solutions that could**
 14 **prevent this from happening in the future is the passage**
 15 **of that amendment?**
 16 A. It's a possibility, but I don't want to say
 17 that definitively. It still seems to me that my answer
 18 would be a matter of opinion.
 19 **Q. But you can make recommendations about**
 20 **everything else in your three reports.**
 21 A. We make suggestive ren -- recommendations to
 22 the legislature concerning the passage of laws or
 23 revisions to legislation or statute, but we do not direct
 24 the legislation -- or legislature in those decisions

1 themselves. And it seems to me what you're asking me is
 2 if I would feel that the constitutional amendment would
 3 be a solution to this problem identified in this report,
 4 and I simply can't speak to that, whether or not it would
 5 be a solution or not. There could be other measures that
 6 could alleviate the concerns as well.
 7 **Q. Do you want to speak to them?**
 8 A. I -- we have not completed our work in this
 9 area yet either, so there is a lot of research we still
 10 have concerning these expenditures, the cause of the
 11 spend-down, et cetera.
 12 **Q. Okay. One of the things I believe you talked**
 13 **about and maybe it was Mr. Canterbury, we talked about as**
 14 **mentioning changes in payroll. And in these categories**
 15 **that are increases -- increasing, payroll is not**
 16 **mentioned.**
 17 A. It's just not noted in the categorical tables.
 18 It's actually noted in the body of each of the preceding
 19 paragraphs.
 20 **Q. That's what I thought, that --**
 21 A. Yes.
 22 **Q. Okay. So one of the things that justice -- I**
 23 **mean that Administrative Canterbury talked about was the**
 24 **pay raises that were passed by the legislature and I**

1 **wondered -- another thing that I recall happening in this**
 2 **time period was the passage of the judicial -- or the**
 3 **juvenile justice reinvestment act. I think that was in**
 4 **nine -- 2013, and part of the rationale behind that is**
 5 **that we need to keep juveniles out of facilities and**
 6 **prevent them from being -- you know, looping into the**
 7 **criminal justice system, and -- so that they're -- the**
 8 **idea was if we invest early in these young people that**
 9 **there will be a long-term payoff.**
 10 **Have -- will you -- when you're doing your**
 11 **audit will you be looking at that? There's the Pew**
 12 **report that we based our -- the passage of that**
 13 **legislation on said that that's why states are doing that**
 14 **all over the country so that there will be less -- less**
 15 **-- more spending within the courts and less into the**
 16 **criminal justice. Is that something you will be looking**
 17 **at -- looking at when you do your legislative analysis?**
 18 A. We don't have any specific plans to look at
 19 that, but if it does come up as a component of the
 20 expenditures that we not will note as causing or being
 21 attributable to some of the spend-down or an area that
 22 saw an increase in expenditure over the prior year, there
 23 is a likelihood that we will, but I can't say
 24 definitively that we will.

1 **Q. I think that would be valuable to look at that.**
 2 **And also -- I bel -- I'm not sure I**
 3 **remember this correctly, but the drug courts were on a**
 4 **pilot project basis and then they became statewide. Do**
 5 **you know if that is part of the increase in payroll or**
 6 **con -- contractual services since a lot of those are non-**
 7 **profits?**
 8 A. And I'd reference you to Mr. Canterbury's memo.
 9 We can't definitively state whether or not that is the
 10 cause because we haven't looked into it further, but
 11 Mr. Canterbury does note in his memo that the mandate
 12 that all of the counties of West Virginia operate a drug
 13 courts was a significant increase in expenditure that
 14 attributed to some of the spend-down, yes.
 15 **Q. Okay. Thanks.**
 16 A. You're welcome.
 17 **MINORITY CHAIR FLEISCHAUER: Thank you,**
 18 **Mr. Chairman.**
 19
 20 **EXAMINATION**
 21 **BY CHAIRMAN SHOTT:**
 22 **Q. Mr. Robinson, just two areas that I want to go**
 23 **over. The Canterbury -- excuse me -- November 7th memo,**
 24 **how did that come into your all's possession?**

Page 385

1 A. I think when we had ran across the issue of the
2 spend-down, and reviewing memos regarding Justice
3 Loughry's -- Justice Loughry's use of the court vehicle,
4 we became aware of the concerns within the Court. I
5 can't be specific, but either we requested this
6 information from the Court in general in relation to any
7 memos that discussed the spend-down of the surplus, or it
8 could have been indicated to us by Mr. Canterbury himself
9 in a prior conversation in relation to this concern.

10 **Q. I guess the point of my question is: In the**
11 **way that you received this memorandum, was it received**
12 **with a quantity of other information in a chronological**
13 **order that would help you determine whether or not this**
14 **memo was actually disseminated on November 7th, 2016, and**
15 **to the justices; or whether it perhaps was created at**
16 **some later time?**

17 A. The memo itself was provided to us as an
18 informational request to the Supreme Court. It was not
19 provided by Mr. Canterbury, if that's helpful to you at
20 all. I do believe that in the specific regard -- and
21 excuse me, I'm somewhat -- I'm not really sure exactly
22 how it came to be in our possession, through what
23 particular request, but as I described, it was either
24 part of a larger request or it came specifically from a

Page 386

1 request to the Court regarding the memo itself.

2 **Q. So basically your requests were -- and opposed**
3 **to you going through files, say, in the Court, you were**
4 **basically asking for information. They dis -- they**
5 **extracted that information and provided you the**
6 **information?**

7 A. Yes, the Court provided this memo and, again, I
8 can't speak to the request that resulted in us getting
9 this memo. I can try to find that and provide it and
10 it's most likely in the files we provided counsel, but I
11 can't speci -- speak definitively to why exactly we
12 received this memo.

13 **Q. And the point is, I would assume that if it did**
14 **it -- did, in fact -- if it was, in fact, delivered to**
15 **all the justices, it would probably be in their**
16 **individual files and it would verify that, in fact, this**
17 **is what he prepared at that time. It might not verify**
18 **what he says, but it certainly would verify the time --**
19 **the chronology of this. Would you agree with that?**

20 A. That would be correct. And I would also like
21 to note that when we were asked to be provided this memo,
22 when it was provided to us, there was no other
23 information provided regarding the memo's validity or
24 whether or not it had actually not been distributed to

Page 387

1 the justices or had it.

2 **Q. So at the time you received the memo, was**
3 **Mr. Canterbury still employed with the Court?**

4 A. No, he was not.

5 **Q. So the Court -- it was extracted from documents**
6 **in the -- in the possession of the Court as opposed to**
7 **from Mr. Canterbury?**

8 A. That's correct.

9 **Q. Okay. Thank you.**
10 **I just want that go back to this**
11 **contracted services category, because this really jumps**
12 **out at me. 2013, it indicates it was about 1.59 million**
13 **over the prior year, which tells me that the prior year,**
14 **our base year in 2012, was only about \$187,000.**

15 A. That's correct.

16 **Q. So it grows that year to 1.7; then 2014, it**
17 **grows to 2.255; and then in 2015, to 4.99, and then in**
18 **2016, to 6.5 basically. So if my math is correct, that**
19 **category grew over 35 per -- times from the base year.**

20 A. That's correct.

21 **Q. So is there any explanation -- reasonable**
22 **explanation for that kind of growth?**

23 A. The Court has explained it as there was some
24 e-filing that they were doing that attributed some of the

Page 388

1 increase in that category, but beyond that, to speak in
2 any specificity I don't have that information. That's
3 the purpose of our continuation of this work.

4 **Q. Yes, I'd certainly emphasize the need to really**
5 **dig down in that because that jumps out probably more**
6 **than any other category.**

7 A. Correct, sir.

8 **Q. All right.**
9 CHAIRMAN SHOTT: Any -- let's see.
10 Counsel, any redirect? Rather than go down the rows,
11 raise your hand if anybody has a follow-up question. I
12 don't see any. I think you really are off the hook this
13 time. Thank you, Mr. Robinson.

14 THE WITNESS: Thank you, Mr. Chairman.

15 CHAIRMAN SHOTT: All right. To the
16 members of the Committee, a combination of the retirement
17 of Justice Ketchum and the fact that we worked late
18 tonight probably has shortened our agenda by a day, I
19 would say, and it's pretty safe to assume we'll wrap up
20 tomorrow eve -- late afternoon. We will disseminate this
21 evening -- we're going to meet with staff after we
22 adjourn tonight and try to get a sequence of our
23 witnesses tomorrow. We'll disseminate an e-mail so
24 you'll know who we know are coming tomorrow and what to

1 expect. In the meantime, hope you're able to get some
2 rest tonight. We will -- I'll entertain a motion we
3 adjourn until 9:00 a.m. tomorrow morning.
4 UNIDENTIFIED SPEAKER: Maybe Committee
5 recessed?
6 CHAIRMAN SHOTT: Recess. I'm sorry.
7 Recess until 9:00 a.m. tomorrow. All in favor will say
8 aye. Opposed, no. Motion carries. See you all in the
9 morning at 9:00 a.m.
10 (Session recessed.)

11
12 ---oOo---

13
14
15
16
17
18
19
20
21
22
23
24

1 STATE OF WEST VIRGINIA,
2 COUNTY OF WOOD, to wit:
3 I, Teresa Reedy, Registered Professional
4 Reporter and a Notary Public within and for the
5 County and State aforesaid, duly commissioned and
6 qualified, do hereby certify that the foregoing
7 proceedings were duly transcribed by me from an
8 audio recording to the best of my skill and
9 ability.

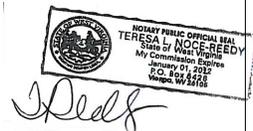
10 I do further certify that the said
11 proceedings were correctly taken by me in
12 shorthand notes, and that the same were accurately
13 written out in full and reduced to typewriting by
14 means of computer-aided transcription.

15 Given under my hand this 7th day of
16 August, 2018.

17 

18 _____
TERESA REEDY, RPR

19
20
21
22
23
24



<u>\$</u>	\$486,000 355:24	1.25 356:4	351:13,14 352:22 367:18,19	1997 348:19
\$1 356:2	\$50 327:7	1.45 356:11	138.6 371:8	1:00 127:1
\$1,000 321:10 325:22 328:19 334:11 344:21 345:1	\$500 286:14	1.5 375:5,18	14 27:16 194:18 196:21 367:15,17,19, 21 368:5	1:30 127:3,4 128:5
\$1.4 348:12	\$587,000 355:2	1.58 355:12	148 38:14 147:1,7 198:9 200:17 202:3	1A 123:22,23
\$10 286:14	\$6 359:8	1.59 387:12	148-3-9.3.2 202:5	<u>2</u>
\$100 257:1,2 297:20 303:8	\$60,000 329:1	1.6 356:8	15 8:4 149:1 187:18 367:22 371:6	2 33:13 39:9,12,13 42:2 46:10 47:17 48:23 54:16,17,18 55:6 56:21,22 57:12 58:6 61:16 63:2 64:10 72:23 75:10 77:8,19 81:19 84:14,15,22,23 95:14 102:7 105:12, 13 154:8 169:23 183:23 186:14,20 188:6 193:16 194:10 201:22,23 203:6 210:23 213:17 214:2 217:2 226:16,22,24 290:10 319:11 346:9 347:14 348:5,23
\$100,000 110:10	\$85 234:19	1.7 387:16	15-B 202:9	2,870 168:23
\$105,000 343:20	\$909,000 355:24	10 45:3 46:10 54:5 61:3,4,5,19 68:23 72:21 81:19 84:13 95:14 167:18 184:18 186:14 187:20 193:16 194:11 202:24 203:6 219:14 223:11 369:11	150th 292:19,21 314:14	2,874 167:22
\$11,076 62:2	\$911.04 61:22	10.2 223:14 224:21 226:8	15th 57:18	2.255 387:17
\$12 355:9 363:16	\$922,000 355:13	10.2B 223:15,16 224:5	16 27:14 64:24 65:7 69:1 149:1 173:3 187:20 319:14,15,16 340:8 354:12 367:15, 16,17 368:5	2.3 199:20 375:13
\$12.4 355:1	(10.3 220:20 223:19 224:19	161,000 9:20,22	2.4 355:20
\$120.483 359:17	-	10.3A 224:2	16th 64:15 102:18 158:11	2.7 356:13
\$122,457 108:13	(a) 279:14	10.4 114:10 216:8 227:15	17 65:7 149:2 318:23 324:15	20 176:21 178:7 184:14 185:11 186:5, 15 187:16 188:1,13, 20 189:2 191:3,12 267:20,22 268:2 276:2 288:10 291:24 305:4 307:5
\$13-plus 367:22	---	100 168:8	171 73:13	20.2031-1B 239:10
\$15 367:16	---ooo--- 389:12	10:00 190:7	1749 211:24	20007 348:11
\$150 359:2	--and 319:10	10th 102:18 319:22	18 6:13 18:17 19:1 87:8 305:19	2001 134:20
\$187,000 387:14	--conflict 135:13	11 9:22 49:20,22 50:7, 17 52:8 62:10,17 174:13 187:17 195:16 211:2 213:20 214:5	1804 7:21	2007 100:24 101:9
\$19 370:17	--if 147:19	115 96:21	19 73:11 87:17 167:9 184:14,20 191:3,12 194:9	2008 117:11 215:23
\$19.2 369:13	--june 133:23	11:00 190:7	19.5 369:22	2009 9:20 100:24
\$2,668.64 50:1 74:10	--other 148:21	12 14:9 27:16 51:20 52:10 53:13 124:19	1930 298:11,19 299:7	201 5:8 128:1 135:9
\$2,669 50:8	--proper 338:7	12-year 7:1	1932 309:22	2010 9:20 365:7
\$20.00 315:20	1	12.4 354:19	1969 14:2	2011 55:7 57:14,16,18 71:1 96:24 98:4 101:12 116:5,8 179:7
\$272,000 356:3	1 33:13,19 34:12 35:4, 6 36:4 38:20,23,24 40:22,23 41:10,16 46:11 53:21 57:13 64:24 66:10 70:17 77:11,15 84:13 102:5 105:13 106:24 123:11 154:8 184:18 210:24 211:2 213:20 224:6 227:4,5,7 232:12 233:6 305:9 358:21 370:22 375:5,9,10,20	120 358:23	1975 6:12	
\$29 348:13,22 349:17 359:10,19 367:10 377:3	1,000 18:22	126 359:5	1988 309:24	
\$333,000 349:3	1,200 37:14,20	12:00 21:2	1989 23:2 27:14 137:14	
\$333,514 349:3	1,749 211:8	13 57:17 85:18 144:14 161:7 176:7,18,22 177:10,14 178:2,8 179:2 268:12 279:24 347:7 349:11 350:15	1991 277:23 311:24	
\$359,000 356:1	1.170A-1C2 239:5		1993 230:16	
\$376,000 355:23	1.24 356:22			
\$4.99 356:15				
\$40 327:7				
\$42,000 295:19 297:20				
\$42,500 238:16 239:2 297:9 299:5				

375:8,20 377:1,2,4,5, 6,8	149:2 158:11,17 179:7 268:18 297:11 318:14,19 348:20 362:17 363:1,9 369:12 371:13	29.1.7(b) 274:22	41 66:10 199:14,15	370:23
2012 100:24 124:3,17 268:22 269:13 276:8 291:6 296:12 297:18 306:2 308:18 348:13, 21 353:13 354:1,12, 16,19,24 358:23 359:16 367:12,18 368:3 371:2 375:4,17 377:3,9 387:14	20th 213:18 234:1,3 255:3 257:11 267:21 269:5 273:16 275:13, 21 277:9,15 291:22 292:13 296:13 306:3 308:11 311:7 314:8	29th 128:9 133:24 136:24 175:5 186:21 188:5	42 199:14 202:5	6.5 387:18
2012-52 240:21 265:13	21 128:21 194:17,19 196:23 276:8 305:3 306:6 309:14 311:4	<hr/> 3 <hr/>	445 73:11 194:12	607 168:3
2013 39:1 157:11,18, 24 186:3 234:3 255:3 257:11 268:2 277:9, 15 288:1 291:24 296:4,13 297:18 305:4,9 306:3 307:5 308:11 314:8 355:7 371:6 375:14 378:11 383:4 387:12	212 38:8,10,14 85:9 247:24	3 33:13 40:19 42:15 57:12 70:14 77:19 87:19 88:20 108:22 123:14 147:2,7 198:9 200:17 202:3 242:16 287:9,11 302:20 303:7 324:14 325:21 348:16 357:21 375:10,18,21	45 127:2	62 179:1,8
2014 149:1 175:4 187:3 355:19 356:6 375:12,13 376:11 378:11 387:16	21st 189:9 214:3 257:21 275:12 277:4 311:7	30 28:16,17 269:13,14 270:10,17 309:24 310:11	45-minute 315:5	63 194:12,21 292:22
2015 39:16 186:22 187:5,7 188:5 356:7 387:17	22 232:12 237:21 244:3 302:21	300 23:6	467 73:13	65 102:15
2016 39:2,17 77:1,4,7 81:16 82:5,17 86:6 87:9,17,19,22 88:3,8, 20 114:4,7 115:12 124:17 144:14,16 157:18 170:8,19 191:21 204:22 211:6 213:19 217:1,8,16,23 218:1,3,17 324:14,24 341:3 347:8 349:2 353:14 354:1 356:17, 18,22 361:7 362:24 367:13 371:8 375:9, 19 379:17 385:14 387:18	22nd 189:6 211:5	31 128:21	483,000 358:24	6:00 21:9
2017 124:3 158:19 189:6,9 214:3 269:13, 14 270:10,17 272:8 324:24 341:3 371:2,4, 9	23 13:15 237:22	310 28:16,17 269:13,14 270:10,17 309:24 310:11	494 211:7,24 212:11	6:15 315:9
2018 5:9 32:11 33:23 53:4 54:5 55:7 64:15 69:1 80:11 85:20 87:23 88:23 98:4	23rd 186:21	3000 23:6	498 73:13	6b-2-5(b) 147:22
	24/7 299:19	3000 23:6	<hr/> 5 <hr/>	6th 268:18
	244 85:9	300 23:6	5 43:12 61:16 84:14, 22 88:23 213:16 375:6	<hr/> 7 <hr/>
	24th 187:3	31 128:21	50 292:24 315:20	7 36:9,21 38:2,20 39:8 56:7 63:2 64:10 76:21 77:12 108:12 178:9, 12,19,23 180:17 209:9 279:24 367:19, 20 373:4,10
	25 73:11 194:10 230:5 281:17	323 73:14	500,000 375:8	7-1 209:11,12
	250 23:5	330,000 355:15	505,000 355:14	7-2 209:11,12,13
	25th 188:5 189:6	330,514 356:16	52 53:15,21	70 38:18
	26 5:9	333,000 349:5 353:14	529 322:23	725,000 355:17
	26th 129:16 189:9 213:19 214:3	333,514 367:10	53 274:21	75 55:4,9,13 176:16 178:6
	27 48:16 75:21 84:24 276:2	35 219:19 223:9 225:3 232:24 387:19	5311 235:13	77 106:1,4
	28 53:4	36 59:19	55 55:13 176:18 177:22,24 178:6,15, 22,23 251:4 256:23 335:2	78 59:12,16,19 60:2
	28th 175:4 187:4 211:6	361,000 355:5	580 73:12 105:5 168:9	7th 384:23 385:14
	29 353:13 377:7,9	375,000 376:13	582,000 355:3	<hr/> 8 <hr/>
	29-1-7 277:22 278:22	376,000 376:13	587,000 375:7	8 26:5 27:7 60:1 77:19 127:24 133:5 152:6 167:17 175:2 201:12, 14,23 217:3 321:2 324:14 326:14 341:2 376:11 377:18
	29-1-7-B 242:1	38 222:19 223:23	5:30 21:9	84 234:20,22
	29-1-7B 286:19	390 73:12	5A 242:17 287:9,11	85 234:20
	29.1.7 274:17	3rd 173:2 217:13	5A-3 242:22 285:22 286:5 287:6,7	873,000 355:4
		<hr/> 4 <hr/>	5A-3-29 243:19	89 25:19 129:22 130:14 137:4
		4 43:5 58:6 59:9 319:14 349:7	5A-3-43 279:20	
		4.99 387:17	5th 85:19	
		40 232:24	<hr/> 6 <hr/>	
		400 48:19	6 44:11 84:24 130:11 131:23 166:5 347:2	
		409,000 356:5		

9

9 40:7,18 41:15,20
44:3 60:6,9,16,17
77:19 124:9 234:19
328:7,13 373:4,10

900,000 355:8

909,000 375:12

99.99 10:1

9:00 389:3,7,9

A

a.m. 389:3,7,9

Aaron 229:8,23 249:2
311:2

abide 131:22 134:11

abiding 135:10

ability 30:21 35:4
37:2 38:1 174:10
262:16 317:15
353:21,24

abnormal 251:9

abruptly 144:16

absence 236:1

absent 150:14 241:6
303:3 364:16

absolutely 37:21
60:21 119:11 154:6
194:3 251:15 280:1
290:6 294:8,15 295:4
302:10 326:4 353:8

absolve 302:12

absolves 302:8

abundance 38:22

acc 99:4

accepted 34:6 243:7
296:8 365:19

access 122:10 152:7
155:20 158:23 166:6
167:1,2,3 208:5 241:6
254:3,8,11 287:22
288:5 303:3

accessible 208:20

accessing 288:11

accommodations
104:20

accompanied 56:23
148:21 177:6,18,24
178:3,21 179:8 210:6

accompany 176:3

accomplish 373:13

accordance 88:13
243:16 287:13 344:3

account 49:3 113:9,
14 153:23 212:16
216:10 227:17 228:5
239:15 316:10 320:13
344:12,22 355:9
364:19

accountability 34:6
331:8 335:24 337:15
344:1,12 376:20

accountable 7:3,9,
10,19

accounted 99:5,8
320:9 353:1,3 376:17

accounting 32:22
140:19 141:2 316:12
364:14

accounts 207:20
228:13 358:7 364:11

accruing 319:2

accumulate 364:6

accumulated 328:21
348:7,9 377:10

accuracy 212:2
361:14,20

accurate 66:20,21
153:23 188:9,10
189:13 211:13 214:11
251:16,17 363:13

accurately 161:4

accusation 272:14

accusations 155:17
198:22 232:17 262:3
281:4

accused 294:18

accustomed 258:11

acquire 274:2

acquittal 7:23

acquitted 8:6

act 14:17 19:19 164:5,
8,11 240:18 244:2,11
264:2,9,13 265:1,8
266:4 284:4,5,15
303:19 304:1 383:3

acting 31:12 32:1,2

action 15:1,8 23:9
64:16 87:21 115:21
127:17 133:18 135:8
255:18

actions 127:15 147:5

active 111:3

activities 7:10 13:7
156:22 168:11 207:5
333:13 339:6

activity 6:15 22:19
192:11 248:2 283:1
284:4 302:9

actual 48:6 49:7
51:16 66:24 103:22
160:8 162:8 169:3
185:22 186:23 191:7
193:24 205:19 225:6
323:16 332:18 359:9

ad 118:2 161:1

Adair 23:22

adamantly 361:13
362:14

add 133:7 178:23
298:16

added 26:4 27:15
167:19,22 358:4

addition 48:10 49:22
63:5 185:12 195:17
228:8 229:24

additional 24:24
43:20 46:17 49:12
50:3 55:22 64:22
71:12,17 74:13 75:11,
14,15 81:22 95:14,18,
23,24 96:3 98:16,18
99:3 100:1 103:12
104:3,5,9,11,14
106:20 112:2 116:10,
12,14 148:13,24
169:16 178:2 266:6
298:16 299:8

address 24:19 28:18
30:11 145:23 163:14
235:9

addressed 26:10
86:24 114:11 145:2
173:14 251:23

addresses 34:16
54:18

addressing 5:12
15:12

adjourn 292:3 388:22
389:3

adjustments 25:8
239:22

Adkins 233:15 236:8
255:13 259:18,20
260:3 266:22 267:1
275:10 305:10,21
306:7,11,12,14,21
307:21

administer 64:16
97:20

administered 122:1,
2 332:11

administers 145:13

administration
32:22,23 53:19 64:18
151:12 267:13 332:8

administrative 42:9,
11 43:18 58:10 59:1,3
61:6,7,10,20 63:4,7,9,
10 65:22 66:3 70:3
87:19 89:6 90:4,22
91:9 94:19 95:1

110:14 112:22 115:14
122:9 154:24 156:5,
23 161:9,22 181:15
192:19 205:1 214:16
215:23,24 219:24
220:22 224:14,17
225:1,11,18 256:2,19
305:10,17,22 306:7,
15 318:24 325:7
338:20,22 339:8
346:14 347:15,20
365:3 366:8,15
369:20 378:21,23
379:11,15 382:23

administrator
110:22 158:18 161:1
277:13

admit 13:4

admitted 14:23 162:2

adopt 12:4 24:9
134:14

adopted 11:17 25:11
133:19 134:18 216:22
217:6 222:3 277:23

adoption 12:2 219:11

adult 315:24 316:1,5
317:5 319:20 328:17
336:13,19 340:2
341:22

advance 192:20
205:3 220:1 222:22,
24 224:15 225:2
226:3

advanced 223:8,9
224:17

advice 128:14

advisement 26:23
27:11

advisory 240:20
244:3 265:12 302:22
304:2

Affairs 67:16 290:5

affect 9:7

affected 15:22
136:10,12

afforded 139:9

afoot 307:16

afoul 198:23

afternoon 229:15
388:20

age 288:18

agencies 76:18 83:15
92:24 114:3 166:22
204:12,16 251:2
281:8 323:21 360:1
365:16

agency 67:16 68:8
172:8,16 175:10
197:3,4,11 251:10
279:20 280:3 281:18
364:20

agenda 42:11 120:16
133:2 388:18

agendas 120:4	allowed 26:18 146:5 163:14 181:18 192:18 202:8 203:14 205:1 219:23 224:12,13,24 225:16 245:10 264:5 266:5,11 274:12 293:15 359:12 360:3 366:4	375:14 381:1	appeal 113:10 127:17 130:13 294:5	appraised 238:15 240:2
agent 309:16	allowing 52:4	amounts 45:22 46:8 49:8,10 62:4,7,14 75:24 322:4 366:13 370:10 371:5	appeals 7:4 9:16 33:3 34:18,21 58:11 60:23 64:13 76:19 77:17 83:21 85:22 90:22 113:15 198:20 216:11 228:7 233:13 246:21 275:10 282:19 324:16 332:6 340:10 365:14	approach 239:17,19
agree 75:8 119:3 281:16 299:3 300:2 380:12,13 381:11,12 386:19	Allred 229:8,15,19,23 246:2 250:4 256:13 259:14,17 263:15 280:8 281:2 282:5 287:22 289:18 290:2, 14 295:10 296:2 302:20 305:2 309:11 312:22 314:5,20,21 339:15	analogized 8:19	appearance 214:6 229:2,16 314:21	appropriated 356:20,21 359:8 370:11,24 373:8
agreed 54:7 231:14 271:2	alter 5:22	analogy 10:5,6	appeared 46:22,23 190:4 194:2	appropriately 19:19 251:23
agreement 73:6	alterations 246:9	analysis 13:11 131:10 179:23 346:6 349:8 354:6,8,9 357:24 358:1,20 370:6,10,23 383:17	appearing 169:19	appropriating 363:21
agreements 72:24 73:3 103:18,20 104:2	alternative 74:15	analyzed 9:20	appears 42:15 43:11, 22 55:17 70:18 74:7 123:14 175:5 184:22 188:6,12 191:20 213:20 214:14,24 215:6 219:9 273:6 315:23 319:20	appropriation 351:3 358:23 359:9,14,22 367:21 369:6,9 371:3
ahead 34:12 47:18 61:3 101:23 135:24 206:9 248:1,23	Altizer 23:21	and/or 126:10 282:15	appendix 53:14 65:20 88:9,18 90:2 154:20,21 199:5 215:13	appropriations 350:18 359:18 370:14,19 371:15 373:15,17
aid 111:10	amend 28:5,18 216:13	Andrew 24:1	appendixes 362:5	approval 89:5 192:20 205:2 215:17 220:1, 22 222:24 223:2,8,9 224:1,8,10,15,17,20 225:1,5,15 226:13,20 331:3,8 332:18 335:16 338:7,13 340:17 342:1
aimed 181:3	amended 52:21,22 78:9,24 79:10,16 80:3,15 81:3 113:12	angered 350:19	apple 101:19	approve 87:12,24 170:5 368:12,22
air 75:20	amendment 22:20 127:15 133:4,11 350:14 351:9,22 361:16 362:16 379:22 380:12,18 381:15 382:2	Angus 57:8,19 91:4 177:7 179:5,20 270:24 272:3	apples 75:7	approved 22:21 88:1 89:3 95:18 110:14 113:12 197:4 215:15, 18 222:21 236:8 320:5 325:16 341:7,8, 16,18 342:7 351:1,2, 5,16 368:7,9
airfare 163:8,9,10	amendments 29:4 128:3 129:14 130:1 139:19 140:8	anniversary 292:19, 21	Applicability 90:11	approves 126:5 368:21
airport 47:6,7,10 48:21 73:16 74:16 75:13,18,20 76:5 85:4 92:6,14 102:13 104:18,19 167:20	American 240:10	announcements 191:10	applicable 88:13 198:19 222:1	approving 320:11 322:1
airports 48:15	ammunition 22:20	annual 368:8,13	application 274:17	approximately 230:5,9,11,14 276:19 318:13 348:12 353:14 367:19,20,22 377:3
Akers 23:21	amount 49:24 50:6,8 61:22 62:2,16,23 74:22 75:1 96:3 103:20 164:10 211:17,22 212:5,6,10 225:19 266:10 301:13 316:6,9 341:14 348:10 350:20 353:8 354:10 356:15,20 358:5,9 359:23 360:6 369:10 370:24 372:16	answering 146:20 200:16 248:19 362:7 374:17	applied 54:11 77:13 82:18 114:13 121:10 146:13 174:12 192:14 220:12 228:11 374:20	approximation 355:5
alert 16:9 21:12,16	amounts 49:24 50:6,8 61:22 62:2,16,23 74:22 75:1 96:3 103:20 164:10 211:17,22 212:5,6,10 225:19 266:10 301:13 316:6,9 341:14 348:10 350:20 353:8 354:10 356:15,20 358:5,9 359:23 360:6 369:10 370:24 372:16	answers 43:1	applies 199:11,13 222:24 226:22,24 252:12 286:3	approximations 355:18
all's 384:24	amounts 49:24 50:6,8 61:22 62:2,16,23 74:22 75:1 96:3 103:20 164:10 211:17,22 212:5,6,10 225:19 266:10 301:13 316:6,9 341:14 348:10 350:20 353:8 354:10 356:15,20 358:5,9 359:23 360:6 369:10 370:24 372:16	anti- 70:19	apply 12:13 13:3,11 90:13 145:17 200:23 201:2 202:3 205:4	April 33:21 54:5 64:14 87:8 158:8,9,16
allegation 363:18	amendments 29:4 128:3 129:14 130:1 139:19 140:8	anti-truancy 58:1 109:6,9 119:7	appointment 7:17	arcane 339:9
allegations 15:6 23:3 361:12 363:11	amendments 29:4 128:3 129:14 130:1 139:19 140:8	anticipation 371:12	appraisal 238:12,14, 20 240:1 246:5 251:12,18,24 297:13, 15,17 299:4,16	
alleged 82:20 322:3	amendments 29:4 128:3 129:14 130:1 139:19 140:8	antique 298:12,19 299:7		
alleging 371:19	amendments 29:4 128:3 129:14 130:1 139:19 140:8	Antonio 186:15		
Allen 139:8 183:15, 16,18 228:19,20 289:15,17 313:22,23 337:18	amendments 29:4 128:3 129:14 130:1 139:19 140:8	apologies 154:21 351:17		
alleviate 357:19 382:6	amendments 29:4 128:3 129:14 130:1 139:19 140:8	apologize 53:15 58:20 86:12 283:2 353:17		
alleviated 381:1	amendments 29:4 128:3 129:14 130:1 139:19 140:8	apparent 240:2		
allocated 366:22	amendments 29:4 128:3 129:14 130:1 139:19 140:8	apparently 121:17 136:17 170:10 229:1 236:12 238:6 310:18 311:23 313:13		
allowable 226:17 283:6	amendments 29:4 128:3 129:14 130:1 139:19 140:8			
Allowances 223:20	amendments 29:4 128:3 129:14 130:1 139:19 140:8			

architect 232:9	articles 5:16 11:17 12:2,3,11 13:5 26:7, 10	attached 53:14 56:17 123:16 128:2 260:18	audio 19:11,13,17 342:1,3,6 343:6
architectural 232:5 298:16	ascertain 5:3 91:5 104:15 120:12 153:19 176:21 191:13 353:10 369:17	attacks 117:7,12	auditors 142:1
archived 301:12	ascertaining 87:2	attempt 39:13 316:1 365:21	audits 32:16 34:1 67:2,5 197:1
archives 242:4,9 285:15 362:20	asks 305:13	attempted 7:20 95:1 128:10 154:24 185:3 316:3 354:8	audio 19:12
area 45:15 119:24 252:19 266:8 322:19 356:11 382:9 383:21	aspect 144:21 146:24	attempts 182:9	August 86:6
areas 89:12 122:19 355:11 357:19,22 384:22	Assembly's 230:15	attend 98:22 99:19,21 103:16 109:6 119:2 197:2 204:10 213:12 327:20	authenticity 240:3
argue 226:7	assertion 177:19	attendance 207:5,8	author 41:2 44:17 56:8
argument 21:13 174:21 248:10 249:12 286:17	assessment 191:24	attended 57:23 58:1 70:5,19 71:7,9,16 98:14 99:15 105:4 106:11 109:8 116:19 118:17 120:5 169:10 175:8,17 206:13 207:14 208:15 212:22 214:12	authored 65:21
argument's 147:19	asset 355:16 356:4	attendees 89:11	authoritative 240:6 279:9
arisen 277:21	assigned 153:21 203:20 218:9 232:21 241:21 374:8	attending 49:18 57:22 71:14,24 98:17, 20 99:2 104:20 108:15 116:18 169:9 176:5 197:13 204:11 213:21	authority 26:13 27:8, 22 129:15 133:15 135:4 150:8 171:18, 20,22,24 221:10 242:8 250:23 267:4,8, 13 276:14 321:3,9 334:11 335:8 336:22 337:1 340:4 350:14 360:8 361:17 364:22 365:6 366:6 380:20 381:6
Arizona 188:18 219:16	assist 32:15	attorneys 9:16 30:1	audit's 201:7
armed 178:21 179:17 302:5	assistance 184:10 275:23 305:14	attractions 313:13	audited 243:2 324:17
arrange 279:12	assistant 10:20 23:22 61:6 270:7	attributable 371:13 373:21 383:21	auditing 34:4,7 140:19 141:9 256:22 296:8
arranged 305:16	assume 12:22 13:19 59:20 91:24 107:1 122:6 143:10,13 145:16 162:21 193:5, 8 205:8,14,24 223:2 228:23 232:11,20 236:7 299:17 335:1 386:13 388:19	attested 361:20	auditor 45:5 50:8 52:14 53:5 64:12 69:16 123:7 124:12 126:4,9 170:11 171:21,22 172:1,5 230:1,17 231:2 242:24 277:3 314:9 318:8 321:23,24 326:23 330:23 331:15 338:13 346:10 377:19
arrangement 203:15 279:13 305:20 306:6, 22	assumed 235:20	attorney 11:7 29:19, 23 30:2 56:12 356:1 374:13,15	Auditor's 15:13 18:2, 18 35:16 45:17 51:4, 17 54:6 82:6,9,11,14, 24 83:2 87:10,12,23 88:3,5,10,12,21 112:24 113:17 117:1 118:12 126:17 162:4 166:12 170:5,12,17, 21 171:10,22 172:10, 15 208:17 216:24 253:16 315:1,6 324:20 331:9,11,18, 22 335:8 340:16
arrangements 305:11 307:11,23	assuming 91:22	audience 20:8	audit's 201:7
arrest 11:12	assumption 35:21 47:2 87:5 92:8,9,11 100:11,12 107:17 172:9 236:7 269:8 296:3,4 297:6,8,19	audifer 87:10	audited 243:2 324:17
arrival 69:7,11 102:20,22 103:9 156:19	assumptions 54:10 100:15 310:14		auditing 34:4,7 140:19 141:9 256:22 296:8
arrived 69:13 188:8 189:10 190:5,6 194:9	assurance 316:12		auditor 45:5 50:8 52:14 53:5 64:12 69:16 123:7 124:12 126:4,9 170:11 171:21,22 172:1,5 230:1,17 231:2 242:24 277:3 314:9 318:8 321:23,24 326:23 330:23 331:15 338:13 346:10 377:19
arriving 120:19 156:21	assure 24:4		authorized 243:2 324:17
art 253:14,20	attach 123:22		auditing 34:4,7 140:19 141:9 256:22 296:8
Arthur 57:8,19 91:3 177:7 179:5,20 270:24 272:3			auditor 45:5 50:8 52:14 53:5 64:12 69:16 123:7 124:12 126:4,9 170:11 171:21,22 172:1,5 230:1,17 231:2 242:24 277:3 314:9 318:8 321:23,24 326:23 330:23 331:15 338:13 346:10 377:19
article 242:16,24 243:5,15,17,21,22 286:4,7,8,10 287:9, 11,13,15 293:4 309:20 318:14			authorized 243:2 324:17

awarded 89:2	background 32:19 35:19 372:10	began 80:11 157:20 187:17	biggest 26:3 102:11	186:6 189:2 199:20 213:18 302:21
aware 68:10 69:10 71:23 72:15 79:5 80:8 81:8 83:23 86:21 88:24 95:3 97:19 107:14 144:4,15,19, 21 145:3 149:17 151:6 160:22 163:2 172:13,21 179:15 193:12 208:11,13 219:1 232:13 236:5, 12,14 248:24 252:19 257:8 259:9 260:9,12 262:17 289:6 309:17 310:10 318:9 321:16 333:19 337:10,12 341:24 343:3 364:13 365:20 366:5,20 385:4	backlogged 11:13	begin 16:14 23:17 33:3 35:20 63:17 68:16 127:3 184:19 244:21	bill 10:22 127:8 133:10,13 234:6,9,17 235:17,18 267:19 268:6 269:7 296:5,12 311:3	bought 232:10 344:18
aye 379:5 389:8	balance 8:14 23:12 328:22,23 346:6 348:13 349:2,18 356:10,21 358:6 359:19 360:4 369:12, 22 370:12 371:13 377:6	beginning 33:19 39:17 49:22 173:4 290:11 326:7 347:6 348:11 349:6,7 350:16,24 377:5	billed 163:10	bouncing 72:6
<hr/> B <hr/>	balances 349:9	begins 45:4 199:15 349:11	billings 153:10	branch 8:12 13:7 68:8 113:15 172:8 216:14 227:19,22,24 228:3,4,9 281:14 314:14 360:1 364:20 381:3
B.1 225:4	ball 255:22	behalf 281:12	binds 247:3,6 308:9	branches 76:18 113:23 166:7
bachelor's 32:21	bang 365:22	behavior 258:18 259:4,7	binding 25:9	Brandfass 90:4,23 149:22 154:20
back 7:21 9:20 14:2 16:16 17:1,20 23:2 41:21 44:2 51:23 60:18 64:24 65:2 71:16 72:4,5,6 80:15 81:14 82:15 87:22 89:1 94:12 96:18,20 100:6 101:9,11 102:12 106:7,9 109:2 119:16,17 126:21 127:3 133:23 137:4 143:20,21 144:2,5,10 157:13 167:23 184:12,17 194:18 196:22 202:11 207:3 213:19 215:6 219:9 230:13 231:17 238:4, 11 248:16 249:1 261:7 271:13,22 281:7,23 282:9 284:19 290:6 292:8 298:1 299:17 301:20 304:22 311:21 313:5 316:6,18 319:14 320:19 326:6 329:23 340:22 343:10,11 347:8,12,13 352:21 362:5 369:13 387:10	bank 364:11,19	behalf 281:12	biscuit 284:22	Brandfast 199:7
backed 142:2	banter 167:23	bel 384:2	bit 7:12 18:12 50:17 77:23 90:10 111:19 166:7 184:11 220:11 230:6,18 271:1 311:22	break 21:1,4,9 27:19 28:20 29:9 126:23 127:2 138:24 184:9 194:15,17 315:2,5 374:6
	bar 20:22	belabor 352:2	bites 101:19	breakdown 234:14
	bargain 298:8	belie 125:23	biweekly 112:7	breakfast 194:14,20
	bark 118:19	belief 237:10	blank 122:19	breaks 130:4 194:12 370:23
	base 387:14,19	believed 43:24 48:10 69:20 291:9 296:18 353:2	blanket 204:14	Brent 35:2 59:1
	based 18:5 20:6 21:5 28:10 38:7 59:12 65:11 73:15 79:16 129:14 130:5 142:7 147:5 153:10 218:11, 19 232:11 233:17 235:17,20 239:21 240:1,16 241:9 244:3 249:20 277:20 298:21 299:11 335:5 344:10 356:19 366:10 383:12	belong 248:16	blanking 136:7	briefly 117:23 120:2 139:23 140:18 165:4 210:2 296:17 345:24 352:10
	basement 298:8	belongs 248:16	blatantly 193:5	BRIM 145:13,22 146:8
	basically 10:10 11:16 14:10,12 15:20 17:11 18:7,13 22:14 30:12, 14 84:19 94:11 95:7 137:10 153:6 172:11 174:18 181:11 183:5 218:21 219:4 220:6, 21 221:6 279:6 313:19 316:21 372:6 375:6 386:2,4 387:18	belonged 263:6	blessed 6:13	bring 184:12 189:15
	basis 78:18 328:21 368:8,13 384:4	bench 15:16	block 6:3	bringing 21:7
	Bass 273:3,8 318:12	benefit 20:7 52:2,5,11 65:15 85:23 86:24 121:12 142:5 150:4 154:15 155:2 197:16 229:19,20 241:2 265:14 302:23 378:8	board 6:13 166:15 204:12	brings 8:14
	batch 316:4	benefits 51:21 52:1 80:22 86:21 87:2 149:4 150:5 154:10 202:9 294:19 377:22	Bob 183:15	broad 110:18 221:10 374:19
	batches 18:7	Benjamin 35:2 59:1 108:13	bodies 117:12 340:11,13	brochures 191:9
		bet 30:21	body 26:14 117:3 128:12 134:19 214:4 259:5 280:23 334:22 338:20 359:22 372:20 382:18	broke 95:14
		bias 9:6	bold 154:15	broken 374:13
		bidding 365:12	book 197:9	brought 9:9 28:16 72:19 102:13 155:12, 13 238:4 297:10 311:4 361:12 363:11 366:14
		big 138:4,5 367:14	borrowing 249:17	Bryan 23:19
			Boston 189:1 219:16	
			bother 295:12	
			bothers 256:23	
			bottom 61:21 64:10 69:17 78:23 154:12	

budget 111:1 231:7
256:24 351:23 368:8,
9,15,22,23 380:21

budgetary 350:14
351:10 360:8 361:17
368:12 379:19

budgeted 111:4
366:2

Buicks 166:5

build 94:7 364:8

building 158:23
232:10 241:19 242:12
246:17 247:1 274:23
275:24 288:6,7
291:11 292:15,17
305:15 313:5 355:14
377:23 378:9

buildings 232:2,3

bulk 183:2

bullet 86:18 352:9,15

burden 11:24

Bureau 9:19

bureaus 23:9

Burgess 23:22

burglary 302:5

business 32:21,23
39:5 44:1,23 45:21
47:22 48:1,7 49:18
55:14 56:15 60:12
63:13 70:5,7 71:5
74:19 83:15 86:4
92:23 93:4,10,18 95:2
98:15 99:3,14,24
102:9 118:16 121:9
122:4 145:5 147:14,
16 148:11,16 151:14
157:16 163:11 167:5,
10 168:13 173:16,21
174:3 176:22 177:9
178:4,13,18 195:10
197:13 201:9 219:3
257:2 263:18 265:18,
21 283:9 300:13
339:23

business-related
57:9 93:15

button 16:6

buy 239:8 303:20
315:20 316:21

buyer 239:7

buying 324:18

buzzword 193:4

Byrd 24:1 122:23,24
123:2 126:18 254:17,
18,20 256:5 301:7,8,
10,19 302:1,13 329:8,
9,11,22 360:14,15,17
361:1

C

cab 204:6

Cabell's 304:5

cabinet 156:14

cabinets 300:24

cake 21:13

cal 156:4

calculate 72:9 153:13

calculated 47:9
73:14

calculating 73:10

calculation 47:5
49:24

calculations 48:23

calendar 32:11 33:7
36:23 39:14,15,18
152:6 155:18,21,22,
24 156:1,22 175:7
324:24 346:3

calendars 60:13,22
61:9 69:1,3,5,17,20,
24 70:1,2,6,12 156:4,
10,12,17,19 157:1,7,
8,15 158:3,10,15,20
159:2 162:10 177:8
179:4 201:11

California 47:19,20
85:4 188:11

call 5:2 14:7 15:24
16:1,10,12,23 21:19,
20 22:10 24:6 30:17
115:20 145:16
148:23,24 158:2
170:3 219:17 229:6
272:20 331:22

called 31:14 110:22

117:6 136:6 164:2
229:12 272:20 273:3
306:11 308:1 315:15

calling 378:2

calls 31:4 229:8

Canestraro 151:18,
19,22 155:4

Canter 276:3

Canterbury 42:10
43:19 58:9,12,15,19,
20 59:3,5,8,11,14,15,
17,22 60:2,3,7,10
61:20 62:5,11,13 63:6
70:8,10 85:3,23 86:2,
20 89:6 90:4 94:19
95:1 151:12 155:1
156:6 157:16 158:19,
20 159:9,11,21 160:7
161:9,16,22 162:12,
14 199:6,7 213:21
214:16 232:16 236:10
256:2 262:6,8,12
276:6 347:8 349:13,
14,15 351:1 352:3,11
353:21 361:8,17
362:11 379:17
382:13,23 384:11,23
385:8,19 387:3,7

Canterbury's 86:2
95:9 162:13 349:10
350:6 351:24 352:21
354:7 361:14 366:21
379:2,13 384:8

capacities 230:4

capacity 242:23
339:2

capital 355:16 356:4

Capito 91:16,17
93:22 281:24 282:1,4
284:23

Capito's 94:7

capitol 118:17 141:16
234:2 235:8,10
242:12,15 250:7
257:10 262:2 267:16,
17 268:3,4 269:1
275:24 278:24 286:18
287:2,22 292:7,8
299:1 300:1 301:12,
18 305:14,24 306:8
307:9 311:8,9 312:4,

12,23 313:8 350:10
376:16

capture 352:12

car 38:5 45:12 46:1,2,
4,9,12 47:12,13
48:11,18 49:11,14
50:5 51:11 58:13 60:3
61:19 62:3 63:20
73:5,20,22,23 74:14
76:14 81:14,21 83:5
92:19 93:19,20
102:17 103:15,16,21
104:6 105:6 114:9
142:19 143:3,18
144:6 146:11,19
155:17 156:8 159:10
163:21 164:2 166:8
167:9,13 169:1 174:8,
11 177:17,23 184:18
186:21 192:4,19
195:1,18 196:3,4,11,
16,17 200:11 203:7,
10,16 204:6 205:1,8,
11,12,15,22,23 211:4,
12,14,17,18,23
212:13,17 213:4
215:1 219:23 221:11,
24 222:5 224:14,24
225:12,15 226:9
284:18,19

card 91:23 94:11,22,
23 95:8,9 152:10
153:7,10,20,24 154:2
203:14,19 218:11
316:4,7,14,15,17,19
317:4,6,7 320:6,9,12
321:18 323:18
335:14,15,19 336:2,3,
20 338:4,9,13 340:2,
4,5 343:2 344:21

card's 336:1

cards 218:9 287:23
288:6 315:20 316:3,
20,21,22 317:1,10,19
320:7,14 322:17
323:3,14,16 324:16,
18 325:22 328:3
331:1 335:14,20
336:4,18,24 337:4,8
338:6 340:18 341:13
342:21,23 343:4
344:13

care 194:19 264:18

career 230:20 298:16

careful 221:9

Carolina 230:9,13

carpet 308:2

Carr 183:16,19,21
228:21,22 289:15,18,
19 313:24 314:1

carried 356:16
359:20 377:2

carries 389:8

carry 286:10 359:10

carrying 129:17
249:5,14 332:19

cars 34:17 46:17
49:4,13 51:8 58:22
62:6 73:8 75:1 91:20
94:15 96:4 100:24
102:7 113:3 146:7
159:19 166:15 167:19
168:1 195:13,17
203:1,5 205:9 213:2
219:10 220:1 221:2,8,
19,21 280:15

case 9:10,11 10:1,24
11:12,15,21 13:10
24:4 28:16 56:4 116:3
127:8 133:10 181:10
204:8,11 258:9,17
276:21 294:6,10,14,
19 302:6 320:8 322:1
345:17 359:24

cases 9:21,22,23
10:16 11:6,8 18:10
20:15,17 106:1
146:11 192:8 206:13
294:20,22 299:24
342:17

cash 207:20

Cass 107:1 231:23
232:2,4,5,6,7,8,18
234:8 238:7,24
245:15,17 250:6,11
251:15,18,20 268:24
269:11 270:9,16
276:18 285:10
288:15,20 289:7
290:14 291:16 298:6,
15,18,22 309:15,18,
21,23 310:3 311:24
312:10,14

Casto 23:19 229:7,18
244:18 248:24 253:6,
11,19 254:4 258:1,17
259:2,11,13 274:9,14
278:18 279:5,22
280:7 285:7,12,20,23
286:2,20,23 287:3,8
289:22 290:1,8 294:1,
8,12,15,22 295:3
301:24 302:10 314:4,
7,17 315:19 320:16
337:21 338:1 340:20

catalog 159:9,22

cataloging 160:5

catalogued 158:4,5
159:14

catch 285:9

catching 341:9

categorical 382:17

categorically 357:15
358:1

categories 20:1
348:24 354:3,13,16,
20,21 355:22 356:18
357:3,4,8,16 358:3
374:7,19 382:14

category 110:18
173:17 300:6 375:1
387:11,19 388:1,6

cathartic 13:4

caucus 139:13

caught 125:13 342:6

caused 179:13

causing 383:20

caution 38:22

cease 331:3

ceased 217:5

cell 283:23 300:9

censure 22:10,12

Center 350:10 376:15
377:21

central 290:20 339:16

cents 234:20

century 257:21

ceremony 321:4

327:14

certainty 235:23
244:10 247:2 255:4
269:24 271:8

cetera 92:16 176:6
246:11 357:14 379:20
382:11

chair 14:1 15:3 19:22
24:7,15,20 25:22 26:8
27:2,12,24 28:8
106:24 127:16,18
130:9,21,23 131:3,6,
11,17,24 132:5,8,14,
17,19,21 133:3,15
134:2,5,9 135:2,4,11,
16,20 136:1,5,15,17,
18 165:24 166:3
169:17 215:9 222:16,
18 232:7 252:9,11
285:3,8,13,21,24
286:16,21,24 287:4,
17 310:21 311:1
312:18 333:4,7 334:3
380:4,7 384:17

Chair's 127:13

chairman 5:1,6 24:8,
9,11,13,18 25:4 26:21
27:10,17 28:1,2,4,5,6,
13,14,23 29:3,7,13,
15,17,22 30:10,19
31:2,3,6,9 37:11
58:17 64:20 68:12,15,
19 84:4,8,9 85:15,18
89:19,20,22 91:13
92:20 93:23,24 94:2
96:8,9,11 100:4,17,
18,20 101:17,23
102:2 107:3,8,9
111:7,9,11,14 114:22,
23,24 115:2 117:18,
20 122:23,24 123:12,
21,24 126:20 127:17
128:3,4,7 129:18
130:18,24 131:1,5,7,
14,20 132:4,6,11,15,
16,20,23 133:4,14,16
134:2,4,8,13,20
135:7,12,18,23 136:3,
9,21,24 137:5,6,15,
19,23 138:3,8,11,19,
23 139:4,11,18,21,24
140:5,10,12,15
151:17,18,20 155:6,8
163:13,16 164:18,19,
21 165:23 166:1

169:20,21 170:1
183:10,19,22 189:19,
22 190:13 191:17
202:10,14,15 206:3,8
209:3,4,6,20,23
215:5,6,11 222:14
227:11,14 228:16,21,
23 229:4,5,7,15 242:8
244:19,20 245:1,20,
22 248:22,23 249:24
250:1 252:2,5,24
253:1,3,5 254:17,18
256:7,10 257:15,16,
18 263:10,12 273:10
274:8 275:3,5 278:14,
15,18,20 281:23
282:2 284:24 285:1,4
287:19,21 289:11,20
290:10,23 291:1
295:6,16,20,22 298:1
301:6,7,8,20,23
302:14,15,17 304:21
309:6,8 310:17,22
312:19,21 313:21,24
314:2,19,23 320:17,
18,22 322:13,14
324:9,11 326:6,10
327:22 329:7,9,23
330:2 332:1,2 333:2,
3,5 334:4,6 337:17,22
340:21,22 342:11,14
343:10,17,19 345:3,9,
14,15,16,20 358:13
360:13,15 361:2,4
367:1,2,4 368:17,18,
24 372:21,24 376:6,8
377:12,17 378:13,15
380:2,3,5 384:18,21
388:9,14,15 389:6

chairman's 25:11
127:20 290:22 315:4

chairs 280:17

challenge 127:20
130:9,22 131:11
132:19,21 135:14,17
136:16,18

challenging 130:20
136:15

chamber 17:3 304:22

chance 84:6

change 14:5 128:24
133:19 137:8 239:7
252:9,18 311:6 365:9

changed 14:5 135:17
242:3 365:7

chapter 242:16
287:9,11

characteristics
239:23

characterize 378:20
379:8

characterized
144:12 379:2

charge 42:23 46:2
49:12 57:24 69:19
71:11 109:13,22,23
118:22 165:5 212:18
234:19 251:4

charged 71:12 75:24
96:21 109:18,19
111:22 118:12,20
119:18 207:18,22

charges 10:24 49:6
50:3 71:12 118:21
207:24 226:17,19
264:15,19 268:10,11,
17,19 272:18 276:11,
12 308:16

Charles 240:11

Charleston 58:4
71:6,16 72:4,7 93:17
96:19,20 104:18
106:2,9,13 118:19
119:16 140:23 153:3
269:2 293:12 332:17

Charlie 23:20

chart 120:22 121:20
175:2,5

charts 183:7

Chase 7:21

cheaper 74:15 75:17,
24 195:15

cheapest 92:5,18

check 62:21,22 88:18
120:4 123:6 157:13
207:8 277:11

check-out 41:13

checked 142:2 207:5
312:15,16

checking 174:4

cherish 8:13

Chicago 312:5

chief 9:15 64:2,3 68:5
113:13 150:15,21
182:12 183:1 190:18
216:6 256:19 293:8
339:2 361:13 368:4,7,
9 378:5

child 264:17

choice 106:21 197:5,
6 232:9

choose 161:2

choosing 102:10
197:11

chose 194:23

Christmas 40:16
167:8

chronicled 319:10

chronological
385:12

chronology 386:19

circa 298:11 299:7

circuit 108:16 251:5
299:21 332:10,12,23

circumstance
127:18

circumstances
220:13 282:6 292:18

cite 350:11 351:7

cited 20:15 88:4
287:13 330:13 350:7

cites 199:8

citing 80:5

citizens 281:12

city 185:13 186:7
190:6 194:15 206:17
235:4,12 247:20
268:6 350:10 376:15
377:21

claim 116:22

claimed 93:4 167:13

clarification 179:18

clarified 211:9

clarify 55:13 118:10 211:10 266:14	Coincidentally 57:21	63:18 66:23 67:10 123:21 127:6,9,11,14, 16,18 128:10 129:1, 18 130:3,15 131:7,9, 19 132:2 133:8,21 134:21 137:9 139:10 140:4 183:11,24 184:6,21 186:17 189:4,17 229:8,12,19 231:4 233:20 234:13 238:13 258:4 261:13 270:13 314:24 315:2, 9,15 326:3 327:20 346:10 348:3 349:12 353:24 388:16 389:4	compared 47:11 75:5 156:8	concerned 35:8 264:1
Class 144:5	coinciding 109:21		comparing 75:12 188:6	concerns 35:12 57:6 91:2,8 97:8,9 98:2 99:18 115:13,16,19 128:22 138:1 145:23 173:14 231:11 331:7 346:11 348:3 350:19 357:19 378:7 380:23, 24 382:6 385:4
classic 284:18	col 369:4		comparison 75:7 114:2 239:17,19	conclude 20:14 81:1
clause 286:7	colleague 369:5		competency 20:11	concluded 8:7 16:3 17:7 78:24 79:10 80:3 81:3 194:2
CLE 123:8	collect 156:18		compiling 208:19 360:19	concluding 74:8
cleaned 280:5	collected 328:20 329:1,3 344:2 370:9		complained 211:17	conclusion 72:2 79:15 168:14 191:21 244:9 372:3
clear 12:7,12,23 27:3 45:8 53:21 56:8 58:8 66:8 127:11 141:13 142:16 178:15 265:24 308:8 319:13	collector 298:12,20		complaint 90:15 212:12	conclusions 54:11
clears 159:7	college 230:8		complete 33:19 59:18 153:22 281:19	conclusive 240:5
clerk 5:3 23:21 26:23 133:1 140:6 233:12 246:20 269:1 276:20, 22,24 289:4 291:6,11, 13 295:19	color 40:1,3	committee's 14:21 127:19 133:18 165:4 229:21 237:24	completed 26:11 33:1,7,20 40:11 125:8 346:2 382:8	conclusively 193:18 268:13
clerk's 30:23	colossal 321:23	committees 127:16	completely 197:23	conclusiveness 153:15
clerking 246:22	column 48:23 49:8, 10 61:24 62:2,3 167:22 185:17 371:5	commodity 280:2	compliance 150:9	condition 239:2
CLES 207:11	combination 298:10 388:16	common 92:12 106:3 249:8,13 282:9 323:6	complied 160:24 162:5	conditions 12:17,18 13:17 14:4 19:24 20:7
clock 247:22	comfortable 248:19 374:17	commonly 239:14 302:3	comply 64:14 296:7	conduct 22:16 129:20 247:24 248:9
clogged 11:13	comment 328:12 377:18	communicated 316:23	component 383:19	conducted 5:7 32:16 35:15 67:2 78:1 318:17
close 118:16 187:4 369:16	comments 129:8 138:1 362:18	communication 160:8,9	comprehensive 50:4	conducting 36:18 78:19 79:6 92:12
closely 187:11 332:15	commission 18:5 163:24 164:13 230:15 231:6 238:11 240:17 244:12 253:22 254:5 264:4,15,20 265:13 284:17	community 240:9	compulsion 239:8	confer 26:23
closer 85:11	commission's 254:13 266:9	commute 52:4	computer 246:13 256:21 257:5 263:1,6, 21 264:6,9,14 265:2, 3,11,17,18,20,23 266:1 282:15 283:9, 13 296:22 300:9 303:16,20 355:5,13, 24 356:5	conference 42:11 47:8,23 48:4,10 68:6 87:20 102:19,23 103:12,16 104:23 105:4,5 115:15 120:15,19 145:18 168:2,4,14 169:9,11 185:9 187:2,6,17,21, 22 188:2,8,9,22,24 189:5,11,12 190:16, 19 193:21,22 206:15, 18,20 207:3,4,7,17,19 208:2,15 212:22 213:8,12 214:12
closing 6:16,17	commissioner 242:2,4	commuting 65:9 66:7 78:8,9 79:4,10, 17 80:20 81:2,9,11,13 89:1,14,17 141:15,20 151:9 161:23 162:2 198:24 199:3,11,18, 21 201:6,24 202:4 284:19	computer's 245:11 251:5 256:16 260:20 262:22 263:2 264:16, 17,19,20,21,23 284:6	
clothes 197:24	commit 19:7	community 240:9	con 12:18 105:14 125:10 203:23 216:19 384:6	
code 147:1,22 148:2 175:6 241:24 242:6, 17,22,24 243:17 247:24 248:9 249:9, 12 277:22 278:23 279:20 280:4,8,9 285:6,17 311:21 312:15 374:21	committed 333:16	company 46:2 73:20 146:12,19 211:17 212:17 233:24 247:6, 13 257:7,9 267:19 311:14,16	conceivably 302:6	
codes 374:7	committee 5:2,14 6:8,20 11:24 12:15 15:2,3 16:1,20 17:10 19:21 20:6 21:8 26:8 27:4,18 31:4,10,14,22 32:18 37:3 38:4,11,23 39:11 40:10 41:3 42:3,17 45:7,16 47:1 50:24 51:23 54:3 56:10 58:17 60:8 61:4,15,17 62:11	comparable 239:20, 24	conceptually 334:7	
coffers 369:24	coincide 186:19 187:10	comparative 358:1	concern 26:4 84:15 159:7 350:12 372:10 385:9	
coincided 71:5 98:15 99:23 102:22 185:8	coincidental 72:3	comparatively 92:17		

215:2,23 216:1 315:3 346:14 379:11,15	consecutively 40:15	contact 73:20 255:22 277:15	conversations 90:24 182:19,22 185:22 361:21 379:5	163:22 164:5,6,11 168:15 170:7,9 171:19 176:13 177:18 179:10,17,18 183:8,9 184:23 186:11 187:18,19,22,23 188:16,23 194:5 195:4,5 196:14 199:24 200:6,8,12 201:4,22 212:3 214:4, 5,10,19,24 217:4 219:7 234:23 240:19 241:17 242:17 243:18,24 244:7,17 255:9 265:6 267:23 275:16 276:11,12 282:21 285:20 291:8 292:3,17 294:23 296:19 297:2,12 303:14 305:7,17,24 306:16 307:3,23 308:19 312:24 314:16 317:17,23 319:4,8,12 322:11 327:1,2,8,9 329:4 334:13 335:22 336:7 338:5,15,21,24 339:4,7,24 340:7,19 346:3,4,7,8,21,22 347:4,10,11 348:22, 23 349:22,23 350:21, 22 351:5,6 352:1,6 353:3,4,15 359:1,4 360:20 363:6 375:16, 22,24 376:3 386:20 387:8,15,18,20 388:7
conferences 84:16 102:9 103:2,5,9,17, 23,24 120:2,5,8,11,17 123:6,8 148:19 169:3, 4 176:5 182:13 184:7 185:3,4,7,15 186:8 203:24 205:8 206:12 207:9,14 213:11 366:15 378:23	consequence 240:13	contacted 255:11,17 256:1 271:1	converted 302:7	
confidence 28:10 129:22	consequences 90:13,19 91:10	contacting 128:13	converting 148:3	
confidential 18:24	consideration 127:15	contained 26:16 61:18 65:6,20 68:7 79:3 125:16 216:15 234:16 347:9	convicted 8:6 294:5	
confidentiality 18:6	considered 26:7 93:16 121:12 141:2 142:4 147:17 210:15 248:17 260:18 284:20 298:15 302:11	content 125:14	conviction 243:22 286:12	
confine 37:24 38:1	consist 108:19 371:1	content-wise 125:10	convince 13:15	
confined 76:5 286:12	consisted 108:14	context 17:23 22:1 25:7 58:18 78:21 170:2 192:10 200:3 231:21 254:4	convincing 12:7,12, 23	
confinement 76:7,8	consistent 27:4 29:8 141:20 172:3 227:17 266:5,9 328:21	continually 363:24	cooperation 15:17	
confines 241:19 317:20	consistently 59:3 371:2	continuation 374:18 375:2 388:3	cooperative 160:16	
confirm 55:6 56:4 66:11 118:6 120:13 148:14 157:15 161:7, 10 162:9 169:12 171:8 178:10 207:12, 13 211:13 213:24 238:5 272:17 319:24 347:3	consists 18:16 107:24	continue 56:7 58:18 64:15 88:6 353:11	coordinated 116:12	
confirmation 255:10	consolidated 23:5,8	continued 88:1 351:10	coordination 67:4	
confirmed 193:22	consolidation 6:17	continues 364:5	coordinator 325:12, 13	
confirming 193:23	constituents 326:17	continuing 207:11 376:23 380:8	copied 128:9 160:21 182:3	
conflict 135:13 164:11	constitute 147:21 240:17 244:14 249:20	contract 205:9 374:10	copies 139:15 181:8, 11,12,13,19,21,22 182:4,13 183:3,6	
conform 12:24 34:3 171:18	constituted 86:4 148:10	contracted 257:10 387:11	copy 13:24 36:4 37:17 62:19,21 68:6 86:16 88:16 103:18 123:15 181:18 238:19 274:3	
confuse 171:21	constitutes 241:3 253:18 265:15 302:24	contractor 356:3	correct 28:20 30:15 33:8,9,24 34:18,19 35:21,24 36:1,5,6 38:18,19 44:8,9 46:13,14 48:5,12,13 53:2,16,24 54:19,20 55:7,8,19,20 56:19 57:2 65:23 66:13 70:22,23 71:1,21 73:17,18 74:3,4 76:21 77:3,9,10,15,17,20,22 78:2 79:1,2,13 80:16, 17 92:17 93:21 96:16, 22 97:5,16,24 98:1,3, 5 100:14 104:7 105:23 106:14 109:5, 11,14,24 115:22 116:10,24 117:4,9 118:5,7,13,14 119:20, 22 121:3 124:23 126:22 137:5,22 138:7 153:1 157:18 158:1,13,21 159:13	
confused 200:13 205:17 210:9 250:4 287:7 380:17	constitution 7:14,15 12:16,17 13:17 19:24 20:13	contractual 355:12, 23 356:13 357:4 374:3,8,14 384:6	correction 29:5	
confusing 90:10	constitutional 22:20 338:17 350:13 351:9, 22 361:16 362:16 379:21 380:12,18 382:2	control 142:14 143:10 220:8 256:15 279:15,17 280:13 281:20	correctly 79:12 220:4 255:15 373:7 384:3	
confusion 212:12,15 216:19	construction 304:12 363:15	controls 127:12 221:14,20	correlation 210:24 214:23	
congratulate 26:3	construed 244:12	convenience 17:18 317:3 323:6	correspondence 115:9	
conjunction 333:17	consult 64:21	convenient 119:15	corrupt 302:9	
Connie 89:1	consulting 355:16	conversation 89:11 361:22 379:12 385:9	corruption 20:10	
conscious 379:3	consume 130:3		cost 14:22 48:24 52:6 62:1,3 71:17 74:2,13, 22 76:10 92:15 95:18 98:21,23 99:6,19 100:1 106:21 111:19, 20,23 116:9,12,14 194:24 195:13,17 196:19,22 197:8 204:5 205:15 211:14, 18,19 212:9 241:4	
	conta 128:13			

303:1 327:7	184:4 215:9 259:21 270:5 291:4 296:2 308:9	11,13,18 204:3,18,21, 24 205:5 208:4,13 209:14 210:6 212:22 213:11 215:2 216:3, 11 218:7,13,23 219:22,23 220:12,14, 18,21 221:6,14,17 222:1,21 223:7 224:7, 12,23 225:5,7 226:11, 12,15,22 227:7 228:6, 12 231:13,17,19 232:22 233:2,13,15 236:2,19,21 238:6,8 241:22 243:11 245:7, 9 246:21,23 247:7,17 248:2 250:14,16,18, 24 251:4,6,8 252:13, 20 255:13,15 256:3, 14,20,23 257:3 259:21 261:22 262:7, 20 263:18 264:18,24 265:3,4,16,18 267:2,6 268:23 269:14,16 270:7,23 271:4 272:3, 16 275:9,20 276:1,9, 16,24 277:5,13,18 278:7,10,11 281:11 282:10,18 283:16,20, 23 290:18 291:7,15, 18 293:9 294:6,7,21 296:18,22 298:14 299:20,21 300:5,11 309:17,22 310:1,12 311:13,19 317:2,4,12, 20 319:21,24 320:4, 11 321:13,19 322:2,7, 8 323:24 324:16 325:4,6 326:18,19 327:14 328:5,6,8,17, 18 329:1 330:9,14,15, 22 331:10,11,23 332:6,8,10,12,16,23 333:9 334:14,15,21 335:4,9 336:6,9,10, 11,17 337:9 338:18 340:3,6,9 341:20 342:19,20,23 343:22 346:2,14,20 348:9,11, 18 350:17 351:1,2,4, 8,10,16,18,20 356:20 358:21 359:16 360:8 361:10 362:14 364:5, 8,10,15 365:3,14 366:2,3,9,10,11,14 368:8,12 369:5,21,24 370:1,2,4 371:1,20 372:7 373:15 376:15, 18 377:2,9 378:8,9,	21,23 379:16 380:20 385:3,4,6,18 386:1,3, 7 387:3,5,6,23	criteria 374:24 Critically 8:9 criticize 11:10 cross 103:22 235:14, 15 247:14 cross-examine 9:8 cross-reference 343:3 crowning 298:15 CSR 198:9 199:8 200:17 202:3 culture 242:8 285:6, 14 312:8,16 curious 93:3 245:19 current 31:21 34:21, 24 59:1 61:7,10 62:20 63:16 64:16 67:23 80:23 156:21 171:18 215:24 230:24 238:23 239:2 262:23 347:15 371:3 cursed 6:14 cut 283:14
cost-effective 76:17 costly 204:9 costs 46:4 49:11 50:4 75:11,15 112:3 195:18 205:8 212:4 327:4 369:24 couch 259:19 260:4,5 263:21 265:8,11 269:6 280:2 308:13, 15,16 309:1 couched 81:24 Council 230:9 counsel 9:1 15:2 16:1,16,17,18 17:1 18:17 19:6 24:5 26:8 30:2,7,11,14,16 31:2 58:18 65:22 68:15 72:19 86:14 90:4,22 138:15,17,22 139:3,8, 15 140:1 154:7 162:18 163:14 170:24 172:24 181:16 183:12,14,24 189:19 209:18 215:8,22 228:17,23 229:6 244:20 248:21 253:4, 5 257:18,20 267:14 274:7,8 278:12,15,21 285:4 287:19 289:20 293:23 301:21,23 314:3 320:18 337:19 341:7 345:14 358:13 368:16,18 378:24 386:10 388:10 counsel's 91:9 190:2 count 133:1 276:2 309:14 counties 256:24 328:9 335:5 384:12 country 117:8 383:14 county 251:4 316:5 322:24 325:20,23 329:1,14,15,17,19 330:8 334:8,10,24 341:22 county's 334:12 couple 24:16 29:1 34:22 71:20 72:16 105:11 159:8 166:1	court 6:24 7:4,19 8:1 9:15 15:14 19:6 20:9 22:24 32:17 33:2 34:18,21 35:14,22 36:12,15,17 37:5,9,23 39:18,20,23 40:4,14, 16,21 41:8,11,13 42:6,9,12,20,23 43:19,24 44:13,21 45:21 47:14 49:18 52:9,11 53:19 54:7 56:14,23,24 57:3,10, 18,20 58:11 60:22 61:9 63:8,22 64:5,13 65:8,13,16 67:2,22,24 68:11 70:3,4,7,19,22 73:22 76:3,19,22 77:17,20 78:12,18 79:5 80:21 81:9,12 82:1,4,7,11,17,21,23 83:2,17,19,21,24 85:22 87:6,9,13,15 88:7,20,24 89:3,7,13 90:22,24 91:4,5 92:21 93:9,19 94:20 95:6 97:4,13,15,17,20 98:15,19 99:3,4,14 101:6,14 102:9 107:15,16,20,23 108:2,4,6,7 110:2,5, 10,14,15,16,22 111:2, 4 112:4,10,13,15,19, 20,22 113:7,10,15,20 114:5,6,13,16,20 116:6,13 121:7,17,24 122:1,7,9 124:13 125:24 126:10 142:15 143:9,12,15 144:13 148:15 149:4,8,19 150:11,15,21 151:8, 10,11 152:8,10,14,18 153:17 156:6 157:20 160:21,22,23 161:1 163:11,23 164:4 166:6 170:4 171:15 173:16,18,21 174:4, 12,14 175:6,12,20 176:2,5 177:6,19 178:1,3,12 179:8 180:1,4,6,8,11,15 181:3,10,16 190:12 191:21,23 192:5,6,15, 18,22,23 193:6,7,19 198:20 201:19 203:8,	Court's 65:12 69:5 93:9 111:4 113:22 141:10,14 149:14 165:8,16 176:16 218:19 222:6,11 233:7 237:15 256:22, 24 286:15 323:11 325:15 350:20 351:9, 23 360:1 368:14 370:12 377:20 Court-owned 203:21 265:18 Court-related 48:1,7 99:24 courthouse 198:1 290:19 courts 11:12 108:16, 17 251:4 302:1 316:1, 22 319:1 324:15 328:20,23 330:11,16, 22,24 336:5,13,20,23 338:19,23 339:3,6,11, 12,17,20,22 343:4 363:22 383:15 384:3, 13 cover 17:16 134:22, 23 275:8,9 352:7 354:3 362:10 coverage 145:9 covered 34:22,23 174:5,8 175:24 210:18 covering 324:24 create 10:16 337:15 created 14:10 185:5 385:15 credit 13:24 23:2,8 94:11,23 214:22 credits 123:8 crime 258:2,10 crimes 20:11 333:16 criminal 10:13,15 11:22 148:2 302:2,8 318:5 338:9 383:7,16 criminals 258:4,5	criteria 374:24 Critically 8:9 criticize 11:10 cross 103:22 235:14, 15 247:14 cross-examine 9:8 cross-reference 343:3 crowning 298:15 CSR 198:9 199:8 200:17 202:3 culture 242:8 285:6, 14 312:8,16 curious 93:3 245:19 current 31:21 34:21, 24 59:1 61:7,10 62:20 63:16 64:16 67:23 80:23 156:21 171:18 215:24 230:24 238:23 239:2 262:23 347:15 371:3 cursed 6:14 cut 283:14	
D				
			da 332:14 daily 61:9 205:18,19 258:4 323:10 327:7 dangerous 13:18 dash 202:3 data 183:6 197:22 233:17 332:14 353:9 354:10 360:19,22 date 33:17 69:9,10 71:14 88:11 129:6 136:22 137:1 150:6 155:13 158:2,6,7 170:16 185:13,14 186:8,24 188:7 217:14 218:16 234:16 236:2,23 249:19 250:12 254:23 255:5 268:17 270:20 272:7, 9,10 288:10 291:22 296:15 297:13,15,17 307:8 308:16 311:6 318:18 349:18	

dated 54:5 68:24
128:9 156:24 305:9,
19

dates 39:19,21,22
40:1,14 56:13,18
57:17 60:11,14,23
102:18,20,22 103:9,
12,17,21,22,24 105:2
122:3 152:7 157:7,10
162:9 169:3,10
175:15 184:23 185:1,
14,18,20 186:9,11,19
187:4,11 188:2,4,13,
20,21,24 189:3,5,7
191:5,7,8,14 193:23,
24 195:14 205:12
213:22 214:1 215:3
296:7

Davis 41:12 42:8,19,
21 43:15 55:1,10,21
56:22 57:4,5,14,18
70:18 74:6,21 75:5
91:2 105:14 108:24
115:11,17,21 116:9
117:3 118:1 138:17
159:11,20 161:6,16,
21 162:20 163:3
176:1,7,17 177:5,17
179:5 180:13,14
183:14 197:19,22
262:19

Davis' 54:18,22 56:12
74:23 96:19 140:21

day 6:1 17:20 21:6
22:7 25:19 57:24 58:3
69:21 89:10 95:10
101:20 105:18 106:13
109:4,9,20,21,22
116:23 119:17 132:7
139:13 168:6 187:21
188:8,9 189:10,11
190:5,6 194:13,16
205:15,16 206:7
214:8 234:6,19
235:21 247:17 254:22
267:23 271:11 273:4
293:1 308:15 314:15
319:23 327:5 345:4
364:9 378:8 388:18

day-to-day 111:3
336:19

days 19:8 38:5,10,14
39:2,4 74:24 96:22
102:8 118:21 159:19

167:9,13 168:1,3,10,
18 169:7 190:4
194:11 205:16 249:4
278:19 286:13

days' 13:23

de 141:3 202:7 266:5,
10 284:2,3,14,20
303:11

de-accessed 280:12

deal 5:21 11:8 13:2
17:21 49:8 339:9
343:7 370:1

dealer 240:10

dealing 5:20 43:8
45:3 50:18 111:20
148:2 208:3 215:12
279:7 326:24

deals 38:3 112:11
242:24 279:20 286:5

dealt 227:21

death 162:21,23

debate 132:6,10
140:7 228:1

debating 25:14,16
29:1 132:10

dec 225:17

December 268:22
269:12 276:8 277:4,8
296:12 306:2 308:18

decide 11:24 12:20
22:17 130:12

decided 194:15
351:19 366:13

decision 18:14 19:21
20:6 79:22 142:7
143:14,15 149:3,5,8,
10 204:4 221:17
225:18 231:12,15
248:12 264:10 311:24
324:1,3 336:16 350:4,
17 372:20 379:1,3,4
380:14 381:5

decisions 81:7
381:24

declined 160:13

decorations 357:14

decrease 358:3,8

decreased 356:8
370:15,20 371:7

dedicated 107:13
300:8

Deem 111:7,9

deep 78:14 100:11,12

default 279:6

defendant 9:1 10:14
11:2,9 175:9

defending 258:5

define 129:19

defined 20:12
253:10,23 374:3

defining 254:2

definites 369:15

definition 20:13
199:20 239:4,11
249:3,21 253:12,18,
20 278:13 279:2,4,6,
10 374:8

definitions 54:11
199:16,19 279:8

definitive 110:13
180:11

definitively 104:8
116:17 141:12 162:15
171:8 206:1 374:24
381:17 383:24 384:9
386:11

degree 22:6 32:21
75:8 92:10 227:7
230:21,22 339:19

delay 27:18 28:24
129:9

delegate 16:14 17:8
24:6 28:2,4,8,12,15
29:3,8,13,17 30:6
68:17,19,21 84:4,5,8,
10,12 85:13,15,17
89:18,20,21 90:1
91:12,15,17 93:22,24
94:1,4,7 96:7,9,10,13
99:17 100:16,18,19,
22 101:16,17,21
102:1,4 106:23 107:5,
8,9,11 111:6,7,9,11,
13,16 114:21,23,24
115:4 117:16,18,19,
22 122:21,23,24

123:2,5,13,15 126:18
127:3,5 130:24
132:13,22 136:20
137:3,12,17,20 138:2,
4,9,12,21 139:2,6,17,
18,22 140:3,9,13,14,
17 151:16,18,19,22
155:4,6,7,10 163:13
164:17 165:23 180:19
189:20,21 190:1
202:10,13,15,17,18,
19,22 206:2,4,6,11
209:2,4,5,21,22 210:1
215:4 222:14 244:22,
24 245:1,3,20,21
246:1 248:20 249:22,
24 250:1,3 252:1,2,4,
7,23 253:1,2,8,15
254:1,15,17,18,20
256:5,7,9,12 257:15,
16,17,22 258:13,20
259:8,13,16 262:13
263:8,10,11,14 273:9,
12 274:6 275:1,3,4,7
278:12,20,22 279:19,
23 280:24 281:1,21,
24 282:1,4 283:5,11
284:5,23 285:1,2
290:11,13,21,23,24
291:3 293:22 294:2,9,
13,16,24 295:5,6,7,9,
16,20,21 296:1
297:23 298:2,3,5
301:5,7,8,10,19,21,22
302:1,13,15,16,19
304:20,23 305:1
309:5,6,7,10 310:16,
18,19 311:3 320:19,
21 321:1 322:12,14,
16 324:7,9,10,13
326:5,8,9,12 327:21,
22,23 328:1 329:5,7,
8,9,11,22,24 330:1,4
331:24 332:1 333:3
340:23 341:1 342:9,
11,12,13,16 343:9,11,
12 358:15,16,18
360:10,14,15,17
361:1,2,3,6 366:24
367:2,3,6 368:16,21
369:1,3 372:22,23
373:2 376:6,7,10
377:11,13,15 378:10,
13 380:3

delegate's 200:16

delegates 24:1
198:15 252:8

delineate 363:17

deliver 273:24

delivered 235:8,10
268:3,9 269:9 308:5
311:8,10 386:14

delivering 268:5

delivery 273:13,14,22
274:3 311:7

delved 322:18

demand 238:23
278:16

demanded 87:22
130:13

denied 130:8 134:1
362:14

denies 361:13

Denny 67:9,13 290:4

denomination 316:3
320:7 323:2,14

denoting 142:22
206:22

deny 172:2 178:11

departed 189:11
194:10

departing 24:23 27:8

department 64:18
65:13 67:16 230:11

departure 102:20,22
103:10 190:15

depend 264:14
338:10

depended 146:9

depending 6:14

depends 21:1

depleted 356:10

deposited 238:10

deprive 249:7,15,16

deputy 40:20 41:11
42:19,22 97:17
107:20 108:2 124:13

derive 47:4

derived 284:5 326:21

derives 241:2 265:14
302:23

derogatory 354:9

describe 39:11 50:2
57:15 110:23 139:19,
22 140:10 231:3
352:9

describes 263:16

description 148:9
364:1

design 232:8 332:19

designated 54:9

designed 11:6 232:2,
10

designee 192:20
205:2 220:1 224:15

desirable 280:22

desire 76:8 130:21,22

desires 195:10

desk 107:1 156:24
157:4 231:24 232:6,
13 233:5,9,12,16,18
234:8,10 235:21
236:5,11,12,15,19,20,
23 237:5,9,11,14,20,
23 238:2,7,10,12,15,
17,24 239:1 240:14
241:11 244:6 245:15,
17 246:4,8,9,11,16,
20,23 247:19 248:24
250:6,11,15 251:12,
13,15,18,21 253:16
254:22 255:16 259:19
260:5 262:21 264:1
266:13,15,17 268:24
269:12,15 270:10,16,
18,20 271:3,5,11,16
272:11,22 273:4,14
276:5,17,18,19,21,23
277:4 278:2,3,4,6,9,
11 280:2 288:14,16,
20 289:7,12,14
290:18 291:10,12,20
293:4,6 295:19 296:4,
11 297:9,11,18,19
298:6,7,11,13,17,18,
22 299:6,8,11 300:3,
14,19 303:6,7,8,22,
23,24 304:7 308:7,10,
13 309:1,3,15 310:6,8
311:23 313:3

desk's 236:1

desks 232:18,21
233:2 252:12 280:17
290:15 291:16 300:10
304:18 309:19,21,23
310:3,13 312:1,22
313:16,19

destination 38:12,13
39:22 40:2 41:18
55:10,15,19 56:15
59:13 60:12 120:23
121:5 122:14,19
147:9 148:7,14 153:4,
5 162:10 167:9 175:6
176:18 178:14
185:13,16 186:7
201:17,19

destinations 148:7

detail 80:5 316:14
352:12

detailed 159:12,22
260:1

details 210:21

determination 90:15
173:8 204:9 240:15

determine 59:10
76:17 86:4 103:23
110:1 153:7,18 162:1
171:3 173:3 176:18
177:3,8 178:7,13
185:1,7,18,20 186:9,
10 187:5 188:2 190:3,
5 191:4 192:1 193:18
207:15 218:6,10,12
239:18 285:15 288:9
308:10 348:4,6,8
374:22 379:12 385:13

determined 47:20
55:14 90:20 176:20
238:17 239:12

determining 120:10
169:2 185:21 211:22
212:2 221:10

deterrent 22:19

develop 22:12

developed 319:10

devoted 6:4

dictating 374:10

dictionary 279:6

die 292:3

diem 71:13 96:24
109:13,18,19,20,23,
24 116:16,20,21,23
197:14

difference 11:21 47:9
48:18 73:12,13,14
74:5,10,20 84:16 85:8
102:11 114:4 167:21
173:5 174:14 192:3

differences 8:21
14:4 239:22

differentiate 147:16
265:10 316:14

differentiated 73:16

differentiation
114:12

difficult 153:19 222:8
323:9

difficulty 120:10
169:2 185:1 191:6
193:23 211:21 212:2
343:24 373:12

dig 96:15 99:7 100:12
388:5

dime 148:12 204:8
353:1,2

dinner 21:3,7,12
84:19 190:18 194:20
315:2

dir 67:14

direct 16:2 67:3 86:10
114:1 160:9 163:10
166:9 213:16 248:2
276:14 310:14 364:23
366:5,17 381:23

directed 151:3
160:20

direction 330:6
332:20

directive 150:15,20

directly 50:10 53:17
75:15 85:6 94:21 95:6
99:14 116:1 119:7
162:8 281:8 295:11
328:11 369:8 377:7

director 31:12 32:1,2
40:20 41:11 42:9,20,

22 43:18 53:18 56:24
57:19 58:10 59:2,3
61:6,7,20 62:20 63:7,
9,10 66:4 67:14 85:21
87:5 89:6 91:4 94:19
95:1 97:4,7,13,17
99:11 107:20 108:1,2
110:15,16,21 112:4,
21 122:7,9 124:13
125:24 151:7,11
154:23,24 156:5,23
161:9,22 178:11
192:19 205:2 214:16
219:24 220:23
224:14,17 225:1,11,
18 233:15 255:14
256:1,2,3,19,20
267:2,12 270:7,24
272:3 301:18 305:10,
17,21 306:7,15
318:24 347:15,16,21,
23 353:1 366:8
369:20

directors 61:10 70:3
112:21

directors' 63:4

dis 386:4

disagree 54:10
381:11

disagreed 362:1

disagreement 362:6

disagreements
236:19

disappearance
70:11

discarded 171:4

discern 245:4

discontinued 319:7

discover 123:22

discovered 312:10

discovery 237:19

discrepancy 212:1

discretion 127:19
286:15

discretionary 336:16
366:4

discrimination-type
192:8

discuss 18:17 19:23
28:22 29:9 30:3 42:11
133:21 347:16

discussed 19:3
28:19 30:9 41:8 62:14
84:14 87:20 113:7
117:7 138:16 221:13
215:17 216:21 221:16
232:16 244:2,4
345:24 362:15 379:16
385:7

discusses 309:14

discussing 42:6
107:2 123:16 361:18

discussion 20:4,15
29:8 30:13 89:10
140:7 141:22 145:7
146:21 184:15 216:17
266:17 270:22 274:10
293:20

discussions 236:9
246:19 296:20 346:13
379:18

disparate 174:21
191:18 192:2,7,9
193:4

disparity 316:13

display 313:15

displayed 183:6

disposal 166:16
278:13 279:4,16

dispose 278:9 279:2,
8

disposed 242:15
243:8 278:2 279:1
285:18 287:10,12

disposes 243:16

disposition 127:12
243:1,4 259:5 286:5

dispositive 127:7,22
133:9

dispute 79:14 363:4

disputed 363:8

disputes 294:17

disputing 283:10
362:23

disseminate 388:20,

enforcement 179:12	316:5 324:20,22	12:1,7,8,12,13,23,24	excluded 228:2	existence 86:2 377:4
engage 248:2	335:24 336:6 354:11	13:1,12,20 14:19,23	exclusive 35:23	existing 180:24
enjoyment 313:16	357:24 372:8 373:11,	15:4 18:6 19:22,23	141:9 144:13	252:15
ensure 344:1 365:21	13 374:5,9	21:2,16,17,22,24 26:9	exclusively 199:10	exists 107:12 121:17
entail 374:4	esta 181:3	41:7 154:16,19	305:21 306:6	344:9
entailed 29:21 170:22	establish 24:13	255:11 261:5 270:1	excuse 84:4 126:16	exit 68:6 182:13
entered 83:21,24	25:12 28:9 129:19	277:2,6,7,8 362:22	223:10 242:9 314:20	expands 239:11
entertain 127:7 130:6	134:20 181:4	363:3 379:15	371:7 372:13 384:23	expect 19:19 21:2
133:9 389:2	established 27:21	evidently 85:22	385:21	69:24 140:9 389:1
entertaining 136:21	81:15,17,20 116:4	exact 125:11 164:7	excused 228:24	expected 300:7
entire 23:7 51:14	127:14 134:15 171:14	EXAMINATION	229:5 314:23	expecting 101:18
75:10 102:16,19	201:5 204:21 212:16	31:17 68:20 84:11	excusing 229:1	expend 364:23
105:4 246:8 367:8	321:12	85:16 89:24 91:18	executive 20:2,5	expended 152:22
entirety 204:15	establishes 174:21	94:3 96:12 100:21	23:22 61:5 230:12	153:14
338:18	estate 376:12,19	102:3 107:10 111:15	268:24 314:14 381:2	expenditure 110:19
entitled 243:20 346:5	estimate 316:9	115:3 117:21 123:1	exempt 221:24	111:4 125:21 208:22,
entity 335:4 340:2	369:19	140:16 151:21 155:9	243:11 274:13,16,24	23 356:14 359:5
374:9	ethical 90:14 244:14	164:24 166:2 169:24	365:15	365:10 371:5 373:21
equally 323:22	ethics 163:24 164:4,	184:2 189:24 202:21	exempted 87:10	375:15 383:22 384:13
equate 74:1 75:10	8,11,12 240:16,18	206:10 209:24 215:10	220:18	expenditures 35:13
81:22	244:2,12 253:22	222:17 227:13 229:17	exemption 174:10	110:3,4,6,8,13,17
equip 339:16	254:5,13 264:2,3,13	245:2,24 250:2 252:6	224:1	153:18 203:14 207:16
equipment 241:2,6,8	265:1,8,13 266:4,9	254:19 256:11 259:15	exempts 192:21	260:16 332:19 351:19
253:10,12,17,18,20	284:17 303:19 304:1	263:13 273:11 275:6	227:7	354:13,15 355:1,11
254:2,7,9,10,14	evaluation 35:15	282:3 287:20 289:24	exercise 110:20	356:8,19 357:8,11,14
256:21 257:5 265:15	240:13,16 297:14	290:12 291:2 295:8,	exerted 175:12,19	358:2,8,21 364:23
283:6 300:10,22	eve 388:20	24 298:4 301:9	exhausted 177:7	367:23 371:6,8,14
302:24 303:3,4,5,14	evening 21:4 57:23	302:18 304:24 309:9	exhibit 40:22,23	373:8,13,19 375:17
339:17 355:5,15	105:19 106:22 190:17	310:24 312:20 314:6	41:10,16 42:2,14	376:22 382:10 383:20
356:2,5	315:1 388:21	315:18 320:24 322:15	43:5,12 44:11 56:7,9,	expense 47:13 72:1
equitably 220:11	event 32:7 49:17	324:12 326:11 327:24	17 60:1,6,9,16,17	82:8,12 88:11 109:17
era 298:11	57:22 70:20,21 71:5,	329:10 330:3 332:3	61:2,4,5 62:10,17	113:8,14,23 116:15
error 187:6,11 374:20	7,8,15,18 72:1,11	333:6 334:5 337:24	68:23 85:18 123:11,	192:4 206:21 216:10
errors 125:13	95:21 99:15 100:13	340:24 342:15 343:18	23 154:4 184:13,20	227:17 228:5,13
es 163:23	105:18,20,21,24	345:21 358:17 360:16	185:11 186:5,15	241:7 303:5
essence 307:12	106:22 109:3,6,9	361:5 367:5 369:2	187:16 188:1,13,19	expenses 47:15
essentially 5:13	111:18 112:5,8	373:1 376:9 377:14	189:2 191:3,12 209:9,	49:23 73:21 94:12
20:13 35:12 36:22	118:18 151:11 165:20	378:16 380:6 384:20	11,13,16,18 305:2,20	95:17 96:22 98:6,18
39:15,18 43:2 46:6	175:17 185:12,16,17	exceed 358:5	306:5,6 311:4 318:22	99:4,11 108:23
47:5,9,12 48:14 51:2	186:19 189:8 193:24	exceeded 167:20	319:14,15,16 340:8	109:13 110:2 111:21
53:9 57:17 61:8 62:13	204:10 280:11	366:13	347:1	112:14,17,18 113:2,8
53:9 57:17 61:8 62:13	events 55:23 57:20	exceeds 217:22	exhibits 18:17 19:1	114:9 125:19,20
66:5 71:4 90:23 91:8	77:15 99:14,24	excellent 87:4 108:9	56:6 115:10,22	171:23 172:7 174:11
126:4 145:4 147:13	105:15 108:4 116:18	379:10	152:24 184:13 209:10	194:1 195:19 197:1
149:14 151:13 157:8	119:4,7 174:3 185:2,	exception 19:20	346:24	206:14,16 207:6,18
173:19 176:20 184:24	23 191:1,4,7,10,13	223:4,17 227:4,7	exist 82:17 222:9	208:11 221:19 225:7
185:17 221:24 244:4	23 191:1,4,7,10,13	231:5	171:9 172:22	355:8,20,22 356:11
	eventually 216:23	excess 37:14 48:19	existed 83:24 170:14	376:12
	everybody's 5:10	297:4 358:6 364:6,24	171:9 172:22	expensive 196:4
	evidence 6:2 9:7,11	365:24 377:6		
		excessive 46:21,24		
		350:20		

experience 10:18
204:7 230:7,19

expert 240:9

expertise 240:6
331:12

explain 30:8 37:2
41:3 42:3 47:1 50:23
51:23 74:20 108:14
118:8 186:17 211:1
257:24 303:15 348:3
349:17

explained 27:15
133:6 387:23

explaining 25:16
150:1 209:15 274:11

explanation 25:5
60:11 69:13,14
161:18 352:5 387:21,
22

explanations 21:24

explicit 199:17 224:2

explicitly 340:14

explore 24:22 163:12

explored 166:24

exponentially 370:5

expressed 35:12
91:1 115:13,16
216:20 231:11 378:6

extended 103:1,4

extension 210:5

extensive 163:4

extent 8:12 127:24
134:23 135:12 148:13
203:2

extra 74:2 98:21
106:10 112:1 168:1,6,
10,18 169:7 194:4,11
264:17,20

extracted 386:5
387:5

extraordinary 22:11

extrapolate 111:20

extravagant 35:13

extreme 152:13

extremely 155:14

extremes 379:9

F

face 7:6 182:6 193:18

face-to- 182:5

face-to-face 182:7

facilities 69:5 233:15
255:15 256:23 267:3
383:5

facility 251:8

facing 351:4,8,20

fact 9:9 12:22 26:1
35:14 50:11 65:14
74:14 75:16 77:11
79:3,9 80:9,20 81:20
82:6,8,22 83:17,19,20
98:12,14 104:8
106:20 116:18,21
117:2 142:22 147:14
177:10 179:19 193:19
212:4 214:24 231:16
236:20 259:4 264:16
275:15 298:12,13,21
307:2 330:15 334:24
361:20 370:15 378:7
386:14,16 388:17

factor 302:11

facts 91:5 239:10
372:3

factual 54:10

factually 160:9

failed 41:18

failure 321:23 338:12

fair 60:19 123:20
143:10,13 170:6,12
172:12 181:23 183:2
189:10 191:16,23
219:12 220:9 221:5
222:6,7 239:1,4,6,11,
18 289:10 297:6
320:15 330:17
337:15,16 342:8

fairly 23:9 339:9

faith 308:20,23

fall 6:11 173:17 221:2
365:2

falls 13:16 166:21
224:4 274:21

familiar 10:13 30:23
146:20 147:1,4
166:18 198:10 205:21
240:21 241:24
242:13,23 247:23
248:6 291:15 305:6
365:12 369:8

familiarity 88:4

family 100:9 108:16
144:24 145:19,24
251:6

famous 9:14

fare 196:22

farther 227:5

farthest 101:11

fashion 163:9

fass 199:7

Fast 16:14 68:17,19,
21 84:4,5,8 99:18
189:20,21 190:1
202:10,13 263:10,11,
14 273:9 283:5,12
284:6 304:23 305:1
309:5 320:19,21
322:12 369:1,3

father 175:9

favor 10:17 25:20
129:23 379:4 389:7

fax 245:12 263:2
282:15 283:13,16,22
296:22 305:6,9,19
306:5,12,24 307:14

faxed 275:9

faxes 262:22 307:3

Fayette 146:23 311:4

FBI 309:16

February 69:1
158:11,17

federal 7:13,15,16
8:2,5 9:9 52:13
192:10 260:13 289:9
297:22 308:14,20
309:11

fee 326:20

feeding 370:4

feel 16:11 17:5,6
27:14 75:22 76:10
221:5 248:18 283:12
381:4 382:2

feels 294:4,17

fees 46:3 326:24
329:2 342:18 370:3,9

fell 213:3

felony 338:14 341:8

felt 98:13

field 36:18

figure 39:9,12,13
40:19 74:10 99:18,20
201:21,23 217:2
258:21 284:3 348:5

figures 39:7 77:18

fil 262:19

file 51:3 82:23 140:6
170:16,19,21 171:10
172:12 268:17 300:24

filed 50:22 51:17
82:9,13 88:10 170:11,
14 171:5,17 172:3,16
173:2 179:12 222:10

files 353:2 386:3,10,
16

filing 170:4 172:7
215:12

fill 21:21 121:20
196:6,12

filled 122:14,17

filling 124:15 315:7

fills 122:5,12

FIM 208:24

fin 110:21 374:6

final 12:5 124:22
125:3,8,11,16,18
314:4

finale 190:17

finalize 129:3

finalized 36:12,15
81:8 129:10 369:14

finally 23:16

Finance 238:14

financial 85:21 87:6
110:16,21 125:24
151:3,8 154:23 325:8,
15 347:16,23 369:21

financially 370:5

find 9:24 21:10,13
54:24 96:20 99:5,7
100:5,6,11,12 104:13
115:10 152:12,16
153:2 170:24 175:2
177:12 188:14,16,21,
23 197:22 212:20
220:24 227:21 237:21
251:7 252:10 255:14
281:10 290:6 301:15
309:18 321:8 368:20
379:14 386:9

finding 11:5 50:24
51:20 52:8,14,15,17
61:22 106:6 142:20
208:22

findings 5:21 6:4
15:12,22 20:9 45:16,
17 63:8 65:6 68:7
116:1 240:21 281:4

fine 33:15 34:13
238:23 343:8 345:13

fined 286:14

fines 369:23

finger 16:8,9 373:20

finish 135:24 160:18
314:24 315:5

finished 16:14,24
19:22 22:8 64:23
235:10 268:4 311:9

fired 294:18

firm 232:5

firms 19:7

firsthand 183:8

fiscal 348:11,20
349:7 350:18 351:11
352:10 354:11,12,16
355:7,19 356:5,7,17,
22 359:16,23 364:6
367:12,18,21 369:16
370:13 371:3 375:11,
13,14,18 376:11
377:1,6,8,9

fit 19:23 25:7	fo 7:6	formulated 369:9	front 30:20 36:4 62:6 94:20 120:3 142:21 143:3,19 144:3 202:17 217:9 234:12 253:14 275:11 294:7 358:15 377:8	18 362:16 365:24 370:7,11,12,18 371:14 373:16 377:10
five-year 375:23	focus 18:13 32:22 35:6,7,9,17 45:9 78:5, 7 99:7 116:7 357:7,16 361:15	formulating 36:16 368:15	front-identifying 142:18	furnish 293:15
fixed 30:24	focused 19:1 46:15	fortunately 8:8	fuel 45:24 46:1 49:1 74:22 91:24 92:2 152:10 153:6,20,24 154:2 177:13 195:19, 23 196:2,4,9,11,16,17 218:9,11	furnished 262:22
flag 341:21 342:3	focuses 45:11	forward 9:9 12:19 29:12 30:12,20 87:23 130:8 132:24 136:18 155:13 349:10 375:9	fueling 153:9,20	furnishings 238:23 242:12,15 277:24 278:23 285:16 287:10
flagging 341:17	FOIA 245:8 262:19 324:21,22	Foster 84:10,12 85:13 89:18 322:14, 16 324:7 340:23 341:1 342:9 372:22, 23 373:2	full 31:21 49:21 92:10 109:20,21 116:23 127:18 165:6 211:17 212:5,6 239:2 316:6,9 350:15 351:14	furniture 232:3,4,6 234:1,4,9 240:10 245:5 252:15,18,21 256:16 262:24 263:5 274:11 275:13,15,18, 21,24 285:11 288:17 298:19 305:11,14,23 306:8,22 307:9,12 312:6 357:13 363:15
flash 87:22	folks 8:18 25:14 288:7	found 48:2 57:15 63:13,24 64:6 89:8 98:11,20 99:9 158:10, 15 176:19 208:20 247:3,6 250:13 255:2 281:17,18 286:11 287:15 324:15 363:7	fully 339:19	future 20:21 22:19 280:6 295:17 381:14
flavor 95:10	follow 21:18 30:4 34:3 69:2 91:13 100:3 111:17 123:5 150:24 172:24 217:18 227:11 257:20 259:1 285:19 304:4 335:18 340:15 365:16,18,21	fourth 290:17 312:23 319:18	fun 106:12	FY 377:3
fleet 64:17 166:24 231:15	follow-up 17:2,4 99:17 114:8 183:23 184:5 202:18 222:15 228:24 257:22 276:1 289:23 296:2 310:19 314:2 325:18 388:11	frame 57:15 124:2 212:23 348:10	function 70:19 98:17, 20 99:2,21 106:11,12 127:19 300:11 301:3	<hr/> G <hr/>
fleets 35:18	follow-ups 215:9	framed 260:23 261:5, 6 262:5	functions 104:21 108:16 248:4	gain 22:3 163:20 164:1,9 241:3 244:16 265:16,19 302:24 303:13
Fleischauer 17:8 24:6,7,15,20 25:22 27:2,12,24 29:8 131:3,6,17,24 132:5, 8,14,17 133:3 134:2, 5,9 135:2,11,16,20 136:1,5 165:23,24 166:3 169:17 215:9 222:14,16,18 285:2,3, 8,13,21,24 286:16,21, 24 287:4,17 310:19, 21 311:1 312:18 333:3,4,7 334:3 343:12 380:3,4,7 384:17	footage 301:12	frames 260:22	fund 23:5,8 346:6 358:6 364:6,9,24 366:4,5 370:11 371:1 373:15	gained 164:8 175:18
Fletcher 233:14 236:8 255:13 266:22 267:1 275:10 305:10, 21 306:7,14	forbidden 173:24	framing 261:2,9,21 262:7	fundamental 8:21 11:21	gaming 284:7
flew 47:6 190:23	Foreman 301:17	Francisco 75:21 186:2,7 194:10,14 196:23 203:10	funding 364:16 365:11	gaps 21:17,21
flight 105:9 190:9,21, 22	foremost 287:2	Frank 312:5	fundings 366:22	garage 289:13 290:22 298:9
flights 104:19	forget 371:22	frankly 92:21	fundraiser 57:23 71:9,15,18 98:15 99:16 105:17 109:8 112:8 119:2	Gary 53:19 59:2 61:7 62:20 63:7,11 68:24 86:20,24 331:2 347:22
flip 77:12	forgive 94:17 242:2 306:18 374:5	free 12:14 17:6,9 208:14	fundraising 70:21 72:1,10 111:18,21,24	gas 91:19,21 92:1 106:10 152:10 153:6, 10 196:6 298:22
flippant 193:9	form 25:2 75:23 112:9 122:12,19 123:15 163:9 173:18 204:10 352:15	freedom 227:16	funds 111:5 152:3,22 153:14 208:22 316:10,12 326:21 328:18 332:19 347:17 348:6,17,24 350:20 351:11 352:5 359:11,	gasoline 152:3 203:2,18,22 226:18
flooded 304:16	formally 125:5	frequency 22:5 89:13 217:23	gather 191:1	gathered 183:3 187:9
floor 290:17 312:23	format 60:2 95:7 122:13 352:10,16	frequent 22:6 144:17 180:15	gathering 41:6 190:17	gave 155:2 159:12,21 174:9 200:7 276:4 336:22 337:1
flow 21:1	formation 292:19	Friday 128:9		
flows 26:2	formatting 125:13	fringe 51:21 52:1,2,11 65:15 80:22 85:23 86:21,23 87:2 121:12 142:5 149:4 150:4,5 154:9,15 155:2 202:9		
Fluharty 117:18,19, 22 122:21 123:15 253:1,2,8,15 254:1,15 273:12 274:6,10 275:1 329:7	forms 121:19 122:16 124:16 149:1,15 193:24			
Fluharty's 123:5,13				
flying 85:4,10				

Gazette 293:12
general 33:4 66:16
 113:5 140:19 143:12
 203:21 213:22 224:20
 230:14,15 242:7
 254:11 274:17,20,21
 353:6 354:4 357:22
 359:11,18 363:20
 368:14 370:11 371:1
 373:14 385:6
generally 27:5 34:6
 39:11 41:4 50:23
 56:10 61:15,17 66:2,
 14,17 73:8 110:9
 112:23 200:21 210:17
 230:7 240:7,21 242:5,
 22,24 286:5 287:9
 296:8 338:9 345:13
 350:3 353:23 357:21
 365:19
generate 266:6 364:1
generated 315:22
gentlelady 136:13
 304:5
gentleman 29:7
 132:19 134:6 146:23
 240:6 325:19
gentlemen 258:3
 270:15 271:10
genuineness 240:4
George 7:22
gift 315:20 316:3,4,7,
 14,15,16,19 317:10,
 19 320:7,9,12,14
 323:2,14,16,18
 324:16,18 328:3
 331:1 335:14,15,20
 336:1,3,4,24 337:4,8
 338:6 340:18 341:13,
 15 342:21,23 344:21
Gilbert 107:1 231:23
 232:2,4,5,6,7,8,18
 234:8 238:7,24
 245:15,17 250:6,11
 251:15,18,21 268:24
 269:11 270:10,16
 276:18 285:10
 288:15,20 289:7
 290:14 291:16 298:7,
 18,22 309:15,19,21,
 23 310:3 312:1,11,14

Gilbert's 298:15
give 25:6 29:20 30:7
 32:18 42:20 66:23
 84:5 118:6 191:22
 198:11 214:22 228:12
 248:16 286:2 289:13
giving 13:24 332:20
 372:6 381:1
glad 297:10
glasses 326:13
glean 186:1
glories 298:15
good 5:1 18:12 29:2
 111:11,19 153:16
 165:11 169:5 191:16
 229:15 292:5 327:20
 341:10 357:17,18
goods 317:14
govern 135:14
governed 222:11
governing 90:11
 95:12 344:4
government 8:12,14
 9:10 34:6 68:8 76:18
 83:16 92:22 166:8
 172:8 238:13 241:4
 265:4 281:15 296:8
 303:2 360:2 364:21
 365:13
government's
 113:23
government-owned
 265:11
Governor 314:13
governs 83:16
 113:20
gra 9:4
grabs 284:11
grader 254:11
graduated 230:21
graduation 321:4
 327:14
grammatical 125:13
grand 8:19,22 9:1,3,5,
 12,17,21,23 10:2,4,
 11,15,19,21,23

190:17 248:17 249:4
 294:5,10
grant 220:13 267:4
granted 51:9 89:5
 113:1 145:22 192:20
 204:22 205:2 220:1
 224:15 225:1 331:4
granting 50:22
graph 213:17 348:14,
 15 349:6
graphs 363:23
grappling 282:7
gray 265:24 266:8
great 11:8 13:2 220:6
 248:15 278:16 352:12
 370:1 375:15 381:1
greatest 75:19
 367:20
green 143:21 144:1
Greenbrier 148:10
grew 348:13 356:21
 387:19
grid 159:22
Griffith 249:5
grocery 197:24
gross 20:11
ground 20:18 332:21
grounded 226:16
grounds 79:14 83:10
 174:21
group 15:4,7,14
 149:9 180:18 182:17
 221:6
grow 369:22 370:4
growing 350:19
grows 387:16,17
growth 371:12
 387:22
guarantee 240:3
guess 25:23 27:13
 62:21 76:15 86:20
 87:21 106:6 109:15
 140:18 207:10 248:13
 249:3 255:1 275:8

283:11 284:15 285:4
 288:11 293:2 301:1
 326:22 381:7 385:10
guessing 167:15
guidance 12:15
guide 14:4 202:9
guidelines 142:5
 224:5 340:9,16
 365:16
guilt 302:12
guilty 243:22 286:11
 287:15
Gundy 237:7,9,13
 269:20,23 270:4,12
 271:17 290:2

H

half 166:13 242:3
halfway 188:12,19
hall 252:10
ham 9:18
Hampshire 328:24
 329:14
Hamsher 240:11
 251:19 299:3
hand 7:2 16:8 388:11
handful 180:3
handle 231:7
handled 150:12
handles 149:15
handout 128:21
hands 132:24 133:1,2
 239:7
handwritten 62:17
hanging 343:16
Hanshaw 17:9 24:2
 164:19,20 165:1,22
 215:7 285:1 310:19
 332:1,2,4 333:1
 343:11 378:13,14,17
 380:1
Hanshaw's 180:19
happen 19:20 90:19

98:6 215:14 267:9
happened 24:14
 85:20 120:8 168:5
 175:16 207:1 214:21
 268:13 350:4 353:13
 354:1 367:12
happening 24:3
 381:14 383:1
happy 24:19 27:18
 29:9 130:4 133:20
 138:24 261:12 270:11
 271:13 354:21 364:8
hard 23:17,23 254:21
Hardison 23:19
harm 297:5
Harshbarger 93:24
 94:1,4 96:7 377:13,15
 378:10
Hatcher 14:1 20:16
 24:23 128:14,16
 137:5,13
Hatcher's 14:9 25:6,
 9 26:1 138:10
hate 324:2
hauling 236:17
head 97:2 258:21
 259:23 272:7,10
 293:3 327:6
headquarters 93:17
hear 21:16,17,24
 30:22 94:8 111:10
 247:4,14 253:6
 254:22 295:1 306:3
heard 6:8 9:14 11:10
 125:19 138:14 140:20
 166:14 198:1 262:3
 269:21 283:12 291:5
 372:14
hearing 10:6,11 11:3
 22:18 111:10 175:8
 294:13
hearing(s)held
 129:21
heartbreak 6:17
heavier 286:11
held 9:3 32:2 47:8
 89:10 103:23 104:1

120:12 169:4 185:4,9, 23 191:5,14 193:22 206:18 207:17,19 208:2 336:18 341:22 347:14	Hole 211:5 213:19	269:13	49:23 56:9 180:20 331:18 357:7,10,14	importantly 23:7 26:15 277:22 279:24
helped 160:17	holes 246:13 315:8	house 5:8,15 6:20 11:18 13:4 17:1 19:18 22:14,21 26:6,13,16, 17,19 27:3,5,9 31:4 127:5 128:1 129:18 130:11,13 131:12,18 133:8 134:12,17,18, 19,22,24 135:5,8,9 165:6 229:8 231:4 232:19 233:16 234:10,15 236:20 237:6 247:1,20 250:7, 12,15,19 252:8 255:17 256:4 264:17 265:3,5,17 266:1,24 269:10,15 272:16,22 273:14,17,21 276:5 278:8 293:5 296:13 300:3,15 309:4 313:4 327:4	identifying 21:18 142:18 331:2	impose 12:7,10 23:13
helpful 371:18 385:19	holiday 40:17 255:7 292:13 307:5,6	houses 272:21	identity 240:2	imposed 12:1 25:14
hesitate 240:14 244:8	holidays 167:8	human 374:20	illegally 9:11	impossible 218:10 316:18 373:22
Hey 91:17 341:13,16, 17	Hollen 24:1 96:9,10, 13 100:16 244:22,24 295:20,21 296:1 297:23 358:15	hundred 9:22 48:12 72:13 168:7	illustrate 9:19	impression 260:3
high 20:11	home 93:16 199:23 235:5,16,22 236:11, 13,15 237:12 241:11, 12,16 245:11 246:18 257:11 258:23 259:18 260:11 262:15,21 263:1,6,17 269:2,12 270:17 271:11 276:8, 17 280:2 282:10 283:7,9 284:10 292:7 293:9,15 294:18 296:19 297:1,2,5 299:17,18,22 300:8, 13 301:2 303:18,20, 22 304:18 312:5	hundreds 18:11 120:20 261:19 295:12	illustrated 237:24	improper 62:8 90:14
high-dollar 316:20 317:10 340:18	homes 283:17,20	husband 163:3	illustration 25:10	improperly 62:4,14
higher 116:22 205:15 295:2 332:15	homework 301:2	hybrid 10:12	imagine 104:23 105:24 246:16 291:14,19 292:1,9 294:4,24 312:6 332:13	improve 30:21
highest 12:9 48:16 294:6	honest 175:14	<hr/> I <hr/>	immediately 128:5 136:8	improvement 25:24 29:5
highlight 40:1	Honor 228:20	I- 132:18	immoral 333:24	improvements 260:18 355:4 378:7
highlighted 39:21,22 40:3 201:15,17	honored 113:10,16 216:11,15 228:7,13	i.e. 265:4	immorality 20:11	impulse 10:4
highlighting 83:5	hook 388:12	idea 32:19 66:23 156:15 267:23 295:14 327:3 383:8	impartiality 9:7	in-depth 257:7
highlights 152:7	hope 8:9 17:22 126:23 389:1	ideas 299:23	impeach 22:9,10	in-state 221:3 223:21 226:8
highly 75:22 126:16	hoped 21:4 126:24	identifiable 370:3	impeached 7:20 8:3, 5	inappropriately 99:8
hindrances 218:5	hoping 69:23	identified 47:17 52:23 54:18 55:19 56:13 143:18 178:8 315:8 318:12 324:20 331:5 333:10 348:24 351:21 354:13,20 357:9,17 373:11 375:16 382:3	impeachment 5:16 7:15,17,24 8:7,11 11:17 12:3,11 13:5 14:15 22:15 23:2 26:7 58:16 128:17 136:11 330:7	inaudible 30:18 130:17 131:2,8 165:2 183:18 184:1
hire 289:14	hot 307:22	identifies 245:17	impeccable 239:1 251:14	incentive 321:9 322:4 330:10 336:21 342:24 344:4
hired 238:14	hotel 46:5 47:7,10,13 73:17 74:16 75:13,18, 20 76:5 85:1,11 104:20 105:8 120:13 125:20 167:21 185:6, 7,8 194:16 195:3,7,19	identify 15:10 31:9	implementation 193:14	incentives 317:1 321:4,19 328:5,18 333:18
historic 299:11	hotels 48:15 92:14 184:23		implemented 77:2	incepted 35:10 91:7
historical 28:21 101:13 157:1 238:24 267:15 277:24 278:23 297:9 299:9 312:13	hour 17:21 102:16 234:19 380:9		implicate 372:16	inception 337:7
historically 258:2,8	hours 6:1 71:20 72:16 102:17 234:19 247:19		implicated 322:3	inclined 208:18
history 8:3 117:7 242:4,8,9 285:6,15 299:1,12,13 312:8,17			implications 65:7,23 66:6 68:2 121:14	include 17:7 24:1 99:6 103:19 113:14 127:11 142:21 150:17 151:3 216:14 350:8
hit 16:5 95:19			implied 148:1	included 80:23 112:20 117:6 124:20 149:4 154:14,18 176:8 178:20 206:22 211:3 216:18 234:10 264:15 354:18 355:11 359:22
Hmm 293:1			imply 187:1 200:20 234:22	includes 370:6,10
hold 7:8,10 32:8,21 68:6 176:11 295:1			importance 8:15 23:11	including 27:6 32:16 46:3 58:24 62:1 76:19 121:7 213:7 272:14
holder 318:4 323:7 325:11			important 8:9 16:20 72:20 312:1	
holder's 325:12				
holding 7:18				

312:12,14 321:18	indict 9:18,23	208:17,19,23 211:3 213:15 214:20 217:21 218:5,12 231:17 234:11 235:20 237:10 241:10 259:24 260:1 261:10 262:4 269:4 271:10,21 273:1,23 309:2 317:15 326:1 349:8 357:18 363:23 369:18 372:8 377:7 385:6,12 386:4,5,6,23 388:2	inspection 237:24	interest 84:7 310:12 332:7
inclusion 98:12	indictment 10:2,22 260:13 289:9 297:22 308:14,20 309:12	informational 372:9 385:18	installed 232:3	interested 379:1
income 65:2,3,4,10	indirect 46:4	informed 26:8 60:24 66:5 69:7 79:4 151:11 156:18,19 231:13 262:6	instance 8:24 17:14 65:12,17 71:4,13 74:21 99:12 104:22 109:14 116:16 145:22 150:23 152:9 177:6 187:13 190:3,6,16 201:14,15 207:13 211:3,15,20 214:10 215:21 223:3 228:12 288:10 328:4 332:10 335:17 338:14 344:16 369:8	interesting 312:4
inconsistent 26:16 134:23 172:3	individual 44:21 65:12 69:19 76:11 89:16 121:13 126:6 143:14 146:9,17 149:3,9 150:12 169:8 203:16 210:22 241:1, 5,7 258:19 265:14 276:14 302:23 303:2, 4 316:19 317:6 322:21 325:17 329:16,18,19 366:14 374:10 386:16	infractions 82:19,20	instances 38:8 40:17 45:23 46:6,8,12,15, 19,21 47:16 48:6,17 55:9,10,18 56:18 60:14 62:6 81:12,13 83:8,16 94:18 95:5,12 97:20 102:24 108:15 121:11 126:12,14 141:19 147:8 152:5, 19 153:2,8,11 161:7, 12 176:7,19,21,23 177:9,15 178:8,12 179:2 180:3 182:1,8, 10 199:1 201:18 203:6,12 211:6 213:6, 11,15 219:10 244:14 328:20 342:20 365:20,23	interestingly 157:6 328:16
Incorporated 240:12	individually 374:22	infrastructure- related 357:12	instill 22:23	interim 372:11,13
increase 196:16 239:3 354:14,18,19, 24 355:2,8 356:12,18 357:3,9,20,22 364:23 375:6,7,11,15 383:22 384:5,13 388:1	individuals 15:16 22:16 34:2 91:5 124:14 148:21 149:9 159:16 167:2 228:18 270:2,19 271:15,21	infrequent 217:17,19	instructed 15:3	interims 314:11
increased 98:23 120:19 145:15 195:19 196:19 210:8 355:10, 12,16,20,23,24 356:1, 2,3,4,5,11,13 367:22 371:1,6 373:23 375:12,17 376:13	individual's 210:18 241:3 303:1 329:13	infusion 370:18	insurance 145:9,13 146:10,12,13,18 210:8,11,19	internally 37:7 107:15 114:19 181:4 209:10 321:13 341:20
increases 355:11,22 356:9,19 358:5 382:15	induce 307:18	initial 35:6,7 55:3 64:12 79:18 80:10 81:7 113:6 115:10 228:2 255:22 357:7	instill 22:23	Internet 124:1
increasing 382:15	infamous 118:1	initially 115:17 176:15 218:6 255:11	intended 10:16 258:11 344:6,16	internal 36:22 37:3 41:8 42:6 77:16 82:1, 4,16 172:10,13,18 185:5 202:8 204:16 208:9 220:8 366:1
incur 212:4	infer 259:3,12 287:12	initiate 276:4	intends 18:17	internally 37:7 107:15 114:19 181:4 209:10 321:13 341:20
incurred 71:17 76:10 98:18 99:11 100:1 106:21 108:23 112:3 125:20 195:20 206:14,21 207:18 211:19 241:7 303:4	inferred 258:18	initiation 82:5	intend 249:19	Internet 124:1
incurring 52:6	influence 9:17 175:11,19	innumerable 11:13	integrated 333:13	interpret 22:13 177:21 225:2,3,12 226:12
independence 351:10,22	inform 40:10 53:10 61:15 66:3	input 136:23	integrity 29:11	interpretation 83:13 131:15 135:6,7 224:22 226:4,7,8
Independent 221:13	information 8:4 18:3, 4,13,23 39:14 41:7 43:21,23 47:4 55:11, 22 56:12 61:18 69:24 70:18 78:11 79:20 80:9,12 81:4 85:6 98:12 99:13 103:7 104:16 117:6 122:6 124:4 148:13,17,24 149:1,11,16 150:17 151:2,4 153:12 154:6 159:13,18,21 160:17, 22 161:8,11,17,20 165:18 172:23 174:24 181:14 185:5,21,24 186:16,18 187:9 188:13,14,17 190:8 191:11 198:1,6	inquire 25:1,3 50:12 69:16 126:20 177:5 274:2	intended 10:16 258:11 344:6,16	interview 67:1 237:8 259:17 260:2,4,7
indi 148:21	information 8:4 18:3, 4,13,23 39:14 41:7 43:21,23 47:4 55:11, 22 56:12 61:18 69:24 70:18 78:11 79:20 80:9,12 81:4 85:6 98:12 99:13 103:7 104:16 117:6 122:6 124:4 148:13,17,24 149:1,11,16 150:17 151:2,4 153:12 154:6 159:13,18,21 160:17, 22 161:8,11,17,20 165:18 172:23 174:24 181:14 185:5,21,24 186:16,18 187:9 188:13,14,17 190:8 191:11 198:1,6	inquired 36:17 60:10	intends 18:17	interviewed 237:4 290:2
indicating 40:1 62:18 169:15 192:3 194:6 199:12	information 8:4 18:3, 4,13,23 39:14 41:7 43:21,23 47:4 55:11, 22 56:12 61:18 69:24 70:18 78:11 79:20 80:9,12 81:4 85:6 98:12 99:13 103:7 104:16 117:6 122:6 124:4 148:13,17,24 149:1,11,16 150:17 151:2,4 153:12 154:6 159:13,18,21 160:17, 22 161:8,11,17,20 165:18 172:23 174:24 181:14 185:5,21,24 186:16,18 187:9 188:13,14,17 190:8 191:11 198:1,6	inquiries 15:11 30:16 79:8 231:18 257:8	intend 249:19	interviews 66:18 67:18,22,23 250:14 255:23
indication 32:19 79:19 144:9 149:7,9, 18 151:5 154:22 171:9 179:3 200:7 217:10 218:6,14 226:20 255:21 273:5 346:18	information 8:4 18:3, 4,13,23 39:14 41:7 43:21,23 47:4 55:11, 22 56:12 61:18 69:24 70:18 78:11 79:20 80:9,12 81:4 85:6 98:12 99:13 103:7 104:16 117:6 122:6 124:4 148:13,17,24 149:1,11,16 150:17 151:2,4 153:12 154:6 159:13,18,21 160:17, 22 161:8,11,17,20 165:18 172:23 174:24 181:14 185:5,21,24 186:16,18 187:9 188:13,14,17 190:8 191:11 198:1,6	inquiry 20:23 29:14, 16 44:24 106:24 107:4 127:6 132:9 136:19 139:16 161:10,14 254:2 362:7,24	intend 249:19	intimately 280:19
indications 12:5	information 8:4 18:3, 4,13,23 39:14 41:7 43:21,23 47:4 55:11, 22 56:12 61:18 69:24 70:18 78:11 79:20 80:9,12 81:4 85:6 98:12 99:13 103:7 104:16 117:6 122:6 124:4 148:13,17,24 149:1,11,16 150:17 151:2,4 153:12 154:6 159:13,18,21 160:17, 22 161:8,11,17,20 165:18 172:23 174:24 181:14 185:5,21,24 186:16,18 187:9 188:13,14,17 190:8 191:11 198:1,6	inside 283:20	intended 10:16 258:11 344:6,16	intimidating 10:22
indicative 225:5	information 8:4 18:3, 4,13,23 39:14 41:7 43:21,23 47:4 55:11, 22 56:12 61:18 69:24 70:18 78:11 79:20 80:9,12 81:4 85:6 98:12 99:13 103:7 104:16 117:6 122:6 124:4 148:13,17,24 149:1,11,16 150:17 151:2,4 153:12 154:6 159:13,18,21 160:17, 22 161:8,11,17,20 165:18 172:23 174:24 181:14 185:5,21,24 186:16,18 187:9 188:13,14,17 190:8 191:11 198:1,6	insisted 80:14	intends 18:17	inventory 256:15,20, 22 257:3,4 281:9,12, 19 312:9
	information 8:4 18:3, 4,13,23 39:14 41:7 43:21,23 47:4 55:11, 22 56:12 61:18 69:24 70:18 78:11 79:20 80:9,12 81:4 85:6 98:12 99:13 103:7 104:16 117:6 122:6 124:4 148:13,17,24 149:1,11,16 150:17 151:2,4 153:12 154:6 159:13,18,21 160:17, 22 161:8,11,17,20 165:18 172:23 174:24 181:14 185:5,21,24 186:16,18 187:9 188:13,14,17 190:8 191:11 198:1,6	intention 316:22	intended 10:16 258:11 344:6,16	invest 383:8
	information 8:4 18:3, 4,13,23 39:14 41:7 43:21,23 47:4 55:11, 22 56:12 61:18 69:24 70:18 78:11 79:20 80:9,12 81:4 85:6 98:12 99:13 103:7 104:16 117:6 122:6 124:4 148:13,17,24 149:1,11,16 150:17 151:2,4 153:12 154:6 159:13,18,21 160:17, 22 161:8,11,17,20 165:18 172:23 174:24 181:14 185:5,21,24 186:16,18 187:9 188:13,14,17 190:8 191:11 198:1,6		intends 18:17	invested 7:1
	information 8:4 18:3, 4,13,23 39:14 41:7 43:21,23 47:4 55:11, 22 56:12 61:18 69:24 70:18 78:11 79:20 80:9,12 81:4 85:6 98:12 99:13 103:7 104:16 117:6 122:6 124:4 148:13,17,24 149:1,11,16 150:17 151:2,4 153:12 154:6 159:13,18,21 160:17, 22 161:8,11,17,20 165:18 172:23 174:24 181:14 185:5,21,24 186:16,18 187:9 188:13,14,17 190:8 191:11 198:1,6		intends 18:17	investigate 330:19
	information 8:4 18:3, 4,13,23 39:14 41:7 43:21,23 47:4 55:11, 22 56:12 61:18 69:24 70:18 78:11 79:20 80:9,12 81:4 85:6 98:12 99:13 103:7 104:16 117:6 122:6 124:4 148:13,17,24 149:1,11,16 150:17 151:2,4 153:12 154:6 159:13,18,21 160:17, 22 161:8,11,17,20 165:18 172:23 174:24 181:14 185:5,21,24 186:16,18 187:9 188:13,14,17 190:8 191:11 198:1,6		intends 18:17	investigating 357:2
	information 8:4 18:3, 4,13,23 39:14 41:7 43:21,23 47:4 55:11, 22 56:12 61:18 69:24 70:18 78:11 79:20 80:9,12 81:4 85:6 98:12 99:13 103:7 104:16 117:6 122:6 124:4 148:13,17,24 149:1,11,16 150:17 151:2,4 153:12 154:6 159:13,18,21 160:17, 22 161:8,11,17,20 165:18 172:23 174:24 181:14 185:5,21,24 186:16,18 187:9 188:13,14,17 190:8 191:11 198:1,6		intends 18:17	investigation 10:9 16:17,21 18:5 34:20 38:6,17 40:9,12 43:6 51:13 54:21 58:20 59:21 63:19 64:3

66:20,24 67:11 117:1 141:14 142:8 144:22 159:18 171:3 175:11 231:9 232:14 233:18 277:21 318:17 319:9 353:7,17,19 357:1,5 361:11	IRS' 79:18		248:9 264:15,19 338:20 383:2	75:1,5 76:2 79:5,7,9, 11,20 80:1,7,14,24 81:9,12,20 82:20 83:20 84:23 85:23 91:2 95:4 96:19 100:5 102:20 103:10 104:7 105:14 108:13,23 112:21 113:9,13,14 115:10,11,17,21 116:8 117:3,7 118:1 121:7,24 123:7 124:21 125:7,15,21 138:15,17 139:8 140:21 141:8,11,17 144:18,22 147:6 148:20 150:15,21 151:10 152:1,13,17, 20 153:3 154:13 156:1 157:20,23,24 159:11,20,24 160:2,9 161:6,21,23 162:20 163:3 167:12 168:11 173:20 175:3,8 176:1, 7,17 177:4,17 178:16 179:5 180:13,14 182:8,11,12,20,22 183:1,14,15 184:19 185:8 186:20 188:7 189:7 190:4 194:1,9, 13,23 195:20,23 196:2 197:2,19,22 198:22 199:2 200:18, 22 201:5,16 203:3 205:14,23 206:4 207:13,17 208:6,15 210:6,10 211:4,15 212:21 213:3,5,21 214:2,14 216:6,7,10 217:3,11 218:7,13,23 219:12 220:22 222:21 225:7 227:16 228:6 232:19,21 233:10,11, 19 234:4,9,15 235:4, 9,16,21 236:13,15,20, 24 237:5,12 241:11 246:18,21 247:20 250:7,12 252:13,17, 21 255:17,24 256:19 258:14 260:10,16 261:9,15,17 262:18 263:4,17 264:5,16 265:16 266:16 269:8, 9 270:16 271:11 272:15 273:17 275:13,21 276:5,9 277:5,12 282:10 283:21 289:3,5 291:5 292:1,7 293:7,8
investigations 167:7 231:7 281:5	isolated 22:6	J	judiciary 5:2 7:15 13:8 14:1 31:4,14 90:11 117:8 127:6 129:19 132:2 229:8, 12 313:15 315:15	
investigative 231:6 264:15,20	issue 26:7 54:17 75:16 81:2 83:10,12, 18 86:23 102:5 105:12,13 106:19 132:7 134:23 136:11 161:12 167:24 172:24 181:7 220:11 254:3,6 267:15 268:19 302:20 303:7 304:15 318:12 322:9 324:14 326:22 331:2 333:21 335:19 341:5 343:7 361:23 364:18 385:1	Jackson 211:5 213:19	July 73:11 102:18 186:2 187:17,18,20 188:5 189:5,6,9 194:9,10 211:5 213:18 214:3	
investment 23:5,8	issued 52:21,22,24 58:24 65:14 80:19,23 89:16 90:3 91:23 150:1 182:14 240:16 254:5 262:19 277:10 309:23 317:4 318:19, 21 321:17 329:16,18, 20 331:2 334:15,18 336:11,12,13 340:2 342:24 343:5 361:7,9 366:21	jail 286:13	jump 44:2 142:12	
invitation 130:2	issues 16:20 34:15 50:18 54:9 63:13,24 64:7 77:8,11,18 79:9 80:7 81:17 83:6 86:11 98:11 100:5,6 102:14 182:20 201:6,8 213:2, 3 222:5 232:16 318:9 346:13 347:9 351:4,7, 19,21 376:1 379:19	jails 327:5	jumped 66:9	
invite 183:12 315:10	item 108:13 186:13 235:8 239:12,13,14, 15 268:3,8 269:5,9 273:19 279:24 280:13 308:6,12,13 311:8,14 320:6 344:23 368:13	James 14:3 23:1	jumps 387:11 388:5	
invited 69:6 221:6	itemized 344:21	Jan 187:2 257:11	June 5:9 33:22 128:9 129:16 133:23 136:24 234:1,3 255:3 257:11 267:21,22 268:2,18 269:5 273:16 275:12, 21 277:9,15 288:1,10 291:22,24 292:2,13 296:13 305:4,9,19 306:3 307:5 308:11 314:8 361:19 364:7 372:13	
inviting 137:10	items 42:10 70:4 234:15 235:2,7,11 239:20 240:2 263:1 268:2,5 272:15 274:1 305:4 307:16 311:7, 10 312:11 316:2,21 317:7,19 345:1 366:2	January 80:11 144:14 158:19 175:4 186:21 187:3,4 318:15	jurisdiction 370:2 376:19	
invoice 267:18 275:11 276:15	itineraries 191:1	Joan 68:24	Juries 9:17 10:21	
invoices 261:1,8,10, 11,13,14 276:16	itinerary 190:9,21,22	job 153:23 277:17 339:18	Jury 8:19,22 9:2,3,5, 12,21,23 10:2,4,11, 15,19,23	
involve 15:14 17:15 202:1		Joe 23:21	jus 214:15 216:6	
involved 6:15 22:2 67:1,18 110:4 121:14 124:15 161:2 167:6 168:10 182:5 201:24 228:18 231:8 232:13 237:7 258:8 306:21 332:7 333:13		John 14:1 23:19	justice 5:11,18,21 7:19,21 8:1 9:19 14:11 15:22 17:16,17 21:5 29:19,23 30:2 34:24 35:1,2 37:8 38:1,5,8,13 40:15 41:12,19 42:8,19,21 43:15,23 44:5,12,19 45:3,5,12,13,14,18, 19,24 46:12 47:14 50:9,11,12,18 52:12, 19,20,21,23 53:1,5,9, 15 54:18,22,24 55:10, 21,23 56:11,22 57:4, 5,14,18 59:1 62:15 63:16,17,20,23 64:2,3 67:24 68:1,3,4,5 70:18 72:19,21 73:5, 22 74:6,8,11,21,23	
involvement 17:17 66:24 67:3 115:18 208:21		Johnson 53:19 59:2, 5 61:7 62:20 63:7,9, 11 68:24 86:20,24 256:1,3,20 277:16 318:24 331:2 347:22		
involves 202:4 208:16		Johnson's 277:17		
involving 14:3 15:6 140:21 156:22 208:22		join 130:20 136:15		
irrelevant 18:24		Joint 231:4 238:13		
irrespective 113:10, 16 216:12,15 228:7, 14		Jonathan 183:15		
irresponsible 13:19		judge 7:16 9:14,15 14:1,8 17:24 20:16 24:23 25:6,8,24 128:14,16 248:1 318:23 319:2 332:23		
IRS 78:1,5,7,11,13,20, 23 79:3,15,21 80:3,5, 6,9,12,13 81:3,4,7 87:1 121:6 141:23 142:1,5 147:15 154:15 221:13		judges 8:2,5 251:5,6 295:2 332:11,12 350:8		
		judicial 18:4 77:1 113:15 117:12 216:14 220:23 227:18,22,24 228:3,4,9 247:24		

294:10 296:13 302:2
303:21 305:12,16
307:12 309:14,15,22,
24 310:10 313:4
322:2,5,6,10 333:10,
12 339:2 346:19
347:2 349:16,21
352:8 361:10,13
362:15 365:5 368:1,4,
7,10 371:21 372:16,
22 378:5 382:22
383:3,7,16 385:2,3
388:17

justice's 80:10 210:7
266:1

justices 6:24 10:10
29:24 34:17,21,22,24
35:22 37:6 42:7,13
47:24 50:22 51:8 54:8
58:23 63:3,16 68:9,11
79:16,19 80:13 81:2
86:3,8 87:3,16 89:14
91:1,23 92:1,21 94:8
95:8 96:2,6 97:21
107:12 108:3,6,8
110:20 111:3 112:13,
20 113:1,7 114:6,9,16
115:14,18 122:9
124:16 149:8 154:17
159:9 160:7,21
161:13 162:24 174:1,
10,15,17 176:4
179:16,24 180:2,8,12,
16 181:16 182:6,11,
16,19,22 183:12
190:18 191:22 192:5,
18,22 193:6 204:22,
24 205:5 206:13
207:11 208:10,14
212:21 213:7 218:16
219:23 220:13,18
221:18 223:7 224:7,
13,16,24 226:11,13,
15,23 227:8 228:13
245:10 262:16,22,23,
24 264:11 267:12
268:24 270:6 283:17,
20 293:21 295:2
296:18,21 298:14
325:5 330:6,14,18,21
333:16 334:17 339:1
350:8 365:3,4,5
366:15,16 379:16
385:15 386:15 387:1

justices' 86:22 87:11
113:5,8 114:11 198:4

215:14 216:9 221:21
262:1 372:15

justification 120:18

justify 12:2

Justin 31:5,11

juvenile 328:6
342:19,20 343:1,2
383:3

juveniles 383:5

K

Kanawha 235:4,11
247:20 268:5 316:5
341:22

Kauffman 23:18
31:3,18 64:20 68:12
184:3 189:14 345:15,
22 358:10

Keith 235:13

Kenny 273:3,7,8
318:12

Kesner 281:24

Ketchum 5:11,19,22
14:11 15:22 21:5
29:24 52:23 62:15
68:1,3,4 79:5 80:14
85:24 151:10 154:13
161:16,23 182:8,11,
20,23 213:5 283:21
388:17

Ketchum's 79:9,20
80:7 81:9

Kevin 301:17

key 50:4 157:4 265:13
350:19

kid 284:11

kind 20:21,22 66:9
92:7 95:10 155:16
159:17 162:22 227:21
234:14 280:12 302:8
311:22 323:5 331:12
362:22,23 366:1
369:16 370:23 373:3
374:18 378:19 387:22

Kirk 90:23 199:6

kitchen 300:18

knew 154:17,19
156:20 158:18 178:15
232:17 291:20 311:14
368:1

knowing 219:6
351:19

knowingly 302:7

knowledge 30:12
67:20 69:14 71:4,17
72:7 73:2 84:2,21
89:13 92:12 95:5
97:18 101:2,13
102:21 104:4 107:22
108:1,20 112:5
120:17 124:18 144:1
149:24 154:22 163:6
165:21 166:7,10
167:11,16 170:20,23
172:19 175:18,22
191:11 204:1 233:1,2
234:12 236:10 239:9
241:9 242:10 243:12,
13,18 257:13 263:2,7,
19 264:10 266:21,22
268:23 270:14 274:24
278:6 282:23 283:18,
19,21 293:20 297:3
305:5 306:10,20
308:3 310:15 313:18
360:7 364:10 366:8,
23

knowledgeable
155:15

L

labor 234:19

lack 76:7 153:16
162:9 256:22 281:19
331:8 343:24 344:11
364:1

ladings 296:5

laid 39:15 341:7

land 266:8

landlord 377:24

Lane 107:8,9,11
111:6 202:18,19,22
206:2 249:24 250:1,3
252:1 290:11,13,21
327:22,23 328:1
329:5 358:16,18
360:10

Lanes 235:14,15
247:14

language 26:2 70:17
113:6,11,16 170:23
216:7,9,12,15,18
228:2,5,8,14 319:19

laptop 303:16

larceny 248:17 249:4,
5,8,9,20 257:23
258:1,5,7,18 294:5,11

large 9:17 37:13
194:15 212:1 316:2,
15,16 320:7,12 323:2,
14 337:8 341:15,21
344:18 351:11

large-denomination
331:1 344:13

large-value 320:14

larger 340:15 385:24

lastly 61:14 92:20

late 380:9 388:17,20

latitude 221:18

law 6:11 52:13 83:11
142:24 150:10 179:11
193:13 233:12 249:4,
8,13 269:1 276:20,21,
24 280:22 295:19
302:4 312:7

lawfully 267:11

laws 180:24 381:22

lax 13:20

laying 90:4

layman 198:11

lead 8:17 368:9

leaders 350:19

leading 7:13 8:18
200:13

leads 55:16

leap 308:20,23

learn 117:2

learned 138:12,14

leased 377:21

Leasehold 355:4

leasing 377:24

leave 123:21 323:12

leaving 109:7 159:3
195:2

led 171:13

left 16:4 68:16 71:6
91:14 122:19 153:6
158:19 159:6 178:7
185:16 188:8 190:20
212:3 272:21 315:11
320:19 340:23 368:24

legal 23:17 54:10
148:4 174:20 193:4,
10,15 207:11 248:14
356:1 374:13,15

legally 104:6

legislation 15:10
180:20 336:15
381:23,24 383:13

legislative 15:8,13
18:2 31:12,24 35:16
45:5,17 50:8 52:14
53:5 54:6 64:12 67:15
90:5 123:7 124:12
148:5 162:3 166:4
171:21 198:12 229:23
230:1,9,16,17 231:1
242:23 280:6 281:6
314:8,11 315:1,6
318:8 343:6 346:10
371:15 377:19 383:17

legislature 127:16
162:3 180:23 229:22,
24 230:2 231:11
243:10 274:13 277:20
281:3,6,10 295:17
311:24 314:10 330:11
336:7,10,15 350:13
363:21 370:24 372:6
381:2,10,22,24
382:24

legitimate 152:16
193:19

length 7:5 102:24
103:1,3,4

lengthy 7:11

lesser 13:3

lessor 377:22

let alone 191:7

letter 53:4,7,16,22
54:2 56:17 62:19
79:11 80:6 159:20
318:22 319:1 331:2
352:8 366:20

letters 79:8 80:2
266:7

level 196:7 299:20
332:12,14,15,16

levels 332:6

leverage 10:16 11:1,
8

levied 361:12

liability 145:8,15
146:14 210:4,5,8

license 142:18

licensed 210:14

lied 333:20

life 117:3

lifetime 7:17

light 22:17 74:14
147:14,15 150:4
176:20 184:11 222:8
231:21 281:4 363:11

likelihood 122:8
169:15 344:8 383:23

limited 10:18 101:10
218:21 312:13,14
321:10 328:19

lines 186:15 187:15
265:24 283:16 341:12
372:18

links 175:1

list 38:12,13 50:4 60:1
191:2 207:10 273:24
316:13

listed 47:3 48:17
104:3,9,11,14 112:19
148:15 153:4 167:10
186:19 193:24 195:14
209:16 227:8 357:4

listen 29:15

listening 20:9

listing 46:11 184:22
199:15

lives 117:12 198:4

269:9 327:12

Lloyd 312:5

load 268:2

loaded 235:7 311:7

loading 235:10 268:4
311:10

local 6:18 332:12,15

locate 113:4 239:20

located 64:9 184:9
234:23 247:13 348:16

location 47:6 100:2
103:23 120:14 190:18
206:17,22 207:19
213:8,22 214:18
234:16 237:20 239:15
273:24 350:10 378:5

locations 92:14
103:13 120:10,13
185:2,6 191:4

lock 167:12

locked 157:3,4

lockout 273:6

lodging 57:24 71:11
118:13,20,21,23
119:19

log 37:7,10,12 38:7,15
39:1,3,20 42:24 55:3
56:1 59:12,19 63:12
64:6 70:9 121:21
161:13 176:16,24
217:17 218:8,15,22,
24 319:22 320:10

logistical 20:24

logs 319:23

long 5:24 18:21 32:2
93:15 124:2 166:11
172:21 206:6 230:3
271:5,20 324:17,19
345:4,11,12 367:7,8
369:14

long's 367:8

long-term 383:9

longer 144:17 259:20
280:3 325:2

longstanding 135:4

looked 25:6 37:22

46:20 49:1 51:2 55:6
59:10 60:13 93:1
166:19 176:22 179:19
205:9 231:15 261:1
342:22 347:1 367:14
376:16 384:10

looping 383:6

lose 294:19

losing 135:21

lost 23:5

lot 6:9,15 8:18 9:3
25:13,14 49:5 66:15
88:4 91:20 125:19
140:20 153:16 167:23
197:8 280:19 292:15
295:11 299:24 303:6
345:1 369:23 382:9
384:6

lots 140:20

Loughry 29:19,23
30:2 38:1,5,8,13
40:16 41:19 44:5,12
45:3,12,13,14,20,24
46:12 47:14 50:9,13,
19 52:20 53:1,5,10,16
72:19,21 73:22 74:8,
11 75:1 81:12,20
82:20 83:20 95:4
100:6 102:20 103:10
104:7 120:2 123:7
124:21 125:8,15
138:15 139:8,9
141:17 144:18,22
147:6 148:20 152:1,
20 153:3 157:20
159:24 160:3,10
161:15 162:6,9
167:12 175:4,8
180:13,15 183:15
184:19 185:8 188:7
190:4 194:1,9,13,23
195:20 197:2 198:23
199:2 201:6,16
205:23 207:13,17
211:5,15 213:3,21
214:14 217:11 219:12
233:11 235:9 246:18
255:24 257:11 260:16
261:7,18 263:4
264:16 266:16 269:9
276:3,6 277:12 278:2
289:3 291:5 292:1
293:8 294:10 305:16
309:15 346:19 347:2

368:1

Loughry's 39:17
43:24 44:19 45:5,18
52:12,19 84:23 141:8
154:13 156:1 186:21
189:8 200:18,22
214:2 217:3 232:19
233:10,19 234:4,10,
15 235:5,16,22
236:11,13,15,20,24
237:6,12 241:11
246:20 247:20 250:7,
12 255:17 258:14
260:10 261:9 269:10
270:16 271:11 272:16
273:17 275:13,21
292:7 296:13 305:12
307:12 313:4 385:3

love 180:10

Lovejoy 114:23,24
115:4 117:16 209:4,5

low 11:4

lower 339:20,22
350:17

lunch 84:19 126:23
127:2 194:19 195:3,7,
11,12 196:21 197:3,5,
17

lurch 21:1

M

machine 282:15
283:13,22 284:8
296:23

machines 245:12
263:3 283:16,20

made 18:3 25:8 26:2
44:5 50:13 53:11
54:10 55:1 59:15
62:15,22 64:11 79:22
81:8 86:19 88:11
115:24 127:8 132:9
133:10 137:13 142:7
145:3 149:3,10 151:6
153:17 159:8,15,17
161:9 162:4,8 163:2
172:9 173:5 175:4
177:19 181:22 203:15
208:11 210:24 214:15
216:6,22 219:3,4
221:17 222:21 226:21

231:11 234:13 235:16
236:14 239:22
240:14,15 246:9,13
255:21 257:9 259:10
260:16 288:9 304:5
305:11,20 306:6
308:8 311:24 317:9,
18 319:20,21 320:1,3
323:9 324:1,3 325:11
331:20 335:7 341:9
343:7 350:5 361:14
362:1,3,6,8,10,12,17
363:4,8 381:10

magistrate 175:12,
20 299:21

magistrates 251:7
350:9

magnetic 287:23

main 99:7

maintain 207:10
209:15 281:9 316:1
338:22 366:4

maintained 37:7 61:9
70:4 179:4

maintenance 143:6,
8 355:14

major 298:22 351:4,7

majority 181:2
322:19

make 13:13 17:2
18:14 21:12 22:9
26:18 27:3,6 28:19,20
35:20 48:9 51:5 53:22
58:8 79:18 81:6
106:15 110:24 114:8
119:15 127:22 129:13
140:24 143:13 160:2,
4 161:14 164:15
165:7 168:14 173:8
174:20 181:11 184:20
192:21 204:4,8 209:8,
17,18 214:23 225:18
234:5 238:14 248:11
252:18 275:14,22
281:3 284:15 297:7
307:13,17 310:14
319:13 321:18 323:9,
12,15 338:4 342:2
351:19 363:24 365:17
370:4 372:19 380:15
381:6,7,19,21

makes 127:11 143:15
180:18 224:7 225:17
265:14 280:1 363:14
369:5

making 127:9 138:6,8
160:23 163:16 199:17
257:7 292:9 307:22

maladministration
20:10 372:17

malfeasance 371:20,
24 372:17

man 128:19

man's 233:14 266:8

management 64:17
85:21 87:6 110:16
126:1 151:8 154:23
231:15 325:16
347:16,24 369:21

manager 32:9,10,13
89:3 229:24 230:16
231:1 325:7

managers 13:9 21:15
23:24

Manchin 14:3 23:1
128:17

mandate 330:8,11
384:11

manner 59:4 244:12
253:21 281:15 337:14

March 53:3,4 85:19
88:23 149:2 318:15,
19

Mark 23:21

marked 105:12
167:21 318:22

market 238:23 239:2,
4,6,12,13,18,19

markings 245:16

Marsha 23:18

Massachusetts
219:16

master's 32:22
230:22

match 103:17 105:2
155:18 187:12

matches 371:3

matching 214:1

material 260:23
339:18

materials 209:11
215:20

math 9:24 387:18

mathematician 9:24

matter 17:13,15
76:15 98:11 107:1
127:20 136:8 145:19
148:4 264:3 280:22
303:23 304:7 317:3
323:6 362:10 379:16
381:18

matters 115:14
127:12 165:8 321:5
339:10

meal 21:10 71:13
96:21 109:24 125:19
194:18

meals 84:17,20 95:20
194:16 197:14,15
321:5

meaning 46:1 187:1
276:5

means 22:13 74:15
75:17 77:7 83:7
92:13,17 200:4,9
232:9 251:14

meant 37:3 67:6

meantime 389:1

measures 382:5

mechanical 181:7

mechanism 317:21
320:13 364:16

mechanisms 243:7

media 35:13 231:10
232:15 236:16 245:8
270:22 272:14,15
318:11

meet 22:24 29:22,23
59:22 60:7 68:9
133:20 156:17 170:16
339:8 374:24 388:21

meeting 5:2,7 22:11
29:18,21 30:9 58:1
62:12,13,18 69:9
85:19,20 88:22 89:9

128:12 129:4,20
131:18 133:21
138:15,18 151:7
215:14 270:12
347:14,18 362:20
363:5,9 364:8

meeting(s) 129:20

meetings 29:21 30:5
89:4 182:6,7 271:14
339:9 341:22 378:21

member 15:5 100:9
127:22,24 145:19,24
176:2 189:17 216:3
361:10

members 6:7 9:5
15:2,6 16:5 17:3,10
21:12 26:17 27:6,8
34:17 44:13 45:8 84:9
128:9 129:1,12,23
130:13,15,20 131:10,
12,16,21,23 135:19
136:14,16 137:9
139:10,13 144:23
166:15 183:11 184:6
185:22 220:12 221:7,
15 231:11 238:19
314:13,24 315:10
326:3 327:19 332:5
388:16

membership 26:14

memo 40:19 41:9,10,
15 42:8,19 43:1,22
44:11 61:5,8,11
65:20,23 66:3,11,13
68:24 69:2,9,10 90:21
91:7 123:17 124:12
149:19,22 150:1,3,6
154:20 158:7,12,15
346:18 347:1 349:11,
12,14,15 350:1,3,6
351:2,24 352:7,11,21
361:7,9,14,18,20
362:2,6,11,13 369:19
379:2,13,17 384:8,11,
23 385:14,17 386:1,7,
9,12,21 387:2

memo's 386:23

memorandum 20:16
41:8 42:15,18 43:5,8,
13,15 199:6 347:7
362:24 385:11

memorandums 42:6

memory 132:3
159:21 313:15

memos 41:21,23
44:6,13 91:3 378:3,6
385:2,7

Mendez 237:13,16
269:18,19,20 271:17
290:3

mention 36:21 40:18
41:21 65:19 235:3
362:8,11 363:11

mentioned 11:16
19:2 23:12 30:22
32:24 37:11 67:8 68:9
82:22 86:14 89:15
99:23 110:5 117:14
151:8,9 157:14 182:7
184:24 191:17 195:16
217:23 228:1 233:5
235:2,3 284:2 288:14
293:11 311:4 312:22
323:5 346:21 364:7
382:16

mentioning 223:18
382:14

mentions 129:7

mergers 6:16

Merriam-webster
279:9

met 29:24 68:1,4
182:16,17 306:20
366:16

method 16:6,22
76:17 92:18 259:11

methodology 230:23
323:2 337:8

methods 56:3 317:11

mic 184:15

microphone 30:18

mid-century 240:10

middle 16:8 351:15

midnight 137:2

midway 85:24

mike 372:14

mil 375:5

mile 234:20

mileage 46:9,17,22,
24 47:2,10 48:16
49:3,6,13,14 72:9,24
73:3,6,9,16,23 74:1,2,
12,17 75:12,14,16
76:14 81:21 84:23
91:20 92:6,22 93:4,14
95:24 100:7 194:4
247:16

mileage-wise 220:9

miles 45:22 47:5,11
48:12,16,18,19 49:7,
15 72:13 73:11,12,13,
14,15 75:21 84:24
85:3,5 95:15 96:3
102:11,14,16,17
103:15 105:5 106:10
120:20 121:10 147:17
167:20,22 168:2,3,7,
8,9,23 169:10,16
194:12,13,17,18,19,
21 196:21,22,23
197:9 211:8,22,24
212:1,10 234:20,22

Military 67:16 290:5

Miller 24:1 132:13
136:20 137:3,12,17,
20 138:2,4,9,12,21
139:2,6 140:13,14,17
151:16 209:21,22
210:1 215:4 256:8,9,
12 257:15 262:13
301:21,22 361:2,3,6
366:24

Miller's 127:4

million 23:6 257:1,2
348:12,13,22 349:17
353:13 354:19 355:1,
10,12,20 356:2,4,9,
11,14,15,22 358:24
359:3,5,9,10,17,19
363:16 367:10,16,19,
20,22 369:13 370:17
371:9,10 375:5,6,9,
10,13,18,21 377:3,7,9
387:12

mind 5:10 20:19
23:11,15 135:17
303:21

mine 338:16

minimal 180:5,13
362:6

minimis 141:3 202:7
266:5,10 284:2,3,14,
20 303:11

minimum 119:18
221:12 364:19

minor 125:12

minority 24:7,15,20
25:22 27:2,12,24
131:3,6,17,24 132:5,
8,14,17 133:3 134:2,
5,9 135:2,11,16,20
136:1,5 140:1 165:24
166:3 169:17 215:8
222:16,18 285:3,8,13,
21,24 286:16,21,24
287:4,17 310:21
311:1 312:18 333:4,7
334:3 380:4,7 384:17

minors 230:23

minute 13:21 14:12

minutes 5:13 115:15
127:2 215:14,16,20,
23 216:20 346:14
378:20,22 379:12,15

mirror 232:7

mirrors 354:7

Miscellaneous
356:2

misdemeanor
243:23 286:12 287:16

misdemeanors
20:12

mismanagement
23:4

missing 61:1,11,12
69:1,3,8,11,12,15,20
156:20 157:9,18
158:10,16,18 161:20
232:24 236:6 277:24
278:1,24 286:22
289:14 290:18 296:4
297:18 310:3,13

misunderstanding
341:24

mitigate 181:5

mitigating 302:11

modeled 7:14

modern 26:1

moment 6:6 27:1
31:7 64:21 118:6
124:5 138:24 148:22
155:15 172:20

Monday 87:17

money 80:15 81:22
91:21 99:8 110:3,24
119:24 326:16 327:13
328:2 343:21 344:2,
15 346:16 348:10
349:22 352:19 359:23
360:6 363:24 372:7
376:17 379:3,5,6
380:24

monies 208:16

monitor 317:8

monitored 332:9,10

Monterey 47:20
104:19 188:11

month 216:21 319:23
321:10 325:14
328:19,21 334:11

months 33:18 318:15

Montreal 75:21
102:10 104:18 105:2
187:15 188:1

Moon 238:14 240:12
297:14

morning 5:1 18:16
118:18 129:2 138:14
190:20 209:10 271:23
346:1 389:3,9

motion 26:6 127:22,
23 128:5,8,19 129:7,
13,14 130:8 134:1,7
136:6,7,9,11 138:8
389:2,8

motion's 28:11

motions 26:17 27:6
127:7 133:9 135:22
136:11 138:6

motive 22:2,4

motor 145:10,18

mouth 191:20

move 28:4 29:11
30:20 34:12 36:9 39:8
40:7 42:14 45:2,8
49:20 51:19 58:6 84:5

128:2 129:13 130:7
132:11 136:18
140:11,12 186:13
187:24 188:11 202:16
267:16 269:15 275:23
277:4 278:10 279:2
281:23 293:1 304:13
305:14 306:8 307:9
326:7 345:23 349:10

moved 101:18 232:18
233:16,18 234:1,4
235:24 236:11,13,21,
23 237:14 247:7,15
250:13 252:18 254:23
255:4,5 260:4 266:15,
23 267:19,23 269:1,5
270:10,16,20,24
271:3,10 272:11,22
273:17,18,20 275:14,
16,22 277:4,8,9
278:8,10 285:18
296:11,13,15 304:7
305:4,12 308:10,15,
17 309:1,4 313:5

movement 266:23
276:4

mover 128:8,19 129:7

moving 134:1 215:24
228:17 233:24 234:6,
9,20 235:6,12 247:6,
13,19 257:7,9 266:16
267:19,24 268:1
269:7 271:15 273:4,
15 275:12,18 276:1
277:11 291:23 292:6
296:5 305:13,15,22,
23 306:8,22 308:5
311:5,13,16 355:19
356:7

Mullins 68:24 155:23

Mullins' 156:12

multiple 212:21
213:6,8,11,13 231:10
232:15 241:14 251:2
264:16 323:21

Murder 6:15

Murdered 117:6

N

nailed 308:21

name's 31:11

names 120:3 269:24

narrowed 178:19

nature 49:17 89:11
157:1 194:24 338:5,
10 366:5

nauseum 118:2

Nebraska 47:20

necessarily 177:1
261:14 316:24

necessity 80:19

needed 15:11 17:2,4
37:8 88:6 97:6 142:2
149:20 154:5 160:17
171:10 180:8 196:12
231:12 305:23 307:16
321:19 323:13 331:3
335:19 350:9 363:22

needing 119:1

needn't 168:18

neglect 20:10

neglected 67:7

negotiate 11:8,20

negotiations 11:2

neighbors 272:21

net 358:7

neutral 280:12

newest 184:13

News 324:21

newspaper 309:20

nice-looking 288:17

night 106:9 109:3,13,
15,17,23 119:14,19
190:7 300:2

nights 6:10 118:3,4,
11,13,15,21,23
119:10

nineteen 6:12

nominated 7:22

non- 162:20 384:6

non-attorney 294:3

non-government
145:9

non-state 146:4

noon 21:3

normal 174:12,15
207:2 269:13 300:17
365:10

north 290:20

notated 302:22

notation 51:20 53:3
56:21 57:11 63:3
153:9 352:19

notations 39:17

note 46:7 61:21 62:17
101:17 128:8 129:5
139:12 141:19 162:17
170:15 174:14 175:2
184:12 188:19 209:8,
18 244:11 322:24
352:14 371:4 372:6
383:20 384:11 386:21

noted 38:7 39:3,19
40:9,11,15 41:14
45:19 46:3,8,17,21,23
48:6,9,13 51:7 53:6,
13 55:5 59:8 63:12,22
64:5 74:21 75:2,19
94:18 95:11,22
115:23 125:5 152:5
161:12 174:9 175:13
176:16,23 178:10,13
180:2,12 181:5 182:8
203:6 204:20 206:16
207:6,24 212:3,4
213:5 216:5 217:7,24
218:24 219:2,11
236:1,4 244:1 317:8
328:24 342:22 346:13
355:2 356:12 365:23
369:19 375:11,14
378:3 379:13 382:17,
18

notes 39:2 55:12 62:7
163:16 175:7 204:22
208:10 270:11
271:14,22 349:20
350:16 351:1 352:23

nothing's 24:3

notice 14:24 27:23
31:15 100:23 206:13
229:13 315:16

noticed 174:13

noticing 341:5
notified 86:1 319:1
notify 122:1,2 154:24
 315:11
noting 45:4 98:14
 153:11 224:1 370:10
notion 282:9,24
notwithstanding
 309:2
November 57:14,16,
 17 267:20 269:13,14
 270:10,17 347:8
 384:23 385:14
num 279:24
number 6:1 14:9 19:8
 26:5 27:7,13,15,16
 33:12,13,19 34:12
 35:4 36:4 39:3 40:22,
 23 41:16 42:2,15
 43:5,12 44:11 46:10
 47:5,11,17 49:15
 52:10 53:21 54:16,17
 56:7,22 57:12 58:6
 60:1 61:2,4,16 62:10
 63:2 64:10 66:9 74:16
 117:11 129:12 130:11
 154:8 178:20 179:24
 180:5 184:17 185:11
 186:5 210:23 213:17
 217:22 233:6 234:14
 240:20 265:13
 279:11,24 280:17
 302:20 317:14
 319:11,14 340:8
 347:2 357:21
numbers 184:14
 197:8 364:3
numerous 18:20

O

OASIS 374:6
oath 345:18
object 374:7,21
objected 216:3
objection 216:6
 229:1
objectively 372:3

objects 278:1,24
obligation 7:8
obligations 300:8
obsolete 280:16
obtain 60:22 69:6,7,
 13 70:6 75:18 156:2,
 5,17 159:18 160:17
 338:12 340:16
obtained 9:11
obtaining 157:14
obvious 91:1 105:3
 127:1 162:2
occasions 45:19
 270:5
occupant 145:10,20
 232:10
occur 7:10 361:21
 367:9
occurred 22:2 120:16
 125:12 153:9,20
 158:7 170:8 185:2
 187:2,17 191:8
 206:15,17 207:16
 379:13
occurring 80:21
 192:2 207:4
October 76:24 77:4,7
 81:16 82:5,17 87:8,19
 88:3,8,20 114:7 173:2
 204:21 217:1,13,24
 218:3 230:16
odd 293:1
odometer 73:15,19
offender 322:22
 323:1
offense 318:5 338:9
offensiveness
 174:16
offer 133:4,11
offered 130:2 133:22
offering 136:6
office 5:17,20 11:19
 14:15,19 18:18 30:23
 34:2,5 35:16 37:17,22
 51:4,17 53:18 54:6
 64:17 76:16 82:6,10,

11,14,24 83:2 87:10,
 12,23 88:3,5,10,13,21
 110:21 112:22 113:1,
 18 117:1 126:17
 150:14 156:24 157:2
 160:10 162:4 164:1
 165:12 166:12 167:1
 170:5,12,17,21
 171:10 172:10,15
 184:10 185:6 199:23
 208:17 216:24 225:3
 230:12 234:4,5
 245:11 246:20,23
 252:14,15,22 260:24
 261:9 262:2,15 269:1,
 12 270:3 275:14,21,
 22 282:11 289:4,5
 290:3 292:6,10
 293:15 296:19 297:1,
 2,6 299:17 300:21
 301:3 303:16,17
 304:14 305:12 307:12
 315:4,24 316:5 317:5
 318:20 321:11,17
 322:21 323:1,8 324:4,
 21 325:16 328:19
 329:20 331:9,11,18
 334:13,24 335:8
 338:22 339:16 340:3
 342:1,3,6 343:7 353:7
 354:18 355:15 357:13
 360:21,24 364:17,21
 365:3 369:21 378:18
 380:14
Office's 34:6 331:22
officer 14:16,18
 151:3 210:6,11 237:7,
 9 241:22 325:8
officers 97:19 117:12
 150:13 209:14 269:21
 337:14
offices 167:1 252:9
 260:17 293:9 299:18
 315:24 317:6 325:20,
 23 332:16 335:2
 336:14,19 339:17
 372:15
official 14:20 15:1,5
 76:2 102:9 121:8
 164:9 165:19 167:8
 248:4 300:11
official's 6:23
officially 306:21

officials 7:3,9 165:14
 166:8 167:3 299:20
 300:6 339:12
oftentime 181:14
oftentimes 47:23
 48:4,15 49:1,13
 121:23 207:9 232:2
 316:15
okayed 110:11
older 166:5
Omaha 47:19 187:24
omitted 27:13 120:23
on-line 121:22 122:13
one's 19:7 148:3
 164:1 165:9 265:5
 297:5
one-sentence 29:4
ongoing 67:11 353:7,
 18,19 357:2
op 293:11
open 19:16,17 20:3
opening 6:16
operate 27:23 280:8
 330:9,11 363:22
 384:12
operated 112:16
 210:19 364:20
operates 281:15
operating 364:3
operation 73:4 280:9
 339:3
operations 111:3
 222:11
operided 364:20
opinion 133:14
 145:21 146:8 147:11
 164:12 173:22 191:19
 195:13 221:23 239:21
 240:3,20,22,24 244:3,
 13 251:24 253:22
 254:5,13 259:6
 264:23 265:12 284:10
 288:22 302:22 303:7,
 18 304:1,2 381:18
opinions 240:16
 284:17

opportunity 7:12
 30:13 59:21 378:19
opposed 45:9 195:21
 205:19 234:16 249:9
 262:12 386:2 387:6
 389:8
opted 216:13
option 45:24 49:1,6
 92:2,6 146:12 196:4,9
options 93:18
orange 40:1,3 201:15
oranges 75:7
order 5:2 11:1 12:1
 13:12 14:21 15:20
 24:19,22 25:2,23
 28:3,7,11,12 30:11
 82:24 106:10 122:10
 129:8 130:12 131:4,5
 132:24 139:4,5
 225:11 323:13 385:13
orderly 279:12
orders 150:24 365:12
ordinary 311:23
organa 191:5
organization 174:22
 175:10 185:23
organization's
 185:21
organizations
 120:11 169:4 185:4
 191:6 207:9
organized 18:13
original 181:9,18
 182:1,2 216:9 226:18
 228:4 232:18,21
 233:3 242:11 273:14
 274:11,22 298:13
 309:18,22
originally 137:4
originals 181:21,23
 182:4 183:4
ostensibly 317:18
other's 208:11
ourself 12:16
Ourt 99:12

out-of- 221:21
out-of-state 45:6,20
 75:4 148:19 184:19
 203:1 205:8 220:20
 221:1,8 222:20
 223:22 224:4,19,21
outdated 88:5
outfit 339:19
outfitted 339:22
outlined 17:12
outlining 107:19
 381:12
Overington 111:12,
 13,16 114:21 206:4,6,
 11 209:2 252:3,4,7,23
 298:2,3,5 301:5
overnight 71:10
 116:21 118:3,4,11
 190:19
override 135:4
overseas 108:19
oversee 339:2
overseeing 42:24
 143:6
overseen 340:3
oversees 325:12
oversight 83:3
 338:19 340:5 381:1
overtime 179:22
overturn 6:22
overwhelmingly
 22:21
owned 90:5 145:11
 167:4 200:4,10,11
 201:3 202:6 254:8
 265:16
owner 378:9
ownership 254:3,6,9

P

P-CARD 94:9 95:9
 162:14 315:23 318:1,
 3,4,6 319:3,6,21,22
 320:4,10 322:3 323:7
 325:5,10 329:15,18,

20 331:16 333:17
 334:8,11 335:1
 336:23 341:15 344:18
P-CARDS 318:10
 329:13 334:16,18,22
 335:3,4 336:11,12
 337:13
packed 19:18 292:20
packet 18:16
pages 18:10,11,22
 36:8 37:14,20 65:7
 77:19 86:15 128:21
 142:13 199:14
 373:10,11
paid 62:6 73:22 80:15
 91:19 95:5 98:17
 103:20 104:23,24
 105:2,8 112:6,7,9
 116:20 125:21 126:3,
 4,15 152:10 168:5
 195:1,20,23 196:2,12,
 18 197:15 203:3,5,7,
 8,17 207:20 213:2
 235:19 251:24 262:7
 276:16 326:17 328:10
 342:18 378:7

painstakingly 80:4
Palm 85:4
panels 120:7
paper 122:13 293:4
par 26:23 44:4
paragraph 49:21
 50:2 54:2,4 57:13
 211:2 328:14 346:17
 349:20 350:2,16,23
 351:14 352:22
paragraphs 128:13
 382:19
paraphrasing
 282:14
pardon 183:24 214:3
 216:7 361:19 380:16
paren 274:17

Parkersburg 57:21,
 22 58:2,3 71:8,10,15,
 19 72:5 96:20 100:2
 105:15,18,20,24
 106:4,8,10,11,12,16,
 22 109:3,8,10 111:18

118:18,19 119:16,17
 140:22
parking 46:5 49:2
 195:19 205:7 226:19
parliamentarian
 26:24
part 9:11 38:16 40:8
 43:11 49:24 59:21
 67:19 79:23 85:19,24
 103:16 121:5 138:10
 164:1 165:4 180:19
 181:24 213:10 232:8
 247:5 272:24 285:17
 299:11,13,14,21,22
 301:1,2 311:3 335:11
 346:6 347:17 370:9
 371:20 374:14 383:4
 384:5 385:24
partial 109:19 257:4
partic 49:12
participant 30:4
 321:5 329:2
participants 317:2
 321:19 326:18,19
 327:1,4 328:8 342:18,
 20 343:22 344:2
participate 66:22
participated 10:14
 23:24 237:5 328:9
parties 139:16
pass 202:11 215:8
 244:24 262:9 372:14
passage 287:5
 380:11 381:14,22
 383:2,12
passed 5:9 25:20
 129:16 222:15 325:14
 336:15 381:10 382:24
passenger 145:10,20
past 32:10 101:5,7
 239:21 242:3 245:5
 355:1
path 52:1
pattern 40:9,10 259:3
Paul 237:16
pay 82:7 94:13,16,20,
 21,23 104:19 203:11
 277:11 278:19 283:23

303:23 326:20 328:5,
 10 382:24
paying 197:17
 283:15,22 328:9
payment 51:5 172:6
 233:23 321:4
payments 261:2
 277:14 356:2,3
 374:14
payoff 383:9
payroll 149:15
 150:13,14 354:18,19
 355:1,19 356:10
 382:14,15 384:5
payroll-related
 355:8
pays 143:8
pen 284:9,10
penalties 317:24
 338:3
penalty 243:14,20
 285:22 286:1,3,9
 302:8
people 7:18 11:10
 25:19 107:24 162:4
 236:16 237:14 249:10
 273:6 292:15,20
 293:5 300:15 383:8
perceived 210:17
percent 10:1 38:18
 130:19 131:21
percentage 38:17
 39:5 316:9
perception 24:3
perfectly 118:22
 343:8 345:13
perform 51:4 248:3
Performance 35:15
performed 235:7
 268:1 291:23 374:9
period 7:8 11:13 14:5
 33:18 37:22 38:6 55:1
 59:9 98:4 101:7
 124:16 179:7 205:10
 241:12 249:18 288:4
 289:5 363:10 368:5
 375:23 383:2

periods 101:10
 153:21
permanent 249:6,12
permanently 249:16
permissible 118:22
 119:1,12,14 130:9
permission 225:11
 226:2 233:20 266:18
 267:5 268:23 326:23
 335:12,13,18,19
permissions 51:9
permit 16:19
permitted 15:8
 134:3,6 278:14
permitting 107:12
person 16:7 22:2
 41:17 69:4 73:5 126:5
 128:19 132:12 136:19
 140:24 161:2 162:24
 164:9 165:9 243:21
 258:22 259:2 263:5
 266:21 271:24 279:18
 286:7 288:19,20
 334:10 365:1
person's 210:22
personably 196:18
personal 18:23 22:3
 46:21,22,24 48:3
 49:16 50:14 51:15
 53:12 57:5 60:13,22
 65:3 66:7 72:10 76:9,
 12 92:23 93:5,14,19,
 20 94:11,23 95:2,3,8,
 15,20 96:15 97:8,9
 121:9,11 146:13
 147:3,9,13,17,18,20,
 22 148:11 150:2,3
 152:2,9 154:17
 155:17 163:20 164:8
 165:9 168:15 169:13,
 16 173:17,24 174:5
 177:8 181:5 182:21
 194:4,24 195:10
 197:6,12 198:4 202:7
 204:7 207:20 210:7,
 10 220:3,17 223:22
 249:6 258:9 260:23
 264:22 266:2,7
 283:17 288:22 300:3
 344:24

<p>personally 68:10 179:4 182:5,18,21 238:2 260:22 332:7</p> <p>personnel 67:2,22 68:8 149:14 248:2,4 361:11</p> <p>persons 318:5 365:1</p> <p>perspective 231:16</p> <p>pertain 134:17 135:1</p> <p>pertained 148:15</p> <p>pertaining 186:18</p> <p>pertains 133:17 253:9</p> <p>pertinent 130:14</p> <p>Pew 383:11</p> <p>phone 182:22 300:9</p> <p>phones 283:24</p> <p>photographs 272:1, 13</p> <p>phrase 228:3 279:8 280:12</p> <p>phrased 371:23</p> <p>physically 366:7</p> <p>pick 298:7</p> <p>picked 205:13 259:18</p> <p>Picking 190:2</p> <p>picture 237:23 246:5, 7 260:22</p> <p>pictures 236:18 238:4 261:3,5,6 271:3 273:4</p> <p>piece 243:16 288:17 298:19</p> <p>pieces 232:5 300:10</p> <p>pike 369:7</p> <p>pilot 384:4</p> <p>place 21:15 36:19 83:9 85:10 88:14 110:4 112:12 145:8 153:10 173:4 192:1 193:10 258:11 272:5 279:11 288:2 292:20 300:17 319:3 320:13 344:20 372:2 378:12</p>	<p>places 83:12</p> <p>plan 6:2 272:19</p> <p>planned 5:23 71:6 72:3 116:12</p> <p>planning 32:15 67:4</p> <p>plans 383:18</p> <p>plaque 288:15</p> <p>plate 142:22 143:17, 20,21 144:2,5,10 245:16</p> <p>plates 142:18 143:2</p> <p>play 111:3 200:6 258:22</p> <p>playground 254:7</p> <p>plays 7:18</p> <p>plea 11:2,9,20</p> <p>plowing 20:18</p> <p>plumbing 304:14</p> <p>podium 17:8 278:16</p> <p>point 9:19 23:7 24:18, 21 25:2,23 28:2,12 29:14,16 72:20 80:19 81:4,6 83:5,11 86:19 130:7 131:3,5 132:9 136:19 149:6 151:6 160:5 171:14 179:18 192:20 194:22 195:6 197:10 199:16 209:12 218:22 223:11 226:20 232:11 233:13 236:14 251:11 253:24 261:3 288:24 289:3 291:16 328:11 331:15 352:10,24 354:2 358:14 361:8 385:10 386:13</p> <p>pointed 79:8,20 267:14 330:23</p> <p>pointing 194:22 214:24</p> <p>pol 193:14</p> <p>police 301:18</p> <p>policies 36:13,16,17, 19 76:23 77:5,22 81:16,18 82:6,11,23 88:19 110:6 112:12, 16,23,24 113:16,22,</p>	<p>24 114:2,5,15,18 145:13 163:24 173:19 174:9 181:4 204:17 205:22 216:9,14 218:19 221:16,24 222:3,4,8,11 225:20 227:9,19,22,24 228:3, 4,9,10 328:17</p> <p>policing 114:15,18</p> <p>policy 71:3,24 72:8, 17 74:7,8 77:9,13,14, 16,20 82:2,4,13,16,18 83:4,11,16,23 86:3,7, 8,17 88:14,17 95:12 113:19,20 114:8,12 115:11 116:5 121:2,4, 16,17 146:19 163:20, 22,23 165:8,13,16 170:4,11,15,18,19,20 171:3,5,8,11,14,17,23 172:3,11,15,18,22 173:1,2,3,10,13,23 174:2,6,16 192:11,17, 21 193:14 198:16,19 204:2,13,15,18,19,21 210:22 215:13,15,17 216:4,21 217:5,12 220:11,18 221:5 222:6,9 223:2 225:22 226:1,9 227:16 228:15 252:13,16,19, 20 262:15,16 263:16 282:19,22 293:9,14, 19,21 296:24 311:24 321:12,20 380:14 381:5</p> <p>political 57:23 98:14, 17,19,20 99:2,16,21 100:13 109:8 119:2 230:22</p> <p>popular 278:19</p> <p>portfolio 23:7</p> <p>portion 45:11 199:12 224:3 232:14 241:1 283:23 298:23 299:10</p> <p>portions 80:5</p> <p>posed 184:6 362:12</p> <p>position 27:11 31:21, 23 32:3,8 44:20 67:10,15 134:10 229:22 248:4 263:24</p> <p>possession 41:3</p>	<p>42:4 233:2,7,10 238:7 258:12 384:24 385:22 387:6</p> <p>possessor 249:7,15</p> <p>Possi 168:20</p> <p>possibilities 169:11</p> <p>possibility 6:3 20:5 105:9 212:24 341:7 344:23 381:16</p> <p>possibly 60:23 83:14 95:19 126:9 152:23 153:8 154:4 158:8,16 162:15 168:22 193:3 208:7 293:5 325:3,24 328:14 357:12</p> <p>post 31:12,24 33:1,21 35:17 67:15 85:19 87:7 88:22 90:3 96:18 99:5 125:6 182:14 274:4 277:7 288:12 310:7 358:20 362:2,9, 20 363:5,9 364:7</p> <p>post-employment 158:24</p> <p>pot 373:14,20</p> <p>potential 49:15 76:8 102:23 150:1 151:9 155:1 177:8 192:13, 16 236:14 350:12 351:21 381:13</p> <p>potentially 26:5,18 74:19 76:10 110:15 174:20 208:17 357:19</p> <p>power 8:11 23:13 134:10</p> <p>powers 8:13 23:13 78:14 242:1</p> <p>practice 10:19 92:21 93:9 101:6,7 225:22 282:10 288:2 323:6 324:18,19 330:23,24 377:23 378:2</p> <p>practices 83:15</p> <p>practicing 6:11</p> <p>pre-approved 220:15 224:3</p> <p>pre-arranged 307:8</p> <p>pre-marked 40:23</p>	<p>precedent 245:5</p> <p>preceding 157:7 373:18 382:18</p> <p>precipitated 35:9</p> <p>precise 301:16</p> <p>precludes 196:5</p> <p>preferential 89:8 174:18 191:22 193:6</p> <p>preliminary 10:5,11 11:3 12:5 92:15</p> <p>premises 267:6</p> <p>preparation 128:11 166:20 300:4</p> <p>prepare 19:13 349:17</p> <p>prepared 65:24 129:9,24 166:22 240:7 347:7 349:14, 15 386:17</p> <p>preparing 19:5</p> <p>preponderance 12:8</p> <p>presence 5:4</p> <p>present 5:6 6:2 9:1, 12 12:24 13:10 16:18 138:17 139:13 158:20 237:11 241:12 246:3 256:18 257:12 317:15</p> <p>presentation 12:1 17:12 26:9</p> <p>presented 9:21 10:1 33:21 87:15 182:4</p> <p>presenting 281:5</p> <p>preserved 171:4,6</p> <p>president 7:22 230:12 231:14 240:12 362:13 363:1</p> <p>press 20:8</p> <p>pretty 10:22 12:4 38:21 73:4 78:14 110:18 159:12,22 240:5 312:1 323:4 388:19</p> <p>prevails 13:17</p> <p>prevent 127:24 174:17 381:14 383:6</p> <p>prevented 150:20</p>
--	--	--	---	--

173:13,23,24	pro 133:2	91:13 129:9 139:14 141:9 160:19 212:11 280:14 337:13 363:17,19 368:15	properties 239:24	56:11 57:8,9 60:16 78:12,18 79:21 84:18, 20 86:14 115:22 117:5,10 121:8 124:2, 12 125:10,15 128:3 147:15 153:5 159:20 175:6 181:8,9,12,13, 17,19 209:9,13 215:22 233:23 243:5 245:11 259:23 267:13 275:20 296:22 324:23 340:5 352:11 363:24 378:23,24 385:17,19 386:5,7,10,21,22,23
previous 35:15 159:5 200:14 376:14	probability 244:10		property 53:12 239:7,12,24 243:1,2, 4,6,7,8,16 244:16 249:6,18 251:1 254:9 256:16 258:9,10,11 259:9 260:9,17,18 265:4 274:15,19,23 279:21 280:10,11,14, 18 286:6 297:4 302:6 355:23 376:13,18	providing 58:18 80:9 145:4 191:7
previously 53:6 65:21 89:15 97:22 106:18 198:15 199:1 223:21 228:1 231:15 234:13 236:20 244:4 245:10 315:16 352:23	probable 11:4,5	processes 149:15	proportional 131:9	provision 127:11,21 274:17 280:1 286:8
price 239:6,13	probation 315:24 316:5 317:5 321:11, 17 323:1,8 324:3 325:20,23 329:20 334:12,24 335:2 336:14,19 337:14 340:2 341:22	processing 170:14	proportionate 131:12	provisions 221:21 242:16 243:15,17 244:1 274:16,20,21 286:10 287:11,13,14 340:14
pricey 372:15	problem 19:4,7 26:20 140:6 333:10 335:11 336:22 351:18 382:3	produced 128:17 183:6	propose 29:6	public 7:3,9 19:17 67:17 75:23 76:6 144:8 162:21 163:6 165:14 166:8,15 195:15,21 239:14 241:2,5,6,15 244:16 253:10,11,17,18,20 254:2,8,9,10,11,13 258:9,16 259:10 265:15 290:5 302:23 303:3,4,13,14 313:16 363:12
primarily 115:16 215:12 223:9	problems 319:2 380:11	product 125:11 183:4 376:23	proposed 26:10 28:5,15 29:5 54:7	Publication 202:8
primary 218:12	procedural 12:6 13:24 127:7,12 133:9, 11 134:21	profits 384:7	prorate 95:2	publicity 22:18
prime 322:22 323:1	procedurally 133:17	program 280:18,19 317:20 319:21 327:1, 20 328:5,6 330:6,10, 13,21 331:7,14,20,21 332:11,16 333:11,14, 17 336:2,21 337:3 344:4	proscribe 192:11	pull 123:10 196:16 233:20 270:11 271:14
principles 141:2	procedure 14:2 110:2 121:23 129:20 134:15,16 138:16 139:10,11 341:21 365:11	programs 326:20 327:12 342:24	proscribed 224:5 286:9	pulling 253:13 306:1
print 125:14	proceed 15:24 16:6 17:11 24:5 27:17 68:18 136:5 231:23 339:22	prohibit 280:9	prosecuting 258:4	punctuational 125:12
prior 24:10 29:14 32:7 69:11 113:11 115:10, 21 125:13 129:3 156:20 158:20 162:11 170:21 171:14 182:2, 14 203:15,17 208:24 215:17 217:24 225:15 226:13 233:12 238:8 246:20,23 249:7 310:1 335:16 340:17 342:1 349:1 354:14 355:3,4,6,9,10,13,14, 15,17,20 356:9,12,14 357:10 358:2,5 359:11,20 363:8 371:7,8 375:15 383:22 385:9 387:13	proceeding 5:11,15 7:23 8:7,8,20 9:2 10:12 11:22 14:2,15, 18 15:21 19:5 20:19 22:24 24:10 133:2 216:21	prohibited 195:2	prosecutor 10:20,24 11:7 308:22	purchase 91:24 146:11 203:18,22 315:22 317:1,7,13,19 320:7 321:3,19 324:22 331:16 335:14,15,17,20 336:2,24 338:4,13 340:17 341:8,15,17 365:11
priority 360:23	proceeds 9:3 12:20 18:24 20:20 30:3 128:16,17,23 129:12 165:6 330:7	prohibits 138:6 147:22 279:13,14	protect 29:10	
prisons 327:5	process 7:17 8:8,22 10:15,16,23 13:23 16:15,24 17:7 18:5 28:20,24 41:6 88:7	project 384:4	protection 89:2	
private 29:19 155:18, 20,22,24 156:1,9 164:1 210:18 241:3, 18 244:15,16 265:16, 19 266:11 283:6 302:24 303:13		projected 369:12	protested 361:23	
privately 182:16		projects 350:9 355:16 356:4 357:11	prove 12:11 317:21	
privilege 135:22		promoted 206:5	proven 147:8 251:15 276:20	
privileged 127:23		prompted 310:2,13	provenance 239:1 251:14	
privileges 139:9 318:4		prompted 310:2,13	provide 17:23 19:12 39:4,21,23 40:2 41:18 42:24 44:1 55:10 59:15 60:11,12 61:9 73:8 80:11 86:13 103:12 109:12 120:18 122:4 124:6 128:10, 15,21 129:2 147:9 189:16 201:17,19 259:24 261:12 275:23 305:14 316:11 344:11 348:17 352:4 372:3, 11 386:9	
privy 162:22		promulgate 28:9	provided 16:22 18:15,19 19:2 37:17 41:9 47:14 52:2,5	
		promulgated 340:9		
		prong 279:14		
		proof 12:23 255:18		
		prop 338:7		
		proper 82:13 91:9 111:1 172:7 181:4 210:4 316:13 344:11 364:14		
		properly 80:21 89:16 90:18 121:10		

purchased 92:1
100:24 316:2,15,17
320:8 323:14 324:16
325:22 336:1,3 342:7,
23 344:21,23

purchases 177:13
317:9,18 319:20
320:1,3,12 321:10,18
322:1,4,22 323:9,12,
15 325:5 328:2
331:20 336:19 341:13
342:2 356:3 363:15,
16 365:17

purchasing 91:23
94:22 95:9 241:8
303:5 317:4 320:6
321:18 323:2 331:1,
16 335:14,15 336:2,
18,20 337:4,5,8
338:4,6,8,13 340:1
365:15,19

Purdue 230:21

pure 119:14

Purple 238:14 240:12
297:14

purports 41:4

purpose 15:7 17:18
21:10 39:5,23 44:22
47:22 48:1,7 49:16
55:14 56:15 59:14,16,
18 60:12,15 63:14
71:5 74:19 111:1
122:4 145:5 147:15,
16 148:15 152:17
153:12 157:14,16
162:1 163:11 167:10
176:22 177:9 178:5,
13,18 195:10 199:3
219:4 284:8 335:23
374:18 378:2 388:3

purposes 15:5 20:24
66:7 70:7 80:22 81:10
92:23 141:23 147:3
152:4 202:7 344:6,16

pursuant 5:7 27:21
31:15 113:15 127:10
129:17,21 216:14
228:4,9 229:13
242:16 287:6,10
315:16

purview 231:5 364:12

Pushkin 101:17,21
102:1,4 106:23 107:5
202:17 245:20,21
246:1 248:20 249:22
290:23,24 291:3
293:22 294:2,9,13,16,
24 295:5 326:8,9,12
327:21 342:12,13,16
343:9

Pushkin's 257:22

put 20:1 24:21 38:17
45:21 46:17 49:13
73:23 74:17,22 96:3
98:21 100:8 102:17
103:14 123:4 149:1,
19 170:2 191:19
196:17 203:14 221:14
252:10 281:10 296:9
308:9 326:13 352:15
361:9 373:20

putting 21:15 66:16
74:9 105:5 196:11,16
197:9

Q

qualify 217:20

quality 211:16

quantity 385:12

Quebec 75:21

quest 16:2 282:20

question 5:9 15:18
16:10,12,13 30:14
36:14 39:10 48:22
55:17 56:19 64:1 67:7
68:17 70:24 74:12
78:22 79:23 83:6,22
84:6 85:18 87:1,4,21
94:7,8 96:5 100:23
101:3,5,24 105:17
108:9 111:8 112:11
118:24 120:22 123:6,
14 124:19 125:18
130:22 136:13 138:22
139:3 146:22 150:5,
23 153:21 154:9,18
159:5 162:11,17,19
163:15 164:2 169:6,
14 180:18 189:17
192:24 193:1,2,8,11,
15 197:18 198:9
200:16,21 205:17
208:3 209:17 210:9,

15 211:10 213:10
231:20 245:4 248:14,
18,20,21 249:8
251:23 253:3 257:23
273:13 274:7 276:2
278:2,21 282:17
283:11 284:1 285:4
289:23 293:22,23
295:10 301:11,21,23
304:9,10 306:4
309:19,24 310:1,5
314:2,5,10 322:17
325:19 329:13 333:9
334:23 341:10 342:2
344:14 351:17 361:10
362:12 363:20 367:24
368:17,19 376:21,24
378:3 379:10 380:17
381:4 385:10 388:11

question's 84:13
200:13

questioned 74:13
96:2,3 163:19 209:9
309:16

questioning 10:8
33:11 44:7,22 95:24
276:13 285:9 304:5

questionings 21:23

questions 11:23
16:2,5,13,19,24 17:2,
4,5,6,9,21 24:16 33:4
35:20 38:1 41:12
42:12 43:1 45:5 58:7
59:7 64:23 66:15
68:13,17 84:10 89:19
111:8,17 115:5
117:17 125:19 126:22
127:4 130:12 132:12
136:21 140:13,20
148:9 161:5 163:17
165:3 166:21 169:18,
22 183:13,17,20,23
184:5 190:2 191:18
197:21 200:14
202:11,16,17,18
206:5 215:7,8 222:15
228:19 244:18,23
249:2 253:8 277:20
281:22,24 283:5
285:2,5 287:18
289:17 290:11 296:2
297:8 298:2 310:8,18,
20 311:13,19 313:22
320:20 342:12
343:11,15 346:15,20

353:6 358:11,16
369:1 373:3 377:20

quick 100:23 245:4
293:22,23

quickly 23:9 91:19
129:13 136:6

quit 330:23

quorum 5:4,6

quote 9:14 238:24
239:6,11,16 245:10
268:1 298:18 379:3

quoted 95:15 240:20

quoting 158:12

R

Racer-troy 85:20
86:1,19 88:24 89:4,10
151:7 348:1

Racer-troy's 353:1

rainy 364:9

raise 388:11

raised 16:22 77:8,18
96:5 198:9 380:11,23

raises 350:8 379:19
382:24

raising 16:8

ramifications 150:2

ran 187:3 198:23
318:14 385:1

rare 8:8

rate 97:1 112:7
116:21,23 205:18,19,
20

rates 73:9

rating 23:9

rationale 295:4 383:4

re-reading 300:3

re-requested 324:22

reach 55:21 185:3

reached 54:12
175:21 177:4 191:6
259:22 274:2 369:16

reaching 120:11

reactions 13:6

read 14:11 22:10
25:11 41:15 47:19
54:1 64:9 79:7 97:22
100:6 118:7 130:11
131:22 136:3 137:7
204:23 216:10 220:4
221:23 222:22 224:16
225:10 228:5 238:22
242:19 248:1 289:9
297:22 309:11 328:7
352:23

readily 13:3 103:7
208:4,20,23 237:2
240:2 335:1

reading 79:11 90:9
125:17 131:15 224:5,
21 253:15 302:20

readings 73:15,19
284:16

reads 14:13 41:17
54:4 129:16 130:11
242:20 267:24

ready 24:5

real 25:15 153:15
260:18 355:22
376:12,18,19

reality 316:11

reappropriated
346:6 347:17 348:12,
17 349:1,9 352:5
356:10 359:10,17
360:4 373:9,10

reappropriation
369:12

reason 48:3 49:3 57:3
72:2 97:6 98:10,20
99:5 100:7 101:3,4
119:1 161:10 164:2
197:12 212:10
275:15,17 309:19
352:16

reasonable 12:9 22:1
239:9 259:2 387:21

reasoning 144:19
352:13

reasons 30:19 62:8
76:9 99:7 133:6 163:5
169:16 251:3 289:11

<p>294:23 350:7,11,12</p> <p>rec 60:15</p> <p>recall 15:9 20:15 23:3 33:17,18 41:18 46:18, 19 58:21 65:23 66:2 86:9 117:13 145:21 148:22 157:12 261:8, 20 347:17 383:1</p> <p>receipt 14:24 206:22 211:24 212:9,10,18 235:6 268:6 273:16 311:19</p> <p>receipts 47:12,13 73:23 96:1 103:20 125:22 126:9,11,13 169:1 205:11 211:12 212:6 226:19 276:6 316:2,4,13 319:22,24 320:4,6 344:22</p> <p>receive 88:16 125:7 129:13 151:2 266:2 364:16</p> <p>received 43:6 69:2 116:15 121:22 129:6 165:20 197:14 207:13 212:13 231:16 356:20 373:17 385:11 386:12 387:2</p> <p>receiving 122:8</p> <p>recent 32:5,7 134:19 135:8 190:2 304:12 350:18 370:15</p> <p>recently 260:3,5 262:23</p> <p>recess 39:24 40:15 127:4 128:6 152:8,14, 18 175:6 201:20 315:9,12,13 389:6,7</p> <p>recessed 389:5,10</p> <p>recognize 23:16 41:1 321:23</p> <p>recognized 302:3</p> <p>recollection 44:18 67:21 131:8 145:12 146:8 157:17 173:12 214:11 216:2 242:20 259:21 260:8 261:21 262:6,18 269:18,22 270:8 276:7 290:4 293:18 304:8 311:15</p>	<p>314:12 338:12 350:3</p> <p>recommend 5:15 11:17 22:14 126:8 327:19</p> <p>recommendation 12:2 13:13 64:8,9,11 180:18,21 281:9</p> <p>recommendations 22:9 52:17 64:14 127:10 165:5 180:22, 23 181:3 277:19 281:3,6 343:7 381:8, 19,21</p> <p>recommended 232:4 319:5</p> <p>recommends 64:13</p> <p>reconcile 316:3,6,8, 18</p> <p>reconvening 128:5</p> <p>record 19:10 22:15 27:3 31:21 37:5 45:7 58:8 60:14,15 66:8 86:9 126:17 133:6 134:6 169:5 177:11 190:12 218:18 229:21,22 254:24 315:22</p> <p>recorded 218:21</p> <p>recording 19:9,10,11</p> <p>recordings 19:13</p> <p>recordkeeping 153:17 218:19</p> <p>records 60:18 152:3, 22 153:7 154:1 162:21 208:4 211:1 217:9 218:11 250:13 255:2,3 257:4,6,8</p> <p>recover 152:2 191:9</p> <p>red 39:22 152:7 201:15,18</p> <p>redirect 289:21 337:20 351:12 388:10</p> <p>reduce 5:23 14:22 356:21</p> <p>reduced 358:6</p> <p>reduction 367:20 371:14</p>	<p>refer 18:19 40:22 42:1 43:4,12 44:10 53:20 54:16 56:6 60:1 61:2 62:9 68:23 70:15 130:10 184:17 213:19 227:15 234:8 348:15 352:20</p> <p>reference 33:10 41:10 124:8 142:13 155:24 242:22 346:23 363:14 366:20 384:8</p> <p>referenced 27:7 44:12 88:9,23 103:22 144:15 213:20 260:21 309:20 346:12</p> <p>references 209:10, 14</p> <p>referencing 126:11 159:15 351:13</p> <p>referral 227:23</p> <p>referred 53:23 127:9 227:22 232:6 255:2 276:18 293:14</p> <p>referring 14:20 33:11 66:12 128:18 149:22 157:22 162:6 196:1 199:17 201:22 204:14 205:18 224:20 228:10 260:20 264:3 268:20 293:8 348:14 349:21</p> <p>refers 54:8 227:18 251:18 253:16 285:10</p> <p>refill 46:2</p> <p>reflect 89:16 185:6 239:22</p> <p>reflected 28:10</p> <p>reflecting 276:16</p> <p>reflects 88:19</p> <p>refresh 176:10</p> <p>refunded 212:5</p> <p>refusal 170:5</p> <p>refuse 10:21 129:14 172:6</p> <p>refused 160:11</p> <p>regard 40:14 42:7 56:5 63:10,23 93:1 94:14 115:8,15 116:5, 6 128:11,15 135:21</p>	<p>136:2 140:21 141:7, 17 146:23 148:6,9 174:18 179:12 180:21 210:23 213:14 219:9, 21 221:7 242:4 274:15 279:7 286:6 361:7,15 365:10,17 379:21 385:20</p> <p>region 206:15,19 207:6,7,16 208:1</p> <p>regional 327:5</p> <p>registers 288:6</p> <p>registration 144:5</p> <p>regular 8:24 144:5 366:2</p> <p>regulation 51:12,16 147:1 172:10,13,14 174:17 193:13 239:5</p> <p>regulations 50:21 51:1,3,7 77:1 82:9 87:9,14,15,20 88:2,4, 8 113:11,17 114:10 121:6 147:15 172:8 173:15 191:19,22 216:13,16,19 219:8, 11,17,18 220:7 221:2, 13 222:10 227:18 228:8 239:10 273:22 344:3</p> <p>reimburse 50:12 62:16 182:9 197:11</p> <p>reimbursed 47:15 50:9 62:4,14 82:12 83:1 88:12 172:16 174:11 192:5 197:2, 13 211:18 212:19 220:14 221:18 225:8</p> <p>reimbursement 51:6,14 62:7 92:22 93:14,20 94:24 113:2 116:16 126:7 171:23 172:2,6 197:5,7 211:4,7,11 219:23 224:11,13 225:13,16, 19 226:21</p> <p>reimbursements 50:13 51:5,10 53:8,11 62:8 87:11,13,24 88:7 126:5 170:6 192:6,18 204:24 224:24 226:15,17</p>	<p>reinvestment 383:3</p> <p>reiterate 79:2,22</p> <p>reiterates 147:2</p> <p>relate 81:13 83:14 174:2 284:3,4 376:23</p> <p>related 47:23 50:14 70:22 81:11 99:13,14 108:16 112:18 113:3 116:1 119:7 122:11 153:18 195:9,10,18 197:12 221:19 225:7 248:3 263:17 295:11 357:11,15</p> <p>relates 64:11 76:8 77:16 200:14</p> <p>relating 45:21 127:12 161:22 242:1 274:22</p> <p>relation 42:5 86:11 163:11 193:22 333:24 334:12 379:20 385:6, 9</p> <p>relationship 330:20</p> <p>release 360:22</p> <p>released 125:6 175:15</p> <p>relevant 15:5,14,15 101:4 239:10,23 241:1 243:5 288:24</p> <p>rely 331:11,15</p> <p>remain 26:22 31:6 35:4 40:7 44:3 45:2 54:14 262:1 370:12</p> <p>remainder 227:9</p> <p>remained 103:13 269:12 373:18</p> <p>remaining 34:24 36:21 40:18 41:20 63:3 178:7,9 179:2 180:12 213:4 227:8 228:14 235:11 311:10 328:23</p> <p>remedy 5:14,16 11:16,19 14:14</p> <p>remember 25:19 100:7 255:15 266:19 271:18 384:3</p> <p>reminder 345:17</p>
---	---	---	---	--

remotely 365:18
removal 5:17,19 8:1
 11:19 14:15,17 15:1
 237:5,9 241:10
 242:11 255:16 274:11
remove 133:5 258:8
 307:12
removed 15:17
 237:12 250:19 259:19
 260:3,23 272:15
 274:12 304:7 307:17
 312:3,12,13 313:7
removing 258:10
 312:6
ren 381:21
render 254:10
renovate 292:5,10
 377:23
renovated 372:15
renovation 304:6
 305:12 350:9 357:11
renovations 35:14
 234:5 275:14,22
 307:13,16,18 357:13
 376:15 377:20 378:4,
 11 379:19
rent 145:17 146:11
 204:5 225:12,15
 251:10
rental 34:16 45:6,9,
 12,18,20,22,24 46:2,
 4,8,12 47:12,13
 48:11,18 49:4,11,14
 50:5 51:8,11 58:22
 61:19 62:3,6 63:20
 72:23,24 73:5,6,8,20,
 22,24 74:14 75:1
 76:1,14 81:14,21 83:4
 91:19 94:15 96:4
 100:8 102:7 103:18,
 19,20,21 104:2 105:6
 113:3 114:9 146:7,11,
 12,19 159:10 163:21
 164:2 167:19 169:1
 174:8,11 184:7,18
 186:21 192:4,19
 195:1,13,17 196:3
 200:5,10,18,20,23
 201:2 203:1,7,15,16
 205:1,11,22 211:4,12,
 14,16,17,18,23

212:17 213:2,3
 214:15 215:1 219:10,
 21,24 220:1,8 221:7,
 11,19,21,24 222:5
 223:12 224:13,14,18,
 24 226:9,17 227:1
 355:22 376:12
rentals 212:8 220:14
rented 92:19 102:24
 103:4 146:15 168:1,
 18,19 192:17 196:7
 204:24 205:9,12,14,
 16 212:13,14 213:9,
 13,14 214:14 215:1
 219:22 224:6,12,23
 225:4,6 226:11,14
renting 49:16 146:9
 195:18 196:5 203:10
 221:1 241:7 250:24
 303:5
Reorganization
 230:15
repayment 126:6
repeated 217:24
replace 252:11
replaced 86:20
report 18:2 33:12,13,
 19,20,22 34:12,14,16,
 22,23 35:4,5,6 36:4,9,
 11,15 39:9 40:8 41:14
 44:2,18,20 45:2,8,11
 46:7,10 48:17 49:20
 52:9,11,18 53:15,21
 54:5,8,12,16,17 55:12
 56:21 57:12 58:6
 59:17 61:16 63:2
 64:10,12,15,24 65:11,
 20 66:9,12 67:3 68:2,
 7 70:14 71:10 72:18,
 23 75:2,19 76:22
 77:24 78:6 80:18
 81:19 83:6 84:13,15,
 22 86:5,11 87:8 88:9,
 18,19 90:3 98:9 102:5
 105:13 106:24
 108:12,22 112:20
 113:4 117:6,10,13
 118:8,12 124:9,20,22
 125:15 142:21 147:6,
 12 149:24 150:3
 152:6 154:8,12,21
 155:1,11,16 159:14
 160:18 163:8 165:5

169:15 173:14 174:9,
 13 175:3,7,13,15
 176:8,13,14,15
 177:16 179:12 180:2,
 17,22 181:6 182:9,14
 184:17 186:20 187:8
 193:17 194:3,7
 195:16 198:22 199:5
 201:7,11,14,23
 202:24 203:7 204:20
 211:2 213:17,20
 214:2,5 216:5 217:2
 222:20 232:12 233:5
 237:22 238:18,22
 240:15 244:9 250:5,8,
 19,21 251:13 253:16,
 21 260:13,21 262:14,
 15 268:12,14,15,16
 276:2 279:23 318:18,
 20 319:10,11 321:3
 330:14 341:2 345:6,
 24 346:5,9,12 347:7,
 10 348:16 349:6,11
 352:3 354:7 357:5,17,
 21 358:4 361:19
 362:4,9,10,21 369:11,
 14,18 371:19 372:5,
 16 373:4 382:3
 383:12
report's 345:7 372:9
reported 65:4
 141:23,24 142:5,9
 150:6 263:24 364:21
reporter 19:6
reporting 65:14
 91:10 149:16 362:2
reports 5:21 15:13
 19:3 33:1,6,12,16,19
 34:3,9 35:15 50:11,15
 52:23 58:24 66:16
 79:3 116:2 125:5
 144:15 149:18 155:13
 166:24 201:7 210:23
 231:10 232:15 236:16
 270:22 272:14 300:4
 315:1,6 318:11 346:1
 371:22 381:20
represent 10:8,9
 39:13
representatives
 341:23
represented 181:22
 183:4 242:14

representing
 183:14,15 228:18
represents 38:23
 39:6,12,19 249:15
reprimand 22:14
reprimanding 22:16
reputation 23:15
 240:7
request 16:23 21:14
 30:6 37:9 42:5 50:10
 53:10 55:22 56:12
 78:17 87:13 103:11
 113:12 122:8 126:6
 159:15,17 160:1,2,20
 162:4,8 181:12,14
 245:8 257:22 266:17
 335:4,6,7,8 349:16
 352:8 360:3,8 369:6,
 9,10 371:3 385:18,23,
 24 386:1,8
requested 41:7,23
 50:9 51:5 60:24 62:7
 125:9 158:16 161:16
 197:1 233:14 236:18
 385:5
requesting 42:10,22
 43:20,23 51:6 165:19
requests 120:24
 159:8 160:20,22
 172:2 181:14 211:11
 324:21 351:3,5 386:2
require 12:22 13:12
 121:4 163:1 170:11
 171:22 198:3 281:8
 285:16 336:10,16
required 13:16 51:4
 52:13 82:23 112:2
 142:24 176:2 192:23
 197:22 198:7 336:6
 341:24
requirement 170:13,
 16 224:2 274:22
 285:14 360:5
requirements
 192:22 220:2,16,19
 222:1 227:8
requires 19:24 20:9
 172:1,15 243:5
 280:10 335:16
research 7:13 35:16

92:7 177:12 179:4
 209:15 212:21 382:9
researched 239:20
reser 176:24
reservation 36:22
 37:4,7,10,12,18,23
 38:7 39:1,3,20,23
 42:24 55:3 56:1
 59:12,18 63:12,23
 64:6 70:9 120:22
 121:20,21 161:13
 176:16,23,24 177:1
 178:4,8 217:5,7,10,17
 218:8,14,22,24 219:3,
 5
reservations 40:13
 54:24 55:4,7,14 59:15
 63:11 64:6 176:17
 177:22 178:6 217:3
reserve 179:3
reserved 38:5,8,14
 39:19 40:16 56:2,14
 57:18 176:19 179:6
 201:16
reserving 43:2 174:4
resided 120:14
residence 141:16
 233:19 236:24 241:18
 261:7
resignation 14:10,
 16,24
resigned 8:6 262:24
resist 8:20 10:4 22:22
resol 5:8
resolution 5:8 15:9
 24:12 25:11,20,21
 27:22 28:7,10 127:8,
 10,13,23 129:15,18,
 21,24 133:8,10,16
 134:11,18,19 135:3,8,
 9
Resolved 129:17
resources 147:20,23
 148:3
respect 33:2,16 34:1,
 8 35:3,5 36:2,20
 37:12 38:10 45:17
 47:16 48:22 49:4
 50:17,21 52:19 54:21

55:16 56:6 57:16 58:12,19 59:8,9,13 61:14 63:8,19 64:2,3 65:7,8 66:17 67:21 165:13 173:1 185:11, 24 333:11 346:2,11 347:5 350:4,5 352:18 353:6 356:24 357:3	386:8	revise 130:5	rolled 288:3	13 76:20 88:13 90:5, 11,12 128:1,3,15,21, 23 129:3,8,9,14,19,24 130:1,5 133:12,16,17, 18,22 134:10,11,14, 15,16,17,18,21,22,24 135:5,13,14 136:3,10, 12,23 137:4,11,13,24 138:10,16 139:9,11, 15 146:24 183:12 242:7 340:5 366:1	
respective 154:14	resulting 15:1	revised 54:5	rolling 255:22	ruling 79:18 127:20 130:21,23 131:11 132:19,21 133:15 134:24 135:15,17 136:15,16,18	
respond 50:15 87:16 159:24 160:11,12,13 161:3	results 11:5 14:17 22:8	revision 216:24	rollover 367:21	rumors 290:19	
responded 44:12 125:15 132:9 160:24	resume 21:3	revisions 381:23	room 10:23 16:3 21:8 105:8 244:21 292:9 300:8 307:17 315:3	run 5:24	
respondent 268:22 269:14	ret 52:13	revocation 318:3	Roskovensky 23:20	running 316:16	
respondent's 269:12 272:20	retired 259:21 267:2	revolve 373:3	rotation 17:3	runs 106:16	
responding 346:19	retirement 5:11,18 6:5 14:16,24 21:5 388:16	revolved 161:23	roughly 38:18 109:5 375:18	<hr/> S <hr/>	
response 14:10 44:6, 19 53:16,17,18 54:7 56:11 124:20,21 125:7,9 142:14 151:12 160:4,10 184:5 189:16 245:8 262:19 283:3 293:7 349:16 362:4	retrieve 250:15	Rhodes 67:9,11,13 290:4	round 72:6 84:24 85:5 169:23 183:23 290:10 304:22	safe 92:5,9 180:14 235:1 388:19	
responses 133:24	retroactive 80:18	Rhodes' 67:10	round-trip 48:14 75:20	Safety 67:17 290:5	
responsibilities 231:1	return 10:21 249:19 258:23 278:16 285:16 302:6	rid 279:3,16	rounded 50:7	sake 13:9 145:7 147:19	
responsibility 25:12 143:5 339:5 365:2 366:17	returned 46:1 58:4 106:13 196:2 205:13 212:15 235:10 258:15 259:10 268:4 287:2 311:9	right-hand 326:7	route 106:3 141:1	salaried 112:6 116:13 179:20,21	
responsible 52:6 87:1 143:14 146:17 149:10,12,16 150:12 175:1 339:14,21 341:18 365:1	returning 140:23 196:3,8	rigorous 181:15	Routine 355:14	salaries 339:11 357:3	
responsive 79:7 80:2	reveal 64:3	rigorously 181:15	routinely 280:21	salary 97:10,12 98:16,23,24	
rest 101:20,22 111:21 132:7 140:4 315:11 324:4 340:5 389:2	revealed 63:19	risk 23:8	row 16:4,13 91:14,15 126:21 167:15 183:16 202:17 206:4 209:20 215:6 252:2 256:7 281:24 298:2 301:20 310:17,18 326:6 329:23 343:10 355:21 358:15 360:13 377:12	sale 243:6 298:8	
restoration 239:3	revelations 13:7	road 108:7 254:12	rows 30:21 186:6 388:10	sales 239:13,17,19	
result 5:15,19 6:5,21 7:23 11:12 12:20 13:14 15:11 21:6 40:9 241:4 303:1 319:9 328:17	revenue 202:8 359:11,18 370:7,11 371:1 373:15,16	robbery 302:5	rule 14:8,9,11,13 15:19,20 26:1,4,15 27:1 28:6 83:11,23 127:13,24 128:1 130:11,14,19 131:8, 11,15,21,22,23 133:5 134:20,24 135:9,14 142:1 145:16,17 170:17 172:6 192:10 193:13 198:12 199:10 200:4,6,23 204:2 222:22 247:23	Samuel 7:21	
resulted 7:24 216:23	review 38:24 42:21 44:18 55:2,3 112:18 128:20 139:20 153:6 176:17 215:14 260:15 271:22 353:9 354:11, 17 374:22 378:19	Robert 23:20	rules 5:12 9:7 12:6, 13,24 13:22,24 14:2 16:19 24:10,13,17,23 25:6,9,10,12,14,16, 17,18,24 26:6,13,16, 17,19 27:3,4,5,6,9,14, 20,21,22 28:5,9,16, 18,22 29:1,5,6 30:3,	San 75:21 186:2,7,14 194:10,14 196:23 203:10	
	reviewed 24:11 39:16 40:13 51:6 54:4,6 58:13,14,22 59:4 63:11,21 110:15 122:16,18 123:18 152:19 155:14 156:8 165:12 173:10 176:16 180:11 181:15 182:1 213:1 215:16 320:5 379:11	Robin 91:2		Sandra 277:16	
	reviewing 18:20 79:9 101:11 153:6 320:11 346:18 385:2	Robinson 28:2,4,8, 12,15 29:3,13,17 30:6 31:5,11,20 32:24 45:1 49:19 54:13 58:5 63:1 64:22 66:14 68:14,22 102:6 127:5 130:24 132:22 139:17,18,22 140:3,9,18 151:23 155:6,7,10,11 163:13 164:16,17 165:2 169:21 184:4,16 189:14 190:3 202:20 210:3 229:2 257:16, 17 258:13,20 259:8, 13,16 263:8 302:15, 16,19 304:20 320:20, 21 321:1 329:24 330:1,4,5 331:24 332:5 334:7 345:4,5, 23 358:10,19 360:18 367:2,3,6,7 368:16,21 378:18 384:22 388:13	roles 10:6		sandwich 9:18
		roll 5:3,5		sat 67:22	
				satisfied 12:18	
				satisfy 12:16	
				Saturday 21:7	

save 106:10 164:10 327:12,13	19 176:3,5 177:18 178:1,3,12,21 179:9, 13,14,17 180:1,9 197:20,22 198:2,3,7 209:14,15,16 210:6, 11 269:20 270:7 271:1 272:4 288:7 301:12	seriousness 23:14	shortly 10:7 15:12 32:4 272:6,11	233:24 320:6		
saved 119:23	security's 108:7	serve 172:11	SHOTT 5:1,6 24:11, 18 25:4 26:21 27:10, 17 28:2,6,14,23 29:7, 15,22 30:10,19 31:2, 6,9 58:17 68:15 84:4, 9 85:15 89:20 91:13 93:24 96:9 100:18 101:17,23 107:3,8 111:7,11 114:23 115:2 117:18 122:23 123:12,24 126:20 128:4,7 130:18 131:1, 5,14,20 132:4,6,11, 16,20,23 133:14 134:4,8,13 135:7,12, 18,23 136:3,9,24 137:6,15,19,23 138:3, 8,11,19,23 139:4,11, 21,24 140:5,12 151:18 155:6 163:16 164:19 165:23 169:21 170:1 183:10,19,22 189:19 202:10,15 206:3,8 209:4,20 215:6,11 222:14 227:11,14 228:16,21, 23 229:5,15 244:20 245:1,20 248:23 249:24 252:2 253:1,5 254:17 256:7 257:16 263:10 274:8 275:3 278:15,20 281:23 285:1 287:21 289:11, 20 290:10,23 295:6, 20 298:1 301:7,20 302:15 304:21 309:6 310:17 312:21 313:21,24 314:2,19, 23 320:18 322:14 324:9 326:6 327:22 329:7,23 332:1 333:3 334:6 337:17 340:22 342:11 343:10,17,19 345:3,9,14,16,20 358:13 360:13 361:2 367:2 368:18,24 372:21 376:6 377:12 378:13 380:3 384:21 388:9,15 389:6	showing 152:22 211:8	showed 117:10 148:6	shown 213:17
scares 295:18	seek 225:15	served 21:8 230:3 291:6 310:1,11	shows 234:18 235:13 250:11 255:11 273:16 296:12 305:9 306:13 357:22	shut 331:5		
scenario 303:12	seeking 76:11 121:24	service 202:8 234:6, 21 235:12 268:1 273:15 275:12 276:1 277:11 292:6 305:13 306:8 308:5 356:1	shuttle 92:16 195:21	shut 331:5		
schedule 5:22 266:23	select 157:8	services 148:5 235:7 268:1 291:23 305:11, 17,22 306:7,15 317:14 355:12,13,23 356:1,13 357:4 374:3, 8,11,13,14 384:6 387:11	sic 134:20 135:9 183:16	side 10:14 91:15 168:4 244:21 304:22 320:19 326:7 340:23 358:14,15 368:24		
scheduled 109:9	selected 49:2	session 5:24 20:2,5 22:11 40:4 277:20 280:6 389:10	sign 277:13	signed 240:11 274:3 277:10 325:6		
schedules 191:10	self-explanatory 38:21	sessions 19:15	significance 238:24 267:16 299:9	significant 6:15,19 7:18 48:20 49:15 74:18 137:21 354:14 356:12 357:9 375:12 378:4 384:13		
school 6:13 249:4	sell 239:9 278:2,3,4	set 12:17 20:22 25:10 87:14 95:7 133:22 157:8 231:22 239:4 244:13 296:18 297:5 309:21 340:14,16 360:21	significantly 77:24	signs 325:13 366:7,9		
schools 6:16,17,18	seller 239:8	set-up 11:6	similar 52:3 62:15 128:16 160:2 180:18 288:17 352:3	simplest 231:3		
science 230:22	senate 5:17 6:20 11:18 12:5,22 13:10 231:4 350:19 362:13, 24	setting 133:17	simply 25:9 49:17 75:11 125:5 157:1 169:5 170:15 176:24 179:6 181:19 192:3, 12,21 218:11 232:8 266:22 280:3 281:19 307:17 331:8 341:23 382:4	sine 292:3		
scope 101:15 166:21 198:5	senator 21:16	settlement 175:21	single 168:7	sir 30:7 31:2,8 90:2 117:23 139:10 149:23 152:15 158:14 162:7 175:23 183:21 198:8 227:20 228:22 230:24 233:22 234:18 236:1		
Scottsdale 188:18 219:16	senators 13:15	settlements 47:14 82:8,12 88:11 192:4				
scratches 246:11	send 43:17 53:16,17 266:1	seven-year 98:4				
screen 9:5 68:24 123:11	sending 125:14	several-page 350:1				
scrutinize 96:15	sense 8:10 22:23 25:15 106:15 284:15	shape 112:9 173:18				
scrutinized 7:7 332:14	sentence 26:4 27:16 41:16,17 44:4 133:5 225:10 302:11 350:16 352:22	share 208:5 315:10				
search 177:7 257:6 309:17	sentences 24:24	shed 184:11				
seat 307:22	sentiment 13:3	shedding 22:17				
seated 258:6	separate 156:9 213:23 215:1 261:14 374:15	sheet 275:8,9				
secret 9:3	separation 8:13 23:13	shipping 273:22				
secretary 88:24	September 23:1 87:17 144:14,16 217:8,16,23 218:17	shockingly 243:20				
section 46:7 59:18 113:4 114:10 122:14 180:22 199:16 216:8 221:1 223:1,2,10,19 224:19,21 225:3 226:10,16,22,24 228:2 242:21,22 243:19 244:2 285:6 311:22 312:15 372:5	sequence 17:12 388:22	shopping 197:24				
security 41:11 42:20, 23 44:21 56:24 57:4, 6,9,20 91:4 97:4,8,9, 13,15,18,19,20 98:2, 19 99:12 107:20,23 108:2,4,6 111:19 112:2,4 116:13 122:1, 7 124:14 157:5 162:20 163:5 165:9,	series 126:24 147:1,7 200:17 340:8 379:5	short 301:13				
		shorten 5:24 15:20				
		shortened 388:18				

237:17,21 238:1,4,9, 13,21 240:11,23 241:20,23 242:13 243:2 245:14,18 246:6 248:5,7,18 258:1 259:12 260:14, 21 261:1,24 263:22 264:7 265:9 268:15, 19 271:19 272:24 274:9 287:24 288:8, 12 289:19,22 290:8 291:13 292:14 293:10,13,16,21 294:1,8,12,23 295:4 297:17 299:15 300:4, 23 301:4,11,24 303:9 304:3,11 305:8 306:4, 17,23 307:1,4,7,10,14 308:23 309:4 313:1,9, 11,18,20 314:4,17 327:15 345:19 363:2 367:11 388:7	sole 14:14 127:19 solely 48:3 306:10 solution 380:13,19 382:3,5 solutions 380:10 381:12,13 somebody's 249:18 sort 11:3,24 112:13 159:7 170:21 227:16 250:4 252:9 299:18, 19 300:7 313:14 sorts 290:18 sought 173:8 sound 142:16 345:10 sounds 243:24 291:8 source 218:12 370:19 South 230:8,13 space 251:10 377:21 sparse 39:18 speak 59:22 70:13 73:7 83:3 92:24 94:18 99:10 100:15 101:19 104:8,22 108:18 110:18 114:20 115:17 116:2,14,17 120:9 123:19 124:4 147:11 150:22 162:15 168:11 171:7 172:4 205:21, 24 213:10 217:21 225:22 235:23 249:11 325:17 330:9,20 365:9 374:23 378:1 382:4,7 386:8,11 388:1 speaker 31:1 58:15 130:12 231:14 389:4 speaking 62:12 66:14 76:20 112:22 350:3 speaks 113:4 249:12 speci 386:11 special 51:9 89:2 113:1 220:13 231:6 370:7 373:16 specific 27:6 33:17 34:4 42:7 43:23 70:2 79:19 89:9 103:24	108:5 112:16 116:14 120:10,12 121:16 135:5 141:19 142:13 145:21 146:23 148:15 153:10,18 167:9 173:16 175:15 185:1 191:4,14 204:16 205:10 216:18 221:16 223:3 224:8,22 228:3 242:6 252:16 282:18, 22 285:9 286:9 296:7, 14 311:19 318:16 323:17 325:11 338:6 348:24 354:3,10,13 357:8 358:2 374:21 379:20 383:18 385:5, 20 specifically 14:20 36:14 39:16 54:16 72:15 73:7 78:7 81:11 94:18 99:10 114:11 116:7 150:11 157:13 199:10,13 206:23 220:18 231:12 250:11 263:22 270:9,15,17 283:8 285:10 297:21 329:20 330:10 334:17 335:13 348:5 357:16 373:15 385:24 specificity 268:8 388:2 specifics 108:17 110:17,19 116:15 117:13 120:16 172:18 228:11 353:10 363:17 376:22 specifies 252:21 speculate 125:23 speculating 381:5 speculation 169:12 324:2 372:19 spell 26:17 spend 25:13,16 28:24 109:15,23 110:9 334:11 359:7,13,22 360:3 362:15 379:7 spend- 362:13 367:8 spend-down 346:11, 15 350:7 352:9,13 353:10,12 361:15 367:8 372:10 373:22 379:3 382:11 383:21	384:14 385:2,7 spending 5:20 76:17 208:7 328:19,22 331:12 332:9 350:5 354:14 366:7,9,17 377:20 378:4 379:4 380:24 383:15 spends 109:13 spent 6:9,12 108:13 109:3,17 111:1 112:1 230:11 328:18 344:3, 6,12,15,19,22 349:18 352:20 359:12 365:24 366:22 373:9,13 spirit 15:19 split 299:6 spoke 156:17 247:16 296:17 361:17 spoken 60:7 sponsorship 350:13 spread 315:3 Springs 85:4 staff 18:12,20 21:19 23:17,18,19 26:3,13 30:2,7,11 32:16 68:10 92:12 154:17 212:22 238:4 246:6 259:22 260:6 270:23 271:13 311:18 315:10 388:21 stage 231:22 staged 313:15 stance 80:18 116:11 stand 229:9 stand-alone 364:11 standard 11:4 12:4,7, 9,21 13:3,11 34:4 73:4 114:16 295:2 302:4 341:13 standards 20:22 34:7 54:11 140:19 296:8 standing 31:6 stapler 294:18 start 16:4 51:24 129:11 169:3,23 183:23 185:13,14,18, 19 186:2,7,9,11 188:7,13 244:22	257:18 320:19 323:20,22 337:3 345:5 357:17 358:14 started 6:11 230:8 256:21 266:14 337:5 starting 29:14 157:10 206:3 340:22 starts 157:17 319:16 350:24 351:15 state 9:9 10:17 14:16, 23 20:20 23:2,4,11,15 34:16 35:18 43:9 44:7,8,13,23 45:9 51:3,21 52:12,22 53:11,12 54:15,19,22 56:8 57:4,24 58:22 59:11 60:3 62:16,22 63:19 66:4 70:20 71:11,20 72:1,10 73:5 74:2 75:11 76:2,3,18 78:8 79:4,21 81:23 82:6,9,11,13,24 83:2, 15 86:5 87:10,12,23 88:3,5,10,12,21 89:2, 14 90:5,11,12,14 95:19 97:23 98:18,21 99:6,7,19,22 100:14 104:19,24 106:21 108:17 109:12,18,23 111:22 112:9,24 113:17 116:10,13 118:20 119:21,23 126:4,8,15,17 140:24 141:20 142:19,22,24 143:18,20,21 144:1,6, 23 145:8,11,14,17,18, 24 146:5,15,16 147:1, 2,21 148:3,19,20 152:3,10,22 153:4,14, 24 154:2 161:24 163:21 165:13,20 166:7 167:2,3,4,9 168:5 170:17,21 171:10,20,22 172:5, 14 173:20 174:1 177:17 182:10 192:10 195:1,20 196:19 197:3,11,15,17 198:7, 19 199:2 200:5,10,11, 22 201:3,18 202:6 204:3,12,15 207:15, 23,24 208:16,17,22 210:5,9,10 211:14,19 212:5,18 213:1,2,4 216:24 217:4,5 221:22 229:21 233:23
--	---	---	--	---

235:8,10,18 239:10 240:24 243:8 251:1,2, 17 254:12 255:7 259:6 263:6 264:22 268:3,4,12 269:7 270:9 277:3 278:22 279:17,20 280:3,4,8, 9,13,15,20 281:7,8 283:6,8,9,15 284:18, 19 286:18 292:8,13, 20 300:7,12 302:4 311:8,9 312:7 319:21 320:4 321:23 323:4, 21,23 324:20 326:21 328:3,4 330:16 331:22 335:7,15 340:10 342:1,3,5 344:14 359:24 364:12,15,16,20 365:12,16,22 377:23 378:2 384:9	268:12 286:6 292:12 303:18 383:13 statewide 231:16 384:4 stating 92:18 221:9 239:11 305:23 375:17 station 241:21 statistics 9:20 statute 172:1,4,19 174:17 192:10 242:7, 10,19,21 243:10,12 258:6 279:13,14 280:1 281:8,10 313:10 321:6,7,14 381:23 statutory 249:9,21 stay 54:14 101:20,21 106:21 119:1 274:23 stayed 71:9 106:11 118:11,17,19 168:3 185:8 190:19 194:9 staying 47:8 195:7 348:5 352:21 stays 118:3,4 stenographers 19:13 step 51:22 61:3 Steve 42:9 43:19 58:9 59:3 61:20 85:22 89:6 151:12 156:6 157:16 199:6,7 232:16 256:1 stick 257:21 sticking 141:7 stipulation 323:7 stolen 302:6 stood 325:20 stop 141:1 172:11 284:21 323:10 stopped 330:24 storage 252:19 store 156:14 197:24 stored 126:10 stores 323:17 strayed 89:12	streamed 19:10,17 street 195:3 272:21 stricken 26:20 strict 12:4 13:11 stricture 242:11 strictures 244:11 strongly 13:8 27:15 stuff 266:23 292:9 293:1 316:17 styled 350:21 subcommittee 33:21 125:6 182:15 362:3,9, 20 363:5,9 364:7 subject 14:18 17:13, 14 26:9 58:16 76:5 107:3 127:14,17 130:12 139:16 239:24 318:3 362:10 374:19 subjected 343:14 subjective 83:10,12 subjects 10:9 16:17, 21 submission 82:10 216:24 217:11 submissions 211:7 submit 92:22 94:12 95:17 134:3,6 139:19 140:10 submitted 62:22 73:21 87:9 88:2,9,20 112:24 113:6,9,14,17 136:10 170:18 194:1 216:10,23 228:5 277:2 319:24 320:4 submitting 126:6 subordinate 339:3, 11,17 340:11,13 subpoena 18:4 78:20 subsection 224:6 225:4 247:24 subsequent 34:23 58:3 62:19 69:10 71:7,14 82:10 88:10 118:16 119:17 150:6 158:6 159:2 177:12 217:11 236:2 237:19	238:5,10 243:6 318:19 361:18 362:2 subsequently 87:19 109:7 320:9,14 336:3 substan 22:4 substantial 7:1 45:22 46:6,8 146:24 328:24 substantially 74:24 substantiate 56:14 70:7 157:15 substantiation 39:5, 6 substantive 22:5 substituting 24:24 successful 351:8 such-and-such 250:12 sudden 310:2,12 suddenly 337:5 Sue 151:7 277:15 348:1 353:1 sufficiency 21:22 sufficient 22:18 254:10 suggest 10:3 12:3,21 13:8,18 21:21 29:1 92:8 133:19 154:16 372:2 suggested 21:11 suggesting 28:24 76:4 372:1 suggestion 26:22 304:6 suggestions 21:20 128:22 129:1,2,7 130:3 137:9,10 suggestive 381:21 suit 324:4 sum 153:13 summarize 45:16 50:4 303:21 350:2 353:24 356:23 summarized 140:4 319:11	summary 29:20 30:7 85:19 88:22 89:9 118:7 352:11 summation 38:24 49:11 61:19 Summers 89:20,21 90:1 91:12 sumimize 356:23 super 92:16 superintended 339:1 superiors 151:1 supervising 32:15 supervision 67:4 110:20,23 supplemented 23:20 supplied 154:7 182:3 264:24 supplies 321:4 supply 270:12 support 90:17 363:3 suppose 248:14 supposed 102:8 107:20 169:9 285:15 319:23 328:8,10 supreme 6:24 7:4,19 8:1 20:9 32:16 33:2 34:17,21 35:22 36:12 40:21 42:20 52:9,11 58:11 60:22 64:13 67:23 76:3,19,22 77:17,20 82:1,4,17, 21,23 83:21 85:22 87:9 90:22 92:21 111:2 112:13,15,20 113:7,10,15 114:5 121:17 124:13 126:10,16 142:15 143:9,14 144:13 149:14 150:21 164:4 170:4 191:21,23 192:5,18,21 193:6,7, 19 198:20 204:18,20, 24 205:5 208:4 216:11 219:22 220:18,21 222:21 223:7 224:6,12,23 225:5,7 226:11,12,15, 22 227:7 228:6,12
---	---	---	--	---

231:13,17,18 233:13
243:11 246:21,22
250:16,24 251:4,8
252:13 256:14,20,22
259:20 261:22 263:17
264:18,24 265:3,4,16,
17,18 267:2,5 270:23
271:4 272:3 275:9
276:9,24 277:5 278:7,
11 281:11 282:10,18
283:16,20,23 290:17
291:7,15,18 293:9
294:7,20 296:18
298:14 299:21 309:22
310:11 322:2 323:24
324:15 325:4,6,15
330:14 332:6,16
333:9 334:14,15,21
335:4,9 336:6,8,10,17
337:9 338:18 340:6,9
346:2 348:18 358:21
360:1,8 364:10,15
365:14 366:1 369:5
370:2,4 371:20 372:7
376:18 385:18

surplus 243:1,2,4,6,7
251:1 274:15,19
279:21 280:10,14,18
286:5 350:20 359:19
364:2,9 370:17 377:3
385:7

surpluses 359:21

surprise 69:8 251:9

surprising 323:22

surreptitiously
269:15

surrounding 318:9

suspect 344:5,8

swear 234:9 237:8
269:24 307:20

switch 72:19

sworn 31:15 229:13
276:9 277:5 292:1
315:16

system 7:13,16 8:3
10:13 36:22 37:4,18,
23 56:1 121:23 122:1,
10 208:13,24 217:11
256:15 315:23 319:3
320:1,2 323:24
341:17 344:20 370:1
383:7

systems 374:6

T

table 38:20,23,24
46:10 47:3,17 48:23
57:13 61:16,18,19
70:17 72:23 75:10
77:8,11,15 81:19
84:14 95:14 102:7
186:14,20 188:6
193:16 194:10 203:6
211:3 212:3 213:17
214:2 300:18 315:3
325:21 358:21 370:22

tables 382:17

takes 248:15 345:12
355:9

taking 27:7 120:20
159:19 195:21 196:4,
20 203:16 239:15
249:5,14,18 252:14
258:19 294:18 303:22
308:20,23 361:16

talk 5:12 13:21 14:12
27:19 77:24 166:5
222:2 270:2 301:15,
17 311:15 353:11

talked 115:9 120:23
155:22 197:19 237:7,
9 270:4 271:15 284:1
303:6 311:22 382:12,
13,23

talking 18:9,10 48:24
51:23 53:7 105:14
108:23 110:8 118:2
124:1,11 126:8
184:18 196:9 200:3
203:1 208:9 214:4
249:8 261:19,22
274:14 283:4 284:5,6
285:22 303:13 307:6
326:16 341:3 353:12

talks 69:1 70:17 87:8
124:21 227:15 277:24
278:23

tank 196:6

task 180:19 373:12

tasked 330:19

tasks 15:10

tax 52:13 65:7,22 66:5
76:17 80:21 83:8
121:13 202:9 239:10
326:21,24 327:9

taxable 51:21 52:1,2,
11 65:2,3,4,9,15,22
80:22 85:23 86:21,23
87:2 121:12 142:4
150:4,5 151:10 154:9,
15 155:2

taxes 326:17

taxi 195:8,21 196:20,
22 197:2,12,17

taxpayers 343:21,22

technical 22:4

Technically 313:10

technology 30:22

technology's 14:5

techs 264:18

Telecommunication
s 355:3

telefax 283:19

telephone 182:18
283:16

tells 70:19 387:13

temptation 8:20

ten 130:13,15,18,19,
20 131:12,16,21,23
132:24 133:1 135:19
136:14 276:19 286:13
291:7,17

tens 6:23 261:20

term 7:5,11 157:23
160:14,15 192:8,9
253:13,20

termed 233:6

terms 7:1 15:15 24:21
69:12 74:11 95:4
110:17 114:18 116:18
120:15 121:6 146:7
161:18 174:3 200:21
207:11 217:20 221:1
222:3 226:9 240:6
252:14 254:13 279:10
320:3 331:20 332:18
374:20

test 21:22

testified 31:16
229:14 280:8 315:17
338:2

testifying 266:15,19

testimony 16:3
152:21 177:17 181:20
200:15 282:6 308:24
339:15

Texas 186:15

text 214:4

theft 302:5

themselves 344:19

theoretically 249:17

there'll 19:10

thereof 249:7 286:12

thing 9:6 51:15 63:22
128:18,19 135:3
138:13 148:1 194:20
222:23 245:15 252:12
261:4 289:8 296:21
299:19 311:5 321:20
336:1 383:1

things 27:20 49:2,9
95:13 162:22 165:6
197:24 236:17 251:5
262:7 266:7 280:17
282:8 291:4 294:3
300:24 304:13 313:14
331:12 369:24
382:12,22

thinking 6:10 24:22
312:6

thinks 308:22

thought 198:17
200:16 291:5 334:14
335:11 352:24 359:7,
21 382:20

thous 158:17

thousands 6:23
18:11 86:14 115:24
123:18 261:20,22,23
295:13

threat 351:8 379:21

threats 117:2 162:21,
23,24 163:2 165:9,13,
20 179:13

three-day 5:24 118:4
119:5

three-week 28:20

threshold 366:16

thresholds 366:12

thumb 18:7

Thursday 129:2
234:1,3 235:7 255:3
268:2 275:12,20
291:23

ti 9:4

ticket 273:22 274:3

tickets 95:20

tied 323:11

time 5:20,23 6:3,5,9,
12 10:1 11:14 14:6,21
17:17 18:12 20:4 21:4
25:13,16 27:20 29:2,
11 30:12 33:18 36:11,
14,16 37:22 38:5,18
43:21 55:1 57:14
58:24 59:2,9 60:17
67:10 68:13 70:24
73:24 74:17 80:10,20
81:7 84:6,7 85:7 86:5
89:19 90:23 97:12
101:8 102:15,16,19,
24 103:1,3,5 112:1
124:2,16 126:21
127:23 130:3 133:20
139:12,20 141:12
144:4 146:20 150:16
158:8 163:15 170:8,
10 171:14 177:17
181:2 187:12 190:4,6,
17 205:10,16 212:23
214:13 218:23 233:14
236:6 237:11 244:19,
24 247:8,15,17
249:18 261:3 278:13
288:4 289:5 291:9,14
292:5 293:8 297:3
301:14 304:6 306:15
307:15 313:12 317:12
318:13,24 319:3,6
320:17 324:17
347:15,20 348:10
351:20 355:8 360:23
368:5,10 369:18
376:1,22 379:6 383:2
385:16 386:17,18
387:2 388:13

timeline 293:3 360:21

times 8:4 38:11 48:11 49:5 59:10,12 60:2 68:1,5 94:20,21,22 103:10 151:24 152:23 153:14 163:5 179:8, 16,24 180:5 203:13 217:22 242:3 243:3 304:16 387:19	tourists' 313:13	184:19,23 186:14 187:20 189:8 191:21 194:1 197:1 203:13, 14 204:4,21 207:3 208:1 210:7 215:13 216:8,9,13,16,18 217:12 220:2,16,21 221:1,2,3,8,22 222:20 223:1,21,22 224:4,20, 21 226:8 227:9,18 228:8,15 355:2,24 375:4	148:11 175:3 187:10, 15 193:21 203:16 211:5 235:15,16 272:12	typical 113:20 192:6, 23 220:14 282:15 359:24 365:16 377:22 378:1
title 147:1 242:2 255:13,14 277:17	town 204:3 261:2	travel-related 173:16	triple 375:23	typically 196:24 331:10,11
today 5:23 6:22 8:23 15:23 16:18 18:18 19:3,18 21:1 22:18 58:16 94:5 115:6,9 125:17 129:11 132:13 140:20 146:22 166:22 169:19 183:14 233:6 270:14 278:16 300:4 311:2 315:8 330:7,19 347:1	track 121:9 256:15	traveled 56:22 57:19, 22 58:3 71:8,16 97:4, 23 109:5 112:5,8 118:18,19 144:23 145:4 148:20 159:10 169:10 179:17,24 213:7	trips 45:7,21,23 47:21 57:9 59:14,16 60:19 75:4,22 86:4 92:1 94:15,16 120:14 125:22 148:10 168:6 176:3 178:20 193:16, 20 194:17 257:9 292:6	typo 186:24 187:8
today's 13:22	tracked 336:1	travels 76:3 145:5 204:8	trivial 142:16 339:10	typographical 187:6
told 85:22 140:1 151:13 156:21 261:3 262:8 273:3 317:3 341:23	tracking 299:1	traveling 100:1,10 198:2	trooper 280:15	<hr/> U <hr/>
toll 226:19	transaction 335:16 338:11 374:21	treasurer 14:3 364:12	trouble 211:21,22	U.S. 308:22
Tomblin 314:13	transactional 332:14 338:4 353:9	treasurer's 364:17, 21	troubled 139:7	Uber 92:16
tomorrow 128:14 315:7 388:20,23,24 389:3,7	transactions 170:15 325:11,12,13 331:9, 19 341:21 342:4 374:7,23	treasury 239:5	troubling 282:7	Uh-huh 36:24 50:20 85:2 90:6 94:6 95:16 96:23 99:1 105:16 109:1 115:7 117:24 121:1 124:24 154:11 178:17 184:8 186:4 199:22 223:24 311:17 319:17 359:6 373:6 376:5 380:22 381:9
Toney 89:1	transcript 19:14	treasurer's 364:17, 21	Troy 277:15	UIDENTIFIED 31:1
tonight 21:6 315:6 388:18,22 389:2	transcripts 19:12	treasury 239:5	truancy 57:20 70:20 105:14 118:17	ultimate 6:21 143:5 150:8 259:5 339:5 340:4 364:24 366:6
top 40:8 51:20 97:2 186:16 187:16 211:2 259:23 272:7,10 327:6 370:11 377:19	transfer 279:15	treatment 50:22 89:8 113:2 174:18,22 191:18,22 192:2,3,7, 9,14 193:4	true 10:21 147:10 193:19 220:20,24 242:17 264:21 292:19 294:21 307:15,19,21, 23	ultimately 19:11 54:12 110:14 148:23 149:12,16 218:4 220:17 222:10 318:11 325:14 340:1 354:7, 17 364:22 366:9
topic 54:14	transferring 279:16	treat 17:19 80:21	trumped 135:1	un 252:20
total 39:2 47:11 48:24 50:1 61:24 62:1,3 75:24 103:20 153:13 167:19 178:6,20 179:1 261:8,12,13 354:19,24 356:7,14 359:2,5,12,15 371:5	transparent 98:13	treated 65:8	trumps 133:16	un-uniformly 192:14
totaling 363:16	transportation 49:17 75:18,23 76:6 92:13 195:15,22 204:10 223:12,20 224:3 226:24 270:6	treason 65:8	trust 7:1	unable 186:9,10 188:21,23 316:10 379:14
touch 244:5	transported 234:15 235:21	treason 65:8	Tudor's 284:21	unanimously 129:16
touched 77:23	travel 47:13,18 48:20 50:21,24 51:3,5,16 55:23 57:4,16 60:14, 15 73:21 74:16 75:4, 20 76:9 77:2 82:5,8, 10,12,13,23 83:7,17 87:9,11,13,14,20,24 88:8,11,17,19 92:17 93:18 94:22 95:20 99:10 104:17 105:2, 14 108:15,19 109:12, 20,21 110:7 112:17, 18,24 113:5,8,11,17, 20,23 114:10,11 115:15 116:23 118:15 119:15 120:19 126:12,14 148:6,19 153:3 170:17 171:14, 23 172:7,15 173:15, 20 174:2,3,5,9 180:9	treason 65:8	Tuesday 175:4	unanticipated 363:14
tour 168:4 312:4	travels 76:3 145:5 204:8	treason 65:8	turn 25:23 124:8 126:2 165:4 171:7 227:16	unauthorized 141:21 317:24 318:2,6 338:3, 8,11
		treason 65:8	turned 123:8 125:21, 22 126:13	unaware 52:20,24 145:6 204:15 321:7 338:2 368:11,22
		treason 65:8	Turning 346:9	uncertain 86:19 126:1 234:24 238:19
		treason 65:8	two-thirds 13:16	
		treason 65:8	two-year 7:7 363:10	
		treason 65:8	type 10:12 20:22,23 22:19 34:3 44:5 76:11 170:11 175:10 179:11 256:14 288:15 313:15 317:14 328:5 365:19	
		treason 65:8	types 63:21 110:19 146:1 300:21,24	

246:12,15 252:16 277:17 299:9 311:18 313:3 368:3	uninhibited 20:3	utilized 45:20 128:23 146:10 218:7	6 180:4,11,15 186:21 193:6 196:5 198:2,7 199:2 200:3,4,5,9,10, 11 201:16,18 202:2,6 210:7,11,12,19 212:15 213:4 214:14 217:7,10,16 218:7,10, 15,20,24 219:6,21 220:9,14 223:12 224:18 225:6 226:9, 10 273:23 385:3	205:18 357:13
uncover 361:8	unique 210:15	utilizes 203:13		vi 200:17
uncovered 173:7 233:18	United 34:5 47:24 230:13	utilizing 65:13 141:14 168:12 199:2 320:1 323:1		Vice 164:19
underlying 298:17	unlike 8:24 23:1			VICE-CHAIR 164:20 165:1 332:2,4 333:1 378:14,17 380:1
underneath 40:19 57:12 70:17 164:4 188:1	unlimited 49:6,14 72:24 73:2,6,8 74:2 76:14 81:21 102:14	V		Vice-chairman 165:22 215:7
understand 27:10 38:2 44:16 48:9 66:18 67:21 69:21 78:1 90:2 116:9 165:7 170:3 176:1 193:2 225:9 236:3 240:10 265:2 272:19 282:17 332:9, 11 349:24 353:21 354:1 370:21 373:7	unlocked 157:2	vacationing 100:9	vehicle's 201:3	video 19:9,16 362:19
understanding 30:1 33:6 34:14 35:22 36:3 47:2 49:4 54:17 57:1 66:16 77:6 121:21 156:16 159:1 211:14 217:15 231:23 232:1, 23 233:4,8,11 235:9 236:9 237:17 241:13 243:9 245:9 246:10, 19 247:9,11,21 251:22 255:24 256:18 258:14 266:4 274:16 276:22,23 280:7 283:15 290:16 291:12 296:20 298:10 299:15 304:10 307:19 313:1 318:2 336:8 337:11 338:15,17 346:24 347:6,13 349:13 351:3 360:2	unnecessary 195:18	vague 379:18	vehicles 34:16 35:24 37:6 41:9,13 42:8,12 43:3,9 44:8,14 45:6,9, 10,18,22 49:14 51:21 52:12,23 54:15,22 56:23 58:22 65:3,9 66:4 70:8 74:17 76:24 78:8 86:5,22 90:5,12, 14,18 91:1 93:5 96:15 97:23 101:14 103:1,4 107:13,16 116:6 122:2,3 141:8,10 142:12,14,17,21 143:6,8 144:14 145:14 146:2 147:21 153:21 164:3 167:1,2, 4 174:3,19 177:14 192:5,17 198:13 200:19,20,22,24 201:9 203:7,8,21 204:23 213:8,13,14, 23 215:1 217:4,5 218:9,14,17 219:22 220:3,17 224:6,8,12, 22,23 225:4 226:11, 14 227:1 231:13 346:20 376:2	view 13:20 143:19 144:8
understands 184:21	unprecedented 117:11	vagueness 112:14, 15	violated 71:24 72:8 74:7,8,9 77:9,19 81:18 82:3 83:4,11 173:6 193:13 198:16, 23 200:18	viewed 182:2
understood 116:8 187:14 283:1	unreasonable 281:11	validate 299:13	violates 15:19 243:21 286:8	viewing 313:17
undertake 6:11,19	unrelated 161:24 214:15	validity 148:8 386:23	violation 22:5 26:6, 19 51:16 72:17 90:14 128:1 141:24 142:3 147:7,21 148:2 149:20 192:16 193:1, 5,9 222:4,5 240:18 243:15,20 248:9 263:20,22 264:2 265:1,8 266:3 286:4, 18 287:7,8,14 303:19 313:10	violator 302:4
undertaken 309:17	unsubstantiated 201:9	valuable 384:1	violations 146:23 244:15 286:6,11 287:9 322:3	Virginia 12:13 20:17 33:2 34:17 51:3 58:11 62:23 64:14 76:3 83:21 113:9 145:8 146:16 198:20 200:5, 10,12 201:3 209:14 210:5 216:11 228:6 229:24 230:1,17 233:24 235:19 241:24 242:22 277:22 279:19 281:13 283:15 290:20 291:7 294:6 298:14 299:2 340:10 364:15
unfamiliar 228:10 368:14	update 128:10	valuation 240:14	Venable 234:2 235:3, 11,17 236:24 237:19 238:11 250:17 268:5 305:15,24 306:9	
unfolds 6:2	updated 87:14,15 88:6 171:11 172:15 173:2,10 277:23	valued 303:8	vendors 323:17	
unhappy 211:16	upgrade 46:3	values 239:22	verbal 362:6	
UNIDENTIFIED 58:15 389:4	upper 323:23	vanish 69:18	verbally 362:1	
	upstairs 21:8 290:17 315:3	varying 332:6	verbatim 131:16	
	urge 8:20 22:22 26:20	vehicle 17:14 35:18 36:13 37:9 38:7,9,14, 15 39:1,3,18,20 40:13,16 42:7,24 43:24 44:22 45:20 46:5 49:16 50:14 52:4 54:19 55:4 56:2,14 57:4,13,19 58:14,21 59:4,11 63:4,12,19,22 64:4,5,15,17 65:13 66:6 70:21 71:13,20 72:1,10 74:6,23 76:11 79:4,21 80:10,12,13 81:9,12 84:18 89:2,14 92:23 93:10,15 99:19, 22 100:8,11,14 101:6, 12 115:16 121:8,24 140:24 141:14,15,20 142:22,23 143:19 144:2,17,23 145:10, 18,20 146:6,10,14,18 147:2,17 151:10 152:1,8,11,13,17 153:2,8,19 154:13 157:16 161:5,19,24 163:21 168:12 170:2 173:17,18 174:1,4 176:16,20 177:2,3,6, 10,11 178:9,11 179:3,	verify 269:3 386:16, 17,18	
	urged 129:12	valued 303:8	versus 95:2 103:9 114:5,16 121:9 192:5	
	urgency 22:23 23:10 25:15	vanish 69:18		
	usage 39:6 44:7,13 45:12 58:13 63:20,21 64:4 76:1 101:6 156:8 181:1 217:14 220:8 346:20	values 239:22		
	usual 292:18	vanish 69:18		
	utilize 121:24 176:5 218:13 323:15	varying 332:6		

365:14 384:12
Virginians 6:24
virtual 144:13
virtue 130:14
Visa 323:17
visit 175:12 237:18
visited 30:2
visualize 334:8
visually 39:14
volunteers 23:18
vote 87:16 366:10
voted 6:24 25:20 28:7
86:3,8 129:23 149:5
voted-on 149:7
voters 7:6,9

W

W-2 52:22 65:14
80:15 141:23 142:6
149:1,15 150:6,17
151:4
W-2S 52:12,19,21
77:24 78:10,24 79:10,
16 80:3,19,23 81:1,3
89:16 121:11 154:15
Wachtler 9:15
Wachtner 9:14
wages 90:16
waiting 23:9 137:24
walk 195:3
Walker 63:16,17,20,
23
wanted 21:12 79:23
110:9 132:18,19
184:12 189:15 195:6,
9,12 209:12 221:7
266:13,14 285:5
303:22 327:11 374:1
375:3
ware 251:10
warehouse 234:2
235:4,11,17 236:18,
22 237:1,15,19 238:3,
11 245:6 246:3

247:20 250:16,20
251:8,10 268:5
269:16 270:17,24
271:2,4,12 272:1,12,
17 278:7,11 287:6
292:9 305:15,24
306:9 311:11 313:4,7
warehouses 250:24
251:3 295:13
warehousing 243:6
339:16
Washington 7:22
watching 293:6
ways 19:9 20:18
25:24
WCHS 273:8 318:12
324:21
website 185:22
Wednesday 175:5
weed 357:12
week 18:7 207:4
weekend 101:22
weekly 205:18,20
weeks 29:1 304:17
well-known 229:20
West 6:23 12:13
20:17 33:2 34:17 51:3
58:11 62:23 64:13
76:3 83:21 113:9
145:8 146:15,16
198:20 200:5,10,11
201:3 209:14 210:5
216:11 228:6 229:24
230:1,17 233:24
235:19 241:24 242:22
277:22 279:19 281:13
283:15 290:20 291:6
294:6 298:14 299:1
340:10 364:15 365:14
384:12
whatsoever 197:20
Wheeling 57:21 58:2
70:20 71:7,8,19 72:4
96:19 100:2 105:15,
22 106:2,7,22 109:2,
6,7 118:16,17,18
119:16 140:22 314:10

**Wheeling/
parkersburg** 98:7
whereabouts 285:16
312:10
wherewithal 314:9
whichever 9:10
whim 280:4
White 23:21
whomever 156:23
170:14
wife 21:11 264:18
272:20
will-- 15:19
wing 246:17 288:11
332:22
wires 246:13
wished 122:4 194:13
wit 235:7 268:2
witnesses 9:8 10:8
16:23 17:19 18:18
21:18 24:10 29:14
30:14 183:13 315:7
388:23
won 21:13
wondered 253:17
383:1
wondering 27:13
85:8 274:1 288:19,23
341:4,6
word 22:11 117:14
284:2
wording 164:8
words 131:16 133:7
191:20 240:17 282:11
350:6 351:24
work 21:6 23:17
31:22,24 36:18 52:4
89:1 123:3 141:16
175:14 183:4,8 203:9
230:7 231:3 248:3
258:4 264:21,24
269:13 272:20
284:20,21,22 294:4
299:22 300:13,18
374:9,16,19 375:2
376:23 382:8 388:3

worked 34:2 65:12
139:14 140:2 197:3
230:10,14 256:2
388:17
worker 92:22
working 12:6 23:23
25:7 112:14 128:15
230:12 247:19 291:10
332:20
Workman 63:17 64:2
68:5 80:1 113:13
182:12 183:1 216:6,7
309:14,24 310:10
349:16,21 352:9
361:13 378:6
Workman's 64:4
79:7,11
works 67:15 166:15
259:20 277:18 290:5
world 302:2
worst 141:1,5
worth 295:14 297:9,
20 359:17
worthy 22:3 128:7
129:5
Wow 316:20 368:23
wrap 388:19
Wright 312:5
write 268:21 272:19
writing 115:11 245:9
262:20 284:10 299:23
362:4
written 36:13 40:19
76:23 77:5,9,13,14,20
81:16 82:16 86:7
90:21 115:20 116:5
118:8 121:2,4 124:12
128:2 158:9 171:23
204:18 296:24 346:19
wrong 52:10 79:15
81:1 109:11 118:5
131:12,14 234:2
wrongly 294:4,17
wrote 299:4
wvoasis 208:24
Wyoming 211:5
213:19

Y

year 32:11 33:7,23
39:2 40:17 83:24
156:22 157:21 158:8
167:12 187:2 215:24
242:3 257:1,2 267:20
272:8 286:13 291:24
346:3 348:11,20
349:1 351:11 352:4,
10 354:12,16,17
355:1,3,4,6,7,9,10,13,
14,15,16,17,19,21
356:6,7,8,13,14,17,
18,22 357:10 358:2,5
359:16,18,23 363:22
364:2,6 367:12,13,18
368:1 369:17,22
370:13 371:2,3,6,7,8
373:5,17,18 375:11,
13,14,15,18 376:11,
14 377:1,6,8,9 383:22
387:13,14,16,19
year's 80:23 156:21
167:8 354:14
year-end 371:12
yearly 39:15 348:17
years 6:13 7:6 10:19
28:16,17 39:1,4,15
40:15 70:5 100:24
132:2 166:13 167:14
214:1 217:24 230:5,
10,12,14 232:24
241:14 259:21 276:20
281:18 284:16 287:5
291:7,17 310:1,11
324:24 332:8 341:4,9
348:19 349:7,9
350:18 352:18 355:21
356:9 357:23 359:11,
20 365:7,9 367:21
370:16 374:1 375:10
yesterday 18:9 29:19
129:10 137:14,18,22,
24 138:13 139:13
yo-yo 17:19
York 9:16
you-all 6:7 123:16
152:16
young 308:9 383:8
Young's 233:24

234:6,20,23 235:12
255:1,11 267:24
273:15 275:12 276:1
277:11 292:6 305:13,
22 306:8 308:5

Z

Zatezalo 100:18,19,
22 101:16 245:1,3
295:6,7,9,16 326:8